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Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today the prayer will be offered by our guest Chaplain, Rev. Donald Mackay III, St. John's Episcopal Church, Kirkland, WA.

We are glad to have you with us.

PRAYER

The guest Chaplain, Rev. Donald Mackay III, of St. John's Episcopal Church, Kirkland, WA, offered the following prayer:

Almighty God, Sovereign Father of our Nation, we acknowledge Your presence in our lives on this day. We thank You for calling the men and women of the Senate to lead this Nation on the path of righteousness. As they carry out the mission that You have given them, we pray that their ears may be open to hear Your voice with clarity, discernment, and understanding.

You have revealed through the prophets of old what You require of those in positions of power and leadership. On this day, enable each Senator to hear with new awareness the challenge to ''do justice, and to love kindness, and to walk humbly with their God.''—Micah 6: 8b. As they consider issues relating to the military conflict in Yugoslavia, give them wisdom beyond their learning that their response to Your direction may be lived out in courage by words spoken, decisions made, and actions taken.

May their work this day—begun, continued, and ended in You—be anointed by Your gracious hand as You guide this Nation to its appointed destiny.

We ask these things in the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. CRAPO. I thank the Chair.

SCHEDULE

Mr. CRAPO. Mr. President, for the information of all Senators, under the order of last night, the Senate will be in a period of morning business until 11:30 a.m.

EXTENSION OF MORNING BUSINESS

I now ask unanimous consent that morning business be extended until 12:30 p.m. under the previous conditions.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAPO. Following morning business, the Senate will recess until 2:15 p.m. to accommodate the weekly party caucus luncheons. When the Senate reconvenes at 2:15, it will begin consideration of the budget reform legislation, with votes possible throughout the day on this bill or any other legislative or executive items cleared for action. This week we also expect to vote on the adoption of the education flexibility conference report.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The able Senator from Washington State is recognized.

GUEST CHAPLAIN DONALD MACKAY III

Mr. GORTON. Mr. President, I note with great pleasure the prayer this morning was given by Father Mackay, the rector of St. John's Episcopal Church in Kirkland, WA. That is the church I most frequently attend when I am in my home State, and I attend it because of his great qualities as a pastor and a leader of his congregation. The magnificent spiritual guidance he gives both individually and collectively to that congregation makes it one of the most satisfying and religiously exciting churches that it has ever been my privilege to attend during a relatively long life.

He is here, however, not by my invitation but at the invitation of my friend and colleague from Montana, Senator BURNS. Father Mackay hails from Montana. His brother, I believe, is State director for Senator BURNS, and it was his imagination and thoughtfulness that invited Don here today. I thank him. I thank our regular Chaplain, Lloyd Ogilvie, and I thank Father Mackay for a wonderful and inspiring prayer.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Montana.

Mr. BURNS. Mr. President, I join my friend from Washington in welcoming Father Mackay. His family has deep roots in the State of Montana. If you ever hear of the brands TopHat and LazyEL, those are famous brands in our State up in the Red Lodge country and Roscoe, MT. We have bumper stickers saying, ''Where in the world is Roscoe?''

I welcome Father Mackay. He comes from a family of folks who have donated resources and time to public service. He was also the pastor in Billings before going to Washington. We hated to lose him from the Billings community. But when you look at the family and his uncles and going back to his grandfather, they have a rich tradition and great American values.

Of course, I thank Dr. Ogilvie for allowing this privilege today and welcome Don to the Senate and to Washington, DC. I often call this 17 square miles of logic free environment, but knowing Father Mackay, he will have it all figured out by the end of the day. So welcome.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 10 minutes each. Under the previous order, the Senator from Arizona, Mr. MCCAIN, is recognized to speak for up to 15 minutes.

The Senator from Arizona.

(The remarks of Mr. MCCAIN, Mr. COCHRAN, Mr. BIDEN, Mr. LIEBERMAN, and Mr. HAGEL, pertaining to the introduction of S.J. Res. 20 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

PRIVILEGE OF THE FLOOR

Mr. BIDEN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to an American Political Science Association fellow on the minority staff of the Foreign Relations Committee, David Auerswald, during the pendency of floor debate on Kosovo and the United States use of force when that occurs, and as often as that occurs, on the floor.

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

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

KOSOVO

Mr. WELLSTONE. Mr. President, I actually came to the floor to speak about the crisis in agriculture and what is happening in the Midwest, but I want to respond to some of the comments my colleagues have made, although I will be doing this extemporaneously, and I will be thinking out loud, but I hope I will be thinking deeply.

Mr. President, I agree with my colleague from Nebraska, I agree with all my colleagues who have spoken on the floor about the importance of accountability. I remember previously coming to the floor before we took a recess where it looked as if we might be taking military action in Kosovo—it wasn't clear—and saying I thought we needed to have a full debate and I would support that military action.

I agree with my colleague about the history and how it will judge us. I saw what Milosevic did in Bosnia. I saw enough misery and refugee camps to last me a lifetime. And I certainly do not want to be in a position to have our country, and other countries, turn their gaze away from the systematic slaughter and massacre and murder of people and driving people out of their country, albeit, unfortunately, I think Milosevic, up to date, has been able to do much of that.

Here is where I just want to express a few concerns, although I think probably later on we will have the debate. This debate probably does not start today, but since I am on the floor I do want to raise a few concerns.

First of all, in the here and now, I think—and I will get a chance this afternoon to put some questions to Secretary Albright—as long as we are talking about stopping the slaughter and given the headlines and the stories in today's papers of Milosevic stopping people from being able to leave the country, we do need to think about these internally displaced refugees and how we can get some relief to them. I still, in my own mind, do not quite understand why we are not doing airlifting, why we are not getting supplies to them. I think it is a difficult question, it could be loss of life. But, again, I say to my colleagues, I want to press very hard on the question of whether or not we should be airlifting some humanitarian relief to people who are obviously going to starve to death otherwise. I am trying to understand why we are not doing that now.

Secondly, in the prosecution of this war, I voted that we conduct the airstrikes. I was hoping we would be able to do much more by way of stopping this slaughter, but I raise the question of why we are not conducting more of the airstrikes in Kosovo. I say this to my colleagues on the floor. I really believe that. And I worry about this. I have to say it on the floor of the Senate. Pretty soon we run out of targets in Serbia. And to the extent that we run out of targets and continue with an expanded air war, there are going to be innocent people who will die, which is very difficult for me.

I think we get to a point where we don't want to undercut the moral claim of what we are doing. I believe we are trying to do the right thing, but I do not understand why we are not prosecuting more of this air war and more of these airstrikes in Kosovo. We are talking about what we need to do now. I do not understand all of the decisionmaking, but I guess in my own mind, I want to press on that question, because it seems to me there is a direct correlation between our being able to do that and whether or not other means will be necessary, as I look at this resolution, and, moreover, whether it doesn't make far more sense to do that. Again, I know there are risks involved, but at the same time I worry about the sort of airstrikes focused on Belgrade and other cities as opposed to Kosovo.

Finally, I say today that I would prefer to hear more discussion. My colleague from Nebraska—you don't know people well, but you just have a feeling about them—is somebody I really like and respect. That is just all there is to it, period. Everything he says I take as being said in the very best of good faith, very much a part of good faith, with complete sincerity and conviction and knowledge.

I would like to hear in this Chamber more discussion about diplomacy, about where it fits in. I think it is far more important than has been discussed today that we really ask the Russians to be a part of a diplomatic solution. I know we are talking to them about being part, eventually, of some kind of peacekeeping force. I think, by the way, it will not just be a NATO force. I heard my colleagues list that as an objective. I do not think that is going to happen. I don't think it will be a NATO force; I think it will be a very different peacekeeping force.

More than just asking the Russians what they will be a part of, I believe the Russians are in a key position to help forge a diplomatic solution as an alternative to an ever expanding war, consistent with what I believe should be our objectives which are stopping this slaughter of people and people having a chance to go back to their country. I want to see the emphasis on the military action we are taking but also on the diplomatic front. I do not hear that today and it concerns me.

I say to my colleagues that when I see language which talks about ''to use all necessary force and other means,'' it just sounds too broad and too open-ended to me, as a Senator. I am skeptical of such language. There are many answers to many questions that I will pose in debate and discussion. There are many questions I have about this today. I have expressed some of my reservations about this resolution, and I do believe we should have Senator HAGEL in the discussion and the debate that is called for. I think it is important. Otherwise, I think we do abdicate our responsibility, whatever decisions we arrive at. I commend the Senator for it, but I have expressed some of my reservations.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Angad Bhalla, who is an intern in my office, be granted the privilege of the floor today during debate.

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

AGRICULTURE CONCERNS

Mr. WELLSTONE. Mr. President, we had a gathering in the State of Minnesota on Sunday afternoon. It started about 1 p.m. Joel Klein, who heads the Antitrust Division of the Justice Department, was gracious enough to come. Mike Dunn, who is Assistant Secretary for Agriculture, was gracious enough to come. This will just be 5 minutes' worth, because I am going to be calling on colleagues, especially

from the Midwest and the West, to start coming to the floor every day and talking about what is happening to farmers and what is happening in agriculture. We have to speak out, and we have to turn the pressure up for action.

During spring planting season, Sunday afternoon—I think the Chair knows this as well as I do—to have somewhere around 800 farmers come was unbelievable. It was an unbelievable turnout of farmers. And there is a very clear reason why. Many of them from Minnesota, but a huge delegation from Missouri, South Dakota, North Dakota, Illinois, Iowa, Kansas, Nebraska, Wisconsin, Colorado, these farmers came because they are confronted with the fierce urgency of now. They came because time is not neutral for them, time rushes on, and they can work 20 hours a day—and they do—and they can be the best managers in the world, and they cannot survive.

There was a focus to this gathering, and it was basically about the whole problem of conglomerates having muscled their way to the dinner table to the point where there isn't the kind of competition we need. There was a call for antitrust action. What farmers were saying was: These conglomerates have muscled their way to the dinner table and they have exercised their raw economic and political power over us as producers and over consumers and over taxpayers. You have our grain farmers going under, record low prices. Then a headline in the Star Tribune on Saturday: ''Cargill profits from decline in farm prices, 53 percent jump in earnings expected''—how hog farmers are going under and yet the packers are in hog heaven. Everywhere the farmers look, they have a few large firms, whether it be dairy, whether it be livestock producers, whether it be grain farmers, a few large firms that dominate well over 50 percent of the market. What the farmers were calling for was strong antitrust action.

Joel Klein was honest. He said: I wouldn't be here if I didn't take this seriously, and you will have to judge me by my deeds. I so appreciated his coming out. There was a lot of pressure on Mike Dunn and USDA and Secretary Glickman to do more by way of antitrust action.

It was much appreciated. But I say, Mr. President, that the farmers, with considerable justification, want to put some free enterprise back into the food industry. Farmers, with considerable justification, see a direct correlation between monopoly power and a few large, giant firms that are making record profits while they go under. They want to see antitrust action. All they are asking for is a competitive market. By golly, government ought to be on their side. We ought to be seeing stronger antitrust action.

The other thing I have to say—we have one bill, S. 19, on which Senator DASCHLE is taking the lead, which talks about full public disclosure of pricing, which is so important to livestock producers—we ought to know what these packers are paying our livestock producers; we ought to have public disclosure on pricing. In addition, we ought to deal with the monopoly power and have some antitrust action taken so farmers have a chance to compete.

I have to say to colleagues, yes, it is crop insurance reform that we are talking about. But the other thing we are going to have to do is revisit this Freedom to Farm, which I have always called the ''freedom to fail'' bill. I don't even want to point the finger. We can talk about what works with Freedom to Farm, but it seems to me that here the evidence is crystal clear that one thing has happened for sure—there is absolutely no stability anymore when it comes to farm income. And while the large conglomerates with huge amounts of capital can weather these mad fluctuations in price, our family farmers can't. They aren't getting anywhere near the cost of production. We have to focus on how we can get the price up and have some farm income for family farmers, and how we can take on some of these conglomerates so family farmers have a fair shake by way of getting a decent price.

As a Senator from the Midwest where we still have a family farm structure in agriculture that we are trying to hold on to, it is so important for our rural communities, so important for family farmers, so important for safe, affordable food for consumers, so important for the environment. This is a historic struggle.

I hope Senators from the farm states will be coming to the floor every day to speak out about this until we have some strong action that will be on behalf of family farmers. They need the support. They deserve the support. And the Senate and the Congress ought to be taking action.

I yield the floor. I thank my colleague.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as if in morning business.

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

THE FISHERMEN'S BANKRUPTCY PROTECTION ACT

Ms. COLLINS. Mr. President, recently I introduced S. 684, the Fishermen's Bankruptcy Protection Act, a bill to provide family fishermen with the same protections and terms as those granted family farmers under Chapter 12 of our bankruptcy laws. I would like to take this opportunity to explain this legislation to my colleagues in anticipation of the Senate's upcoming debate on bankruptcy legislation.

Like many Americans, I'm appalled by those who live beyond their means, and use the bankruptcy code as a tool to cure their self-induced financial ills. I have supported and will continue to support reasonable reforms to the bankruptcy code that ensure the responsible use of its provisions. All consumers bear the burden of irresponsible debtors who abuse the system. Therefore, I believe bankruptcy should remain a tool of last resort for those in severe financial distress.

As those familiar with the bankruptcy code know, however, business reorganization in bankruptcy is a different creature than the forgiveness of debt traditionally associated with bankruptcy. Reorganization embodies the hope that by providing a business some relief, and allowing debt to be adjusted, the business will have an opportunity to get back on sound financial footing and thrive. In that vein, Chapter 12 was added to the bankruptcy code in 1986 by the Senator from Iowa, Mr. GRASSLEY, to provide for bankruptcy reorganization of the family farm and to give family farmers a fighting chance to reorganize their debts and keep their land.

To provide the fighting chance envisioned by the authors of Chapter 12, Congress provided a distinctive set of rules to govern effective reorganization of the family farm. In essence, Chapter 12 was a recognition of the unique situation of family-owned businesses and the enormous value of the family farmer to the American economy and to our cultural heritage.

Chapter 12 was modeled on bankruptcy Chapter 13 which governs the reorganization of individual debt. However, to address the unique problems encountered by farmers, Chapter 12 provided for significant advantages over the standard Chapter 13 filer. These advantages include a longer period of time to file a plan for relief, greater flexibility for the debtor to modify the debts secured by their assets, and the alteration of the statutory time limit to repay secured debts. The Chapter 12 debtor is also given the freedom to sell off parts of his or her property as part of a reorganization plan.

Unlike Chapter 13 which applies solely to individuals, Chapter 12 can apply to individuals, partnerships or corporations which fall under a $1.5 million debt threshold—a recognition of the common use of incorporation even among small family-held farms.

Chapter 12 has been an enormous success in the farm community. According to a recent University of Iowa study, 74 percent of family farmers who filed Chapter 12 bankruptcy are still farming, and 61 percent of farmers who went through Chapter 12 believe the law was helpful in getting them back on their feet.

Recognizing its effectiveness, my bill proposes that Chapter 12 should be made a permanent part of the bankruptcy code, and equally important, my legislation would extend Chapter 12's protections to family fishermen.

In my own state of Maine, fishing is a vital part of our economy and our way of life. The commercial fishing industry is made up of proud and fiercely independent individuals whose goal is simply to preserve their business, family income, and community. My legislation would afford fishermen the same protection of business reorganization as is provided to family farmers.

There are many similarities between the family farmer and the family fisherman. Like the family farmer, the fisherman should not only be valued as a businessman, but also for his or her contributions to our way of life and our economy. Like farmers, fishermen face perennial threats from nature and the elements, as well as laws and regulations which unfortunately threaten their existence. Like family farmers, fishermen are not seeking special treatment or a hand-out from the federal government, they seek only the fighting chance to remain afloat so that they can continue in their way of life.

Although fishermen do not seek any special treatment from the government, they play a special role in seafaring communities on our coasts, and they deserve protections granted others who face similar, often unavoidable, problems. Fishermen should not be denied the bankruptcy protections accorded to farmers solely because they harvest the sea and not the land.

I have proposed not only to make Chapter 12 a permanent part of the bankruptcy code, but also to apply its provisions to the family fisherman. The bill I have proposed mirrors Chapter 12 with very few exceptions. Its protections are restricted to those fishermen with regular income who have total debt less than $1.5 million, the bulk of which, eighty percent, must stem from commercial fishing. Moreover, families must rely on fishing income for these provisions to apply.

These same protections and flexibility we grant to farmers should also be granted to the family fisherman. By making this modest but important change to the bankruptcy laws, we will express our respect for the business of fishing, and our shared wish that this unique way of life—that embodies the state of Maine—should continue.

Thank you, Mr. President. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Chair, acting as a Senator from the State of Oklahoma, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be able to speak for 5 minutes as in morning business.

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

KOSOVO POLICY

Mrs. HUTCHISON. Mr. President, I want to speak to a resolution that has been introduced this morning regarding Congress taking an action about our troops in Kosovo and the whole escalation of the operation in Kosovo. The text of the resolution is that we would give the President all of the authority to use whatever force, take whatever steps he sees as necessary.

I certainly think we should have a debate on this whole issue of Kosovo. I think it is certainly something that Congress is going to need to weigh in on. But I think it would be vastly premature to take an action before the President has laid out a plan. The President has not asked us for ''all force.'' The President has not asked us, actually, for anything except funding on an emergency basis to make sure we have the ability to fund the operation that is going on in Yugoslavia without taking away from other national security interests. I am going to support the President in that request. The last thing I want to do is have our troops in harm's way, along with our allies', and run out of money or run out of equipment or have any of our national defense personnel anywhere else in the world be shortchanged. We are not going to let that happen.

When the President gives us the specificity that is required for the appropriation, I think there will be a resounding vote in Congress to give our troops and our military the leeway they need to spend the money to have the equipment they need to do this job. But I cannot imagine having a carte blanche given to an operation that clearly is escalating a mission and we have not seen a plan. We have not seen a plan. We have not seen a timetable. We have not seen a cost estimate for the long term. So I hope we will take a step back here, and rather than voting on the resolution that was put forward today we would be talking among ourselves, that we will be debating at whatever point is the right one, and that we would be having op-eds in newspapers, which I think certainly have added to the body of opinion on this issue. But Congress should not micromanage this war. The President should come to us and say what he needs, what he is going to do with the money, what kind of plan we have, what kind of troop commitment are we talking about, what is it going to do to the rest of our national defense operation. We need to have a full plan.

One of the things that has concerned so many of us is that perhaps we started an operation before we had a contingency plan. Perhaps we started the operation before we knew what we would need for the long term, before we knew the goal. I think the mission has actually changed several times.

We obviously have had a different result from this operation than we had hoped. There is no question about that. Whether this is a success is yet to be determined, and I do not think we should be jumping in, saying it has not been a success. But I think it is time for us to let the President take the lead, to let him come to us with his requests. He is the one who is supposed to be executing this operation. I do think it would be a mistake for Congress to put the cart before the horse. I do not think we should micromanage. I do not think we should tell the President what to do. I do not think we should put our opinions on top of his. And most certainly, when I hear our NATO allies saying they would not consider ground troops, the last thing I think we should do is encourage ground troops. I think the case has not been made, the base has not been laid, and our allies are not in support.

So I think we need to take a step back. We need to be getting the administration to give us briefings at every point, asking our opinions. Let's debate this, let's talk about what kind of commitment we want to make. But I will not vote for troops on the ground in this operation as a carte blanche, a blank check, before I know what we are going to do. What will our responsibility be? What will our allies' contribution be? What is the timetable? What is the mission? Is it achievable, and what is it going to cost? And what is it going to do to the rest of our national defense?

These are questions that must be asked. We must get answers. We must have a full briefing. For Congress to have a vote before we have all of that would be irresponsible.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

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

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

KOSOVO

Mr. GREGG. Mr. President, I will address what is obviously the issue most pressing on us as a nation and certainly on the Western World. That is, of course, the issue of Kosovo and the war that is being pursued there.

First, I think it is important to understand that we as a nation are obviously the sole major superpower in the world and that we have, as a nation, a significant obligation to use our strength in order to promote the betterment of the world and to promote interests around the world which assist our national policy. We should not disengage from the world, we should not be isolationist—just the opposite; we have an obligation to reach out and use our great wealth and our great good luck and our great good fortune to benefit as many people around the world as we can.

But I think we must also be sensitive to the fact that we can't be everywhere all the time and that when we ask American troops, men and women, to put their lives on the line, we have to be very specific as to why we are doing it and what the purpose of that effort is, because that, of course, is the most extreme request we can place on any American.

We should have a process of putting forward a plan, a test, if you will accept it, as to why we engage with American force. I have always felt that test should have three elements. I have spoken about it before.

The first is, is there a definable American interest? In many instances this could be international interests which impact us significantly, such as the gulf war, where European oil was at risk. But is there a definable American interest which is specific enough and which can be justified and which can be explained, quite honestly, in these terms: If an American service person loses his or her life, could you go to the parent of that person, could you go to the wife of that person, could you go to the child of that person, and tell them why the loss of their life was important to America? Could you explain our purpose in terms that would satisfy a grieving parent, wife, or child that their son or daughter had died in a cause which assisted America? That is the first and most important test.

The second test is, is the engagement of American troops going to be able to resolve the situation, or is the situation so complex, so convoluted, and so historically intertwined that it probably can never be resolved or never even be, for any extended period, pacified?

The third is, is there a plan for getting out? Before you get into something, you ought to know how you are going to get out of it or at least have some concept of how you are going to get out of it. That is absolutely critical.

Those are the tests for our engagement.

We are now engaged in a war in Kosovo. Unfortunately, in my opinion, none of those tests was met before we made the decision to go forward. This administration could not explain, and has certainly not explained very well, why we decided to step off on this route of military action.

The initial statement was that we were doing it in order to bring Milosevic into negotiations, in order to bring the Yugoslav Government into negotiations to try to settle the situation in Kosovo, because a number of people had been killed in Kosovo, hundreds maybe, although the number that had actually been reported was somewhat less than that, and because we were concerned that there would be a great dislocation of population in the Kosovo—or the administration was concerned that there would be a great dislocation of population in the Kosovo province of Serbia if we did not take action to try to force Milosevic to agree to the settlement as had been outlined at Rambouillet.

That was the initial purpose of the use of air power against Serbia, and against Yugoslavia, or Yugoslavia and Kosovo and Serbia. The purpose, therefore, was never to go in to occupy and to win a war against Yugoslavia. That was never the original purpose as presented by this administration.

One has to wonder, what was our national interest in that region in Kosovo? A legitimate case could be made that humanitarian interests are a national interest. But actually what was happening in Kosovo, although severe and brutal and being shown on TV, was nothing—absolutely nothing—compared to what was happening in Ethiopia, Somalia, Sudan, Sri Lanka, and a number of former republics, in fact, of the former Soviet Union, where literally millions of people died in Africa as a result of internal civil war.

Remember, this was a civil war situation. Kosovo was a province of Yugoslavia, which was an independent state, and is an independent state.

So there is the issue of humanitarian interests, although they hardly raised it to the level that justified use of American force when we weren't using American force to settle matters in Ethiopia, in Somalia, in Sudan, in Sri Lanka, or Azerbaijan, or Georgia.

So you had to ask, what was in the national interest? Quite honestly, prior to this process—this is all prior to the actual air campaign—I never believed, and I don't think the President ever made clear, because he really couldn't, that there was a dramatic American national interest in Kosovo. In fact, the irony of this situation is that NATO is now using all its force against a region—Albania and Kosovo—and claiming that that region is strategically important, when throughout the cold war when NATO was at its peak—at its absolute peak—of deterrence and purpose, when it had specific purpose, which was to deter East European and Soviet aggression in Albania, which was behind the Iron Curtain, which was an Eastern European country, it was never even considered a factor of threat. Other nations were—East Germany, Poland, Czechoslovakia, Hungary, and Russia, Soviet Russia—during the cold war.

But Albania was never a factor, because it was such a poor and desperate nation; it had no strategic impact at all. But suddenly it becomes a nation of strategic impact to us. Suddenly Kosovo, a subprovince of Yugoslavia, becomes a nation of strategic impact to us. It is hardly explainable to the American people. It must be found against other strategic events which precipitated the bombing. And what impact do those have? And what is the significance? I think the answer to that is yes, the unintended consequence of this bombing is that we have created significant strategic and national concerns which weren't there before we started the bombing but are certainly there now.

Let's name three of them.

First, of course, is the humanitarian issue. The huge number of refugees, to whom our heart goes out, and to whom we obviously have some responsibility for carrying forward—and I will get back to that in a second—clearly we now have a strategic and national concern about doing something to care for those refugees. That should have been anticipated before we started the bombing. But it obviously was not by this administration. So we created an event there.

The second event, which is maybe even more significant, which absolutely is more significant, was an unintended consequence which this administration clearly didn't expect and can't even represent that it marginally expected, and which has occurred; that is, that we have managed, through this bombing activity and this military action of NATO against the Kosovo region, potentially to be expanded to a greater Serbia—we have managed to dramatically undermine and, in my opinion, destabilize the process of evolution towards democracy in Russia, and certainly the process that Russia was moving towards engaging with the Western nations in a constructive way, including being a partner for peace ancillary to NATO. We have as an unintended consequence managed to invigorate the nationalist spirit within the political system of Russia, which was already under great strain, and a fledgling democracy which is absolutely critical to the future peace of this world and to the prospective activities of us as a nation as we move into the next century. A democracy in which we had invested a great deal has been placed at some jeopardy as to its relationship with us in the West, and we

have clearly undermined much of the goodwill that we built in Russia.

Unfortunately, it could get worse, significantly worse. If we were to pursue a course of invasion of Yugoslavia, it would put Russia in an almost untenable position because of the relationship which has gone back for hundreds of years where the Russians consider the Slavic people and the Serbian people to be their brothers. An invasion would clearly make it very difficult for the forces of moderation and reason within Russian society to overcome the forces of nationalism and jingoism. Even worse than that, were we to declare war—which has been proposed by some, because we are at war, but if we were to formally declare war, we would even see a more difficult position placed on the Russian moderates and voices of reason.

Let me say this: Our relationship to Russia, our ability to nurture and build that nation as a democracy and a capitalist-oriented, marketplace-oriented society is exponentially more important than what happens in the Balkans. The Balkans are important to Europe. Russia is important to the United States.

So that unintended consequence has occurred. We have started the destabilization of our relationship with Russia, and we have dramatically encouraged the forces of nationalism.

The third unintended consequence which this administration has created by its actions in Kosovo is that we have dramatically weakened our military capability to fulfill our legitimate obligations in many places around the globe.

As a result of this administration's continuous reduction in defense activity and its basic antipathy towards the Defense Department for the first 4 to 5 years of this Presidency, we no longer have the capability to fight effectively in an extensive engagement on two fronts, as was our traditional approach to our military defense. And we know—now publicly reported—that our ordnances are being drawn down and our capacity to support our men and women in military action is at risk. That is a consequence of this event and could lead to serious ramifications, which I have no desire to go into but which are logical.

So that is one of the reasons I have called this undertaking by our administration to be one of the—probably the most significant—blunders of the post-world-war period, because we have created a huge refugee population in large part, in good part—obviously not entirely—because Milosevic is a thug—because of the function of our bombing.

We have undermined our relationship with Russia and we have degraded our own military capability, all in the name of intervening in a region of the world where our interests were there, obviously, because we are a humanitarian nation concerned about humanitarian needs, but in relationship to other points around the world, whether it be African genocide that is occurring today at a rate—well, it wasn't until the refugee situation anyway—at a rate dramatically greater than what was occurring in Kosovo, or whether it be in our strategic relationship with areas such as North Korea or Iraq, where we have dramatic national interests. Our interests in this part of the world were limited, yet we have rolled the dice there at a level that is extraordinary.

So what do we do now? That is of course the question. We have been drawn into this action, and almost on the back of an envelope, it seems. You have watched the administration's different justifications for being there. And they change with the regularity of the weather, it seems, in that part of the world. There is no consistency to their position. One day it is that we are there to help the Kosovars have some form of autonomy within the Yugoslavian system and to avoid refugees.

And then there is a huge refugee event, in part because of our—in part, I say, only in part—because of our bombing. And now it is no longer that we are there in order to maintain autonomy. We appear to be moving there, being there, for purposes of obtaining independence, or some greater autonomy than certainly a state relationship, and it is to put the refugees back in a region which has been decimated.

The target moves constantly. It is one day that we are trying to bring Milosevic into negotiations. It is another day that we are trying to replace the Milosevic regime. And, of course, we don't even know what it would be replaced with.

So it is a policy that has gone arbitrary and, in my opinion, on the back of an envelope process without any definitive purpose that can be subscribed to in a way that we can be assured we can get there in any course or pattern.

So what do we do now?

One other point that should be made is the cost. One hates to talk about costs when American troops are at risk. Clearly, we will do whatever we need in this Congress to support those troops with whatever dollars are appropriate and whatever dollars we can put towards their efforts. But the fact is, the cost of this is going to be astronomical. This $6 billion request from this White House, which is such an understated and inaccurate figure—it is frustrating to deal with a White House that won't be forthcoming with the American people on this issue, which it has been, clearly, on others.

But clearly, on this issue, that cost nowhere near reflects what it will cost in the long run to pursue this policy that they have undertaken, simply because we are going to have to replace all of the ordnance they have used, for one thing, which is accounted for. And, No. 2, we are going to have to rebuild what we have blown up in order to put the refugees back, if it is the purpose of this administration to put the refugees back. Obviously, you can't put them back without housing, without electricity, without water, and without jobs. So the potential of reconstruction costs exceeds the military costs probably by a factor of 2, 3, or 4.

The absurdity of this administration coming to us and claiming that $6 billion will get them through the rest of the year just from the standpoint of executing this war is, on the face of it, something the American people should question seriously. So the cost is dramatic.

So what should we do? I don't know the answer. If I had the answer, obviously it would be wonderful. But I don't. But let me suggest a couple of options.

No. 1, we have the responsibility to the refugees. We have a responsibility to make sure they are adequately housed and fed. I think that is going to mean getting them out of where they are today. We cannot let them sit there as chips at the bargaining table for months, or years, as the Palestinians were left in limbo. Rather, we are going to have to move them someplace where they can survive the winter and where possibly they can be resettled. It may be political asylum for them in many parts of Europe or in the United States, but there has to be a thoughtful, long-range plan for how you handle these refugees.

Second, it is going to cost a lot of money, and we are going to have to spend it. Instead of pushing Russia to the brink, instead of engaging Russia in a way that basically undermines the moderate and reasoned forces and accelerates and raises the nationalist forces, let's engage Russia in a constructive way. Let's use the German proposals. Let's use their support and use our contacts with Russia, which has the contact with Serbia, in order to try to negotiate a resolution of this, a resolution which would probably involve some sort of multifinanced force, not NATO related, in the Kosovo region. But, rather than pushing Russia away, let us try to draw them in and let us not put ground troops into this region. How disastrous would that be. This is an area of the world where the people fight, where they believe. We have taken a nation which was a little bit fractured, actually, Yugoslavia, greater Serbia, and united those people. And they will fight.

Unless we go in there in a noncombative way, there will be a significant loss of life. And again the question will have to be asked, for what cause? And I cannot answer that question. So I do not see it as being constructive to put ground forces into that region. To authorize this administration to have that flexibility, after this administration has so completely mismanaged the issue to begin with, is, to me, foolhardy. So this is a complex and difficult issue, but it is the issue of the time and we need to address it and that is why I have taken this time.

Mr. President, I make a point of order a quorum is not present.

Mr. DOMENICI. Mr. President, I wonder if I might ask the Senator a question?

The PRESIDING OFFICER. Does the Senator withhold his point of order?

Mr. GREGG. I yield solely for the purpose of a question.

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

Mr. DOMENICI. I was here for most of your remarks. First I want to commend you. In my recollection of the discussions we had with those who were in the administration prior to this involvement, with reference to Russia, there was almost kind of a trite answer—don't worry, they will not do anything.

I want to ask you if there is not a serious problem coming about now. They are going to have elections next year. We have always wondered how long will it be before their nationalist temperaments come back to the surface and they move in the wrong direction politically. I wonder if you might speculate or reason with me about that.

My evaluation, based upon a number of people who have talked about Russia and an analysis that has been given to me, is that they are now so anti-American and so antiwest that they are apt to move in a rather concerted manner by large numbers of votes in a direction that is not moving toward a marketplace economy and democracy. Is that your concern also?

Mr. GREGG. I think the Senator from New Mexico, as usual, has hit the nail on the head. That is the most significant strategic concern we have on the issue of Kosovo, which is where does Russia end up? Do we end up forcing it down the road towards a nationalist state with maybe irresponsible leadership? Or do we continue it on the path of democracy and marketplace economy?

I think that ever since the end of the cold war period everyone has analyzed the Russian situation as being tentative. The biggest concern of everyone who has analyzed it is that they may go the course of a nationalist leader who might use the West as the purpose for uniting a militaristic response, a militaristic nation approach. That is the concern. The Senator's point is absolutely on target.

Our biggest strategic interest today is what happens with Russia.

Mr. DOMENICI. I thank the Senator.

Mr. GREGG. Mr. President, I make a point of order a quorum is not present.

Mr. DURBIN. Will the Senator withhold?

Mr. GREGG. Yes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

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

THE SITUATION IN KOSOVO

Mr. DURBIN. Mr. President, I commend my colleagues for the time they have taken on the floor to talk about the situation in Kosovo. I was privileged this last weekend to be selected to be part of the first leadership delegation to go to the Balkans. It was a joint House and Senate delegation involving Democrats and Republicans, and it was a whirlwind trip. We all came back exhausted, but I think each of us came back better informed about the situation.

I would like to speak to that a few moments, following up on the speech just given by my colleague.

Let me say at the outset that I am a product of the Vietnam era. I did not serve in the military nor in Vietnam, obviously, but I came to the conclusion, as a result of that experience, that war is the last resort; that there is no such thing as a military adventure. When military is involved, people die. It should be taken ever so seriously.

That has guided me through 17 years of service on Capitol Hill. I have not been quick to turn to the military or quick to pull the trigger. I have always looked for an alternative, a peaceful alternative. Yet, I believe we find ourselves in the Balkans in a situation where, frankly, there was no alternative but the use of force.

The Senator raised the question about what in the world is our national interest in Kosovo? Most Americans could not find it on a map. Why are we sending all this money and all of our troops, all of the resources of this country focused on Serbia? Why?

It is part of Europe. It is part of a continent where the United States has a special interest. And if there is any doubt about that special interest, merely tour the veterans cemeteries in Europe, because in World War I and World War II, our best and brightest in America put on their uniforms, picked up their guns and went to Europe to defend the stability and future of that continent.

We have an Atlantic alliance, not just because of a common ethnic heritage, but because we believe the synergy between the United States and Europe brings strength to the Atlantic, brings strength to both countries, both regions, and we have committed ourselves to that.

Today, as you look at the map of Europe, the investments we made in two World Wars and the cold war has paid off so well. We now have former Warsaw Pact nations, like Poland, like the Czech Republic and like Hungary, waiting in line and finally being accepted as part of the NATO alliance. They are part of our alliance. We won. We are bringing Europe together. Our leadership makes a difference.

But, yes, in one corner of Europe, a terrible thing has occurred over the last 12 years. A man by the name of Slobodan Milosevic has on four separate occasions started a war in this region of Europe. If you look at the nature of the war, you will find some harrowing language from this man.

Twelve years ago in Kosovo, he stood up to the Serbs and said, ''They will not beat you again,'' and heard this roar of approval. This man, who was a minor league Communist apparatchik, said, ''I have a rallying cry here. I can rally the Serbs in their hatred of other ethnic groups.'' If you think I am overstating the case, in 1989, he went to Kosovo, stood on a battlefield where a war had been fought in 1389 and the Serbs had lost to the Ottoman Turks, and announced his policy of ethnic cleansing. As a result of his policy, that region has been at war and in turmoil ever since.

For those who act surprised at Slobodan Milosevic, merely look at the history. For those who question why we are there, look at the history of the 20th century. We have said that Europe is important to the United States, and we have said something else: America does not go to war for territory or for treasure. We go to war for values. And the values at stake in this conflict are values that Americans can take at heart.

Some have said that President Clinton came up with Kosovo at the last minute. Yet, history tells us that as President George Bush left office, knowing what Milosevic was all about, he left a letter behind to President Clinton saying: Watch Kosovo. We have warned Milosevic—do not show your aggression toward the province of Kosovo. President George Bush knew that. President Clinton was forewarned. And he has tried, with limited success, to contain this man's barbarism.

Of course, they raise the question over whether or not we should have started the bombing in the Serbian area and in Kosovo. I voted for it. I voted for it because there was no alternative, none whatsoever.

Many people have questioned the strategy ever since—important questions, questions that should be answered. But at least we have the answer to one question. When the United States saw this ethnic cleansing, this genocide in Serbia, did we stand idly by and do nothing? The answer is no, and that is an important answer.

We decided to use the resources at our disposal to try to stop Milosevic from what he was doing. Of course, he is equally adept and should be recognized as a man of military means. He decided since he could not invade the neighboring nations of Albania and Macedonia with troops, he would overwhelm them with refugees.

Saturday, I spent the afternoon in a refugee camp in Macedonia, near Skopje, named Brazda. You read about it a lot. It is a camp that did not exist 2 weeks ago, and 32,000 people live there today in that camp. The day I came and the previous 2 days, 7,500 people had flooded into this camp from Kosovo. These are not the poorest of the poor dragging themselves in. These are teachers and businessmen. These are doctors and lawyers whose neighbors put on black ski masks and came to the door and said, ''Take everything

that you want in your arms and leave in 5 minutes; we're blowing up your house.'' You have heard it on television, but I heard it firsthand.

Standing in that camp and talking to those people, I asked a simple open-ended question: Why did you leave Kosovo? The stories came back the same time and time again. They did not leave for a crime or wrongdoing; they left because of who they were, and that is the nature of genocide and ''geno-suffering.''

Now, of course, they are trying to survive, and we are helping them. Thank God we are. NATO is building camps. The humanitarian relief from around the world is inspiring, and yet these people wait, wondering what their fate will be.

I came away from that experience understanding better the Holocaust, understanding what must have been in the minds of so many Jewish people at the end of World War II who said: We need Israel because we have nowhere to go. Everywhere we go, we have been persecuted, we have been killed. Now the Kosovar refugees ask the same question: Where shall we go?

Our policy is to allow them to return to Kosovo. That is where they want to be. That is where they should be. We have said to Mr. Milosevic: Here is what we are asking of you, demanding of you: Remove your troops from Kosovo, allow the refugees to return in safety with an international force to protect them, and then we will negotiate the political status.

I think that is sensible and humane.

May I say a word, too, about Russia. Yes, I am concerned about the reaction of Russia. It is important that Russia prosper and get stronger. We have helped in many ways and can do more, and I am sure we will. But Russia is a master of its own destiny, too. If it decides it is better to be an ally of Slobodan Milosevic than an ally of the United States, then, of course, it is a decision they can freely make and one with which they will have to live.

I hope they do not make that decision. I hope instead of arming Milosevic so he can shoot down American and NATO planes that they will decide they can play a more positive and constructive role; that Russia could be part of the brokerage of peace, lasting peace in the region; that Russia could provide some troops in an international peacekeeping force in Kosovo so that it will be more acceptable to the Serbian side. They can do that, and I hope that they will. But I think it is faulty logic to argue that we should restrain our foreign policy for fear that the Russians might react against it. Did we stop to ask the Russians whether we should bomb Saddam Hussein? I certainly hope not. We knew what our national interest was, and we proceeded with it.

We hope the Russians will be with us, but they certainly should not have a veto over our foreign policy.

Allow me, if you will, to speak for a moment about the state of our military. General Wes Clark, who is our commander in chief now of the NATO operations in Kosovo, is an extraordinary man. He was first in his class at West Point, a Rhodes scholar. He is articulate, dedicated, and patriotic. Thank God for him and people just like him who have dedicated their lives and service to our country.

He met with us at great length and answered literally every question we had to ask about this operation. Is he frustrated? Of course, he is. This is NATO's first war. America has fought wars before, but this is a war by committee with 19 nations gathering together to talk of strategy, and that is a frustration to any commander in chief. He understands our mission, and he is executing it professionally.

It troubles me to hear some of my friends on the other side of the aisle suggest that after 25 days of bombing in Serbia and Kosovo somehow or another the American military might has been decimated.

I sure did not see that, not at Aviano Air Base or Ramstein in Germany. I saw a strong military that needs our support. I do not believe it is in the weak condition that many of my colleagues are suggesting.

The President said we need $6 billion to make sure it continues to be strong. I hope we move on that quickly and we do not use this request by the administration as an excuse to get into a prolonged political debate about whether or not the military has been treated well over the last few years. Let us focus on the immediate needs: Supplying our troops and making certain they can defend themselves and successfully prosecute this mission.

Let me also say that the Senator concluded with three recommendations about refugees. I disagree with his conclusion that we move them to another place. They want to return to Kosovo. They should return to Kosovo. I agree with him in bringing Russia in for peace negotiations. And I certainly agree with his conclusion that we should not involve ground troops in this effort.

I say to those who are witnessing this event, the American people are now focusing more on it, as they should. My visit over the last 3 days, this last weekend, focused my attention on it as well. I am proud of what the United States is doing. I am proud of what NATO is doing and what it stands for. I believe we are standing for values that we have stood for for at least the 20th century, if not longer.

I believe we can succeed. But we cannot succeed when a television program like ''Nightline,'' 7 days into the war, has a program entitled ''The Kosovo Crisis: Still no end in sight.'' Seven days—7 days into the war they want it over with, and all the political pundits are coming on television on Sunday and saying, well, we must have lost that war. It is a good thing they were not around during the Battle of the Bulge. Who knows how that war might have ended? It is going to take patience and determination to bring this to a good conclusion. I hope Members of both political parties will join together to make that happen.

I will tell you, when there was a vote on the Persian Gulf war, President Bush came to Congress and asked for our approval. I voted against it. I did not think it was necessary. I thought we could achieve our goals without the use of the military. But I lost and the vote went against me; the military action was approved. Immediately after that vote, a resolution was introduced, and passed overwhelmingly on a bipartisan basis, that said the debate is behind us now, we are behind our men and women in uniform, and we will stay behind them to the end.

There will be plenty of time to debate this. History will be the judge of whether we did the right thing and did it in the right way. For the time being, let us, as a nation, let those of us, as elected officials in the Senate and the House, have the determination to stand behind this policy.

What are our options? Well, there are three. We can stand behind this policy of bombing, or we can leave, or we can send in ground troops. It is an easy choice for me. I am going to stand behind this policy, because the future of NATO is at stake, the future of Europe is at stake, and the values of the United States, that we have defended so long, are at stake as well.

Mr. President, I yield back the remainder of my time and 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. LOTT. 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.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 557, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as part of the budget process.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 254

Mr. LOTT. Mr. President, on behalf of Senator ABRAHAM, Senator DOMENICI, and others, I send an amendment to the pending budget bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. ABRAHAM, for himself, and Mr. DOMENICI, proposes an amendment numbered 254.

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

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

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

Mr. LOTT. I believe Senator ABRAHAM is ready now.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 255 TO AMENDMENT NO. 254

Mr. ABRAHAM. Mr. President, I send a second-degree amendment to the pending amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. LOTT, Mr. NICKLES, Mr. MCCAIN, Mr. FRIST, Mr. CRAPO, Ms. COLLINS and Mr. GRAMS, proposes an amendment numbered 255 to amendment No. 254.

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

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

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

Mr. LOTT. Mr. President, I believe Senator LAUTENBERG or perhaps other Senators will be here momentarily and will wish to comment on this subject—perhaps even the Senator from South Carolina. I know Senator ABRAHAM is prepared to begin the discussion.

For years we have talked about how we can set aside Social Security to come up with a process so Social Security cannot be used to make the deficit look better or be spent for other programs or, for that matter, for tax cuts. A lot of thought has been given to this. Efforts have been made by Senators on both sides of the aisle. I think what we have this time is real. It will keep this money from being spent, without a supermajority vote in the Senate, for other than defense. It is a clear step in the right direction.

We need to be able to say to the American people that not one cent of Social Security is going to be able to be spent on anything but Social Security. This lockbox will make it a lot more difficult, although under emergency circumstances obviously that could still be pierced. The key, though, is to lock this money up, make sure it is not frittered away, and then see if we can come up with genuine long-term Social Security reform so this money can be used for that. If it is not, it will still be used, available to reduce the debt, and, over a period of years, that itself will be a significant benefit to the country, to the economy, to our seniors, and to the Social Security program.

So I commend Senator ABRAHAM for his persistence on this issue, and I think the best thing for us to do at this point is to get into a discussion about what we are trying to do here and see if we can get this process through. This is a change in the law; this is not just a budget process change. This is something the Senate would have to act on, the House would have to act on, and we would have to send it to the President.

So I think it is time, and appropriate, now, that we have this discussion about the future of Social Security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank the majority leader for giving us an opportunity to begin this debate. I realize we have a number of Members on various sides of this issue with different ideas. I think if we have a discussion here, perhaps we can identify some of the concerns and address them. I hope we can because I think this is a topic that needs to have our full attention.

Let me begin by saying I have just submitted an amendment here on behalf of myself as well as Senators DOMENICI, ASHCROFT, LOTT, NICKLES, MCCAIN, FRIST, CRAPO, COLLINS, and GRAMS. The amendment is the Social Security Preservation and Debt Reduction Act. It implements a sense-of-the-Senate resolution which we approved as part of the budget resolution just before our Easter recess.

As you know, that sense-of-the-Senate resolution passed this Chamber on March 24 by a vote of 99 to zero. It said simply that we ought to truly protect Social Security by seeing to it that moneys in the Social Security trust fund are only used to fix Social Security or to pay down the public debt, and for no other purpose.

We all agree that saving Social Security is our No. 1 priority in this Congress. That has been a discussion that virtually every Member at one time or another has been part of. The President, in both his 1998 and his 1999 State of the Union Addresses, said we should save every penny of the Social Security surplus. In this year's Address, he said we should use it to reduce the Federal debt so as to ensure it will not be squandered on other spending programs.

I agree with that. So do my cosponsors. Therefore, it is our hope, through this amendment we are offering today, to put into effect that which so many people, including the President, have sought to accomplish. If enacted into law, this amendment would save every penny of the Social Security surplus either to fix Social Security or to reduce the public debt.

Using hundreds of billions of dollars from the Social Security trust fund for new spending will not save Social Security. Indeed, the Congressional Budget Office now estimates that the President's own budget, the one he submitted to us in February, spends $158 billion of the Social Security surplus, 20 percent of the surplus that will be generated over the next 5 years. Fortunately, as you know, the Senate charted a different course. Through our sense-of-the-Senate resolution, 99 Senators stated our intention to lock up the Social Security trust fund to protect those dollars from being spent on other Government programs.

Let me recount what this resolution, which we passed as part of the budget, provided.

First, it provided we would place Social Security truly and fully off budget.

Second, we pledged to create a subcategory of the current gross Federal debt limit; namely, debt held by the public.

Third, we pledged to mandate the reduction of that publicly held debt level by an amount equal to the Social Security trust fund surplus.

In addition, the limits could be adjusted one time to accommodate substantive Social Security reform. In other words, unless we were using the Social Security trust fund surplus to fix Social Security, reform to modernize the Social Security system, then it would be used to reduce the current levels of Publicly held debt.

The amendment I am offering would implement those pledges. So let me briefly run down its provisions.

The Social Security Surplus Preservation and Debt Reduction Act reaffirms that Social Security is off budget. That means its assets should not be counted for purposes of the budget submitted by the President or the Congressional Budget Resolution. The legislation establishes a simple majority point of order against any budget that does not count Social Security moneys. This amendment also codifies the budget resolution language to establish a 60-vote Senate point of order against any budget resolution, budget amendment, or budget conference report that runs a deficit unless that deficit results solely from Social Security reform legislation.

Of critical importance is the amendment's provision establishing in law a declining limit on the amount of debt that could be held by the public. This limit would be reduced in the year 2000, in the year 2001, and at 2-year intervals thereafter through the year 2009, by an amount equal to the entire Social Security trust fund surplus for each corresponding time period. The amount would be measured as CBO's current annual projections of the Social Security surplus for these same years.

The 60-vote point of order would lie against any resolution or bill that would exceed the publicly held debt limits. In other words, we could not expand the publicly held debt unless we had 60 Members of this Chamber who would make such a decision.

However, these limits would be automatically adjusted for the cost of Social Security reform, as I have mentioned, and/or for any changes in the actual or projected Social Security trust fund surpluses.

Clearly, we are trying to read out the long period of time through this legislation, a 10-year period. So if, as we move through that period, the size of the Social Security trust fund surplus were to be readjusted or projected differently, then the legislation we are offering right now would provide the mechanism for making adjustments in that reduction of the publicly held debt accordingly.

A number of additional provisions would protect Social Security recipients from unforeseen events. First, specific language in the amendment states that the Secretary of the Treasury shall give priority to the payment of Social Security benefits required to be paid by law. This amendment guarantees that Social Security benefits will have the highest priority on all Federal moneys. We institute a concrete guarantee to seniors, and to those who one day will be seniors, that their benefits are truly backed up by the full faith and credit of the Government of the United States.

In addition, Mr. President, this amendment includes a provision that would set aside the public debt reductions in the case of recession. Whenever the Commerce Department reports two consecutive quarters of less than 1 percent growth, the limits would be set aside until there is one full quarter of more than 1 percent real growth. Once reestablished, the limit would restart 6 months later at the level of public debt held at the time of the recession's ending and then step back down at the rate projected by the newly determined Social Security surpluses.

Finally, this amendment includes an exception for emergencies such as the current crisis in Kosovo.

On March 17 of this year, Treasury Secretary Rubin sent a letter expressing several concerns about this approach. First, let me say that I was somewhat disappointed when he did so and surprised that he would raise the concerns about a bill that had not yet been written, let alone introduced. I appreciate the way Washington public policy debates work, Mr. President, and I understand the Secretary of the Treasury wanted to, at a very early stage, express concerns. What we have tried to do is respond to those concerns in such a fashion, I hope, that the way we have crafted the amendment will satisfy some of the issues raised in his correspondence. Let me talk about a few of those considerations at this time.

First, Secretary Rubin in his letter commented that fiscal restraint is best exercised through the tools of the budget process; debt limits should not be used as an additional means of imposing restraint. But the last 2 years have clearly shown that current budget rules are inadequate to curb Washington's spending habits.

Last year, the President threatened to shut down the Government unless we spent $21 billion of the Social Security surplus through various so-called ''emergency'' spending declarations. There was a lot of debate as to whether or not some of those provisions truly were appropriately described as emergencies. This year, as I noted, the President proposed spending $158 billion of the Social Security surplus on new spending programs over the next 5 years.

The budget rules, therefore, I do not believe are protecting the Social Security surplus, and it is not just the President who has proposed ideas and ways by which these Social Security surplus dollars can be spent. Members of Congress, on both sides of the aisle, have a lot of spending ideas, as we have heard.

In my judgment, the current budget rules do not protect these Social Security surplus dollars adequately. They are not designed for that purpose. Therefore, in my judgment, only by locking away the Social Security surplus and guaranteeing that the spenders cannot get ahold of it will we be able to protect those surplus dollars.

The fact of the matter is, if there is money available, people will find a way to spend it under the current rules. I think that is very simple and clear, and I think we should take additional steps to address it. I do not think we can count, as the Secretary has indicated, on the existing rules to suffice.

Next, Secretary Rubin has raised the specter of default saying:

> Even the appearance of a risk that the United States of America might not meet its obligations because of the absence of necessary debt authority would impose significant additional costs on American taxpayers.

Mr. President, we should keep in mind that we currently have a debt ceiling of $5.95 trillion. We live within a debt ceiling. We are not talking about creating something out of whole cloth here, a limit on the amount of indebtedness the American Government can assume. That is the law, and the Treasury cannot issue more debt than that.

Further, current gross Federal debt is about $5.48 trillion. It is not at the moment projected to rise significantly over the next 10 years. There is no specter of failure to meet our obligations here.

I will note, however, that the CBO estimated that the President's proposals in his budget would raise gross Federal debt to almost $8.4 trillion, almost $3.5 trillion over the current debt limit, exceeding the current debt limit by nearly 40 percent. Therefore, using the Secretary's logic, the President's budget will place us in immediate jeopardy of default because it will exceed the debt limits that we already have in place.

Our proposal, on the other hand, simply creates a sublimit of our current debt limit, one for debt held by the public. It does nothing to limit our ability to meet our obligations.

Nonetheless, we have tried to take Secretary Rubin's concerns seriously. What we have done to try to address those concerns—and I will elaborate on this a little bit further at a later point in these remarks—we have delayed the implementation of each year's new debt limit by 7 months to ensure that they become effective when the Treasury is most flush with cash. This will establish a buffer that is more than sufficient, in our judgment, to cover Treasury's short-term cash management needs, even during seasons of the year when cash deficits have historically appeared.

Third, Secretary Rubin has expressed concern that the publicly held debt limits ''could easily be inadequate for the Government to meet its obligations at a given point during the year. If the Treasury could not borrow or raise, it is possible that it could simply stop honoring any payment.'' And he even went on to say Social Security payments.

What he means by that, and it is related to the earlier point that I just addressed, is the fact that the revenue stream to the Government does not always coincide with the outflow of money during particular points in the year. That is why, as I have mentioned, we have altered our original proposal to move the date at which these publicly held debt ceiling changes would occur to a point—May 1—at which time, based on the past 10 years, the Government has been most flush, has had the largest inflow of money—obviously, it corresponds to some extent to tax payment day and other factors—for the exact purpose of making sure the changes would occur at a point when the Treasury would have the most cash on hand and the greatest flexibility with respect to any obligations, it would seem to me.

In addition, we have placed into this amendment a legal declaration that Social Security payments required by law have priority claims on the U.S. Treasury. In other words, we try to do two things here that I think address all of the concerns raised by Secretary Rubin.

First, we have changed the effective date as to when the debt limits would be changed to meet the maximum point of revenue stream to the Government, thus giving him and his successors total flexibility with respect to meeting obligations, and the guaranteed Social Security benefit checks will be paid by ensuring in the language of the amendment that they would receive top priority of expenditures.

In addition, we have responded to the Secretary's concern about short-term cash management swings, as I say, with a 7-month delay of implementation of the debt limits.

We are open to other ideas, but we are trying to be responsive to those

concerns that have been raised. That is our hope here, to try to address anything that might serve as an impediment to anyone concerning the support of this vitally needed legislation.

In addition, Secretary Rubin has worried that the proposed debt limits could run the risk of worsening an economic downturn. We take that to mean concerns that if a recession were occurring, we would be in a difficult position to adequately address it. Once again, we have taken into account those concerns, and we have placed in our amendment language, as I mentioned earlier, that would suspend the debt limits during times of recession and reinstate them only after we have recovered from such recession at the newly adjusted publicly held debt levels.

Finally, the Secretary expressed concern that the lockbox does not allow for emergencies. Let me first observe that this administration's use of the term ''emergency'' has been somewhat variable, and it would certainly be the view of this Senator, and I know others, that it has been used to characterize a number of expenditures that are hard pressed to be included under that definition, at least as I see it. We spent $21 billion of the Social Security surplus on an emergency package at the end of the last Congress that certainly had provisions which did not, in my judgment, meet the normal definition of that term.

However, considering that we now have a 60-vote point of order against any nondefense emergency spending provisions as part of the budget resolution that we passed, we have placed in this amendment language to automatically adjust upwards the publicly held debt limits for any emergency spending provisions. Thus, we once again address the concern that was raised.

Mr. President, I believe this meets, therefore, every one of the serious concerns expressed by the Treasury Secretary, while at the same time still meeting the central goal of protecting and preserving the Social Security trust fund surpluses. It successfully addresses the No. 1 issue of this Congress: Saving and strengthening Social Security.

While it may not constitute the long-term reform proposals that I know will be further debated as the Congress moves ahead, it protects the surpluses of the trust fund so they can be employed to make sure that we modernize the Social Security system in a way that not only guarantees today's beneficiaries are able to receive what they are entitled to, but also the future beneficiaries will as well. We owe it to those who have reached retirement age, as well as those who will one day join them, to do this.

As recent events have shown, the only way to do that is to take Social Security finally and fully off budget, because so long as Social Security trust fund surpluses can be accessed by spending priorities, they will be spent. In my judgment, it is that simple. It is simply too easy to point to good ideas and good programs and arguments of things that can be done with large amounts of the American people's money, too easy to see the benefits of Federal spending without looking at the cost to our financial stability and to those who depend on a sound Social Security system.

In my opinion, we must, in order to meet our obligations to the American people, see to it that every penny of the Social Security trust fund surplus is preserved for Social Security. And the only way to do that is to lock up those funds by using them to pay down the public debt. I think it is the right thing to do.

President Clinton himself has endorsed the idea at the root of this amendment. This Chamber recently voted unanimously for a resolution calling for legislation of this sort. So I hope we can get together, as colleagues, to take what would be the final step—this amendment—to place Social Security surpluses above the risks that they will be squandered and secure them for generations to come.

Mr. President, I am pleased, on behalf of a variety of colleagues, to offer this amendment. We look forward to the discussion. I hope that it can encompass not just a discussion of this proposal as offered, but if Members have ideas with respect to the lockbox, I hope they will share them with us, because I think protecting the Social Security surplus dollars is something that we have an obligation to achieve in this Congress.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. ASHCROFT. Mr. President, I am honored to cosponsor the Abraham-Domenici Social Security surplus preservation amendment. This amendment will protect Social Security for millions of Americans who now receive its benefits and who now pay taxes hoping that they someday, too, will receive Social Security.

I believe protecting Social Security is the highest priority we could have in the Congress. Protecting Social Security means we must make sure the current surpluses that will be needed to pay benefits later are not used to pay for new budget deficits in the rest of government. That is what this bill does. It is why I am for it, and it is why I urge swift passage of this legislation.

The legislation we are debating today logically follows and, in fact implements, previous policy decisions that have been made by this Congress. Let's review a sense-of-the-Senate resolution that the Senate passed by an overwhelming 99-to-0 vote just 2 weeks ago. That resolution made these points:

No. 1, Congress and the President should balance the budget excluding surpluses generated by the Social Security trust funds.

No. 2, reducing the Federal debt held by the public is a top national priority.

No. 3, the surpluses now held in the Social Security trust fund will reduce the debt held by the public by $1.7 trillion.

The nonpartisan Congressional Budget Office estimates that President Clinton's budget would spend $158 billion of Social Security surpluses on new spending programs over the next 5 years. That is the nonpartisan Congressional Budget Office. It simply says that the President's plan for spending is to use the Social Security surplus to go out and spend $158 billion which would not otherwise be spent over the next 5 years.

Social Security surpluses should be used for retirement security, for payment of current benefits, or to reduce the debt, and should not be used for other purposes.

These mandates should be implemented in two ways:

First, by providing for a Senate supermajority point of order against any bill or resolution that would use Social Security surpluses on anything other than the payment of Social Security benefits.

Second, by establishing a supermajority point of order in the Senate against raising the limits established on the level of debt held by the public. This resolution passed the Senate 99 to nothing. It passed unanimously. Not only did it pass unanimously, there was no dissenting debate.

The conference report on the budget resolution which we passed last week took the first steps necessary to protect Social Security by balancing the budget without using the Social Security surpluses, and it established for the next 2 years a point of order against budget resolutions that use Social Security surpluses to balance the budget.

Mr. President, I believe that is what we need to do. We need to basically say that it is out of order to go back and take Social Security surpluses to cover deficits in other parts of government.

The amendment we have before us implements the sense-of-the-Senate resolution. It simply takes what we did 2 weeks ago and makes permanent the Social Security protection measures that were included in the conference report. Specifically, this amendment accomplishes the following:

No. 1, this amendment creates a 60-vote point of order against future budget resolutions that use Social Security surpluses to balance the budget. This provision makes the temporary point of order included in the conference report permanent, and it is made a part of the law, not just part of the Senate and House rules on the budget. We simply would be able to say that it is out

of order, it requires a supermajority setting aside or suspending the rules in order to devote the Social Security surplus to covering deficits in other parts of the operations of government.

This provision is identical to legislation I introduced earlier this year to protect Social Security. This amendment lowers the amount of debt held by the public by amounts roughly equal to the Social Security surpluses. So as you have a Social Security surplus, instead of spending it on new government, you use it to lower the amount of debt held against this country.

The effect of this provision is twofold: It helps ensure that the Social Security trust funds are not used to pay for aggressive spending programs or for tax cuts; and, secondly, it reduces overall Federal debt. By reducing debt, this amendment will strengthen our economy, strengthen Social Security, and our capacity to meet our obligations to it in the future.

Reducing the public debt makes it easier for America to meet its Social Security obligations in three ways. I think Speaker HASTERT was most eloquent about this. He said if you ever came into a surplus in your own life—maybe a rich uncle died, left you $50,$60,000—and you either could spend it on a bunch of new spending or pay down the mortgage on your house, which would help you meet the challenges of the future better? It is pretty clear, not going to Las Vegas and taking a lot of vacations but paying down your debt, paying down your mortgage, would be the best thing.

Over the long run, paying off the debt will lower interest payments, which are now over $200 billion annually. They equal about 15 percent of our budget now.

No. 2, they would ease the burden of the $3.8 trillion national debt, which would free up more resources to help us meet Social Security obligations in the future. Of course, No. 3, a debt-free America will have a stronger, faster-growing economy and will be better equipped to come up with the money to redeem the trust fund's IOUs when needed.

We cannot afford not to pay off the Federal debt. Federal debt incurs very real costs in the form of interest payments and higher interest rates. Under President Clinton's proposed budget, $158 billion from the fiscal year 2000 to fiscal year 2004 budget would be diverted from debt reduction and directed towards spending. According to the Senate Budget Committee, that represents 21 percent of the Social Security surplus over that period. In fiscal year 2000 itself, it represents $40 billion, or 30 percent of the surplus.

In contrast, our amendment would require us to reserve every penny, all of the Social Security surplus, for debt reduction. Under this plan, publicly held debt, which now stands at 44.3 percent of GDP, would be reduced to 10.3 percent of GDP by the year 2009. That is a 70-percent reduction over just 10 years.

Once this amendment is adopted, the President and Congress will no longer raid Social Security surpluses to pay for non-Social Security spending. This amendment would, therefore, protect Social Security at the beginning and at the end of the budget process. At the front end, Congress could no longer pass budgets that use Social Security surpluses. At the back end, the ratcheting down of the debt ceiling would ensure that Social Security surpluses go to debt reduction, thereby helping to keep our financial house in order. A strong financial house for the United States of America is fundamentally the best guarantee we can ever have that Social Security will be a house of integrity itself.

One of the most important lessons a parent teaches a child is to be responsible, responsible for his or her conduct and responsible for his or her money. America needs to be responsible with the people's money. The debt reduction proposed by this amendment is among the greatest gifts we can give to our children, and it is a great gift for our seniors. Imagine what our children could do if we were able to provide for them a next generation that is free, free to build their own dreams instead of pay for our past.

In addition to protecting our children from debt, this amendment will also protect the Social Security system from irresponsible government spending.

I urge my colleagues to join me in support of this amendment, and I thank the Chair for this time on the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Senators who have taken the floor and spoken on behalf of this lockbox amendment.

I have worked for many years with a number of Senators, some of whom are on the floor—some on the other side, like Senator HOLLINGS—in an effort to see what we could do to make it as difficult as humanly possible to spend Social Security trust fund money for other kinds of expenditures of the Federal Government, be it programs, or be it tax cuts.

Frankly, I have heard it said on a number of occasions that the things we tried to do heretofore were all process and didn't get the job done. I don't want to take credit for doing something extraordinary. But I will say this idea of tying the Social Security trust fund to the debt held by the public over a 10-year period, and limiting the amount of debt that can occur in each of those years for a decade, which essentially is the current debt minus the amount of Social Security trust fund subtracted each year from that debt—what is left over, that residual is the debt held by the public. But I did, at a committee hearing, for some reason come up with the idea that maybe that is what we ought to do—tie it to a debt limit.

There will be plenty of people who will take the floor and say this is too rigid, this is too tough, this puts too big a shackle around the Government of the United States.

Let me tell you honestly. If you want to tell the seniors of America we don't want to spend your Social Security money for programs, or tax cuts, or anything other than when we need it for you, we will use it for you, then you ought to really be serious about it. You ought to say that is what we are trying to do.

Obviously this is the first time that the rhetoric and the contentions by Senators from both sides of the aisle that we ought to not spend Social Security money has been reduced to a statute that, if it passes and is signed by the President, will govern for 10 years, whether or not the United States can easily use trust fund money from Social Security for other causes, other reasons, as just as they may be. It will become very difficult when this legislation becomes law for us to ever again in a wholesale, willy-nilly manner spend Social Security trust fund money. In fact, every time you exceed that debt limit, and even if you have 60 votes, you are going to have to tell the American people we are exceeding it; we have 60 votes now. It is something very important, and people are going to be able to look and see. Was it something very, very important, or are we back to business as usual?

That is the essence of this proposal.

When I was saying we talk a lot about it, let me say on the debate on the budget resolution on the floor of this Senate—and the occupant of the Chair helped, because he voted the right way, but on this vote it was an easy vote because 99 Senators voted for it, as I recall. There was a sense-of-the-Senate resolution, kind of the precursor to this bill that was adopted by the Senate. It was an Abraham-Domenici and others sense-of-the-Senate resolution.

It did the following things:

One, it reaffirmed the Omnibus Budget Reconciliation Act of 1990 that Social Security trust funds are off budget.

Second, it provides a Senate point of order against any budget resolution that violates that section of the Omnibus Budget Reconciliation Act.

Third, it mandates that Social Security surpluses are used only for Social Security, or reducing the public debt.

Fourth, it provides for a Senate supermajority vote on a point of order against any measure that would use Social Security surpluses for anything other than the payment of Social Security benefits, Social Security reform, or the reduction of the debt held by the public.

Fifth, it ensures that all Social Security benefits are paid on time.

Last, it accommodates Social Security reform legislation. That was passed 99–0.

Mr. President, what happened was we attempted in that sense-of-the-Senate resolution to encapsulate what this legislation that is before us today did. It said that it is the sense of the Senate that we should adopt a bill that does all of these things. Now we have that bill before us.

So those who would now want to either unduly delay this vote, or say we should not do it, or vote against it, no, it is not so easy to explain that they just less than 10 days ago voted—2 weeks ago and a few days—voted 99–0 to adopt legislation just like this.

I understand that there can be a lot of explaining between the language and the statute—the language in this lockbox legislation.

Right off, I want to mention one thing. There are a number of Senators—I am hoping it is a minimum—within the next couple of days who are going to cite the fact that our distinguished Secretary of the Treasury, Mr. Rubin, said some legislation that he had seen that was the Domenici legislation on the lockbox wouldn't work mechanically, that part of the year you don't get in a real strong flow of income tax, and later on you get in a big flow of income tax, and that maybe you would not be able to control the expenditures and the need for cash during those early days if in fact you had a very rigid year-long debt limit.

We have done the best we can. We are open to suggestions to adjust to that need for flexibility without altering the ultimate dollar number that will be the debt held by the public.

Again, rather than use it to destroy this legislation, which it should not do—I read the letter, and we can fix the concerns of the Secretary—if that is all the concerns the administration has, if that is all of them, we already fixed most of them right here. But if it is not quite right, we welcome the legislative liaison from the Treasury or the White House to come and tell Mr. Rubin to tell us how to fix it better, just as long as it is understood that we don't want somebody from the administration saying that what we are really telling you is too tough, it is too rigid, it holds your feet to the fire too much, we ought to have more flexibility in terms of why and for what purpose we should use this Social Security surplus. If that is the reason the legislation is bad, we want to suggest that we are at opposite ends of the polls; for that is the reason we think it is good, because it is very tough.

If you are going to throw away much of the Social Security funds in the next decade instead of applying it to the debt of $1.8 trillion, it is not going to be easy, which means that Government is going to be pretty much tied to a reasonable budget that does not spend the Social Security budget surplus over time over this decade.

For those who say, well, you know, there will be no money for this or that or the other, maybe there won't, but maybe there will be because we are not saying that surpluses that are not Social Security surpluses are subject to any kind of restriction. They are subject to what Congress wants to do and what a President recommends.

So if there are surpluses that do not belong to them—and there is a very large chunk of surplus now that doesn't belong to Social Security—we are not trying to limit that. We Republicans think most of that should go back to the public in tax cuts, but that is a year-long battle with the President and others. That is not Social Security money.

Mr. President, that same sense-of-the-Senate language that I told you about that was adopted in the budget resolution in its final form, after it got 99 votes freestanding, it was adopted by a vote of 54–44 when the budget resolution was adopted.

When 99 people vote and tell the Senate what we should do, and then we do it, it would seem to me that it ought to be a rather simple proposition that we ought to do it, tell the public we meant what we said, and get on with making sure we find other ways to take care of our governmental needs, but not the Social Security trust fund for the next decade.

Unless the Senate and the sense-of-the-Senate resolution was meaningless, this statute should get rather broad-based support, it seems to this Senator.

Let me speak from the standpoint of what could be better for America than us doing this. I can think of hardly anything that could be better for America, not just for the seniors, better for America. Mr. President, $1.8 trillion during the next decade, and I truly believe that if this statute is adopted it will be perilously close to $1.8 trillion, that will be cut from the national debt.

That is an incredible number. Senator ASHCROFT just told us how big it is, in terms of percentage of our gross national product. But $1.8 trillion of public debt during this decade will be wiped clean and there will be no public debt against that $1.8 trillion because the surplus of Social Security money will be there, only to be used for major reform for Social Security if, in fact, that occurs during this decade.

Why is that good? If you asked almost every rational, reasonable, mainstream American economist from Alan Greenspan to that long list that said the President was doing good things in reducing the debt, you ask them if reducing the debt by $1.8 trillion is not a very positive thing for our economy and they will all say: The best thing to use surplus for is debt reduction. Because that means we borrow less. In a very interesting way it means we save more, because if you were to spend it, you would have to be borrowing to take its place. And if you do not borrow, you are saving. Since we individually save little, it is very good, starting into the new millennium and the first few years, that we have a low debt with low borrowing which may very well keep the American economy moving ahead, strong, powerful, with lower interest rates.

What could be better for America? Nothing. What could be better for seniors? Nothing—other than a reformed Social Security program that was in existence for 75 years with no problems. And, frankly, an appropriate plan might use this surplus in transition for that and we might get that out of this also.

Why else is it good for seniors? Did anybody hear the President go to the Rose Garden when he got a statement from the trustees of Social Security and Medicare the other day and announce to America that things were looking better for Medicare and Social Security? I believe there was an announcement that we added 8 years to the longevity of the trust fund for Medicare. And we did not do a thing. We just continued to have a prospering American economy. So one can say seniors should want a prospering American economy more than anyone else in this society, because a prospering American economy, with high employment and low unemployment, is the best medicine for the Social Security trust fund and Medicare trust fund of anything, any set of activities we could do as American people, as business people, and as American taxpayers and workers, producing goods and services in this very vibrant and powerful economy.

So, when you look at that, this may just be, in some people's minds, some small approach to making the case that we are trying to save Social Security trust fund money from being spent arbitrarily for things that are not Social Security. It is more than that. It is a combination of things that I just described, including the very positive result of greatly reducing the national debt while we wait to see what is needed for Social Security reform; a very, very positive piece of legislation.

It is important to allow the Federal Government maximum flexibility in times of low growth or recession. The Federal budget is one of the most important economic policy tools we have. In fact, we have procedures in place which allow us to suspend our budgetary enforcement rules during such times.

This legislation contains a low-growth, recession trigger as well. If the Department of Commerce reports two consecutive quarters of real economic growth of less than 1 percent, the limit of debt held by the public is suspended. The current law statutory debt limit would still be in place.

The limit on debt held by the public is suspended until the Commerce Department issues a final GDP report indicating that the level of real GDP has risen back to its level prior to the low growth or recession period. The limit on debt held by the public is restored at its actual level (at the time the Commerce Department report is issued that de-triggers the suspension.)

The limit on debt held by the public then begins to decline at the same rate that it would have had the suspension not been triggered.

Mr. President, the Act is effective for 10 years and then sunsets. This is the same time period covered by the recently adopted concurrent resolution on the budget for fiscal year 2000—H. Con. Res. 68. It is a period of time in which the Social Security trust fund balances are expected to grow by nearly $1.8 trillion. These balances would retire debt held by the public which would help prepare the country for the retirement of the baby boom generation early in the next century. It reaffirms off-budget treatment of the social security program.

The act reaffirms current law that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the Federal budget submitted to Congress by the President or any congressional budget.

The act creates a new Budget Act point of order against Congress adopting a budget that uses social security surpluses to achieve balance, and requires the President to submit a budget that does the same. It uses the Social Security surplus to reduce the debt held by the public. The act establishes a new enforceable limit on the amount of debt held by the public over the period from 2000 to 2010. These debt limits specified in the act are current estimates of the level of borrowing from the public over this period that result from the Social Security surplus only being used to retire debt. The surplus could not be used for non-Social Security spending or tax cuts. Legislation increasing these limits would require a super-majority vote in the Senate.

The act establishes the first limit becomes effective as of May 1, 2000, and effectively ratchets down this limit May 1 and periodically thereafter. The effective date accommodates Treasury Department's Federal cash management responsibilities. The newly established debt held by the public limits would not disrupt the cash management operations of the Bureau of the Public Debt nor would it jeopardize Social Security benefit payments.

The limits follows:

May 1, 2000 through April 30, 2001, $3.628 trillion;

May 1, 2001 through April 30, 2002, $3.512 trillion;

May 1, 2002 through April 30, 2004, $3.383 trillion;

May 1, 2004 through April 30, 2006, $3.100 trillion;

May 1, 2006 through April 30, 2008, $2.775 trillion; and

May 1, 2008 through April 30, 2010, $2.404 trillion.

There are adjustments to Limits for Social Security reform, recessions, emergencies and war. Social Security reform—the Act authorizes adjustments to the limits established for legislation enacted that reforms Social Security during this time period. If Social Security reform legislation is enacted, and if that legislation has the effect of changing the debt held by the public specified in this act, then the Secretary of the Treasury shall adjust the limits in this act to reflect those changes.

Recessions—the provisions of this act are suspended during a period of low economic growth. Two consecutive quarters of less than 1 percent real economic growth would automatically make the debt limits in this act inoperative. After the recession has ended, the act would reinstate new debt limit levels adjusted for the impact of the recession.

Emergencies—the act also provides for an automatic adjustment to the debt limit levels specified if, after the adoption of this act, the Congress enacts into law ''emergency'' spending defined under the Balanced Budget Act. If emergency spending uses a non-Social Security surplus, then no adjustment to the limits would be necessary. If, however, emergency spending requires the usage of Social Security surpluses, then the limits specified in the act would be adjusted for that amount.

Declaration of war—the act would be suspended upon Congress enacting a declaration of war.

I want to suggest there are those who wonder what we will do if we have a recession. I provided in this a triggering mechanism. If there is anybody who would like to improve upon it, I welcome it. But it says you have a recession if you have two consecutive quarters of significant downturn in the economy, in which event you may very well be dramatically impacting upon the tax take of the country. In that case you may, indeed, trigger a halt to the reduction, the constant reduction of the debt limit. And you may leave it in place until you get into a recovery mode and then set it back on its trendline toward total elimination of the $1.8 trillion.

In addition, you will find some language in it regarding war, or regarding substantial moneys being needed for our military. Those may occur from time to time and we would not want people to say this is making it impossible to fund that, even though holding it is a good thing. It might be that you would want to use it for those kinds of things, and there is a provision permitting us to do that.

When you add it all up, I think we have been considerate of the problems associated with trying to truly lock this money in and that we have a good bill. We hope we get some support from the Democratic side before we are finished, and we stand ready to debate it. I hope our leader stands ready to debate it as long as necessary for us to get an up-or-down vote and see just where we all stand so our people will understand our position when the legislation appears, rather than when we have a sense of the Senate that we ought to do this. Let's see what happens on the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me first respond to our distinguished budget chairman by reading a letter addressed to our distinguished minority leader by the Secretary of the Treasury, Robert Rubin. It is dated March 17, 1999.

DEAR TOM: Thank you for inquiring about the impact of the new debt limits contained in the Social Security Surplus Preservation Act. I appreciate the opportunity to respond to your question. In brief, I am deeply concerned that these limits could preclude the United States from meeting its future financial obligations to repay maturing debt and to honor payments—including benefit payments—and could also run the risk of worsening a future economic downturn.

It has been this Administration's view that fiscal restraint is best exercised through the tools of the budget process. Existing enforcement tools such as the pay-go rules and the discretionary spending limits in the Budget Enforcement Act have been key elements in maintaining fiscal discipline in the 1990's Debt limits should not be used as an additional means of imposing restraint. Debt is incurred solely to pay expenditures that have previously been authorized by the Congress and for the investment of the Federal trust funds. By the time the debt limit is reached, the Government is obligated to make payments and must have enough money to do so.

If Treasury were prohibited from issuing any new debt to honor the Government's obligations, there could be permanent damage to our credit standing. The debt obligations of the United States are recognized as having the least credit risk of any investment in the world. That credit standing is a precious asset of the American people. Even the appearance of a risk that the United States of America might not meet its obligations because of the absence of necessary debt authority would be likely to impose significant additional costs on American taxpayers. Yet, in November 1995, a debt crisis was precipitated when Government borrowing reached the debt limit and in January Moody's credit rating service placed Treasury securities on review for possible downgrade.

As you know, there is currently a statutory limit on the amount of money that Treasury can borrow in total from both the public and from Federal trust funds. The proposed ''lockbox'' provision would add a new statutory limit on debt to the public.

The proposed new debt limit runs the risk of precipitating additional debt crises in the future. Although the proposal adjusts the debt ceiling for discrepancies between the actual and projected Social Security surpluses, it does not make similar corrections for unanticipated developments on the non-Social Security side of the budget. While our forecasts have been conservative, the current forecast of the non-Social Security budget could prove too optimistic because of changes in the economy, demographics, or countless other factors. This could cause the publicly held debt to exceed the new debt limit.

Furthermore, even if the debt limit appears sufficient because if covers the annual debt level—measured from end-of-year to end-of-year—it could easily be inadequate for the Government to meet its obligations at a given point during the year. Under normal circumstances, every business day, Treasury makes payments—including Social Security payments on certain days. In any given week, Treasury receives revenues, makes payments, and refinances maturing

debt. Weekly and monthly swings in cash flow can easily exceed on-hand cash balances. When this occurs, Treasury then borrows from the public to meet its obligations. If the amount of publicly held debt were to reach the level of the debt limit—or if the debt limit were to decline to below the level of publicly held debt—Treasury could be precluded from borrowing additional amounts from the public. If Treasury could not borrow to raise cash, it is possible that it could simply have to stop honoring any payments—including Social Security payments.

In this case, Treasury could be prohibited from issuing any new debt to redeem maturing debt. Every Thursday, approximately $20-23 billion of weekly Treasury bills mature and, every month, an additional $60–85 billion in debt matures. These securities must either be paid off in cash or refinanced by issuing new debt. Treasury could be put in the position of having to default for the first time in our nation's history.

Congress could defuse the debt limit problems by immediately voting to raise the debt ceiling. Under the ''lockbox'' proposal, however, it would take sixty votes in the Senate to do so. As past experience indicates, obtaining a super-majority for this purpose is often time-consuming and difficult. Moreover, this requirement would greatly enhance the power of a determined minority to use the debt limit to impose their views on unrelated issues.

Finally, the proposed debt limits could run the risk of worsening an economic downturn. If the economy were to slow unexpectedly, the budget balance would worsen. Absent a super-majority vote to raise the debt limit, Congress would need to reduce other spending or raise taxes. Either cutting spending or raising taxes in a slowing economy could aggravate the economic slowdown and substantially raise the risk of a significant recession. And even those measures would not guarantee that the debt limit would be not be exceeded. A deepening recession would add further to revenue losses and increases in outlays. The tax increases and spending cuts could turn out to be inadequate to satisfy all existing payment obligations and keep the debt under the limit, worsening a crisis.

To summarize, these new debt limits could create uncertainty about the Federal government's ability to honor its future obligations and should not be used as a instrument of fiscal policy. While we certainly share the goal of preserving Social Security, this legislation does nothing to extend the solvency of the Social Security trust funds, while potentially threatening the ability to make Social Security payments to millions of Americans. I will recommend that the President veto the bill if it contains the debt limit provisions. If you have any additional questions, please do not hesitate to contact me.

Sincerely,

ROBERT E. RUBIN.

(Mr. DOMENICI assumed the Chair.)

Mr. HOLLINGS. Mr. President, the interesting thing to this Senator, of course, is the date, March 17. Nothing has changed. We knew that the distinguished chairman of the Budget Committee and his colleagues would be conspiring, as they have delayed us this afternoon to get the exact right conspiracy. To do what? To eliminate President Clinton's budget, on the one hand, and to engage in a charade or fraud, on the other hand, to make the Members, and particularly the media that covers this thing, see the perception is the reality. They are still talking surplus, surplus, surplus, surplus when we pointed out time and time and time again there is no surplus. We are spending $100 billion more than we are taking in. But this is to get everybody to think there is some change.

All you have to do is read the distinguished chairman's summary of the Social Security Surplus Preservation and Debt Reduction Act, summary of amendment, April 20, 1999. This is 1 month later. The distinguished Secretary of the Treasury foresaw this amendment. There is nothing complicated about it except its wording and rewording of the statutory provisions of 13301 and many, many other provisions, to mislead, as if it were really doing something.

But, 2, ''Uses Social Security surplus to reduce the debt held by the public.''

Mr. President, we have been doing that for years and years on end. That is what we call the unified—there it is—the unified deficit. That is when they use the Social Security surplus. We have this chart. We have been using this for years.

As a former chairman of the Budget Committee—I speak advisedly, not politically—I have been trying my dead level best to do what the chairman in this amendment proposes to do, but it is the same act, the same scene, because in 1968 President Lyndon Baines Johnson brought about a merging of the Social Security trust fund with general funds of the U.S. Government so we could then talk about a unified deficit with trust funds. Therefore, you could get a surplus rather than a deficit.

The truth of the matter is, the trust fund surplus from Social Security is $126 billion. You use Social Security trust funds and you continue to do so.

They say pay down the public debt. Let me get into that paying down the public debt, like it is something other than the national debt. I am in my 33rd year, and the real problem is to really try to stop increasing the national debt and to pay down the national debt.

When we say pay down the debt, do not give monkeyshines of paying down public debt, thereby increasing Social Security debt. The distinguished Senator from Missouri said just a minute ago, if you inherited money, rather than going off to Las Vegas you ought to pay off your home mortgage. This does not pay off the home mortgage. This does not pay down the national debt. It just levels off and obscures the true size of the national debt, whereby we are thinking we are reducing the public debt and we are paying our bills. Not at all.

(Mr. SMITH of Oregon assumed the chair.)

Let's assume, Mr. President, individually I had two credit cards, I had a MasterCard and I had a Visa card, and I got in a big bill from MasterCard, and I said, ''Well, I'll take care of that crowd. They've been bringing a lot of pressure on me, so I will just take the Visa card and pay off the MasterCard.'' I still owe that much more money. I have just transferred it from MasterCard to Visa. In this case, I am just transferring it from public debt to Social Security. I am using, borrowing, spending—ah, spending—the Social Security moneys to pay down the public debt.

That is all this amendment says, and that is what we have been doing since 1968. But on this long sheet here of—how many pages are here? It is a 17-page amendment, with all these facts and figures. You can find the triggering mechanism on page 10, when they say, ''After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.'' And when you subtract that level, you bring down the public debt. That is the triggering mechanism. The amendment has 17 pages, and you will find it on page 10. The debt goes up, up, and away.

Mr. President, I had to go to the Congressional Budget Office and ask for the trust fund balances. As of February 1999—I have not gotten it for March yet. Let me give you the Congressional Budget Office figures here of what we owe Social Security. That is something you ought to remember, that there isn't any Social Security surplus. Yes, each fiscal year there has been for several years, because we really bring in more than what we have to pay out that particular year. But having spent it, having been paying down the public debt, we have been spending the Social Security money.

So Social Security, as of 1998, $730 billion in the red; 1999, $857 billion. These are CBO figures. These are shockers—shockers—to you, because I am reading out how we are increasing the debt, not paying it down.

We are the board of directors of the Government. We are not stock analysts up on Wall Street hoping that the Government does not come in with its sharp elbows, borrowing to pay its bills, running up interest rates, perhaps causing inflation, crowding out corporate finance.

So you will find that the financial community and the Greenspans—oh, they love this ''pay down the public debt.'' They are not elected to office. We are elected as the trustees of the fiscal condition of the U.S. Government.

Here is the most important program we have domestically, the Social Security program. And in 1998, $730 billion in the red; in 1999, it is projected to be $857 billion; in 2000, $994 billion; in 2001, $1.139 trillion; and in the year 2002, under current policy, paying down the public debt, $1.292 trillion; in 2003, $1.453 trillion; in 2004, $1.624 trillion; in 2005, $1.808 trillion, in 2006, $2.001 trillion; in 2007, $2.205 trillion. And at the end of the 10-year period this particular amendment contemplates, in the year 2008, we will owe, paying down

the public debt and increasing the Social Security debt, $2.417 trillion.

Now, come on. When you need the money to make the payments, when you can't just depend on the interest cost in 2013, at the end of the year in 2012, you are going to have to start borrowing money. And in 2034 you will be outright broke and you will owe nearly $4.5 trillion—almost $5 trillion.

Who would want to be Senators running for reelection? Who would want to get elected to that mess? All you can do is cut down all the programs and raise taxes, unless you can get away with this fraud that is going on.

I use the word ''fraud'' advisedly. We learned, as freshmen in law school, that it had to be false, and it was intended to be false, and intended to deceive, that it was relied upon, it did cause damage, and the damage was the proximate cause. This particular amendment is knowingly with intent to deceive. It is a fraud. It does not change a thing.

We have been paying down the public debt with Social Security money, and we are running up Social Security's debt, sticking it more and more and more in the red, all under, ''We're going to save Social Security 100 percent. It is going to be spent on only Social Security''—absolutely false. When you pay down the public debt, that debt could have been caused by defense, Kosovo, it could have been caused by food stamps, it could be caused by foreign aid or Lawrence Welk's home—I remember when we appropriated money for Lawrence's home—it could be anything.

So when you are paying down the debt, as it says right here on the face of the handout by the distinguished chairman of the Budget Committee—and I read, again, ''uses the Social Security surplus to reduce the debt held by the public''—the debt held by the public is cumulative with every and any amount of different expenditures. So it has more to be spent on every and any thing but Social Security, all the time saying they are saving Social Security.

Let me make absolutely clear about this fiscal condition that we are in, because we have a cancer; we have fiscal cancer.

Mr. President, I have a good friend over on the House side, the chairman of the Transportation Committee, Mr. SHUSTER. And he is finally going to spend some highway moneys on highways. Bless him. I am 100 percent for him, because I have been in this game now ever since we started the budget process in 1973, 1974, with Senator Muskie. I have been the chairman of the committee.

But here are the trust funds. The Secretary of Treasury refers to trust funds. Somebody will say, they are not trusts, but they are supposed to be. ''For the investment of Federal trust funds'' is the expression used by Secretary Rubin. I am using the same expression: ''Trust fund looted to balance the budget.''

In 1999, here is what we owe Social Security: $857 billion; Medicare, we got $129 billion for the HI portion of Medicare and 39 billion for the SMI portion; for military retirement, $141 billion; for civilian retirement, we owe $490 billion—that is civil service employees; they ought to know it; it is going up—unemployment compensation fund, $79 billion; highway moneys, $25 billion; airport moneys, $11 billion; railroad retirement, $23 billion; and ''other,'' like the Federal Finance Bank, $57 billion. So we owe our trust funds $1.851 trillion.

By this 5-year period, at the end of 2004, we will owe $2.954 trillion under current policy, and the amendment of the Senator that has just been put in by the majority leader—I wasn't here when it was introduced, but I understood he was going to put it in or the chairman of the Budget Committee—the one under consideration, in 5 years, we will owe $3 trillion to all of the particular trust funds. And the distinguished Senator from Texas came down to the floor of the Senate, and this is a quote of what he said on April 15:

> I believe that this is an excellent budget. I think, looking at the whole package, it is the finest budget presented in America in the 20 years that I have served in Congress.

Do you know what it does, Mr. President? It just breaks all the discipline, the little discipline that we do have that has been in the pay-go rules. So once we settle out, then any amendment that came in, you had to have an offset.

Here is what they do in the conference report so that they can go ahead with tax cuts and anything else they want. Of course, the manifest intent is to do away with Social Security, privatize it. In order to privatize it under Milton Friedman's plan, you need what? You need these surpluses. You need the $1.8 or the $2 trillion or, if you do it in the year 2004, you will need $3 trillion. So you will need these surpluses.

Here's how you get them. Section 202 of this budget—here is the conference report on the budget:

> Whenever the Committee on Ways and Means of the House or the Committee on Finance of the Senate reports a bill or an amendment thereto is offered or a conference report thereon is submitted that enhances retirement security through structural programmatic reform, the appropriate chairman of the Committee on the Budget may, one, increase the appropriate allocations and aggregates of new budget authority and outlays for the amount of new budget authority provided by such measure and outlays flowing therefrom for that purpose. Two, in the Senate, adjust the levels used for determining compliance with the pay-as-you-go requirements of section 207. And, three, reduce the revenue aggregates by the amount of the revenue loss resulting from that measure for that purpose.

There go your tax cuts.

What does this mean? It means what the distinguished chairman of the Budget Committee says. Whenever the Committee on Ways and Means of the House or the Committee on Finance reports a bill, an amendment thereto, the chairman can decide, the appropriate chairman of the Committee on the Budget, he can tell you what that means; it means what he says.

I am speaking as seriously as I know how. I have never seen the extreme of the shenanigans and the maneuvers and the misleads and the fraud going on politically, all to get by the next election, specifically using Social Security trust funds.

Let's go back, Mr. President, to the Greenspan Commission. The Greenspan Commission, in 1983, said we are going to institute this payroll tax; namely, the 6.2 percent, the payroll by the employer, and 6.2 percent by the employee, for 12.4 percent. And we know that is a high payroll tax. But we are putting that in to take care of the baby boomers in the next generation. That is why it was put in that way.

And to make sure that it was set aside, section 21, Mr. President, provided just exactly that. It provided that it be set aside and that—if I can find that section, I will show it to you, section 21. It said remove Social Security from the unified budget. That has been the on-budget, off-budget, unified and all that, un-unified, private debt, public debt, trust fund debt, everything else—it is just one account. But I will read section 21:

> A majority of the members of the National Commission recommends that the operations of the OASI, DI, HI and SMI Trust Funds should be removed from the unified budget.

It took this Senator on the Budget Committee almost 7 years before I could finally get it reported out of the Budget Committee, that particular provision.

I ask unanimous consent that section 21 of the Greenspan Commission report be printed in the RECORD.

There being no objection, section 21 was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY AND THE UNIFIED BUDGET

(21) A majority of the members of the National Commission recommends that the operations of the OASI, DI, HI, and SMI Trust Funds should be removed from the unified budget. Some of those who do not support this recommendation believe that the situation would be adequately handled if the operations of the Social Security program were displayed within the present unified Federal budget as a separate budget function, apart from other income security programs.

Mr. HOLLINGS. I thank the Chair.

I think we have in here section 13301. I ask unanimous consent that we print in the RECORD at this point section 13301 of the Budget Enforcement Act.

There being no objection, section 13301 was ordered to be printed in the RECORD, as follows:

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any . . .''

Mr. HOLLINGS. I thank the distinguished Chair. I will read ''Exclusion'':

Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors and, disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code.''

And it goes on in paragraph (a) saying that the Social Security trust fund . . . shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of the budget of—(1) the budget of the United States Government as submitted by the President, (2) the congressional budget, or (3) the Balanced Budget and Emergency Deficit Control Act.

Now, true it is, the amendment reiterates that particular section. But that has been in the disabuse, the disavowal, the violation thereof ever since 1990, when President Bush signed it into law on November 5 of that particular year. And this particular amendment continues to put it within the unified by paying it down.

Now, that has been the big problem all along. And so at the beginning of the year, when I fortunately began to hear music to my ears that both the White House and congressional leaders on both sides were saying again and again that they were going to save Social Security, I got with my friend Ken Apfel, who used to work for the Budget Committee and is the Administrator of Social Security today, and, as a result, we introduced S. 605, a bill to solidify the off-budget status of the Old Age Survivors and Disability Insurance Program under title II of the Social Security Act and to protect program assets. Let me read section 5:

Notwithstanding any other provision of law throughout each month that begins after October 1st, 1999, the Secretary of the Treasury shall maintain in a secure repository or repositories cash in a total amount equal to the total redemption value of all obligations issued to the Federal old age and survivors insurance trust fund and the Federal disability insurance trust fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of such month.

Mr. President, that really puts it into a lockbox. It is in the Budget Committee. I have asked the chairman to let us bring it up. I would be delighted to have hearings on it. We would give anything to have a vote on it, but they have filled up the tree so I can't put it in as an amendment here. Maybe we can get it at the end of the so-called cloture vote and put it in when we get an up-or-down vote on this.

But section 201(d) requires the Social Security Administration to invest in Treasury bills, Government securities. Necessarily, they get the IOU and the Government gets the money. But if you immediately transfer an equal amount of money back to a trust fund in Treasury, as section 5 requires, then you have the lockbox where the money is only expended for Social Security purposes.

Now, this has been drawn with the assistance of the Social Security Administration. And some of my colleagues, when I showed it to them, they said: Wait a minute, that's what you are going to do. What you are going to do with the money is, you do exactly with the money as you did between the years 1935 and 1968 before you started this monkeyshine of a unified budget, spending all of the Social Security trust funds. That is what happens. You keep it right over there and it gets the highest amount permissible by law under T bills today, which this year in interest will be $48 to $50 billion in interest that it earns.

This money is supposed to be earning, on the one hand, and kept in trust, those earnings, and the total fund on the other hand. Instead, we are spending the interest and the fund itself. We are breaking Social Security, and coming out here baldfaced and saying we all want to save Social Security, and not one red cent is going to be spent on any other than Social Security. It is one grand fraud.

Mr. President, let me just emphasis, since I have the page turned here on public debt and private debt, or gross Federal debt—I am referring to an analysis of the President's budgetary proposals for fiscal year 2000. I asked CBO, ''What do you really leave out when you call it this public debt? What part of the debt, the overall public and private, or trust fund debt, goes into the national debt?'' This is held by the public. I am referring to page 74, April 1999, the most recent report of the Congressional Budget Office: Debt held by the public is the amount of money that the Federal Government has borrowed by selling securities to finance all of the deficits less any surpluses accumulated over time. Under the CBO's apparent baseline forecast, debt held by the public is estimated to decline from $3.6 trillion in 1999 to $1.2 trillion in 2009. Gross Federal debt consists of debt held by the public and debt issued to Government accounts.

Like you issue and you receive in Government accounts, most of the latter type of debt is held by trust funds, the largest of which are Social Security and Federal civilian employee retirement funds.

Because Treasury handles investment by trust funds and other Government accounts, purchases and sales of such securities do not flow through the credit markets. Therefore, interest on those securities is considered to be an intragovernmental transfer.

That is what I call the monkeyshine when they take from one and give it to the other. You only are talking about the one that you are giving, and you are saying you are reducing the public debt, but you are increasing Social Security debt and saying in the same breath you are saving Social Security when you are looting it, when you are savaging it. You are ruining it. There is no question that is what is going on, and that is what this amendment calls for.

Back in 1983, if we had any idea that Social Security trust funds were going to be spent for any other purpose, you would have never passed that tax increase on Social Security, that payroll tax. You would never have been able to get the votes.

We all talked and revered ourselves out here on the floor with the flourishes of how we were saving Social Security, that we weren't going to let it get in the red anymore, and how we are going to take care of the baby boomers in the next generation, and that we are not going to have it go bust. Instead, it is not the baby boomers that continue to talk. It is the adults on the floor of the Congress totally in violation of all Government policy. We are going to private corporations. And in 1994 we passed the Pension Reform Act and said there are too many of these takeovers. Well, these fast money artists come in and pay down a good conservative-run company. They pay down the company's debt with the pension fund, and then take all the money and run. We said that is going to have to stop, and we are going make it a felony if you do it.

So we passed the Pension Reform Act of 1994.

Colleagues have heard me tell the story of Denny McLain, because I saw it in the New York Times whereby Mr. McLain, the all-time pitcher for the Detroit Tigers, became the head of a corporation, paid off the debt with the company pension fund, got fired, convicted of a felony, and sentenced to 8 years. Mr. President, if you can find what cell poor Denny is in, tell him next time run for the Senate. Instead of the jail term, he would get the ''Good Government Award.''

We stand out here baldfaced and say how we are saving Social Security when we are spending it on the debt. Don't get all caught up with public debt like they want. That is what they want. They want us to meet ourselves coming around the corner. By the year 2000, next year, we will owe $2 trillion, and by the end of the 5-year budget period, we will owe trust funds—the Government itself—$3 trillion.

I can tell you. You couldn't do this in corporate America. We would be all fired as the directors.

But that is what happens and what occurs then. Finally, the fiscal cancer

grows in droves. What happens is then it is projected that this year there is $356.3 billion in interest costs.

Let me just say a word about that. I see other colleagues here on the floor, who I would be glad to yield to.

But I am trying to emphasize again and again that this amendment does nothing more than increase our fiscal cancer. It does not save Social Security. It puts Social Security deeper in the red. That is what happens here when you get the forced spending like taxes for interest costs on the national debt, which is part of the public debt, too, and the debt owed to the trust funds—what they might call if we were a private entity our ''private debt.'' But what happens is, as with Lyndon Johnson, President Johnson, back in 1968 when we last balanced the budget, when the Government last balanced the budget, in 1968–1969 we ended up with a surplus. We didn't use Social Security moneys, incidentally. At that particular time, there were about 200 years of history, and the cost of all the wars from the Revolution on up to World War I, World War II, the cost of Vietnam, Korea, the debt was less than $1 trillion. And the interest cost was only $16 billion—one-sixth—$16 billion. Here, without the cost of a war and the ensuing years, it has gone up to $1.2 trillion.

So we have increased spending for nothing, absolutely nothing. This is what I call ''fiscal cancer.'' You put in a sales tax. You get a school. You put in a gas tax. You get a highway. You put in other taxes. You get general government. But you put in this interest tax, for this charade, fraud, maneuver, political maneuver, and the cancer continues to grow. As the amount shows here on its face, for the next 5 years, the interest costs go up.

Here we are forced to spend $340 billion more than what President Johnson spent when the budget was last balanced.

Mr. President, just think of that $340 billion that I am going to spend this year, next year, next year. In fact, it is going up, up and away in interest costs. This is all under current policy, incidentally. And we have already destroyed current policy by passing an $18 billion military pay bill.

We have now, and we are all going to vote for it, I think, $6 billion for Kosovo. We have already busted the caps $21 billion. That is not the case here. This is saying that you have not busted the caps, that you had no Kosovo, that you had not voted $18 billion for the military. But just think of that $340 billion more. I could give $80 billion to paying down Social Security or saving Social Security. I could give $80 billion to pay down the public debt. I could give $80 billion for the Republican tax cut. I could give $80 billion for the Democratic spending programs, for Medicare and otherwise. That is only $320 billion. I would still have $20 billion for a parade and a party. As I promised my distinguished chairman, I would jump off the Capitol dome if he balanced the budget by the year 2002. That was a couple of years ago—or 2001. I am still willing to reiterate that pledge.

They are not balancing the budget. We are spending, as you can see, $105.2 billion more than we are taking in, according to CBO this year, and $91.8 billion more than we are taking in for the budget that we are working on for the year 2000. That is what I call fiscal cancer, and nobody wants to talk about it. They want to say: Oh, everything is coming up like roses. It is morning in America, whatever else, any kind of political jargon. But the reality is there. I have a record and I did not just come to this recently. I put in the sales tax, back in 1949 and 1950 for public education in my own State. I got the first triple-A credit rating of a southern State.

I have been chairman of this Budget Committee and I have been watching. I am trying to educate the media, that is the only saving grace I have, if they could finally come out like Barron's did and say there is no surplus. Everybody is talking about using the Social Security surplus. Mr. President, I do not think I can get this printed in the Record—but here the Concord Coalition has finally come around, and a few others have come around and said it—but Barron's, dated March 1: ''There is no budget surplus.''

If we could talk sense to each other, we could figure out how to get out of this thing. I said let's do it the way the Social Security Administration said; let's save it, let's put it in a true lockbox, S. 605. I thought when I passed 13301 that I had put it in a lockbox, on November 5, 1990. We said it never would be spent and be used to reflect the financial condition, but they violate it regularly.

S. 605 now says that you have to keep the money there. That is how we did it for years on end. It was fiscally sound. That is what is required of other pension funds, that they maintain their fiscal soundness.

With that in mind, I yield the floor.

Several Senators addressed the Chair.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President, for recognizing me.

Mr. President, I support the underlying bill to reform the rules governing emergency spending that has been reported out of the Committee on Governmental Affairs. Two amendments to that bill have now been offered, a first-degree amendment and a second-degree amendment, which blocks further amendments. The pending amendments are proposing to establish what is being called a Social Security lockbox.

Unfortunately, this lockbox is not secure. And it actually could undermine Social Security.

We Democrats have a far better alternative. Ours is a true lockbox. And it protects both Social Security and Medicare in a much more responsible way.

Before I comment further on the lockbox proposals, I want to review the underlying bill before us, which would make significant improvements in the treatment of emergency spending.

Emergency spending is not casual spending. It is so important that it is exempt from budget rules. And that is as it ought to be, because it involves responding to things like floods, earthquakes and volcanoes.

We can all identify parts of the country—the floods in the Midwest, the volcano in the State of Washington, and the terrible earthquake damage in California. Those are emergencies. They are immediate threats to American public health and safety, and Congress often has to act promptly to avoid the loss of life and property.

Unfortunately, the emergency exception has been abused. Last year, Congress stretched the rules past the breaking point in the omnibus appropriations bill, which included many items of questionable emergency designation, especially those for military spending. These were declared emergencies when, in fact, we were not looking at Kosovo and these items were not needed to respond to an imminent threat.

Mr. President, Congress has been able to abuse the emergency designation in part because the rules have been totally open-ended.

To address the problem, the Governmental Affairs bill proposes a new definition of ''emergencies'' and a point of order to help prevent conference committees from inserting unjustifiable new emergency spending. It is a good bill. And I commend Senator THOMPSON and Senator LIEBERMAN for their leadership.

Mr. President, while we were considering the budget resolution, the Senate approved an amendment offered by the distinguished Senator from Illinois, Senator DURBIN, that was based on this legislation. Yet the conferees on the budget resolution ignored the Senate's position. Instead, the conferees constructed a 60-vote point of order that now applies to all emergency spending—but with a huge loophole. Military spending was completely exempted, whether it was for new weapons systems or whatever.

Mr. President, Heaven knows that all of us want to support our military, and want to make sure that what we are doing in Kosovo is fully supported. I, for one, hope that we will do whatever we can to bring this wave of atrocities to a halt. So I am not complaining about military spending.

But, Mr. President, I thought that what the conferees on the budget resolution did was wrong. It was an abuse of the conference process since neither Senate nor House had approved anything like this. They just came up with it on their own.

I also thought it was bad policy.

Mr. President, there is no reason to allow 41 Senators to overrule 59 Senators who want to provide emergency spending for a flood, tornado, hurricane, or earthquake. And there is no reason to create a higher hurdle for a legitimate disaster than for a new weapons system.

I am afraid, Mr. President, that a 60 vote point of order against emergency designations is itself subject to abuse. One can conceive of all kinds of mischief to punish a particular senator or state for political reasons. And we should not to allow that kind of abuse.

Unfortunately, Mr. President, the amendment before us would leave this problematic approach from the budget resolution in place. Even worse, it would write it into law. I think that would be a serious mistake.

Now, Mr. President, I want to turn to the proposal to establish what proponents call a lockbox.

I strongly support the purported goal of this amendment; that is, to secure the future funding of Social Security. But I have three major problems with this proposal.

First, it does nothing to protect Medicare. Instead, it allows Congress to divert funds needed for Medicare in order to provide tax breaks for the wealthy.

Second, it threatens Social Security. Under the amendment, an unexpected economic downturn could block the issuance of Social Security checks. This would deal a serious blow to so many of our elderly who are dependent on Social Security.

Also, the amendment contains a booby trap that would allow Social Security contributions to be invaded for purposes other than Social Security benefits, like a risky new privatization scheme.

And third, the amendment could create a Government default —a U.S. Government default. It could undermine our Nation's credit standing, increase interest costs, and ultimately lead to a worldwide economic crisis.

I want to explain each of these in turn. The Medicare trust fund is now expected to be bankrupt by 2015—only 16 years away. We ought to move quickly to reform and modernize the program. But it is also clear that we will need additional resources. That is why most Democrats believe it is critical to save some of the surplus for Medicare.

Our Republican friends say they agree about the importance of saving some of the surplus for Social Security. But when it comes to saving for Medicare, they are not willing to reserve a single penny. Instead, they want to use funding that is needed for Medicare to provide any other things they favor, including tax breaks which are largely for the wealthy.

We Democrats think that is a mistake. And that is why I have developed a lockbox that would reserve funding for Medicare as well as Social Security. And I hope to have an opportunity to offer that proposal with Senator CONRAD of North Dakota.

Beyond its failure, Mr. President, to protect Medicare, the second major problem with the pending amendment is that it fails to protect Social Security. Actually, in some ways it threatens Social Security benefits.

First, it threatens to block the issuance of Social Security checks if the economy slows, or if the Congress fails to act responsibly. If the limit on public debt is exceeded, even by the smallest of margins, the Government could not issue more Social Security checks, and checks already issued could not be honored.

The Republicans say they protected Social Security benefits by providing that such benefits would be given—and I quote— ''priority.'' But this language will be of no use if the debt limit has been exceeded.

In that situation, no new checks could be issued. And that applies not only to Social Security checks, but unemployment compensation, Medicare payments and all other Government payments as well.

The lockbox amendment also includes a huge loophole. I call it a mine field. And it could allow Social Security funds to be used for a wide variety of purposes, anything that Congress labels as Social Security reform.

Mr. President, these are code words. They say we are going to lock the door, but we are going to leave it open just a crack or two—something people wouldn't do in their safe deposit box, something they wouldn't do in their homes. We want to leave a couple of catch phrases in here like ''retirement security,'' like ''reform,'' and so that we do not really guarantee that Social Security surpluses are going to be reserved for Social Security beneficiaries.

We had a vote here, 98 to nothing. We said that all Social Security surpluses should be reserved for Social Security recipients. 98 to nothing. But it didn't take long for the conferees on the budget resolution—those from the majority party—we weren't included—to put that vote in the trash basket. They included vague language that would allow Social Security surpluses to be used for, and I quote, ''retirement security.''

Similarly, the language of this amendment includes an escape hatch that will allow Congress to divert Social Security surpluses for anything that Congress labels as Social Security reform.

I heard the distinguished chairman of the Budget Committee say earlier today that much of our surpluses ought to be reserved to give tax cuts to the people. It is not a bad idea. We like tax cuts, targeted tax cuts. But the leading Republican tax proposal, S. 3, would give those in the top one percent, with average incomes of $800,000 a year, a $20,000 tax cut. Meanwhile, some poor guy who works for a living, and his wife, or maybe a single parent who is working out there and making $38,000 a year, is going to get 99 bucks. That is what the Republican leadership has proposed.

So I would say to that $800,000 wage earner: Sorry, buddy, we are not going to give you the $20,000 that you could use to put a downpayment on a yacht or whatever else you want to do.

My conscience doesn't bother me at all when I say that tax cuts ought to be reserved for people who need proper day care for their children or need to help an elderly parent who has special medical problems.

Mr. President, when the Social Security trust fund goes bankrupt in 2034, it will be able to pay only about 70 percent of the promised benefits. Diverting payroll taxes for other uses, as this amendment allows, could make matters much worse. The date of insolvency could be moved up and arrive earlier. And instead of being able to pay only 70 percent of promised benefits, we would be able to pay even less.

The issue here is not whether to establish private savings accounts, as many have suggested. President Clinton has recommended one form of such accounts, his USA accounts. Others have similar ideas.

But when Social Security already is 30 percent short of being able to provide promised benefits to baby boomers, we can't afford to invade its funds for other uses. If we want to establish private accounts, we can use other funds. We shouldn't permit even deeper cuts in guaranteed benefits.

It also is important to understand that this amendment would do nothing to extend the life of Social Security trust funds. That is not just my opinion, it is a fact.

To back that up, I have a letter from Mr. Harry Ballantyne, chief actuary of the Social Security Administration. As Mr. Ballantyne writes, the adoption of this proposal would have no significant effect on the long-term solvency of the program—none.

I ask unanimous consent that a copy of this letter from the chief actuary of the Social Security Administration be printed in the RECORD.

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

SOCIAL SECURITY ADMINISTRATION,
April 19, 1999.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: This letter addresses the potential long-range financial effects on the OASDI program of ''locking away'' the annual increases in the Social Security Trust Funds, as proposed by Republican leaders in the Senate and the House on March 10, 1999. The proposal would require that annual increases in the OASI and DI Trust Funds would be used solely to purchase long-term special issue U.S. government bonds. In addition, the proposal would require that the revenue used for the purchase of these bonds would in turn be used solely for the purpose of reducing Federal debt held by the public. Of course, the net

change in the Federal debt held by the public in any year would also be affected by the size of any on-budget deficit or surplus for that year.

The proposal would not have any significant effect on the long-range solvency of the OASDI program under the intermediate assumptions of the 1999 Trustees Report. Thus, the estimated long-range actuarial deficit of 2.07 percent of taxable payroll and the year of the combined trust funds' exhaustion (2034) would not change. The first year in which estimated outgo will exceed estimated tax income would not be affected and would therefore remain at 2014.

Any plan that reduces the amount of Federal debt held by the public may make later redemption by the Trust Funds of special issue U.S. government bonds easier.

Sincerely,

HARRY C. BALLANTYNE,
Chief Actuary.

Mr. LAUTENBERG. Mr. President, it is critical that Congress act promptly to extend the solvency of Social Security. President Clinton has presented two related proposals that would extend Social Security's life through 2059. Some of my colleagues don't like those proposals. That is fair. But if they do not like his ideas, they should propose some of their own. So far, they haven't done it. And no one should be fooled into believing that this lockbox proposal is an answer.

Finally, the most serious problem with this proposal is that it threatens to lead to a Government default. In the short term, that could damage our Nation's credit standing and increase interest costs.

Treasury Secretary Rubin has written an excellent letter that explains the severity of the risks posed by this proposal. I note that the distinguished Senator from South Carolina already talked about this and has asked that Rubin's letter be printed in the RECORD. It was accepted on a unanimous consent basis. No Senator should vote on the pending amendment until they have read this letter. And it is hard to see how anyone could endorse the amendment after reading that letter.

Unfortunately, this amendment could very well lead to a serious debt crisis in the future. Proposed limits on publicly held debt would be exceeded if current projections of the non-Social Security budget proved too optimistic. And, even if Congress tried in good faith to comply with new public debt limits, those limits could be reached due to changes in the economy, demographic shifts, or a variety of other factors.

Mr. President, the sponsors of the amendment say that they have included a provision to ensure that a recession would not trigger a default. However, that provision won't always work. The provision would only become effective after two quarters of low economic growth. We could be in a deep recession for nearly 7 months before the exemption kicks in. By then, it could be too late. We could already be in default.

Mr. President, our Nation has never defaulted on a debt backed by the full faith and credit of the United States. But this amendment could trigger default based on factors completely beyond our control. That wouldn't just block Social Security and other checks; it could easily lead to a worldwide financial crisis. That could prove catastrophic.

Mr. President, this is crazy. If suddenly the economy slows, revenues decline, or expenditures increase unexpectedly, for any reason, why should we risk the world's economy? It is like forcing the whole world to play a game of economic Russian roulette.

I would note that the Republican chairman of the House Ways and Means Committee, Congressman BILL ARCHER, recognizes the folly of this approach and strongly opposes it. So this shouldn't be a partisan issue. He is not a Democrat. And I hope others on that side of the aisle will also join in opposition. There are other more responsible ways to enforce budget discipline. And that is what we Democrats are proposing.

Senator CONRAD and I have developed an alternative lockbox to protect surpluses for both Social Security and Medicare, and we hope to have an opportunity to present it to the Senate. Our proposal would reserve all Social Security surpluses for Social Security and a portion of other surpluses for Medicare. Our lockbox would be enforced first by requiring 60 votes to invade the lockbox. Then, if Congress raided projected surpluses, other programs would be cut across the board. We think this makes more sense than the potential triggering of a default and a worldwide economic meltdown.

So I will briefly review the main problems with the proposal in front of us.

It does nothing to protect Medicare. It allows Congress to spend money needed for Medicare on tax breaks for the wealthy.

Second, it threatens Social Security. It could block Social Security checks when the economy performs worse than expected. And it includes a trap door that allows Social Security taxes to be invaded for purposes other than Social Security benefits, like risky new privatization schemes.

Finally, the amendment threatens a default on debt backed by the full faith and credit of our country. This could increase interest costs immediately, and ultimately lead to a worldwide economic catastrophe.

For all of these reasons, Mr. President, I hope my colleagues will recognize the serious problems with this amendment, and that we will be given an opportunity to offer amendments to improve it.

Unfortunately, right now, we Democrats—45 of us—are being prevented from offering amendments that we think are needed to protect Social Security and Medicare beneficiaries. We are prohibited by a trick called filling the amendment tree. This prevents us from offering amendments, under the Senate rules.

Mr. President, I hope my colleagues will give us the opportunity to offer amendments. We need a lockbox for Social Security. But it should be a real lockbox, without an escape hatch. It should protect Medicare as well. And it should be designed in a way that doesn't pose a threat of a Government default and a worldwide economic crisis.

Mr. President, I hope that we can come together on an understanding—that the 98 Senators present last week voted on—that Social Security surpluses should be reserved exclusively—no ifs, ands, or buts—for Social Security beneficiaries. No loopholes. No escape hatches. No little crack in the door of the lockbox.

I hope our colleagues will think seriously about this when they vote. And I want the American public to take note of what is going on here. They are the final arbiters of whether or not we are doing the right thing.

Mr. President, I thank the Chair for his courtesy.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. ALLARD. Mr. President, I send a cloture motion to the desk to the pending lockbox amendment, No. 254.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 254 to Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as part of the budget process:

TRENT LOTT, PETE V. DOMENICI, BEN NIGHTHORSE CAMPBELL, JEFF SESSIONS, KAY BAILEY HUTCHISON, CRAIG THOMAS, SLADE GORTON, CHUCK HAGEL, SPENCER ABRAHAM, THAD COCHRAN, PAT ROBERTS, CONRAD BURNS, CHRISTOPHER S. BOND, JOHN ASHCROFT, JON KYL, and MIKE DEWINE.

Mr. ALLARD. Mr. President, on behalf of the majority leader, for the information of all Senators, this cloture vote will occur on Thursday. The majority leader will announce to the Members the time of the vote later today.

CALL OF THE ROLL

Mr. ALLARD. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

CONGRESS NEEDS TO MOVE FORWARD ON A RESPONSIBLE TITLE BRANDING MEASURE

Mr. LOTT. Mr. President, a few weeks ago I reintroduced the National Salvage Motor Vehicle Consumer Protection Act, S. 655. This bipartisan bill has several cosponsors including Senator BREAUX. It is similar to the measure that Senator Ford and I coauthored during the 105th Congress.

This responsible legislation is important to used car buyers and motorists across the country because it will help curtail motor vehicle titling fraud. It does so by providing states with incentives to adopt minimal uniform definitions and standards that promote greater disclosure to potential used vehicle purchasers.

During the last Congress, this legislation received the formal support of over 55 of our colleagues from both sides of the aisle and a modified version passed the House of Representatives by an overwhelming majority last October.

Mr. President, every year used car buyers throughout the nation are cheated by those who pass off rebuilt salvage vehicles as undamaged. These consumers are never notified that the used vehicle they purchased was totaled and subsequently rebuilt. Often times, they find out only when the supposedly undamaged car or truck they bought is taken in for repair. It is at this point that they find their vehicle has been rebuilt and that it may pose a safety hazard. One where the cost of repair far exceeds the vehicle's worth or which cannot be fixed for safe operation

Today, used car buyers and automobile dealers are paying over $4 billion dollars annually for vehicles that have been rebuilt—many of which are virtually worthless. It is happening in Mississippi and in your own states. Title laundering is a growing problem. It must be stopped.

Congress recognized the primary reason that millions of structurally unsafe vehicles were being placed back on America's roads and highways was due to the lack of uniformity in state titling rules. That is why the 103rd Congress passed the Anti-Car Theft Act of 1992 which required the Department of Transportation (DOT) to establish a task force, the Motor Vehicle Titling, Registration and Salvage Advisory Committee, to study problems related to motor vehicle fraud and theft. The Act directed the Committee to include representatives from several cabinet agencies, police chiefs and municipal auto theft investigators, State motor vehicle officials, industry and insurance representatives, recyclers, salvage yard operators, and scrap processors. Their primary function was to develop reasonable and balanced recommendations that would protect consumers.

The Salvage Advisory Committee was formed in 1993. It was chaired by the Chief of the Odometer Fraud Staff for the National Highway Traffic Safety Administration. It included the Justice Department's Assistant Director for Consumer Litigation and a senior attorney from the Criminal Justice Division. It also included several Secretaries of State, State DMV Directors and other stakeholders. These are the experts on the front line who deal with titling issues on a day-to-day basis that Congress chose for the Committee. The Salvage Advisory Committee deliberated for almost a year and issued its findings in February 1994. The Committee's report identified a series of practical, well thought out solutions to address the issue of title washing. It included the establishment of national uniform titling definitions and standards for salvage, rebuilt salvage, flood, and non-repairable passenger vehicles.

This esteemed group knew what would work and what would not. They did not recommend a complex, overly burdensome titling and registration scheme. Instead, they identified a few definitions that should be standardized and minimal procedures that should be adopted by states.

The task force recommended that a passenger vehicle that experiences damage exceeding 75% of its pre-accident value be designated as ''salvage.''

It also recommended that salvage vehicles that have been repaired for safe operation be branded ''rebuilt salvage,'' have an inspection to determine whether stolen parts were used to fix the vehicle, and have a decal permanently affixed to the driver's door jamb indicating the vehicle's history.

The Salvage Committee identified a nonrepairable vehicle as a passenger motor vehicle that is incapable of safe operation for use on roads or highways and which has no resale value except as a source of parts or scrap.

Another recommendation included the carrying forward of all brands on new title documents so that the terms used in one state would be identified on the titles of other states where the vehicle is re-registered.

Mr. President, Senator Ford and I simply authored a bill during the last Congress that codified these task force recommendations.

The bill also included a slightly modified definition of flood vehicles. One that focuses on the electrical and mechanical damage resulting from excessive water. The task force originally recommended that all passenger vehicles submerged in water that has reached over the door sill or has entered the passenger or trunk damage be designated as a flood vehicle.

Upon further reflection, and actual real world experience, the flood definition in this legislation was modified to brand only those vehicles that suffer debilitating damage instead of simply cosmetic damage, such as wet carpeting, that would have occurred under the original flood definition. The reason for this change was to ensure that a consumer's vehicle is not branded as a flood vehicle merely because its floor mats got wet. It makes no sense to brand a car or a truck as a flood vehicle, causing a significant and unnecessary devaluation of its worth, when the vehicle's operating functions and electrical, mechanical or computerized components are not damaged by water. This legislation also improves upon the task force's recommendations by including any vehicle acquired by an insurer as part of a water damage settlement.

S. 655, the National Salvage Motor Vehicle Consumer Protection Act retains these important provisions and also includes additional technical corrections offered by state Attorneys General, consumer groups, and the U.S. Department of Transportation. Modifications that improve the legislation but do not take it in a completely different direction than proposed by the Salvage Advisory Committee. The changes I have made are consistent with the Supreme Court's decision in New York v. United States, 505 U.S. 144. The bill now includes the complete range of modifications that states are willing to make to their own titling rules and procedures. To push the envelope further by advancing prescriptive federal titling standards would seriously hinder Congress' efforts to achieve full state participation. Stricter titling requirements, those that create unnecessary and onerous procedures, additional paperwork, and more bureaucracy may also impose an unfunded mandate on states.

Mr. President, my colleagues and I believe that it is time to act upon the task force's now five-year old recommendations by enacting the National Salvage Motor Vehicle Consumer Protection Act. A number of hearings have been held on this issue in both the House of Representatives and the Senate. All with the same conclusion—title washing is a serious problem affecting the wallets of used car buyers and the safety of motorists nationwide. Since the Salvage Advisory Committee issued its report in 1994, consumers have lost as much as $20 billion and as many as 8 million more potentially structurally unsafe vehicles have been placed back on our nation's roads and highways. Some of the unsafe salvage vehicles stealthfully returned to the road were previous Department of Transportation crash test cars. These are cars that were deliberately wrecked, then rebuilt and sold to unsuspecting buyers across America.

The National Salvage Motor Vehicle Consumer Protection Act would help put unscrupulous rebuilders out of business. It is a workable and well accepted legislative solution. It establishes a rational voluntary uniform titling regime that state Motor Vehicle administrators support. The bill is also supported by law enforcement agencies, consumers, and the automobile and insurance industries because it is a common sense approach that will effectively curtail title laundering.

It is a program that state legislatures will adopt because it is a win-win

for consumers, states, and industry. That is key. Congress should not spin its wheels and push for a burdensome and overly complex titling scheme that most states will reject even if they are eligible to receive offsetting federal funding or are penalized in some way for not adopting such a scheme. The only winners under such a scenario are the thieves and charlatans who will continue to take advantage of state inconsistencies by washing the titles of severely damaged vehicles.

Instead of being a federal mandate, The National Salvage Motor Vehicle Consumer Protection Act provides participating states with a new incentive grant to adopt uniform titling and registration standards. These standards will protect the used car buyers in their states from unknowingly purchasing totaled and subsequently rebuilt vehicles. The authorized funding can be used by states to issue new titles, establish and administer vehicle theft or safety inspections, enforce titling requirements, and for other related purposes.

Mr. President, since this is a voluntary program, no state will be penalized for non participation.

Mr. President, this particular approach was recommended by the Department of Transportation. It was a sound recommendation and I accepted it.

This modification is good public policy since it no longer links state participation with federal seed money for states to participate in the National Motor Vehicle Title Information System (NMVTIS).

NMVTIS is beneficial to states because it will allow them to instantaneously share and retrieve titling and registration information with each other. The effectiveness of NMVTIS depends on the total number of states that choose to participate in the system. Thus, it is important to have the maximum number of states using NMVTIS whether or not they utilize common terms. The Congressional Budget Office concluded in 1997 that a penalty-based titling branding scheme which denies states funding for NMVTIS would significantly reduce the number of states that choose to utilize the system. This, in turn, would severely undermine the intent of the 103rd Congress which created NMVTIS and would jeopardize the overall effectiveness of a nationwide titling information system.

I think it is also important to note that the National Salvage Motor Vehicle Consumer Protection Act does not recommend definitions or standards that none of the 50 states currently have in place. Instead, this legislation accepts, codifies, and in some cases improves upon the recommendations put forward by a Congressionally mandated task force. A commission created by a Democratically controlled Congress to specifically address the issue of title fraud.

The National Salvage Motor Vehicle Consumer Protection Act goes even further in the direction of promoting disclosure by requiring a written disclosure statement be provided to purchasers of rebuilt salvage vehicles. It permits states to use terms that are synonymous with those identified in the bill. And, it expressly allows states to adopt even greater disclosure standards than are provided for in the legislation. In the case of salvage vehicles, it lets states adopt an even lower threshold than 75% if they so choose. It does not, however, establish a minimum baseline of 65%, a threshold that no state in the union has today. None. The 65% threshold would negatively affect tens of millions of car owners with low value vehicles. A proposal advanced by some that would unnecessarily brand for life the vehicles of low income drivers involved in minor accidents such as fender-benders.

There are similar counter-productive proposals that would brand vehicles that have only slight cosmetic and structural damage such as a dented front end and a busted headlight. Who benefits from this? Who will be harmed by this? I want answers to these questions. America's motor vehicle owners deserve answers to these questions.

I think my colleagues will agree that Congress should not force states into enacting standards that adversely impact consumers or titling provisions that not even one state has chosen to adopt. Remember, these well intentioned but impractical, confusing, and unwise proposals have been around for many years. States, as well as the task force, expressly rejected them. No one who works on vehicle titling issues wants them.

Let me say again that the National Salvage Motor Vehicle Consumer Protection Act creates a voluntary federal titling program. It creates minimal national standards while offering participating states the flexibility they need and want to adopt additional disclosure requirements and more stringent provisions. It provides appropriate vehicle titling terms and definitions that do not unnecessarily devalue vehicles or cause repairable automobiles to be junked. The bill focuses on pre-purchase disclosure, helps motorists by requiring the tracking of salvage vehicle VIN numbers, continues consumers' ability to pursue private rights of actions available under state law, and allows states to adopt new civil and criminal penalties. And, it has widespread support.

The National Salvage Motor Vehicle Consumer Protection Act is the right legislative solution to combat title fraud. It solves the problem without creating new problems and new headaches for consumers, for states, and for industry. It is time for Congress to pass this important measure.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 19, 1999, the federal debt stood at $5,624,235,766,178.82 (Five trillion, six hundred twenty-four billion, two hundred thirty-five million, seven hundred sixty-six thousand, one hundred seventy-eight dollars and eighty-two cents).

Five years ago, April 19, 1994, the federal debt stood at $4,565,951,000,000 (Four trillion, five hundred sixty-five billion, nine hundred fifty-one million).

Ten years ago, April 19, 1989, the federal debt stood at $2,776,338,000,000 (Two trillion, seven hundred seventy-six billion, three hundred thirty-eight million).

Fifteen years ago, April 19, 1984, the federal debt stood at $1,487,346,000,000 (One trillion, four hundred eighty-seven billion, three hundred forty-six million).

Twenty-five years ago, April 19, 1974, the federal debt stood at $470,921,000,000 (Four hundred seventy billion, nine hundred twenty-one million) which reflects a debt increase of more than $5 trillion—$5,153,314,766,178.82 (Five trillion, one hundred fifty-three billion, three hundred fourteen million, seven hundred sixty-six thousand, one hundred seventy-eight dollars and eighty-two cents) during the past 25 years.

WATER RESOURCES DEVELOPMENT ACT OF 1999

Mr. KERRY. Mr. President, I rise to discuss the Water Resources Development Act of 1999. This bill has passed the Senate under unanimous consent thanks to the leadership of its sponsor Senator WARNER, and Senator CHAFEE, Chair of the Environment and Public Works Committee and Senator BAUCUS, the ranking member on the Committee. I want to thank the Senators for their work.

Included in this legislation is a request that the Army Corps of Engineers evaluate plans to alleviate flooding and make other improvements to the Muddy River, which runs through Brookline and Boston, Massachusetts. This is an urgently needed project.

The Muddy River flows through mostly urban-residential areas in Brookline and Boston before emptying into the Charles River. The River has flooded several times in the past, with two particularly severe floods in 1996 and 1998. The 1996 flood was a presidentially declared disaster. It lasted three days, submerged parts of Brookline and Boston in knee-deep water, flooded underground Massachusetts Bay Transportation Authority stations and halted commuter train traffic, and extensively damaged homes and businesses. Massachusetts Governor Paul Cellucci estimates that the cost of these two floods exceeded $100,000,000. Preventing future damage from floods is a top priority for the Town of Brookline, the City of Boston and the State of Massachusetts, and each has pledged to do their part to find a solution.

Specifically, the Water Resources Development Act of 1999 asks the Secretary of the Army to evaluate a study called the ''Emerald Necklace Environmental Improvement Master Plan:

Phase I Muddy River Flood Control, Water Quality and Environmental Enhancement'', and to report its findings to Congress by December 31, 1999. The Plan was commissioned by the Boston Parks and Recreation Department and issued in January 1999. It presents a solution that has broad community support. Residents and businesses joined with the Town of Brookline, City of Boston, State of Massachusetts and the federal government to develop this plan. It draws on research by the Army Corps of Engineers, the Federal Emergency Management Agency and others to recommend comprehensive improvements to end destructive flooding, enhance water quality and protect habitat. I believe this project embodies the kind of citizen-government partnership that is necessary for an efficient and successful use of federal resources.

The Massachusetts delegation, the Town of Brookline, the City of Boston and the Commonwealth of Massachusetts all look forward to working with the Army Corps in Boston and Washington over the coming months to complete this evaluation by the end of the year, and to move ahead with the work of ending these destructive floods and making other needed improvements.

Mr. LEVIN. Mr. President, I am pleased that the Water Resources Development Act of 1999, passed by the Senate yesterday, incorporates so many projects of importance to the Great Lakes region. I am especially pleased that so many of these projects serve to reinforce the pre-eminent leadership of the Chicago regional office in meeting the environmental responsibilities assigned to the Army Corps of Engineers in past reauthorizations of the Water Resources Development Act.

Mr. President, the Water Resources Development Act of 1999 incorporates a very important matter which I have considered a priority for some time. The subject is contaminated sediments and they are a potential threat to public and environmental health across the country. Persistent, bioaccumulative toxic substances in contaminated sediment can poison the food chain, making fish and shellfish unsafe for humans and wildlife to eat. Contamination of sediments can also interfere with recreational uses and increase the costs of and time needed for navigational dredging and subsequent disposal of dredged material.

Unfortunately, the resources of the federal government have not been brought to bear on these problems in a well coordinated fashion. Section 222 of this Act will require the Environmental Protection Agency and Army Corps of Engineers to finally activate the National Contaminated Sediment Task Force that was mandated by the Water Resources Development Act of 1992. I am hopeful that convening this Task Force will encourage the Federal agencies to work together to combat this problem and create greater public awareness of the need to address contaminated sediments. We also need a better understanding of the quantities and sources of sediment contamination, to prevent recontamination and minimize the recurrence of these costs and impacts, and to get a handle on the extent of the public health threat. To that end, the Act requires the Task Force to report on the status of remedial action on contaminated sediments around the country, including a description of the authorities used in cleanup, the nature and sources of sediment contamination, the methods for determining the need for cleanup, the fate of dredged materials and barriers to swift remediation.

Mr. President, as the Democratic Co-Chair of the Senate Great Lakes Task Force, I would like to take this opportunity to highlight several specific programs included in this bill which were developed through the bipartisan and bicameral cooperation of the members of this Task Force. Extension of cost-sharing rules to allow non-traditional partners such as non-profit organizations to partner with the Army Corps of Engineers on restoration activities will greatly expand the potential uses of these authorities in the Great Lakes basin (Sections 205 and 206). Section 224(2) will enhance the authority of the Corps to work cooperatively with the Great Lakes Fishery Commission to make more efficient use of Corps' engineering expertise in constructing barriers and traps to reduce these aggressive invaders. Section 225 authorizes a special study on the watershed of the western basin of Lake Erie to enhance the integration of disparate elements of the Corps' program in this region. Section 223, the Great Lakes Basin Program incorporates three high-profile elements critical to the region as a whole which were developed through extensive negotiations among Task Force members at the end of the 105th Congress.

The first element of the Great Lakes Basin Program (Section 223a) directs the Army Corps of Engineers to develop a framework for their activities in the Great Lakes basin to be updated biennially. Many Army Corps of Engineers divisions have developed and use such strategic plans. Among other strengths, such plans allow greater programatic coordination—especially among projects conducted for such disparate purposes as navigation, environmental restoration, water quality, and flood control. Development of such a strategic plan for the Great Lakes basin has never been more important than at present, given the recent restructuring of the Army Corps of Engineers which leaves the Great Lakes and Ohio River division as the only Army Corps of Engineers division maintaining two regional offices (Chicago and Cincinnati).

The second element of the Great Lakes Basin Program (Section 223b) directs the Army Corps of Engineers to inventory existing information relevant to the Great Lakes biohydrological system and sustainable water use management. The Corps is to report to Congress, as well as to the International Joint Commission and the eight Great Lakes states, on the results of this inventory and recommendations on how to improve the information base. This information is crucial to the ongoing debate regarding attempts to export or divert Great Lakes surface and ground water out of the basin. The closely related provision, contained in subsection (e), on water use activities and policies, allows the Secretary to provide technical assistance to the Great Lakes states in development of interstate guidelines to improve consistency and efficiency of State-level water use activities and policies.

The third major element of the Great Lakes Basin Program (Section 223c) directs the Army Corps of Engineers to submit to Congress a report based on existing information detailing the economic benefits of recreational boating in the Great Lakes basin. As many of my colleagues may know, despite Congress' repeated objections, consecutive Administrations have unwisely sought to limit the Corps' role in dredging recreational harbors. Clearly these harbors' value to the regional economy should be recognized in the cost-benefit analyses used in making dredging decisions. For the Great Lakes region, dredging of these recreational harbors will be of increasing importance in the coming year as Great Lakes water levels decline from the high of the past several years.

Mr. President, I also wish to take a moment in closing to highlight the several specific projects included in the recently passed bill which will benefit my home state of Michigan. They include an Army Corps feasibility study of improvements to the Detroit River waterfront as part of the ongoing revitalization of the area. The Corps will prepare studies for flood control projects in St. Clair Shores and along the Saginaw River in Bay City. The Corps will consider reconstruction of the Hamilton Dam flood control project and review its denial of the city of Charlevoix's request for reimbursement of construction costs incurred in building a new revetment connection to the Federal navigation project at Charlevoix Harbor. Finally, the bill includes a unique provision which will allow the use of materials dredged from Toledo Harbor in Ohio for environmental restoration on the Woodtick Peninsula in Michigan.

Mr. President, I appreciate the hard work of my colleagues on the Environment and Public Works Committee in incorporating these important provisions into this bill and look forward to working with them to get these important provisions signed into law.

THE LESSONS OF BABY HOPE

Mr. DEWINE. Mr. President, one of the key virtues of living in a free society such as our own is that it's harder

for injustice to remain hidden and unreported. Unlike Communist and fascist countries—countries where the government can control access to information, and cover up genocide and war crimes for years—in our country, people are allowed to stand up and tell the truth. They can reveal inconvenient and unpleasant facts about moral evils that are taking place in our society.

To speak the truth—to distinguish right from wrong, you don't have to be a President, or a Senator, or a famous human rights crusader like Martin Luther King, Jr. You can be anybody. You can be a medical technician in Cincinnati, OH.

Mr. President, let me tell you a story about how—very recently, in my home State of Ohio—some disturbing truths were revealed that many Americans simply wish would go away.

On April 6, a young woman went into an abortion clinic in Montgomery County, OH, to undergo a procedure known as partial-birth abortion. This is a procedure that usually takes place behind closed doors, where it can be ignored, its moral status left unquestioned.

But this particular procedure was different. In this procedure, on April 6, things did not go as planned. Here's what happened.

The Dayton, OH, abortionist, Dr. Martin Haskell, started a procedure to dilate her cervix, so the child could eventually be removed and killed. He applied seaweed to start the procedure. He then sent her home—because this procedure usually takes 2 or 3 days. In fact, the patient is supposed to return on the second day for a further application of seaweed—and then come back a third time for the actual partial-birth abortion—a 3-day procedure.

So the woman went home to Cincinnati, expecting to return to Dayton and complete the procedure in 2 or 3 days. But her cervix dilated far too quickly. Shortly after midnight on the first day, after experiencing severe stomach pains, she was admitted to Bethesda North Hospital in Cincinnati.

The child was born. After 3 hours and 8 minutes, this little girl died.

The cause of death was listed on the death certificate as ''prematurity secondary to induced abortion.''

True enough, Mr. President. But also on the death certificate is a space for ''Method of death.'' And it says, in the case of this child, ''Method of death: natural.''

I do not mean to quarrel, talk about whether this is true in the technical sense. But if you look at the events that led up to her death, you'll see that there was really nothing natural about them at all.

The medical technician who held that little girl for the 3 hours and 8 minutes of her short life named her Baby Hope. Baby Hope did not die of natural causes. She was the victim of a barbaric procedure that is opposed by the vast majority of the American people. A procedure that has twice been banned by act of Congress—only to see the ban repeatedly overturned by a Presidential veto.

The death of Baby Hope did not take place behind the closed doors of an abortion clinic. It took place in public—in a hospital dedicated to saving lives, not taking them. Her death reminds us of the brutal reality and tragedy of what partial-birth abortion really is.

When we voted to ban partial-birth abortions, we talked about this procedure in graphic detail. The public reaction to this disclosure—the disclosure of what partial-birth abortion really is—was loud and it was decisive. And there is a very good reason for this. The procedure is barbaric.

One of the first questions people ask is ''why?''

''Why do they do this procedure? Is it really necessary? Why do we allow this to happen?''

Dr. C. Everett Koop speaks for the consensus of the medical profession when he says this is never a medically necessary procedure. Even Martin Haskell—the abortionist in the Baby Hope case—has admitted that at least 80 percent of the partial-birth abortions he performs are elective.

The facts are clear. Partial-birth abortion is not that rare a procedure. What is rare is that we—as a society—saw it happen. It happened by surprise at a regular hospital where it wasn't supposed to happen.

Baby Hope was not supposed to die in the arms of a medical technician. But she did. And this little baby cannot be easily ignored. We cannot turn our back on this reality.

This procedure is not limited to mothers and fetuses who are in danger. It is performed on healthy women—and healthy babies—all the time.

The goal of a partial-birth abortion is not to protect somebody's health but to kill a child. That is what the abortionist wants to do.

Dr. Haskell himself has said as much. In an interview with the American Medical News, he said:

> You could dilate further and deliver the baby alive but that's really not the point.
>
> The point is, you are attempting to do an abortion, and that is the goal of your work, is to complete an abortion, not to see how do I manipulate the situation so I get a live birth instead.

Now Dr. Haskell has admitted what the reality is. Why don't we?

Again, let's hear Dr. Haskell in his own words, a man who performed this abortion on Baby Hope. This is what Dr. Haskell says about this ''procedure.''

These are Dr. Haskell's words:

> I just kept on doing the D&E's [dilation and extraction] because that is what I was comfortable with, up until 24 weeks. But they were very tough. Sometimes it was a 45-minute operation. I noticed some of the later D&Es were very, very easy. So I asked myself why can't they all happen this way. You see the easy ones would have a foot length presentation, you'd reach up and grab the foot of the fetus, pull the fetus down and the head would hang up and then you would collapse the head and take it out. It was easy.

It was easy, Mr. President. Easy for Dr. Haskell. He does not say it was easy for the mother, and he certainly does not say it was easy for the baby. I suspect he doesn't care. His goal is to perform abortions. But is he the person we are going to trust to decide when abortions are necessary? Dr. Haskell has a production line going in Dayton, OH. Nothing is going to stop him from meeting his quota.

Dr. Haskell continues. Again, the words of Dr. Haskell:

> At first, I would reach around trying to identify a lower extremity blindly with the tip of my instrument. I'd get it right about 30–50 percent of the time. Then I said, ''Well, gee, if I just put the ultrasound up there, I could see it all and I wouldn't have to feel around for it.'' I did that and sure enough, I found it 99 percent of the time. Kind of serendipity.

Serendipity, Mr. President.

Let me conclude. We need to ask ourselves, what does our toleration in this country of this ''procedure'' say about us as a nation? Where do we draw the line? At what point do we finally stop saying, ''Well, I don't really like this, but it doesn't really matter to me, so I will put up with it''? When do we stop saying that as a country, Mr. President? At what point do we say, ''Unless we stop this from happening, we cannot justly call ourselves a civilized Nation''?

When you come right down to it, America's moral anesthetic is wearing off. It really is. We know what is going on behind the curtain, and we cannot wish that knowledge away. We have to face it, and we have to do what is right.

This week, some of my colleagues and I will be reintroducing the Partial-Birth Abortion Ban Act. Twice in the last 3 years, Congress has passed this legislation with strong bipartisan support, only to see it fall victim to a Presidential veto. Once again, I am confident Congress will do the right thing and pass this very important legislation. But that is not enough. Passing this legislation in Congress is not enough. For lives to be saved, the bill must actually become law.

Mr. President, if something happens behind the iron curtain of an abortion clinic, it is easier to pretend it simply did not happen. But the death of Baby Hope in Cincinnati, OH, in the last few days has torn that curtain, revealing the truth of this barbaric procedure.

Let people not ask about us 50 years from now: How could they not have known? or ask: Why didn't they do anything? because, Mr. President, the fact is, we do know and we must take action.

I yield the floor.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON FEDERAL CLIMATE CHANGE EXPENDITURES—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), I transmit herewith an account of all Federal agency climate change programs and activities. This report includes both domestic and international programs and activities related to climate change and contains data on both spending and performance goals.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1999*.

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–2622. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation to extend the authorization for the Historic Preservation Fund; to the Committee on Energy and Natural Resources.

EC–2623. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a report relative to the National Natural Landmarks Program for fiscal year 1998; to the Committee on Energy and Natural Resources.

EC–2624. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, a rule entitled ''Acquisition Regulation; Performance Guarantees'' (RIN1991–AB44) received on April 9, 1999; to the Committee on Energy and Natural Resources.

EC–2625. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, a rule entitled ''Acquisition Letter; Foreign Ownership Control or Influence'' (RINAL99–03) received on April 9, 1999; to the Committee on Energy and Natural Resources.

EC–2626. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the rule entitled ''Maryland Regulatory Program'' (RINSPATS NO. MD–045–FOR) received on April 9, 1999; to the Committee on Energy and Natural Resources.

EC–2627. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the rule entitled ''Ohio Regulatory Program'' (RINSPATS NO. OH–244–FOR) received on April 9, 1999; to the Committee on Energy and Natural Resources.

EC–2628. A communication from the Principal Deputy Assistant Secretary of Veterans' Affairs for Congressional Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, to authorize VA to furnish the Department of Defense with drug and alcohol treatment resources; to the Committee on Veterans' Affairs.

EC–2629. A communication from the Under Secretary of Defense for Policy, transmitting, pursuant to law, a report on Russian tactical nuclear weapons; to the Committee on Armed Services.

EC–2630. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to unit cost thresholds; to the Committee on Armed Services.

EC–2631. A communication from the Secretary of Defense, transmitting, two reports relative to retirements; to the Committee on Armed Services.

EC–2632. A communication from the Deputy Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a multi-function cost comparison at the Robins Air Force Base, Georgia; to the Committee on Armed Services.

EC–2633. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation entitled ''The Panama Canal Commission Authorization Act for Fiscal Year 2000''; to the Committee on Armed Services.

EC–2634. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a notice relative to a report concerning external data collection and internal coordination; to the Committee on Armed Services.

EC–2635. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a report on the Implementation of Enrollment-based Capitation for Funding for Military Treatment Facilities; to the Committee on Armed Services.

EC–2636. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, the interim Tricare Evaluation report; to the Committee on Armed Services.

EC–2637. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the vacant position of Assistant Secretary of the Air Force (Acquisition); to the Committee on Armed Services.

EC–2638. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the vacant position of Assistant Secretary of Defense (Special Operations and Low Intensity Conflict); to the Committee on Armed Services.

EC–2639. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on proposed obligations for weapons destruction and non-proliferation in the former Soviet Union; to the Committee on Armed Services.

EC–2640. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on the Cooperative Threat Reduction Program Plan for fiscal year 1998; to the Committee on Armed Services.

EC–2641. A communication from the Chairman of the National Endowment for the Arts and Member of the Federal Council on the Arts and the Humanities, transmitting, pursuant to law, the annual report on the Arts and Artifacts Indemnity Program for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–2642. A communication from the Secretary of Defense, transmitting, a report relative to a retirement; to the Committee on Armed Services.

EC–2643. A communication from the Secretary of Defense, transmitting, pursuant to law, reports relative to contingent liabilities; to the Committee on Armed Services.

EC–2644. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to general and flag officers; to the Committee on Armed Services.

EC–2645. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled ''The Department of Energy National Security Programs Authorization Act for Fiscal Years 2000 and 2001''; to the Committee on Armed Services.

EC–2646. A communication from the Acting General Counsel of the Department of Defense, transmitting, drafts of proposed legislation relative to various management concerns of the Department of Defense; to the Committee on Armed Services.

EC–2647. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''The Defense Production Act Amendments of 1999''; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated.

POM–35. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 87

Whereas, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193, 110 Stat. 2105) eliminated the state-Federal match system under the AFDC program, replacing it with a new block grant program called Temporary Assistance to Needy Families (TANF); and

Whereas, The TANF program awarded states considerable flexibility to design and finance new programs; and

Whereas, Under TANF, states receive a fixed amount of Federal money each fiscal year which has already been calculated into future budget considerations; and

Whereas, The provision approved March 4, 1999, by the Senate Appropriations Committee would prevent states from spending a portion of their TANF grants and would break the welfare reform agreement brokered with the Governors; and

Whereas, The Appropriations Committee, acting on incomplete data, decided that states will not need $350 million of their welfare grants in the coming years, blocking Pennsylvania from using over $28 million of its welfare dollars before October 2001; and

Whereas, In Pennsylvania, every dollar of our TANF grant is being reserved for the future needs of welfare families in this Commonwealth; and

Whereas, Under a separate program administered by the United States Department of Labor, states appropriated money for the match are required to draw down Welfare-to-Work funds; and

Whereas, The Welfare-to-Work program is separate from TANF and is focused on employing those with the greatest barriers to self-sufficiency; and

Whereas, Welfare reform is working in Pennsylvania because we are investing in services that help people move from welfare to work; and

Whereas, TANF funds are essential to the goals of moving recipients into work; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialized the Senate of the United States to honor its welfare reform agreement with the Governors by removing from the supplemental appropriations bill the $350 million offset from the TANF program before the bill goes to the Senate floor; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of the Senate of the United States and to the members of the Senate from Pennsylvania.

POM–36. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Finance.

HOUSE RESOLUTION NO. 41

Whereas, In 1994 the states initiated the first lawsuits based on violations of state law by the tobacco industry; and

Whereas, The states, through leadership and years of commitment to pursuing lawsuits, achieved a comprehensive settlement with the tobacco industry; and

Whereas, After bearing all of the risks and expenses in the negotiations and litigation necessary to proceed with their lawsuit, a settlement was won by the states without any assistance from the Congress of the United States or the Federal Government; and

Whereas, On November 23, 1998, the states' Attorneys General and the tobacco companies announced a two-prong agreement focusing on advertising, marketing and lobbying and on monetary payments which the companies will make to the states; and

Whereas, The states' Attorneys General carefully crafted the tobacco agreement to reflect only state costs; and

Whereas, Medicaid costs were neither a major issue in negotiating the settlement nor an item mentioned in the final agreement; and

Whereas, The Federal Government is not entitled to take away from the states any of the funds negotiated on their behalf as a result of state lawsuits; and

Whereas, The Federal Government can initiate its own lawsuit or settlement with the tobacco industry; and

Whereas, The states are entitled to all of the funds awarded to them in the tobacco settlement agreement without Federal seizure; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Pennsylvania congressional delegation to support and pass legislation protecting the states from Federal seizure of tobacco settlement funds by the Secretary of Health and Human Services of the United States as an overpayment under the Federal Medicaid program by amending section 1903(d)(3) of the Social Security Act (49 Stat. 620, 42 U.S.C. §1396b(d)(3)), specifically including S. 346 (105TH Congress) and H.R. 351 (105TH Congress); and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MCCAIN (for himself, Mr. FRIST, Mr. BURNS, Mr. BREAUX, and Mr. LOTT):

S. 832. A bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

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

S. 833. A bill to make technical corrections to the Health Professions Education Partnerships Act of 1998 with respect to the Health Education Assistance Loan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CAMPBELL (for himself and Mr. SESSIONS):

S. 834. A bill to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. AKAKA, Mrs. BOXER, Mr. DODD, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MACK, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REED, Mr. ROBB, Mr. SARBANES, and Mr. WARNER):

S. 835. A bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself, Mr. GRAHAM, Mr. COCHRAN, and Mr. ROBB):

S. 836. 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 require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself, Mr. MOYNIHAN, Mr. LIEBERMAN, and Mr. MCCAIN):

S. 837. A bill to enable drivers to choose a more affordable form of auto insurance that also provides for more adequate and timely compensation for accident victims, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI:

S. 838. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

By Mr. KERREY (for himself, Mr. HARKIN, Mr. DASCHLE, Mr. CONRAD, and Mr. JOHNSON):

S. 839. A bill to restore and improve the farmer owned reserve program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. TORRICELLI, and Mr. LEAHY):

S. 840. A bill to amend title 11, United States Code, to provide for health care and employee benefits, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, and Mr. WELLSTONE):

S. 841. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under the medicare program; to the Committee on Finance.

By Mr. SANTORUM:

S. 842. A bill to limit the civil liability of business entities that donate equipment to nonprofit organizations; to the Committee on the Judiciary.

S. 843. A bill to limit the civil liability of business entities that provide facility tours; to the Committee on the Judiciary.

S. 844. A bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft; to the Committee on the Judiciary.

S. 845. A bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. BIDEN, Mr. HAGEL, Mr. LIEBERMAN, Mr. COCHRAN, Mr. DODD, Mr. LUGAR, Mr. ROBB, and Mr. KERRY):

S.J. Res. 20. A joint resolution concerning the deployment of the United States Armed Forces to the Kosovo region in Yugoslavia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself, Mr. FRIST, and Mr. BURNS):

S. 832. A bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL SPACE LAUNCH INDUSTRY INDEMNIFICATION EXTENSION

Mr. MCCAIN. Mr. President, I rise to introduce a bill to extend the commercial space launch indemnification.

As a result of the discussions over the last year on the alleged China technology transfer situation, the need to ensure that the United States launch companies maintain a competitive position in the International launch market has never been greater. One of the more important features of the Commercial Space Launch Act (''CSLA'') to the commercial industry is the comprehensive risk allocation provisions. The provisions are comprised of: (1) cross-waivers of liability among launch participants; (2) a demonstration of financial responsibility; and (3) a commitment (subject to appropriations) by the U.S. Government to pay successful third party claims above $500 million.

Since its establishment, this three-pronged approach has been extremely attractive to the customers, contractors, and subcontractors of the U.S. launch licensee and to the contractors and subcontractors of its customers, as they are all participants in and beneficiaries of CSLA. As such, it has enabled the U.S. launch services industry to compete effectively with its foreign counterparts who offer similar coverage.

This ability to compete effectively will be threatened on December 31, 1999. At that time, the most important element of the CSLA insurance section, the U.S. Government payment of claims provision, is scheduled to sunset. Without this provision, the advances in market share that this burgeoning U.S. industry has made—an industry that is critical to U.S. national security, foreign policy and economic interests—will be lost.

The indemnification has been extended previously for a period of 5 years. This bill extends the authorization for this indemnification for an additional 10 years. With this length of extension, companies will be able to finalize strategic plans in a more stable environment.

Therefore, I, along with my cosponsors, urge the Members of this body to support this bill and to provide the needed legislation which will allow this key industry continuous operation in a safe and responsible manner.

By Mr. CAMPBELL (for himself and Mr. SESSIONS):

S. 834. A bill to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes; to the Committee on Foreign Relations.

THE IRAN NUCLEAR NONPROLIFERATION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I address an issue that is of vital importance to the national security of our country and the stability of the Middle East. While Iran's development of nuclear technologies has been a growing concern for the last few years, recent developments demand a response to this serious situation.

Last November, Iran signed an accord with Russia to speed up completion of the Bushehr Nuclear Power Plant, calling for an expansion of the current design and construction of the $800 million, 1,000 megawatt light-water reactor in southern Iran. Despite serious United States objections and concerns about the project, Russia maintains its longstanding support for the project and the development of Iran's nuclear program. Though Russian and Iranian governments insist that the reactor will be used for civilian energy purposes, the United States national security community believes that the project is too easy a cover for Iran to obtain vital Russian nuclear weapons technology. Israeli Prime Minister Binyamin Netanyahu condemned the Iranian-Russian nuclear cooperation accord as a threat to the entire region, stating:

> The building of a nuclear reactor in Iran only makes it likelier that Iran will equip its ballistic missiles with nuclear warheads. . . . Such a development threatens peace, the whole region and in the end, the Russians themselves.

On January 13 of this year, the administration underscored the gravity of this situation and imposed economic sanctions against three Russian institutes for supplying Iran with nuclear technology. But, I believe more needs to be done.

While the Khatami government in Iran has made some reform efforts since it was elected in 1997, Iran continues to oppose the Middle East peace process, has broadened its efforts to increase its weapons of mass destruction, and remains subject to the influences of its hard-line defense establishment. As reports of Iran's human rights violations continue, State Department reports on international terrorism indicate Iran's continued assistance to terrorist forces such as Hamas, Hizballah, and the Palestinian Islamic Jihad. This clear and consistent record of behavior seriously calls to question Iran's active pursuit to enhance its nuclear facilities.

Though Iran's efforts to acquire weapons of mass destruction have been a growing global concern for several years, international fears were confirmed when in July of last year, Iran demonstrated the strength of its offensive muscle by test-firing its latest Shahab-3 missle. Capable of propelling a 2,200-pound warhead for a range of 800 miles, this missile now allows Iran to pose a significant threat to our allies in the Middle East.

The potential results of Iran's successful development of effective nuclear technologies hold horrific implications for the stability of the Middle East. As an original cosponsor of the Iran Missile Proliferation Sanctions Act of 1997, and signatory of two letters in the 105th Congress to the administration to raise this issue with the Russian leadership, I believe the Senate must continue the effort in light of this growing threat.

Today I am joined by Senator SESSIONS in introducing the Iran Nuclear Proliferation Prevention Act of 1999 as a means to hinder the development of Iran's nuclear weapons program. The House version of this legislation is also being introduced today by Congressman MENENDEZ of New Jersey. This bill requires the withholding of proportional voluntary United States assistance to the International Atomic Energy Agency (IAEA) for programs and projects supported by the Agency in Iran. This legislation specifically aims to limit the Agency's assistance of the Bushehr Nuclear Power Plant.

Last October, this legislation was passed in the House by a recorded vote of 405 to 13, but was not considered by the Senate before the adjournment of the 105th Congress. In the interest of United States national security and for that of our allies, it is vital we ensure that United States funds are not promoting the development of Iran's nuclear capabilities.

I ask unanimous consent that the bill be printed in the RECORD following my remarks and I urge my colleagues to support passage of this bill.

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

S. 834

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 ''Iran Nuclear Proliferation Prevention Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Iran remains the world's leading sponsor of international terrorism and is on the Department of State's list of countries that provide support for acts of international terrorism.

(2) Iran has repeatedly called for the destruction of Israel and Iran supports organizations, such as Hizballah, Hamas, and the Palestine Islamic Jihad, which are responsible for terrorist attacks against Israel.

(3) Iranian officials have stated their intent to complete at least three nuclear power plants by 2015 and are currently working to complete the Bushehr nuclear power plant located on the Persian Gulf coast.

(4) The United States has publicly opposed the completion of reactors at the Bushehr nuclear power plant because the transfer of civilian nuclear technology and training could help to advance Iran's nuclear weapons program.

(5) In an April 1997 hearing before the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations of the Senate, the former Director of the Central Intelligence Agency, James Woolsey, stated that through the operation of the nuclear power reactor at the Bushehr nuclear power plant, Iran will develop substantial expertise relevant to the development of nuclear weapons.

(6) Construction of the Bushehr nuclear power plant was halted following the 1979 revolution in Iran because the former West Germany refused to assist in the completion of the plant due to concerns that completion of the plant could provide Iran with expertise and technology which could advance Iran's nuclear weapons program.

(7) In January 1995, Iran signed a $780,000,000 contract with the Russian Federation for Atomic Energy (MINATOM) to complete a VVER–1000 pressurized-light water reactor at the Bushehr nuclear power plant and in November 1998, Iran and Russia signed a protocol to expedite the construction of the nuclear reactor, setting a new timeframe of 52 months for its completion.

(8) In November 1998, Iran asked Russia to prepare a feasibility study to build 3 more nuclear reactors at the Bushehr site.

(9) Iran is building up its offensive military capacity in other areas as evidenced by its recent testing of engines for ballistic missiles capable of carrying 2,200 pound warheads more than 800 miles, within range of strategic targets in Israel.

(10) Iran ranks tenth among the 105 nations receiving assistance from the technical cooperation program of the International Atomic Energy Agency.

(11) Between 1995 and 1999, the International Atomic Energy Agency has provided and is expected to provide a total of $1,550,000 through its Technical Assistance and Cooperation Fund for the Iranian nuclear power program, including reactors at the Bushehr nuclear power plant.

(12) In 1999 the International Atomic Energy Agency initiated a program to assist Iran in the area of uranium exploration. At the same time it is believed that Iran is seeking to acquire the requisite technology to enrich uranium to weapons-grade levels.

(13) The United States provides annual contributions to the International Atomic Energy Agency which total more than 25 percent of the annual assessed budget of the Agency, and the United States also provides annual voluntary contributions to the Technical Assistance and Cooperation Fund of the Agency which total approximately 32 percent ($18,250,000 in 1999) of the annual budget of the program.

(14) The United States should not voluntarily provide funding for the completion of nuclear power reactors which could provide Iran with substantial expertise to advance its nuclear weapons program and potentially pose a threat to the United States or its allies.

(15) Iran has no need for nuclear energy because of its immense oil and natural gas reserves which are equivalent to 9.3 percent of the world's reserves, and Iran has 73,000,000,000 cubic feet of natural gas, an amount second only to the natural gas reserves of Russia.

SEC. 3. WITHHOLDING OF VOLUNTARY CONTRIBUTIONS TO THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR PROGRAMS AND PROJECTS IN IRAN.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following:

''(d) Notwithstanding subsection (c), the limitations of subsection (a) shall apply to programs and projects of the International Atomic Energy Agency in Iran, unless the Secretary of State determines, and reports in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, that such programs and projects are consistent with United States nuclear nonproliferation and safety goals, will not provide Iran with training or expertise relevant to the development of nuclear weapons, and are not being used as a cover for the acquisition of sensitive nuclear technology. A determination made by the Secretary of State under the preceding sentence shall be effective for the 1-year period beginning on the date of the determination.''.

SEC. 4. ANNUAL REVIEW BY SECRETARY OF STATE OF PROGRAMS AND PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY; UNITED STATES OPPOSITION TO PROGRAMS AND PROJECTS OF THE AGENCY IN IRAN.

(a) ANNUAL REVIEW.—

(1) IN GENERAL.—The Secretary of State shall undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency in the countries described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) to determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act and on an annual basis thereafter for 5 years, the Secretary shall prepare and submit to Congress a report containing the results of the review under paragraph (1).

(b) OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF INTERNATIONAL ATOMIC ENERGY AGENCY.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose programs of the Agency that are determined by the Secretary pursuant to the review conducted under subsection (a)(1) to be inconsistent with nuclear nonproliferation and safety goals of the United States.

SEC. 5. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and on an annual basis thereafter for 5 years, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to Congress a report that—

(1) describes the total amount of annual assistance to Iran provided by the International Atomic Energy Agency, a list of Iranian officials in leadership positions at the Agency, the expected timeframe for the completion of the nuclear power reactors at the Bushehr nuclear power plant, and a summary of the nuclear materials and technology transferred to Iran from the Agency in the preceding year which could assist in the development of Iran's nuclear weapons program; and

(2) contains a description of all programs and projects of the International Atomic Energy Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and any inconsistencies between the technical cooperation and assistance programs and projects of the Agency and United States nuclear nonproliferation and safety goals in these countries.

(b) ADDITIONAL REQUIREMENT.—The report required to be submitted under subsection (a) shall be submitted in an unclassified form, to the extent appropriate, but may include a classified annex.

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that the United States should pursue internal reforms at the International Atomic Energy Agency that will ensure that all programs and projects funded under the Technical Cooperation and Assistance Fund of the Agency are compatible with United States nuclear nonproliferation policy and international nuclear nonproliferation norms.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. AKAKA, Mrs. BOXER, Mr. DODD, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MACK, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REED, Mr. ROBB, Mr. SARBANES, and Mr. WARNER):

S. 835. A bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce legislation to protect our nation's estuaries—the Estuary Habitat Restoration Partnership Act of 1999. I am pleased to introduce this bill with Senator BREAUX and so many other distinguished members of the Senate. I am particularly pleased that there is strong bipartisan support among the 16 cosponsors of this bill. Such support underscores the importance of estuaries to our economy and to our environment.

To understand the importance of this bill, we must first understand exactly what estuaries are and why they are so significant. Estuaries are the bays, lagoons, and inlets created when rivers and oceans meet, mixing fresh and salt water, creating one of our most economically and environmentally valuable natural resources. They support diverse habitats—from shellfish beds to beaches to sea grass meadows. Estuaries are a crucial component of unique and fragile ecosystems that support marine mammals, birds, and wildlife.

There are many commercial and recreational uses that depend upon estuaries, making them integral to our economy as well. Coastal waters generate $54 billion in goods and services annually. The fish and shellfish industries alone contribute $83 million per year to the nation's economy. Estuaries are vital to more than 75 percent of marine fisheries in the United States, making those regions important centers for commercial and sport fishing, while supporting business and creating jobs.

The great natural beauty of estuaries coupled with the sporting, fishing, and other outdoor recreational activities they provide make coastal regions important areas for tourism. People come to hike, swim, boat, and enjoy nature in the 44,000 square miles of outdoor public recreation areas along our coasts. In fact, 180 million Americans visit our nation's coasts each year. That is almost 70 percent of the entire U.S. population. The large number of visitors has a strong economic impact. Coastal recreation and tourism generate $8 to $12 billion annually.

Estuaries are home to countless species unique to these ecosystems, including many that are threatened or endangered. From birds such as the bald eagle, to shellfish such as the American Oyster, to vegetation such as eelgrass—an amazing variety of wildlife relies upon those areas.

It's not only plants and animals that make their homes near estuaries. People are moving to these areas at a rapid rate. While coastal counties account for 11 percent of the land area of the continental U.S., at least half of all Americans call coastal and estuarine regions home. Coastal counties are growing at three times the rate of noncoastal counties. It is estimated that 100 million people live in such areas now, and by 2010 that number is expected to jump to 127 million.

Unfortunately, because so many of us enjoy living, working, and playing near estuaries, we have stressed the once-abundant resources of many of these water bodies. Population growth has been difficult to manage in a manner that protects estuaries. Housing developments, roads, and shopping centers have moved into areas crucial to the preservation of estuaries. They have also placed a more concentrated burden on estuaries from pollution caused by infrastructure required by greater number of people: more sewers, cars, and paved roads, among other things.

The result of this population growth is painfully evident. Estuary habitats across the nation are vanishing. Almost three-quarters of the original salt marshes in the Puget Sound have been destroyed. Ninety-five percent of the original wetlands in the San Francisco

Bay are gone. Louisiana estuaries are losing 25,000 areas of coastal marshes each year. That's an area about the size of Washington, D.C.

Those habitats that remain are beleaguered by problems and signs of distress can be seen in virtually every estuary. The 1996 National Water Quality inventory reported that nearly 40 percent of the nation's surveyed estuarine waters are too polluted for basic uses, such as fishing and swimming. Falling finfish and shellfish stocks due to overharvesting and pollution from nutrients and chemicals, proliferation of toxic algal blooms, and a reduction in important aquatic vegetation has signaled a decline in the condition of many estuaries.

Nutrients such as phosphorus and nitrogen carried from city treatment works and agricultural land flow down our rivers and into our estuaries, leading to over-enrichment of these waters. As a result, algal blooms flourish. These blooms rob the water of the dissolved oxygen and light that is crucial to the survival of grass beds that support shellfish and birds.

Nutrients have also contributed to the disappearance of eelgrass beds in Narragansett Bay on Rhode Island. While once eelgrass beds covered thousands of acres of the Bay floor, today that figure has fallen to only 100 acres or so. Sadly, the disappearance of eelgrass is not the only problem facing the Bay. Its valuable fish runs are disappearing. Salt marshes are also in decline. Fifty percent of the salt marsh acreage that once existed has been filled, and 70 percent is cut off from full tidal flow.

Nowhere has the problem of nutrient over-enrichment been demonstrated more dramatically of late than in the nation's largest estuary: the Chesapeake Bay. Nutrient pollution in the Bay has contributed to the toxic outbreak of the algae pfiesteria, or ''fish killer'', which has been responsible for massive fish kills in the Bay's waterways. While scientists believe pfiesteria has existed for thousands of years, only recently have we witnessed an alarming escalation in the appearance of the algae in its toxic, predatory form.

Unfortunately, the effects of pfiesteria have not been confined to the Chesapeake Bay region. Pfiesteria has also been identified in waters off the coast of North Carolina, indicative of a longer trend of harmful algal blooms in the U.S. and around the world. This trend correlates to an increase in nutrients in our waterways. Perhaps more distressing than the environmental threat posed by pfiesteria is the fact that pfiesteria has also been linked to negative health effects in humans.

Estuaries are also endangered by pathogens. Microbes from sewage treatment works and other sources have contaminated waters, making shellfish unfit for human consumption. In Peconsic Bay on Long Island, for instance, more than 4,700 acres of bay bottom is closed either seasonally or year-round due to pathogens.

Toxic chemicals such as PCBs, heavy metals, and pesticides degrade the environment of estuaries as well. Runoff from lawns, streets, and farms, sewage treatment plants, atmospheric deposition, and industrial discharges expose finfish and shellfish to the chemicals. The chemicals are persistent and tend to bioaccumulate, concentrating in the tissues of the fish. The fish may then pose a risk to human health if consumed.

In Massachusetts Bays, for instance, diseased lobster and flounder have been discovered in certain areas, prompting consumption advisories. Unfortunately, this problem is not an isolated one. In many of our nation's urban harbors polluted runoff creates ''hot spots'' of toxic contamination so severe that nothing can survive.

Estuaries are also threatened by newly introduced species. Overpopulation of new species can eradicate native populations. Eradication of even one native species has the potential to alter the food web, increase erosion, and interfere with navigation, agriculture, and fishing. In Tampa Bay, for example, native plant species have been replaced by newly introduced species, altering the Bay's ecological balance.

All of these changes to the condition of our estuaries threaten not only our environment, but the economies and jobs that rely upon estuaries. Indeed, the stresses we have placed on estuaries in the past may jeopardize our future enjoyment of the benefits they provide, unless we continue to strengthen the commitments we have made to protecting this resource. Thankfully, the fate of the nation's estuaries is far from decided. We are beginning to see signs that efforts made by many to restore and protect our estuaries are having a positive effect and turning the tide against degradation.

Nutrient levels in the Chesapeake Bay are declining due in part to programs designed to better manage fertilizer applications to farmland and lawns and to reduce point source discharges. People in New York have targeted sewer overflows, non-point runoff, and sewage treatment plants by implementing techniques to prevent stormwater pollution and mitigate runoff. By doing so, they hope to reduce the threat of pathogen contamination in Long Island Sound.

In Rhode Island, a non-profit group, Save the Bay, has partnered with school kids to do something about the loss of eelgrass beds in Narragansett Bay. The children are growing eelgrass in their schools and it is then planted in the Bay by Save the Bay. In this way, they hope to encourage growth of the beds that provide a home for shellfish and a food source for countless other Bay creatures.

In Florida, a partnership of volunteers, students, businesses, and federal, state, and local governments prepared sites and planted native vegetation on six acres of newly-constructed wetlands in a park adjacent to Tampa Bay. The students received job training, education, and summer employment, and the Bay received a helping hand fighting the invasive species that threaten those native to it.

The ''Estuary Habitat Restoration Partnership Act'' will further these efforts to preserve and restore estuaries. The Act is designed to make the best use of scarce resources by channeling them directly to those citizens and organizations that best know how to restore estuaries. It will help groups like those in Rhode Island and Tampa Bay continue their work while encouraging others to join them in projects of their own.

The ultimate goal is to restore 1,000,000 acres of estuary habitat by 2010. To achieve this goal, the bill establishes a streamlined council consisting of representatives from citizen organizations and state and federal governments. This ''Collaborative Council'' will serve two functions. The first function is to develop a comprehensive national estuary habitat restoration strategy. The strategy will be the basis for the second function of the Council: efficient coordination of federal and non-federal estuary restoration activities by providing a means for prioritizing and selecting habitat restoration projects.

In developing the strategy, the Council will review existing federal estuary restoration plans and programs, create a set of proposals for making the most of incentives to increase private-sector participation in estuary restoration, and make certain that the strategy is developed and implemented consistent with existing federal estuary management and restoration programs.

The Council's second function is to select habitat restoration projects presented to the Council by citizen organizations and other non-federal entities, based on the priorities outlined under the strategy. Those projects that have a high degree of support from non-federal sources for development, maintenance, and funding, fall within the restoration strategy developed by the Council, and are the most feasible will have the greatest degree of success in receiving funding.

A project must receive at least 35 percent of its funding from non-federal sources in order to be approved. Priority will be given to those projects where more than 50 percent of its support comes from non-federal sources. Priority status also requires that the project is part of an existing federal estuary plan and that it is located in a watershed that has a program in place to prevent water pollution that might re-impair the estuary if it were restored.

To achieve its 1,000,000 acre goal, the Act does not establish mandates or create a new bureaucracy. Instead, the Act encourages partnerships between

government and those that are most concerned and best able to effectively preserve estuaries—citizens. It will make the most of federal dollars by providing those citizens and organizations that are most affected by the health of our estuaries the opportunity and the incentive to continue their efforts to improve them through projects that they develop, implement, and monitor themselves.

This approach has several advantages. All estuaries are not the same, nor are the problems that face each estuary the same. Therefore, the Act allows citizens to tailor a project targeted to meet the specific challenges posed by the particular estuary in their region. In this way, we are doing the most to help protect estuaries while wasting none of our scarce federal funds. The Act also ensures the continued prudent use of funds through information-gathering, monitoring, and reporting on the projects.

Estuaries contribute to our economy and to our environment, and for these reasons alone they should be protected. But, they also contribute to the fabric of many of the communities that surround them. They define much of a region's history and cultures as well as the way people live and work there today.

For all of these reasons, then, we must make efficient use of the resources we have in order to assist those people that are protecting and restoring our estuaries. The Estuary Habitat Restoration Partnership Act is the best, most direct way to do just that. Therefore, I urge all of my colleagues to support this bill.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section cites provides that the Act may be cited as ''The Estuary Habitat Restoration Partnership Act of 1999''.

Section 2. Findings

This section establishes Congress' findings. Congress finds that estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl. It also finds that estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the Nation's commercial fish catch and 80 to 90 percent of its recreational fish catch.

It further finds that estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse. Congress finds that successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs and that the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened. Also, new public and public-private estuary habitat restoration partnerships should be established.

Section 3. Purposes

The bill establishes a program to restore one million acres of estuary habitat by the year 2010. the bill requires the coordination of existing Federal, State and local plans, programs, and studies. It authorizes partnerships among public agencies at all levels of government and between the public and private sectors. The bill authorizes estuary habitat restoration activities, and it requires monitoring and research capabilities to assure that restoration efforts are based on sound scientific understanding.

This measure will give a real incentive to existing State and local efforts to restore and protect estuary habitat. Although there are numerous estuary restoration programs already in existence, non-Federal entities have had trouble sifting through the often small, overlapping and fragmented habitat restoration programs. The bill will coordinate these programs and restoration plans, combine State, local and Federal resources and supplement needed additional funding to restore estuaries.

Section 4. Definitions

This section defines terms used throughout the Act. Among the most important definitions are:

''Estuary'' is defined as a body of water and its associated physical, biological, and chemical elements, in which fresh water from a river or stream meets and mixes with salt water from the ocean.

''Estuary Habitat'' is defined as the complex of physical and hydrologic features within estuaries and their associated ecosystems, including salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, tidal flats, natural shoreline areas, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

''Estuary Habitat Restoration Activity'' is defined as an activity that results in improving an estuary's habitat, including both physical and functional restoration, with a goal toward a self-sustaining ecologically-based system that is integrated with its surrounding landscape. Examples of restoration activities include: the control of non-native and invasive species; the reestablishment of physical features and biological and hydrologic functions; the cleanup of contamination; and the reintroduction of native species, through planting or natural succession.

Section 5. Establishment of the Collaborative Council

This section establishes an interagency Collaborative Council composed of the Secretary of the Army, the Under Secretary for Oceans and Atmosphere, Department of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior, through the Fish and Wildlife Service. The two principal functions of the Council are: (1) to develop a national strategy to restore estuary habitat; and (2) to select habitat restoration projects that will receive the funds provided in the bill.

The Army Corps of Engineers is to chair the Council. The Corps is to work cooperatively with the other members of the Council.

Section 6. Duties of the Collaborative Council

This section establishes a process to coordinate existing Federal, State and local resources and activities directed toward estuary habitat restoration. It also sets forth the process by which projects are to be selected by the Council for funding under this Title.

Habitat Restoration Strategy.—This section requires the Council to draft a strategy that will serve as a national framework for restoring estuaries. The strategy should coordinate Federal, State, and local estuary plans programs and studies.

In developing the strategy, the Council should consult with State, local and tribal governments and other non-Federal entities, including representatives from coastal States representing the Atlantic, Pacific, and the Gulf of Mexico; local governments from coastal communities; and nonprofit organizations that are actively participating in carrying out estuary habitat restoration projects.

Selection of Projects.—This section also requires the Council to establish application criteria for restoration projects. The Council is required to consider a number of factors in developing criteria. In addition to the factors mentioned in the legislation, the Council is to consider both the quantity and quality of habitat restored in relation to the overall cost of a project. The consideration of these factors will provide the information required to evaluate performance, at both the project and program levels, and facilitate the production of biennial reports in the strategy.

Subsection (b) of section 105 requires the project applicant to obtain the approval of State or local agencies, where such approval is appropriate. In States such as Oregon, where coastal beaches and estuaries are publicly owned and managed, proposals for estuary habitat restoration projects require the approval of the State before being submitted to the Council.

Priority Projects.—Among the projects that meet the criteria listed above, the Council shall give priority for funding to those projects that meet any of the factors cited in subsection(b)(4) of this section.

One of the priority factors is that the project be part of an approved estuary management or restoration plan. It is envisioned that funding provided through this legislation would assist all local communities in meeting the goals and objectives of estuary restoration, with priority given to those areas that have approved estuary management plans. For example, the Sarasota Bay area in Florida is presently implementing its Comprehensive Conservation and Management Plan (CCMP), which focuses on restoring lost habitat. This is being accomplished by: reducing nitrogen pollution to increase sea grass coverage; constructing salt water wetlands; and building artificial reefs for juvenile fish habitat. Narragansett Bay in Rhode Island also is in the process of implementing its CCMP. Current efforts to improve the Bay's water quality and restore its habitat address the uniqueness of the Narraganset Bay watershed.

Section 7. Cost sharing of estuary habitat restoration projects

This section strengthens local and private sector participation in estuary restoration efforts by building public-private restoration partnerships. This section establishes a Federal cost-share requirement of no more than 65 percent of the cost of a project. The non-Federal share is required to be at least 35 percent of the cost of a project. Lands, easements, services, or other in-kind contributions may be used to meet non-Federal match requirement.

Section 8. Monitoring and maintenance

This section assures that available information will be used to improve the methods for assuring successful long-term habitat restoration. The Under Secretary for Oceans and Atmosphere (NOAA) shall maintain a database of restoration projects carried out under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

The Council shall publish a biennial report to Congress that includes program activities, including the number of acres restored; the percent of restored habitat monitored under a plan; and an estimate of the long-term success of different restoration techniques used in habitat restoration projects.

Section 9. Cooperative agreements and memoranda of understanding

This section authorizes the Council to enter into cooperative agreements and execute memoranda of understanding with Federal and State agencies, private institutions, and tribal entities, as is necessary to carry out the requirements of the bill.

Section 10. Distribution of appropriations for estuary habitat restoration activities

This section authorizes the Secretary to disburse funds to the other agencies responsible for carrying out the requirements of this Act. The Council members are to work together to develop an appropriate mechanism for the disbursement of funds between Council members. For instance, section 107 of the bill requires the Under Secretary to maintain a data base of restoration projects carried out under this legislation. NOAA shall utilize funds disbursed from the Secretary to maintain the data base.

Section 11. Authorization of appropriations

The total of $315,000,000 for fiscal years 2000 through 2004 is authorized to carry out estuary habitat restoration projects under this section. The $315,000,000 would be distributed as follows: $40,000,000 for fiscal year 2000; $50,000,000 for fiscal year 2001, and $75,000,000 for each of fiscal years 2002 through 2004.

Section 12. National estuary program

This section amends section 430(g)(2) of the Federal Water Pollution Control Act to provide explicit authority for the Administrator of the Environmental Protection Agency to issue grants not only for assisting activities necessary for the development of comprehensive conservation and management plans (CCMPs) but also for the implementation of CCMPs. Implementation for purposes of this section includes managing and overseeing the implementation of CCMPs consistent with section 320(b)(6) of the Act, which provides that management conferences, among other things, are to 'monitor the effectiveness of actions taken pursuant to the [CCMP].' Examples of implementation activities include: enhanced monitoring activities; habitat mapping; habitat acquisition; best management practices to reduce urban and rural polluted runoff; and the organization of workshops for local elected officials and professional water quality managers about habitat and water quality issues.

The National Estuary Program is an important partnership among Federal, State, and local governments to protect estuaries of national significance threatened by pollution. A major goal of the program has been to prepare CCMPs for the 28 nationally designated estuaries. To facilitate preparation of the plans, the Federal Government has provided grant funds, while State and local governments have developed the plans. The partnership has been a success in that 18 of 28 nationally designated estuaries have completed plans.

In order to continue and strengthen this partnership, grant funds should be eligible for use in the implementation of the completed plans as well as for their development. Appropriations for grants for CCMPs are authorized at $2,5000,000 for each of fiscal years 2000 and 2001. This increase reflects the growth in the National Estuary Program since the program was last authorized in 1987. In 1991 when the authorization expired, 17 local estuary programs existed; now there are 28 programs. The cost of implementing the 28 estuary programs will require significant resources. However, State and local governments should take primary responsibility for implementing CCMPs.

Section 13. General provisions

This section provides the Secretary of the Army with the authority to carry out responsibilities under this Act, and it clarifies that habitat restoration is one of the Corps' mission.

Mr. BREAUX. Mr. President, I am pleased and honored to join with my friend and colleague, Senator JOHN CHAFEE, Chairman of the Senate Committee on Environment and Public Works, to introduce legislation to restore America's estuaries. Our bill is entitled the ''Estuary Habitat Restoration Partnership Act of 1999.''

In the 105th Congress, on October 14, 1998, the Senate passed by unanimous consent S. 1222, the ''Estuary Habitat Restoration Partnership Act of 1998.'' I joined with Senator CHAFEE and 15 other Senators to introduce the bill on September 25, 1997. On July 9, 1998, I testified on its behalf during hearings held by Senator CHAFEE and the Committee on Environment and Public Works.

I am pleased that the Senate gave its unanimous approval to the bill's passage in the last Congress and look forward to such consent in the 106th Congress.

Estuaries are a national resource and treasure. As a nation, therefore, we should work together at all levels and in all sectors to help restore them.

Other Senators have joined with Senator CHAFEE and me as original cosponsors of the bill. Together, we want to draw attention to the significant value of the nation's estuaries and the need to restore them.

It is also my distinct pleasure today to say with pride that Louisianians have been in the forefront of this movement to recognize the importance of estuaries and to propose legislation to restore them. The Coalition to Restore Coastal Louisiana, an organization which is well-known for its proactive work on behalf of the Louisiana coast, has been from the inception an integral part of the national coalition, Restore America's Estuaries, which has proposed and supports the restoration legislation.

The Coalition to Restore Coastal Louisiana and Restore America's Estuaries are to be commended for their leadership and initiative in bringing this issue to the nation's attention.

In essence, the bill introduced today proposes a single goal and has one emphasis and focus. It seeks to create a voluntary, community-driven, incentive-based program which builds partnerships between the federal government, state and local governments and the private sector to restore estuaries, including sharing in the cost of restoration projects.

In Louisiana, we have very valuable estuaries, including the Ponchartrain, Barataria-Terrebonne, and Vermilion Bay systems. Louisiana's estuaries are vital because they have helped and will continue to help sustain local communities, their cultures and their economies.

I encourage Senators from coastal and non-coastal states alike to evaluate the bill and to join in its support with Senator CHAFEE, me and the other Senators who are original bill cosponsors.

I look forward to working with Senator CHAFEE and other Senators on behalf of the bill and with the Coalition to Restore Coastal Louisiana and Restore American's Estuaries.

By working together at all levels of government and in the private and public sectors, we can help to restore estuaries. We can, together, help to educate the public about the important roles which estuaries play in our daily lives through their many contributions to public safety and well-being, to the environment and to recreation and commerce.

By Mr. SPECTER (for himself, Mr. GRAHAM, Mr. COCHRAN, and Mr. ROBB):

S. 836. 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 require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services; to the Committee on Health, Education, Labor, and Pensions.

ACCESS TO WOMEN'S HEALTH CARE ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition to discuss an issue of great importance, and an issue on which I believe we can all agree. Regardless of health insurance type, payer, or scope, it is critical that women have direct access to caregivers who are trained to address their unique health needs. To help us ensure that all women have direct access to providers of obstetric and gynecological care within their health plans, I am joined by Senator BOB GRAHAM in introducing the ''Access to Women's Health Care Act of 1999.'' This legislation will allow women direct access to providers of obstetric and gynecological care, without requiring them to secure a time-consuming and cumbersome referral from a separate primary care physician. Senator GRAHAM and I are also pleased to have Senators COCHRAN and ROBB as original cosponsors of this vital legislation. I would like to extend thanks to the American College of Obstetricians and Gynecologists, whose members have worked diligently with Senator GRAHAM and myself in crafting this bill.

While many managed care plans provide some form of direct access to women's health specialists, some plans limit this access. Other plans deny direct access altogether, and require a referral from a primary care physician. Under the ''Access to Women's Health Care Act of 1999,'' women would be permitted to see a provider of obstetric and gynecological care without prior authorization. This approach is prudent and effective because it ensures that women have access to the benefits they pay for, without mandating a structural change in the plan's particular ''gatekeeper'' system.

It is important to note that 37 states have enacted laws promoting women's access to providers of obstetric and gynecological care. However, women in other states or in ERISA-regulated health plans are not protected from access restrictions or limitations. For many women, direct access to providers of obstetric and gynecological care is crucial because they are often the only providers that women see regularly during their reproductive years. These providers are often a woman's only point of entry into the health care system, and are caregivers who maintain a woman's medical record for much of her lifetime.

I believe it is clear that access to women's health care cuts across the intricacies of the complicated and often divisive managed care debate. During the past few years, Congress has debated many proposals which attempt to address growing problems in managed health care insurance. These proposals have been diverse, not only in their approach to the problems, but in the scope of the problems they seek to address. Most recently, during the 105th Congress, the House of Representatives passed a managed care reform proposal which, among many other reforms, included provisions requiring health plans to allow women direct access to obstetrician/gynecologists which participate in the plan. I would also note that this direct access provision has been included, in varying forms, in all of the major managed care reform proposals introduced in the Senate this year, including the bipartisan managed care reform bill, the ''Promoting Responsible Managed Care Act of 1999'' (S. 374), which I cosponsored. It is for these reasons that I offer this legislation today.

Only through bipartisanship and consensus-building can we come to an agreement on the difficult issue of addressing managed care reform. I believe that cutting through the cumbersome gatekeeper system to ensure women have access to the care they need is a good place to start, and I urge swift adoption of this legislation.

Mr. GRAHAM. Mr. President, I rise today, along with Senators SPECTER, COCHRAN and ROBB, to introduce the Access to Women's Health Care Act of 1999. This important legislation would provide women with direct access to providers of obstetric and gynecological services. It is critical that women have direct access to health care providers who are trained to address their unique health care needs.

Women's health has historically received little attention and it is time that we correct that. An obstetrician/gynecologist provides health care that encompasses the woman as a whole patient, while focusing on their reproductive systems. Access to obstetrician/gynecologists would improve the health of women by providing routine and preventive health care throughout the woman's lifetime. In fact, 60 percent of all visits to obstetrician/gynecologists are for preventive care.

According to a survey by the Commonwealth Fund, preventive care is better when women have access to obstetrician/gynecologists. The specialty of obstetrics/gynecology is devoted to the health care of women. Primary and preventive care are integral services provided by obstetrician/gynecologists. Complete physical exams, family planning, hypertension and cardiovascular surveillance, osteoporosis and smoking cessation counseling, are all among the services provided by obstetrician/gynecologists. For many women, an obstetrician/gynecologist is often the only physician they see regularly during their reproductive years.

Congress, so far, has been more reluctant to ensure direct access to women's health care providers than states. Thirty-seven states have stepped up to the plate and required at least some direct access for women's health care. We should commend these states for their efforts and work together so that women across the nation are afforded this important right.

I hope that with the help of my colleagues in Congress we will be able to improve women's health, by increasing their access to providers of obstetric/gynecological care. This provision has been included in varying forms in many of the managed care reform proposals this Congress.

By Mr. MCCONNELL (for himself, Mr. MOYNIHAN, Mr. LIEBERMAN, and Mr. MCCAIN):

S. 837. A bill to enable drivers to choose a more affordable form of auto insurance that also provides for more adequate and timely compensation for accident victims, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AUTO CHOICE REFORM ACT

Mr. MCCONNELL. Mr. President, I rise today to introduce a progressive, bipartisan bill to allow hard-working Americans to keep more of what they earn.

Imagine for a moment a tax cut that could save families $193 billion over the next five years. Better yet, this tax cut would not add a single penny to the deficit. Sound impossible? Not really. It's called Auto Choice.

The Auto Choice Reform Act offers the equivalent of a massive across-the-board tax cut to every American motorist. Based on a study by the RAND Institute for Civil Justice, the Joint Economic Committee (''JEC'') in Congress issued a 1998 report estimating that Auto Choice could save consumers as much as $35 billion a year—at no cost to the government.

In fact, the 5-year net savings described in the JEC report could reach $193 billion. Let me say that again, Mr. President: a potential savings of $193 billion—that is $50 million more than five-year tax cut savings projected in our budget resolution.

So what does this mean for the average American?

It would mean that the average American driver could keep more of what he or she earns to the tune of nearly $200 per year, per vehicle. And, Mr. President, low-income families would be the greatest beneficiaries of this bill. According to the JEC, the typical low-income household spends more on auto insurance in two years than the entire value of their car. Auto choice would change that by allowing low-income drivers to save 36 percent on their overall automobile premium. For a low-income household, these savings are the equivalent of five weeks of groceries or nearly four months of electric bills.

And, Mr. President, let me say again—Auto Choice would not add one penny to the deficit. It wouldn't cost the government a cent.

I expect that there will be a good deal of discussion over the next few months about Auto Choice and the effort to repair the broken-down automobile insurance tort system. But, Mr. President, everything you will hear about Auto Choice can be summed up in two words: Choice and Savings.

Consumers want, need, and deserve both.

Very simply, the Auto Choice Reform Act offers consumers the choice of opting out of the current pain and suffering litigation lottery. The consumers who make this choice will achieve a substantial savings on automobile insurance premiums by reducing fraud, pain-and-suffering litigation and lawyer fees.

Mr. President, before you can truly comprehend the benefits of this pro-consumer, pro-inner city, pro-tax cut bill, you must understand the terrible costs of the current tort liability system.

The current trial-lawyer insurance system desperately needs an overhaul. And nobody knows this better than the American motorist—who is now paying on average nearly $800 per year per vehicle for automobile insurance. Between 1987 and 1994, average premiums rose 44 percent—nearly one-and-a-half times the rate of inflation.

Why are consumers forced to pay so much?

Because the auto insurance tort system is fundamentally flawed. It is clogged and bloated by fraud, wasteful litigation, and abuse.

Fundamental flaw #1: The first flaw of the current system is rampant fraud and abuse. In 1995, the F.B.I. announced a wave of indictments stemming from Operation Sudden Impact, the most wide-ranging investigation of criminal fraud schemes involving staged car accidents and massive fraud in the health care system. The F.B.I uncovered criminal enterprises staging bus and car accidents in order to bring lawsuits and collect money from innocent people, businesses and governments. In fact, F.B.I. Director Louis Freeh has estimated that every American household is burdened by an additional $200 in unnecessary insurance premiums to cover this enormous amount of fraud.

In addition to the pervasive criminal fraud that exists, the incentives of our

litigation system encourage injured parties to make excessive medical claims to drive up their damage claims in lawsuits. The RAND institute for Civil Justice, in a study released in 1995, concluded that 35 to 42 percent of claimed medical costs in car accident cases are excessive and unnecessary. Let me repeat that in simple English: well over one-third of doctor, hospital, physical therapy and other medical costs claimed in car accident cases are for nonexistent injuries or for unnecessary treatment.

The value of this wasteful health care? Four billion dollars annually. I don't need to remind anyone of the ongoing local and national debate over our health care system. While people have strongly-held differences over the causes and solutions to that problem, the RAND data make one thing certain—lawsuits, and the potential for hitting the jackpot, drive overuse and abuse of the health care system. Reducing those costs by $4 billion annually, without depriving one person of needed medial care, is clearly in our national interest.

Why would an injured party inflate their medical claims, you might ask. It's simple arithmetic. For every $1 of economic loss, a party stands to recover up to $3 in pain and suffering awards. In short, the more you go to the chiropractor, the more you get from the jury. And, the more you get from the jury, the more money your attorney puts in his own pocket.

Which leads us to Fundamental Flaw #2—that is, the excessive amounts of consumer dollars that are wasted on lawsuits and trial lawyers. Based on data from the Insurance Information Institute and the Joint Economic Committee, it is estimated that lawyers rake in nearly two times the amount of money that injured parties receive for actual economic losses. Surely we would all agree that a system is broken down when it pays lawyers more than it pays injured parties for actual economic losses.

Fundamental Flaw #3: Seriously injured people are grossly undercompensated under the tort system. A 1991 RAND study reveals that people with economic losses $25,000 and $100,000 recover on average barely half of their economic losses—and no pain-and-suffering damages. People with losses in excess of $100,000 recover only 9 percent of their economic losses—and no pain-and-suffering damages. So, the hard facts demonstrate that seriously-injured victims do not receive pain-and-suffering damages today—event though they are paying to play in a system that promises pain-and-suffering damages.

Fundamental Flaw #4: Not only does the current system force you to typically hire a lawyer just to recover from a car accident, it also forces you to wait for that payment. One study indicates that the average time to recover is 16 months, and of course, it takes much longer in serious injury cases.

Auto Choice gives consumers a way out of this system of high premiums, rampant fraud, and slow, inequitable compensation. Our bill would remove the perverse incentives of lawsuits, while ensuring that accident victims recover fully for their economic loss.

So, what is auto choice? Let me first answer with what it is not. It does not abolish lawsuits, and it does not eliminate the concept of fault within the legal system. Undoubtedly, there will be more equitable compensation of injured parties, and thus less reason to go to court—but the right to sue will not be abolished.

Auto Choice allows drivers to decide how they want to be insured. In establishing the choice mechanism, the bill unbundles economic and non-economic losses and allows the driver to choose whether to be covered for non-economic losses (that is, pain and suffering losses).

In other words, if a driver wants to have the chance to recover pain and suffering, he says in the current system. If he wants to opt-out of the pain and suffering regime and receive lower premiums with prompt, guaranteed compensation for economic losses, then he chooses the personal injury protection system.

This choice, which sounds amazingly simple and imminently reasonable, is, believe it or not, currently unavailable anywhere in our country. Auto Choice will change that.

Let me briefly explain the choices that our bill will offer every consumer. A consumer will be able to choose one of two insurance systems.

The first choice in the Tort Maintenance System. Drivers who wish to stay in their current system would choose this system and be able to sue each other for pain and suffering. These drivers would essentially buy the same type of insurance that they currently carry—and would recover, or fail to recover, in the same way that they do today. The only change for these tort drivers would be that, in the event that they are hit by a personal protection driver, the tort driver would recover both economic and noneconomic damages from his own insurance policy. This supplemental first-party policy for tort drivers will be called tort maintenance coverage.

The second choice is the Personal Injury Protection System. Consumers choosing this system would be guaranteed prompt recovery of their economic losses, up to the levels of their own insurance policy. Personal protection drivers would achieve substantially reduced premiums because the personal injury protection system would dramatically reduce: (1) fraud, (2) pain and suffering lawsuits, and (3) attorney fees. These drivers would give up the chance to sue for pain and suffering damages in exchange for lower premiums, guaranteed compensation of economic losses, and relief from pain and suffering lawsuits.

Under both insurance systems—tort maintenance and personal protection—the injured party whose economic losses exceed his own coverage will have the chance to sue the other driver for excess economic losses. Moreover, tort drivers will retain the chance to sue each other for both economic and noneconomic loss. Critics who say the right to sue is abolished by this bill are plain wrong.

The advantages of personal protection coverage are enormous.

First, personal protection coverage assures that those who suffer injury, regardless of whether someone else is responsible, will be paid for their economic losses. The driver does not have to leave compensation up to the vagaries of how an accident occurs and how much coverage the other driver has. A driver whose car goes off a slippery road will be able to recover for his economic losses. Such a blameless driver could not recover under the tort system because no other person was at fault. No matter when and how a driver or a member of his family is injured, the driver will have peace of mind knowing that his insurance will help protect his family.

Second, the choice as to how much insurance protection to purchase is in the hands of the driver, who is in the best position to know how much coverage he and his family need. He can choose as much or as little insurance as his circumstances require, from $20,000 to $1 million of protection.

Third, people who elect the personal protection option will, in the event they are injured, be paid promptly, as their losses accrue.

Fourth, we will have more rational use of precious health care resources. Insuring on a first-party basis helps eliminate the incentives for excess medical claiming. When a person chooses to be compensated for actual economic loss, the tort system's incentives for padding one's claims disappear. If there's no pain-and-suffering lottery, then there's no reason to play the game.

Fifth, Auto Choice offers real benefits for low-income drivers because the savings are both dramatic and progressive. Low-income drivers will see the biggest savings because they pay a higher proportion of their disposal income in insurance costs. A study of low income residents of Maricopa County, Arizona, revealed that households below 50 percent of the poverty line spent an amazing 31.6 percent of disposable income on car insurance.

For many low-income families the choices are stark: car insurance and the ability to get to the job, or medicine, new clothing and extra food for the children. Too often these families feel forced to drive without any insurance. In fact, some areas in our country have uninsured motorist rates exceeding ninety percent. I would hope that this Senate would not sit back and allow our litigation system to promote this kind of lose-lose scenario for consumers.

Moreover, Auto Choice offers benefits to all taxpayers, even those who don't

drive. For example, local governments will save taxpayer dollars through decreased insurance and litigation costs. This will allow governments to use our tax dollars to more directly benefit the community. Think of all the additional police and firefighters that could be hired with money now spent on lawsuits, Or, schools and playgrounds that could be better equipped. New York City spends more on liability claims than it spends on libraries, botanical gardens, the Bronx Zoo, the Metropolitan Museum of Art and the Department of Youth Services, combined. Imagine the improved quality of life in our urban areas if governments were free of spending on needless lawsuits.

The bottom line? We think that consumers should be able to make one simple choice: ''Do you want to continue to pay nearly $800 per year per vehicle for auto insurance and have the chance to recover pain and suffering damages? Or would you rather save roughly $200 per year per vehicle, be promptly reimbursed for your economic losses, and forego pain and suffering damages?''

It's really that simple. And, we're not even going to tell them which answer is the right one. Because that's not up to us. It's up to the consumer. We simply want to give them the choice.

In closing, I'd like to quote The New York Times, which has summed up the benefits, and indeed, the simplicity of our bill: ''[Auto Choice] would give families the option of foregoing suits for nonmonetary losses in exchange for quick and complete reimbursement for every blow to their pocketbook. Everyone would win—except the lawyers.''

Mr. President, this bill is bipartisan and bicameral. I am proud today to again have the support of Senators MOYNIHAN and LIEBERMAN. We first introduced this bill in the 104th Congress, and I want to take a minute to say how much I appreciate their ongoing commitment to provide meaningful relief for consumers across the country, especially low-income families. And, we have now added another heavy hitter to our list of original cosponsors, Senator JOHN MCCAIN, the chairman of the Senate Commerce Committee.

I also want to thank House Majority Leader DICK ARMEY and Congressman JIM MORAN. They joined our team in the last Congress, and I am pleased to say that they will again be leading the charge in the House.

Auto Choice has broad support from across the spectrum. It should be obvious by the support and endorsements that Auto Choice is not conservative or liberal legislation. It is consumer legislation. To show this range of support, I ask unanimous consent that the RECORD include the statements in support of Auto Choice from the Republican Mayor of New York City, Rudolph Giuliani; the former Massachusetts Governor and Democratic presidential candidate, Michael Dukakis; and award-winning consumer advocate Andrew Tobias. I also ask unanimous consent that the RECORD include statements on behalf of Americans for Tax Reform, Citizens for a Sound Economy, and the U.S. Chamber of Commerce.

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

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, April 13, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: I am writing to you in support of Auto-Choice insurance reform, which will dramatically reduce automobile insurance premiums for American motorists.

Drivers across the country are struggling with the burden of unjustly high automobile insurance premiums caused by excessive pain and suffering damages awarded in personal injury actions. Three out of every four dollars awarded in these actions are spent on this subjective component of tort recovery. Also contributing to high premiums are inflated and fraudulent insurance claims. The Federal Bureau of Investigation has estimated that more than $200 of an American family's average annual premiums go to pay for automobile insurance fraud. Because insurance companies have to cover these payments, our premiums are significantly higher than they ought to be.

New York City has proposed State legislation to remedy some of the ills afflicting our tort recovery system, such as capping pain and suffering awards. However, your assistance is needed nationwide to protect ordinary drivers who suffer from the incentives that invite plaintiff attorneys to sue without restraint, in the hope of obtaining a large, unearned contingency fee from a large pain and suffering recovery. Attorneys receive one third or more of a tort recovery, a sum that often bears no relationship to the amount of time or effort invested by the attorney, while drivers often pay premiums that are not commensurate with the protection actually afforded. That is grossly unfair.

I support Auto-Choice because it would be a major step forward in tort reform and would provide billions of dollars in relief to taxpayers. Auto-Choice gives motorists the option to choose between two insurance coverage plans. The personal protection plan permits drivers to insure for economic loss only. Under this option, injured drivers recover from their own insurance carrier for economic loss without regard to fault. No lawsuit would be required unless an injured driver seeks recovery of economic loss exceeding his or her own policy's coverage. Under the second plan, traditional tort liability coverage, motorists insure for economic and non-economic damages, and recover both from their own insurance carrier. Under either plan, drivers may sue uninsured or inebriated drivers for economic and non-economic damages. The result is a first party recovery framework that separates pain and suffering damages from tort recovery. With litigation incentives eliminated, motorists will pay only for protection actually provided at a price they can better afford. Injured drivers recover medical bills, lost wages and other pecuniary loss without the headache of protracted litigation. For those that think pain and suffering recovery is an important part of insurance coverage, that option is available to them in the bill—at the price they are willing to pay, for the amount of coverage they wish to have.

Families throughout the country would benefit considerably from savings on automobile insurance premiums generated by this bill. According to the Congressional Joint Economic Committee, within a five year period, Auto-Choice could give motorists a total of over $190 billion in disposable income that otherwise would go to insurance companies. The average annual premium nationwide would be reduced by $184, and in New York, drivers would see a $385 decrease in the average annual insurance premium. That means more disposable income available to spend and more incentive to save. Until now, the insured have had to endure paying what is, for all intents and purposes, an ''automobile insurance tax'' to subsidize non-economic tort awards and inflated insurance claims. With these new reforms, drivers will realize what is essentially a huge tax cut, without any countervailing decrease in government service delivery.

Without the benefits of Auto-Choice, drivers will continue to pay high premiums. As I have stated previously in testimony submitted in 1997 to the Senate Committee on Commerce, Science and Transportation concerning the introduction of Auto-Choice legislation in the Senate: ''Residents, as taxpayers, lose money that could otherwise be spent on essential services. Residents, as individuals, lose money otherwise available as disposable income. Residents, as consumers, lose money because the cost of goods and services increases as businesses have to pay higher insurance premiums. Finally, and perhaps most disturbingly, residents lose faith in our judicial system as a result of courts clogged with tort litigation only to be outdone by hospital emergency rooms clogged with ambulance-chasing lawyers.''

In short, Auto-Choice would make an important difference in the lives of New Yorkers and drivers throughout the country. I look forward to opportunities to work with you in support of this important reform.

Sincerely,

RUDOLPH W. GIULIANI,
Mayor.

NORTHEASTERN UNIVERSITY,
DEPARTMENT OF POLITICAL SCIENCE,
Boston, MA, April 7, 1999.

I enthusiastically endorse the ''choice'' auto insurance bill you are jointly sponsoring. Your action is an important act of bipartisan leadership on an issue that significantly affects all Americans.

The issue you address has been a great concern of mine throughout my political career ever since I sponsored the first no-fault auto insurance bill in the nation.

Given the horrendous high costs of auto insurance, coupled with its long delays, high overhead, and rank unfairness when it comes to payment, your ''choice'' reform takes the sensible approach of allowing consumers to choose how to insure themselves. In other words, your reform trusts the American people to decide for themselves whether to spend their money on ''pain and suffering'' coverage or food, medicine, life insurance or any other expenditure they deem more valuable for themselves and their families.

The bill is particularly important to the people who live in American cities where premiums are the highest. It is no surprise that the cost studies done by the Joint Economic Committee indicate that while your reform will make stunning cost savings available to all American consumers, its largest benefit will go to low income drivers living in urban areas.

The bill will also help resolve the country's problems with runaway health costs. By allowing consumers to remove themselves from a system whose perverse incentives trigger the cost of health care costs, your reform will lower the cost of health care for all Americans while ensuring that health care

expenditures are more clearly targeted to health care needs.

I look forward to assisting you to the fullest degree as you exercise your vitally needed leadership on behalf of America's consumers.

MICHAEL S. DUKAKIS.

MIAMI, FL,
March 25, 1999.

TO WHOM IT MAY CONCERN: As an independent journalist and private citizen, I have been studying and working for automobile insurance reform for twenty years. I have written a book on the subject.

It astounds and saddens me that the system in Michigan—a state that knows something about automobiles—has not been adopted anywhere else in America. Michigan's coverage provides the seriously injured accident victim VASTLY better insurance protection than anywhere else. Yet it costs less than average. It has worked well for 25 years, more than proving itself. It is not perfect, but most consumer advocates agree it is by far the most humane, efficient, and least fraud-ridden system in the country.

And yet the coalition of labor unions and consumer groups that helped pass the Michigan law has failed to duplicate this success anywhere else. And over time, things in most states have only gotten worse. More uninsured motorists, more fraud, higher premiums, and even more shamefully inadequate compensation to those most seriously injured.

Given that reality, Senators Lieberman and Moynihan, and Jim Moran in the House, have got it absolutely right in supporting Auto Choice legislation. It is not perfect either. But it allows the man or woman who earns $9 an hour, let alone less, to opt out of a system that forces him or her, in effect, to shoulder the cost of the $125-an-house insurance company lawyer who will fight his claim . . . shoulder also, the enormous cost of padded and fraudulent claims . . . and then, if he wins, typically fork over 33% or 40% of the settlement, plus expenses, to his own attorney.

These attorneys are good people. But as virtually every disinterested observer from Richard Nixon in 1934 to Consumers Union in 1962 and periodically thereafter has said, the current lawsuit system of auto insurance makes no sense. It makes no sense that more auto-injury premium dollars in many states go to lawyers than to doctors, hospitals, chiropractors and rehabilitation specialists combined. Yet that is the case. Give consumers the choice to opt out of this system. The only difference from 1934 and 1962 and 1973 (when Michigan enacted its good system) is . . . it's gotten worse.

Sincerely,

ANDREW TOBIAS.

AMERICANS FOR TAX REFORM,
Washington, DC, March 29, 1999.

Hon. MITCH MCCONNELL,
Russell Senate
Washington, DC.

DEAR SENATOR MCCONNELL: Americans for Tax Reform wholeheartedly endorses the ''Auto Choice Reform Act'' legislation to provide consumer choice in automobile insurance.

Automobile insurance rates have skyrocketed during the last ten years. Between 1987 and 1994, premiums rose more than 40 percent—one-and-a-half time the rate of inflation. In 1995, the average policy cost more than $750. Clearly, these costs must be reduced, and we believe your legislation will achieve this goal.

Auto choice provides savings of about 45 percent on average for personal injury premiums for drivers that choose the PIP option. Especially, auto choice aids low-income drivers, who would save about 36 percent on their overall premiums. Not only does this plan give savings, but it will enable more low-income workers to get better paying jobs.

Most importantly, your bill gives consumers something they really want—a chance to choose the kind of auto insurance that fits their individual needs.

Auto choice is an idea whose time has come. ATR supports your efforts to make it a reality.

Sincerely,

GROVER G. NORQUIST,
President.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, April 13, 1999.

Senator MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of Citizens for a Sound Economy and its 250,000 members, I wish to convey our strong support for the Auto Choice Reform Act of 1999.

Most Americans rightly believe that they pay too much for auto insurance. And year after year, state legislatures and insurance departments respond with price controls and underwriting restrictions, which only make matters worse. The Auto Choice Reform Act of 1999 is based on the realization that to reduce the cost of auto insurance, two elements of the accident compensation system must be addressed: Losses resulting from bodily injury, including damages for ''pain and suffering''; and the tort-based system for redressing those losses.

Under the tort-based compensation system that operates in most states, accident victims may not file bodily injury claims with their own insurance company. Instead, they must try to collect from the other driver's insurer—which they can do only if they succeed in establishing that the other driver was legally at fault for their injuries. Compensating accident victims in this way is costly, inefficient, and time consuming. Trial lawyers, who constitute one of the most powerful special interests in America, are the primary beneficiaries of the current system.

Those eligible for compensation under the current tort-based system are subject to a perverse pattern of recovery. People with minor injuries are often vastly overcompensated, while in many cases the seriously injured cannot recover nearly enough to cover their economic losses.

''Contingency'' fee arrangements, whereby insureds agree to pay their attorneys a percentage of whatever sum they receive as compensation for their losses, siphon away about a third of an injured person's recovery award. Meanwhile, insurance costs are driven up because of the tort system's promise to compensate victims for their ''noneconomic damages.'' A catchall term that generally refers to ''pain and suffering,'' noneconomic damages are wildly subjective and impossible to quantify. Usually the successful claimant simply collects some multiple of his economic losses—typically three times—as compensation for pain and suffering.

This system creates a powerful incentive to inflate economic damages, typically by claiming unverifiable soft-tissue injuries. In Michigan, where third-party liability for pain and suffering has been virtually eliminated thanks to the state's strong no-fault law, auto accident victims suffer about seven soft-tissue injuries (sprains, strains, pains and whiplash) for every 10 ''hard'' injuries (such as broken bones). By contrast, in California, where auto accident victims are compensated through the tort system, injured motorists claim about 25 soft-tissue injuries for every 10 verifiable hard injuries. The ratio of soft-tissue injuries to hard-tissue injuries is similar in other tort states and states with weak no-fault laws. Obviously, these disparities raise troubling questions about the legitimacy of many soft-tissue injury claims—troubling, because ultimately the cost of inflated medical damages is passed on to all drivers in the form of higher premiums.

If the Auto Choice Reform Act becomes law, drivers will be able to choose either pure no-fault coverage, or a package that would allow them to collect pain and suffering damages from their own insurer, or from the insurers of other drivers with similar premium coverage. ''Pain and suffering'' would thus become an insurable risk, limiting legal liability to cases involving egregious behavior, or where both parties have agreed to pay, in the form of higher premiums, for the privilege of engaging the legal system. Meanwhile, truly negligent drivers—those who cause accidents intentionally, or while impaired by drugs or alcohol—would continue to be liable for their behavior, in addition to being subject to criminal sanctions.

By curtailing litigation and attorney involvement in the claim-settlement process, the Auto Choice Reform Act would have a dramatic impact on auto insurance rates. The RAND Institute for Civil Justice estimates that drivers choosing the no-fault option would reduce their premiums by 21 percent on average.

The Auto Choice Reform Act would yield even greater benefits to low-income motorists, who are increasingly dependent upon personal auto transportation at a time when welfare rolls are being cut and jobs are being transferred from the central city to the suburbs. Happily, the Congressional Joint Economic Committee has determined that low-income drivers could cut their premiums by as much as 48 percent if the Auto Choice Reform Act becomes law.

In sum, by allowing policyholders to opt out of the tort system, the Auto Choice Insurance Reform Act would rely on market forces—rather than price controls and hidden cross-subsidies—to drive down auto insurance premiums.

Serious efforts to reform auto insurance at the state level have been stymied repeatedly by the trial lawyers' lobby. Inflated medical bills, attorney fees, court costs, and exorbitant pain-and-suffering awards continue to impose tremendous costs on the automobile insurance system—costs that insurers must pass on to consumers in the form of escalating premiums. Because they profit handsomely from the inefficiencies wrought by this system, trial lawyers and their political allies will doubtless make every effort to defeat the Auto Choice Reform Act of 1999. Their desire to maintain the status quo must not be permitted to prevail over the interests of America's motorists.

Sincerely yours,

ROBERT R. DETLEFSEN, Ph.D.,
Director, Insurance
Reform Project.

CHAMBER OF COMMERCE,
OF THE UNITED STATES OF AMERICA,
Washington, DC, April 15, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I am writing on behalf of the U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region, to commend you for your continued leadership and sponsorship of the Auto Choice Reform Act.

This legislation would provide motorists and businesses with a very valuable option. They could cut their automobile insurance premiums by over 20 percent by voluntarily opting out of coverage for pain and suffering injuries in auto accidents. Those choosing this option would continue to receive full compensation for medical bills, lost wages and other economic losses, and would receive payment quickly—within 30 days. Those who wish to retain coverage similar to that presently available could do simply by paying higher rates.

As the largest business federation, the U.S. Chamber of Commerce supports this legislation and a similar bill in the House of Representatives because they provide a more affordable and efficient insurance option for businesses and motorists. Last year, the Joint Economic Committee (JEC) estimated that enactment of Auto Choice legislation could allow consumers to receive an annual auto insurance premium reduction of over $27 billion. This amounts to an average annual savings of $184 per car. Of particular importance to businesses, the JEC also estimated that commercial vehicle owners could see their auto insurance premiums decline by over 27 percent for a total business savings of $8 billion per year. This is equivalent to a huge tax cut for all Americans.

The U.S. Chamber pledges to continue to support this important legislation. Through our grassroots network and media outreach, we will inform the business community and public about the key benefits of this proposal. We thank and commend you for your leadership on the Auto Choice Reform Act and look forward to working with you for its successful passage.

Sincerely,

B. BRUCE JOSTEN.

Mr. MOYNIHAN. Mr. President, I am pleased to be an original cosponsor of the Auto Choice Reform Act of 1999, a bill submitted by my distinguished colleague, Senator MCCONNELL. This legislation is designed to create a new option in auto insurance for consumers who would prefer a system that guarantees quick and complete compensation. This alternative system would change most insurance coverage to a first-party system from a third-party system and it would separate economic and noneconomic compensation by unbundling the premium. Therefore, drivers would be allowed to insure themselves for only economic loss or for both economic and noneconomic loss.

I simply would remark that this issue has been with us for 30-odd years and I wish to provide some of the background and a particular perspective.

The automobile probably has generated more externalities, as economists and authors Alan K. Campbell and Jesse Burkhead remarked, than any other device or incident in human history. And one of them is the issue of insurance, litigation, and compensation in the aftermath of what are called ''accidents'' but are nothing of the kind and are the source of so much misunderstanding.

When a certain number of ''accidents'' occur (I think that in 1894, if memory serves, there were two automobiles in St. Louis, MO, and they managed to collide—at least, it has been thought thus ever since), they become statistically predictable collisions—foreseeable events—in a complex transportation system such as the one we have built.

This began to be a subject of epidemiology in the 1940's, and by the 1950's, we had the hang of it. We knew what we were dealing with and how to approach it.

The first thing that we did—I think it fair to say it was done in New York under the Harriman administration, of which I was a member—was to introduce the concept of passenger safety into highway and vehicle design. Safety initiatives were undertaken, first at the State level. The, in 1966, Congress passed two bills, the National Traffic and Motor Vehicle Safety Act and the Highway Safety Act, to establish pervasive Federal regulation. At the time, the last thing in the world an automobile manufacturer would suggest was that its product was a car in which one could safely have an accident! Perhaps other motorists, driving other companies cars, had accidents. It took quite a bit of learning—social learning—but eventually it happened: safety features such as padded steering wheels and dashboards, seat belts, and airbags became integral design considerations. Now it is routine; we take such features for granted. It wasn't always thus. Social learning.

And then the issue of insurance and litigation and so forth arose. In 1967, if I could say, which would be 32 years ago, I wrote an article for The New York Time Magazine, which simply said, ''Next, a new auto insurance policy.'' By ''next,'' I meant a natural evolution, building on the epidemiological knowledge we had developed regarding the incidence of collisons and the trauma they caused to drivers, passengers, and pedestrians. And I had a good line here, I think: ''Automobile accident litigation has become a twentieth-century equivalent of Dickens's Court of Chancery, eating up the pittance of widows of orphans, a vale from which few return with their respect for justice undiminished.''

The are several fundamental problems with the current system of auto insurance, as I explained back then. First, determining fault, necessary in a tort system, is no easy task in most instances. Typically, there are few witnesses. And the witnesses certainly aren't ''expert.'' The collisions are too fast, too disorienting. And adjudicating a case typical occurs long after the collision. Memories fade.

More important, as I remarked at the time, is that ''no one involved (in the insurance system) has any incentive to moderation or reasonableness. The victim has every reason to exaggerate his losses. It is some other person's insurance company that must pay. The company has every reason to resist. It is somebody else's customer who is making the claim.'' This leads to excessive litigation, costly legal fees, and inefficient, inequitable compensation.

A 1992 survey of the nation's most populous counties by the U.S. Department of Justice found that tort cases make up about one-half of all civil cases filed in state courts. Auto collision-related lawsuits account for 60 percent of these tort cases—more than all other types of tort lawsuits combined. Such lawsuits are time consuming: 31 percent of automobile tort cases take over one year to process. They are clogging our courts, displacing other types of civil litigation far more important to society.

And for all the time, money, and effort these lawsuits consume, they do not compensate victims adequately. On average, victims with losses between $25,000 and $100,000 recover just over half (56 percent) of their losses, and those persons with losses over $100,000 receive just nine cents on the dollar in compensation.

''Auto Choice,'' as our legislation is known, will curtail excessive litigation by changing insurance coverage to a first-party system—at the driver's option. Individuals will insure themselves against economic damages regardless of fault. They can, if they wish, insure for non-economic losses, too. They simply pay a higher premium. In the event they sustain damages in a collision, under Auto Choice, they bypass litigation altogether, and they receive just and adequate compensation in a timely fashion.

I earnestly hope that Congress will enact this important legislation this year. It will benefit all American motorists. Its savings are bigger than any tax cut Congress is likely to enact, and they won't affect our ability to balance the budget. But even more important, I think, is the fact that ''auto choice'' will take some of the strain off our overburdened judiciary. I don't know if we can calculate the value of such a benefit.

Mr. LIEBERMAN. Mr. President, I rise in strong support of the bill we are introducing today: the Auto Choice Reform Act of 1999. If enacted, this bill would save American consumers tens of billions of dollars, while at the same time producing an auto insurance system that operates more efficiently and promises drivers better and quicker compensation.

America's drivers are plagued today by an auto accident insurance and compensation system that is too expensive and that does not work. We currently pay an average of approximately $775 annually for our auto insurance per car. This is an extraordinarily large sum, and one that is particularly difficult for people of modest means—and almost impossible for poor people—to afford. A study of Maricopa County, AZ, drives this point home. That study found that families living below 50 percent of the poverty line spend nearly one-third of their household income on premiums when they purchase auto insurance.

Perhaps those costs would be worth it if they meant that people injured in

car accidents were fully compensated for their injuries. But under the current tort system, that often is not the case, particularly for people who are seriously injured. Because of the need to prove fault and the ability to receive compensation only through someone else's insurance policy, some injured drivers—like those in one car accidents or those who are found to have been at fault themselves—are left without any compensation at all. Others must endure years of litigation before receiving compensation for their injuries. In the end, many people who suffer minimal injuries in auto accidents end up overcompensated, while victims of serious injuries often fail to receive full restitution. Indeed, the extent to which seriously injured drivers are undercompensated in the current tort system is staggering: victims with economic losses—things like lost wages and medical bills—between $25,000 and $100,000 recover only 56 percent of their losses on average, while those with over $100,000 in economic losses get only about 9 percent back on average. Recite those numbers to anyone who tells you the current system works just fine the way it is.

The current system most hurts the very people who can afford it the least—the nation's poor and drivers who live in the nation's inner cities. The $775 average premium I mentioned is already far too much for people of modest means to afford. But for many residents of the inner cities a $775 premium is just a dream. As a report issued by Congress' Joint Economic Committee last year starkly detailed, inner city residents pay what can only be called a ''tort tax''—insurance rates that are often double those of their suburban neighbors. For example, a married man with no accidents or traffic violations living in Philadelphia pays $1,800 for an insurance policy that would cost him less than half that if he moved just over the line, out of Philadelphia County. The average annual premium for a 38-year old woman with a clean driving record living in central Los Angeles approaches $3,500. The statistic that I think best drives home the disproportionate amount poor people spend on auto insurance is this one: the typical low-income household spends more on auto insurance over two years than the entire value of their car.

The results of these high costs shouldn't surprise us. They lead many inner-city drivers to choose to drive uninsured, which is to say our auto insurance system makes outlaws of them and puts the rest of us in jeopardy, because people injured by an uninsured driver may have no place to go for compensation. Other inner-city residents simply decide not to own cars, something that in itself should trouble us. As the JEC's Report details, the lack of car ownership, combined with the dearth of jobs in the inner-cities, severely limits the ability of many city residents to find employment and lift themselves out of poverty.

The Auto Choice bill would go a long way towards solving all of these problems. By simply giving consumers a choice to opt out of the tort system, Auto Choice would bring all drivers who want it lower premiums. Auto Choice would save drivers nationally an average of 23 percent, or $184, annually—a total of over $35 billion. Connecticut drivers would see an average savings of $217 annually. Low-income drivers would see even more dramatic savings—an average of 36 percent nationally or 33 percent in Connecticut.

Here's how our plan would work: All drivers would be required to purchase a certain minimum level of insurance, but they would get to choose the type of coverage they want. Those drivers who value immediate compensation for their injuries and lower premiums would be able to purchase what we call ''personal injury protection insurance.'' If the driver with that type of coverage is injured in an accident, he or she would get immediate compensation for economic losses up to the limits of his or her policy, without regard to who was at fault in the accident.

If their economic losses exceeded those policy limits, the injured party could sue the other driver for the extra economic loss on a fault basis; The only thing the plaintiff could not do is sue the other driver for noneconomic losses, the so-called pain and suffering damages.

Those drivers who did not want to give up the ability to collect pain and suffering damages could choose a different option, called tort maintenance coverage. Drivers with that type of policy would be able to cover themselves for whatever level of economic and noneconomic damages they want, and they would then be able to collect those damages, also from their own insurance company, after proving fault.

As I mentioned earlier, the savings from this new Choice system would be dramatic—again, an average of $184 annually nationally, up to $35 billion each and every year under our proposal.

Our Auto Choice plan ensures that most injured people would be compensated immediately and that we all can purchase auto insurance at a reasonable rate. Mr. President, this bill would be a boon to the American driver and to the American economy. I look forward to working with my colleagues to see it enacted into law.

Mr. MCCAIN. Mr. President, I rise to join my colleagues in introducing legislation to provide consumers with a true choice when they purchase auto insurance. Not simply a choice between to insurance companies, but a choice between two different systems of insurance.

The current tort based liability system is expensive and inefficient. It pays more money to lawyers than for victims legitimate medical bills and lost wages. A study conducted in my home state of Arizona found that a low-income family spends as much as 31 percent of their disposable income on car insurance. As a result, families put off basic necessities such as rent, medical care and sometimes groceries. The current system needs to be changed.

The system proposed in our bill would allow consumers a more affordable alternative designed to provide adequate and timely compensation for accident victims and less need for layers. Under the new system when an accident occurs, the consumer's insurance company would compensate them for their economic losses, such as repair costs, medical bills and lost wages. In exchange, the consumer forgoes the right to sue for non-economic losses such as pain and suffering.

Consumers choosing to remain in the current system can bring suit as they do now. These consumers would purchase additional coverage to cover their non-economic damages in the event they have an accident with someone in the new system.

The purpose of this legislation is to allow consumers to choose the type of insurance that meets their needs. It also provides state legislatures a choice. This legislation allows states to ''opt out'' should they disagree with this proposal. States can ''opt out'' in two ways. First, the legislature can enact legislation declaring they will not participate in the new system. Secondly, the state insurance commissioner can find that the measure will not reduce bodily injury premiums by 30 percent. This opt out provision is reasonable and will give states a true choice.

Again, I am pleased to join my colleagues in introducing this measure. I look forward to moving it through the legislative process.

By Mr. DOMENICI:

S. 838. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

JUVENILE CRIME CONTROL AND COMMUNITY PROTECTION ACT OF 1999

Mr. DOMENICI. Mr. President, I rise today to introduce the ''Juvenile Crime Control and Community Protection Act of 1999.'' I believe that juvenile crime is one of the most important issues facing our nation today. It's one we should address in the 106th Congress.

In recent years, I have held field hearings in my home state of New Mexico to hear the concerns and problems faced by all of the people affected by juvenile crime—the police, prosecutors, judges, social workers and most importantly—the victims who reside in our communities.

I think that the sentiments expressed by most of my constituents at the hearing are the same ones felt by people all over the country:

(1) many of our nation's youth are out of control;

(2) other children and teenagers do not have enough constructive things to

do to keep them from falling into delinquent or criminal behavior;

(3) the current system does very little, if anything, to protect the public from youth violence; and

(4) the current system has failed victims.

The time has come for a new federal role to assist the states with their efforts to get tough on violent young criminals.

The federal government can play a larger role in punishing and preventing youth violence without tying the hands of state and local governments or preventing them from implementing innovative solutions to the problem.

This new federal role should, however, expect states to get tough on youth violence and reward them for enacting law enforcement and prosecution policies designed to take violent juvenile criminals off of the street.

With those goals in mind, the bill I introduce today makes some fundamental changes to the crime fighting partnership which exists between the states and the federal government.

It combines strict law enforcement and prosecution policies for the most violent offenders with more federal resources—more than three times the amount available under current law—to help states fight crime and prevent juveniles from entering the justice system in the first place.

This bill authorizes a total of $500 million to provide the states with two separate grant programs—one, with virtually no strings attached, based on the current state formula grants—and a second new incentive grant program for states which enact certain ''best practices'' to combat and prevent juvenile violence. I want to talk a little bit about each.

The bill authorizes $300 million, divided into two $150 million pots, for a new grant program for states which enact certain ''get tough'' reforms to their juvenile justice systems. States will have access to the first $150 million if they enact three practices:

(1) *Mandatory adult prosecution* for juveniles age 14 and older who commit certain serious violent crimes;

(2) *Graduated sanctions,* so that every offense, no matter how small, receives some punishment; and

(3) *Adult records,* including fingerprints and photographs, for juvenile criminals.

States which implement these practices and enact another five of 20 suggested reforms will be eligible to receive additional funds from the second $150 million. Some of these suggested reforms include:

(1) Victims' rights, including the right to be notified of the sentencing and release of the offender;

(2) Mandatory victim restitution;

(3) Public access to juvenile proceedings;

(4) Parental responsibility laws for acts committed by juveniles released to their parents' custody;

(5) Zero tolerance for deadbeat juvenile parents—a requirement that juveniles released from custody attend school or vocational training and support their children;

(6) Zero tolerance for truancy;

(7) Character counts training programs; and

(8) Mentoring.

These programs are a combination of reforms which will positively impact victims, get tough on juvenile offenders, and provide states with resources to implement prevention programs to keep juveniles out of trouble in the first place.

The bill also increases to $200 million the amount available to states under the current OJJDP grant program. It also eliminates many of the strings placed on states as a condition of receiving those grants.

While the Justice Department has said that the overall juvenile crime rate in the United States dropped again last year, the juvenile crime statistics also tell us that our young people are more violent than ever. In 1996 in my home state of New Mexico, there were 36,927 referrals to the state juvenile parole and probation office. 39% of those referred have a history of 10 or more contacts with the justice system. The number of these referrals for VIOLENT offenses, including murder, robbery, assault and rape increased 64 percent from 1993 to 1997.

I mention these numbers not only because they make it clear that many of our children are more violent than ever, but also because they have led to a growing problem in my home state, a problem which this bill will help fix. More juvenile arrests create the need for more space to house juvenile criminals. But, because of burdensome federal ''sight and sound separation'' rules, New Mexico has been unable to implement a safe, reasonable solution to alleviate overcrowding at its juvenile facilities.

Instead, the state has been forced to consider sending juvenile prisoners to Iowa and Texas to avoid violating the federal rules and losing their funding. That is unacceptable and this bill will fix that.

Mr. President, juvenile crime is the number one concern in my state. From Albuquerque to Las Cruces, Roswell to Farmington, and in even smaller cities like Clovis and Silver City, I hear the same thing from my constituents: our children are out of control and we need help. This bill will provide that help, in a way which will preserve the traditional role state and local law enforcement authorities play in the fight against crime. More resources to get tough on violent offenders and provide youth with more constructive things to do to keep them out of trouble, with fewer strings from the federal government. That's what this bill will do, and I hope my colleagues will support my efforts to make this a priority issue for this Congress.

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. 838

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Juvenile Crime Control and Community Protection Act of 1999''.

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

SEC. 2. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—REFORM OF EXISTING PROGRAMS

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) FINDINGS.—Congress finds that—

''(1) the Nation's juvenile justice system is in trouble, including dangerously overcrowded facilities, overworked field staff, and a growing number of children who are breaking the law;

''(2) a redesigned juvenile corrections program for the next century should be based on 4 principles, including—

''(A) protecting the community;

''(B) accountability for offenders and their families;

''(C) restitution for victims and the community; and

''(D) community-based prevention;

''(3) existing programs have not adequately responded to the particular problems of juvenile delinquents in the 1990's;

''(4) State and local communities, which experience directly the devastating failure of the juvenile justice system, do not have sufficient resources to deal comprehensively with the problems of juvenile crime and delinquency;

''(5) limited State and local resources are being unnecessarily wasted complying with overly technical Federal requirements for 'sight and sound' separation currently in effect under the 1974 Act, while prohibiting the commingling of adults and juvenile populations would achieve this important purpose without imposing an undue burden on State and local governments;

''(6) limited State and local resources are being unnecessarily wasted complying with the overly restrictive Federal mandate that no juveniles be detained or confined in any jail or lockup for adults, which mandate is particularly burdensome for rural communities;

''(7) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the area of sentencing;

''(8) local school districts lack information necessary to track serious violent juvenile offenders, information that is essential to promoting safety in public schools;

''(9) the term 'prevention' should mean both ensuring that families have a greater chance to raise their children so that those children do not engage in criminal or delinquent activities, and preventing children who have engaged in such activities from becoming permanently entrenched in the juvenile justice system;

''(10) in 1994, there were more than 330,000 juvenile arrests for violent crimes, and between 1985 and 1994, the number of juvenile criminal homicide cases increased by 144 percent, and the number of juvenile weapons cases increased by 156 percent;

''(11) in 1994, males age 14 through 24 constituted only 8 percent of the population, but accounted for more than 25 percent of all homicide victims and nearly half of all convicted murderers;

''(12) in a survey of 250 judges, 93 percent of those judges stated that juvenile offenders should be fingerprinted, 85 percent stated that juvenile criminal records should be made available to adult authorities, and 40 percent stated that the minimum age for facing murder charges should be 14 or 15;

''(13) studies indicate that good parenting skills, including normative development, monitoring, and discipline, clearly affect whether children will become delinquent, and adequate supervision of free-time activities, whereabouts, and peer interaction is critical to ensure that children do not drift into delinquency;

''(14) school officials lack the information necessary to ensure that school environments are safe and conducive to learning;

''(15) in the 1970's, less than half of our Nation's cities reported gang activity, while 2 decades later, a nationwide survey reported a total of 23,388 gangs and 664,906 gang members on the streets of United States cities in 1995;

''(16) the high incidence of delinquency in the United States results in an enormous annual cost and an immeasurable loss of human life, personal security, and wasted human resources; and

''(17) juvenile delinquency constitutes a growing threat to the national welfare, requiring immediate and comprehensive action by the Federal Government to reduce and eliminate the threat.''; and

(2) in subsection (b)—

(A) by striking ''further''; and

(B) by striking ''Federal Government'' and inserting ''Federal, State, and local governments''.

(b) PURPOSES.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

''SEC. 102. PURPOSES.

''The purposes of this title and title II are—

''(1) to assist State and local governments in promoting public safety by supporting juvenile delinquency prevention and control activities;

''(2) to give greater flexibility to schools to design academic programs and educational services for juvenile delinquents expelled or suspended for disciplinary reasons;

''(3) to assist State and local governments in promoting public safety by encouraging accountability through the imposition of meaningful sanctions for acts of juvenile delinquency;

''(4) to assist State and local governments in promoting public safety by improving the extent, accuracy, availability, and usefulness of juvenile court and law enforcement records and the openness of the juvenile justice system to the public;

''(5) to assist teachers and school officials in ensuring school safety by improving their access to information concerning juvenile offenders attending or intending to enroll in their schools or school-related activities;

''(6) to assist State and local governments in promoting public safety by encouraging the identification of violent and hardcore juveniles and in transferring such juveniles out of the jurisdiction of the juvenile justice system and into the jurisdiction of adult criminal court;

''(7) to provide for the evaluation of federally assisted juvenile crime control programs, and training necessary for the establishment and operation of such programs;

''(8) to ensure the dissemination of information regarding juvenile crime control programs by providing a national clearinghouse; and

''(9) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs.''.

SEC. 102. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3), by inserting ''punishment,'' after ''control,'';

(2) in paragraph (22)(iii), by striking ''and'' at the end;

(3) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(24) the term 'serious violent crime' means—

''(A) murder or nonnegligent manslaughter, or robbery;

''(B) aggravated assault committed with the use of a dangerous or deadly weapon, forcible rape, kidnaping, felony aggravated battery, assault with intent to commit a serious violent crime, and vehicular homicide committed while under the influence of an intoxicating liquor or controlled substance; or

''(C) a serious drug offense;

''(25) the term 'serious drug offense' means an act or acts which, if committed by an adult subject to Federal criminal jurisdiction, would be punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)); and

''(26) the term 'serious habitual offender' means a juvenile who—

''(A) has been adjudicated delinquent and subsequently arrested for a capital offense, life offense, first degree aggravated sexual offense, or serious drug offense;

''(B) has had not fewer than 5 arrests, with 3 arrests chargeable as felonies if committed by an adult and not fewer than 3 arrests occurring within the most recent 12-month period;

''(C) has had not fewer than 10 arrests, with 2 arrests chargeable as felonies if committed by an adult and not fewer than 3 arrests occurring within the most recent 12-month period; or

''(D) has had not fewer than 10 arrests, with 8 or more arrests for misdemeanor crimes involving theft, assault, battery, narcotics possession or distribution, or possession of weapons, and not fewer than 3 arrests occurring within the most recent 12-month period.''.

SEC. 103. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1)—

(A) by striking ''shall develop'' and inserting the following: ''shall—

''(A) develop'';

(B) by inserting ''punishment,'' before ''diversion''; and

(C) in the first sentence, by striking ''States'' and all that follows through the end of the paragraph and inserting the following: ''States; and

''(B) annually submit the plan required by subparagraph (A) to the Congress.'';

(2) in subsection (b)—

(A) in paragraph (1), by adding ''and'' at the end; and

(B) by striking paragraphs (2) through (7) and inserting the following:

''(2) reduce duplication among Federal juvenile delinquency programs and activities conducted by Federal departments and agencies.'';

(3) by redesignating subsection (h) as subsection (f); and

(4) by striking subsection (i).

SEC. 104. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended to read as follows:

''SEC. 207. ANNUAL REPORT.

''Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Governor of each State, a report that contains the following with respect to such fiscal year:

''(1) SUMMARY AND ANALYSIS.—A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the number of repeat juvenile offenders, the number of juveniles using weapons, the number of juvenile and adult victims of juvenile crime and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

''(A) the types of offenses with which the juveniles are charged, data on serious violent crimes committed by juveniles, and data on serious habitual offenders;

''(B) the race and gender of the juveniles and their victims;

''(C) the ages of the juveniles and their victims;

''(D) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

''(E) the number of juveniles who died while in custody and the circumstances under which they died;

''(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school;

''(G) the number of juveniles who are substance abusers; and

''(H) information on juveniles fathering or giving birth to children out of wedlock, and whether such juveniles have assumed financial responsibility for their children.

''(2) ACTIVITIES FUNDED.—A description of the activities for which funds are expended under this part.

''(3) STATE COMPLIANCE.—A description based on the most recent data available of the extent to which each State complies with section 223 and with the plan submitted under that section by the State for that fiscal year.

''(4) SUMMARY AND EXPLANATION.—A summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replacing such program or activity in other locations.

''(5) EXEMPLARY PROGRAMS AND PRACTICES.—A description of selected exemplary delinquency prevention programs and accountability-based youth violence reduction practices.''.

SEC. 105. BLOCK GRANTS FOR STATE AND LOCAL PROGRAMS.

Section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''The Administrator''; and

(B) by inserting before the period at the end the following: '', including—

''(A) initiatives for holding juveniles accountable for any act for which they are adjudicated delinquent;

''(B) increasing public awareness of juvenile proceedings;

''(C) improving the content, accuracy, availability, and usefulness of juvenile court and law enforcement records (including fingerprints and photographs); and

''(D) education programs such as funding for extended hours for libraries and recreational programs which benefit all juveniles''; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) Of amounts made available to carry out this part in any fiscal year, $10,000,000 or 1 percent (whichever is greater) may be used by the Administrator—

''(A) to establish and maintain a clearinghouse to disseminate to the States information on juvenile delinquency prevention, treatment, and control; and

''(B) to provide training and technical assistance to States to improve the administration of the juvenile justice system.''.

SEC. 106. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) by striking the second sentence;

(B) by striking paragraph (3) and inserting the following:

''(3) provide for an advisory group, which—

''(A) shall—

''(i)(I) consist of not less than 5 members appointed by the chief executive officer of the State; and

''(II) consist of a majority of members (including the chairperson) who are not full-time employees of the Federal Government, or a State or local government;

''(ii) include members who have training, experience, or special knowledge concerning—

''(I) the prevention and treatment of juvenile delinquency;

''(II) the administration of juvenile justice, including law enforcement; and

''(III) the representation of the interests of the victims of violent juvenile crime and their families; and

''(iii) include as members at least 1 locally elected official representing general purpose local government;

''(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

''(C) shall be afforded an opportunity to review and comment, not later than 30 days after the submission to the advisory group, on all juvenile justice and delinquency prevention grants submitted to the State agency designated under paragraph (1);

''(D) shall, consistent with this title—

''(i) advise the State agency designated under paragraph (1) and its supervisory board; and

''(ii) submit to the chief executive officer and the legislature of the State not less frequently than annually recommendations regarding State compliance with this subsection; and

''(E) may, consistent with this title—

''(i) advise on State supervisory board and local criminal justice advisory board composition;

''(ii) review progress and accomplishments of projects funded under the State plan; and

''(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;'';

(C) in paragraph (10)—

(i) in subparagraph (N), by striking ''and'' at the end;

(ii) in subparagraph (O), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(P) programs implementing the practices described in paragraphs (6) through (12) and (17) and (18) of section 242(b);'';

(D) by striking paragraph (13) and inserting the following:

''(13) provide assurances that, in each secure facility located in the State (including any jail or lockup for adults), there is no commingling in the same cell or community room of, or any other regular, sustained, physical contact between any juvenile detained or confined for any period of time in that facility and any adult offender detained or confined for any period of time in that facility, except that this paragraph may not be construed to prohibit the use of a community room or other common area of the facility by such juveniles and adults at different times, or to prohibit the use of the same staff for both juvenile and adult inmates;'';

(E) by striking paragraphs (8), (9), (12), (14), (15), (17), (18), (19), (24), and (25);

(F) by redesignating paragraphs (10), (11), (13), (16), (20), (21), (22), and (23) as paragraphs (8) through (15), respectively;

(G) in paragraph (14), as redesignated, by adding ''and'' at the end; and

(H) in paragraph (15), as redesignated, by striking the semicolon at the end and inserting a period; and

(2) by striking subsections (c) and (d).

SEC. 107. REPEALS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in title II—

(A) by striking parts C, E, F, G, and H;

(B) by striking part I, as added by section 2(i)(1)(C) of Public Law 102–586; and

(C) by amending the heading of part I, as redesignated by section 2(i)(1)(A) of Public Law 102–586, to read as follows:

''PART E—GENERAL AND ADMINISTRATIVE PROVISIONS''; and

(2) by striking title V, as added by section 5(a) of Public Law 102–586.

TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

SEC. 201. INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part B the following:

''PART C—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

''SEC. 241. AUTHORIZATION OF GRANTS.

''The Administrator shall provide juvenile delinquent accountability grants under section 242 to eligible States to carry out this title.

''SEC. 242. ACCOUNTABILITY-BASED INCENTIVE GRANTS.

''(a) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application at such time, in such form, and containing such assurances and information as the Administrator may require by rule, including assurances that the State has in effect (or will have in effect not later than 1 year after the date on which the State submits such application) laws, or has implemented (or will implement not later than 1 year after the date on which the State submits such application)—

''(1) policies and programs that ensure that all juveniles who commit an act after attaining 14 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution, unless on a case-by-case basis, as a matter of law or prosecutorial discretion, the transfer of such juveniles for disposition in the juvenile system is determined to be in the interest of justice, except that the age of the juvenile alone shall not be determinative of whether such transfer is in the interest of justice;

''(2) graduated sanctions for juvenile offenders, ensuring a sanction for every delinquent or criminal act, ensuring that the sanction is of increasing severity based on the nature of the act, and escalating the sanction with each subsequent delinquent or criminal act; and

''(3) a system of records relating to any adjudication of juveniles less than 15 years of age who are adjudicated delinquent for conduct that if committed by an adult would constitute a serious violent crime, which records are—

''(A) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

''(B) submitted to the Federal Bureau of Investigation in the same manner in which adult records are submitted;

''(C) retained for a period of time that is equal to the period of time that records are retained for adults; and

''(D) available to law enforcement agencies, prosecutors, the courts, and school officials.

''(b) STANDARDS FOR HANDLING AND DISCLOSING INFORMATION.—School officials referred to in subsection (a)(3)(D) shall be subject to the same standards and penalties to which law enforcement and juvenile justice system employees are subject under Federal and State law for handling and disclosing information referred to in that paragraph.

''(c) ADDITIONAL AMOUNT BASED ON ACCOUNTABILITY-BASED YOUTH VIOLENCE REDUCTION PRACTICES.—A State that receives a grant under subsection (a) is eligible to receive an additional amount of funds added to such grant if such State demonstrates that the State has in effect, or will have in effect, not later than 1 year after the deadline established by the Administrator for the submission of applications under subsection (a) for the fiscal year at issue, not fewer than 5 of the following practices:

''(1) VICTIMS' RIGHTS.—Increased victims' rights, including—

''(A) the right to be treated with fairness and with respect for the dignity and privacy of the victim;

''(B) the right to be reasonably protected from the accused offender;

''(C) the right to be notified of court proceedings; and

''(D) the right to information about the conviction, sentencing, imprisonment, and release of the offender.

''(2) RESTITUTION.—Mandatory victim and community restitution, including statewide programs to reach restitution collection levels of not less than 80 percent.

''(3) ACCESS TO PROCEEDINGS.—Public access to juvenile court delinquency proceedings.

''(4) PARENTAL RESPONSIBILITY.—Juvenile nighttime curfews and parental civil liability for serious acts committed by juveniles released to the custody of their parents by the court.

''(5) ZERO TOLERANCE FOR DEADBEAT JUVENILE PARENTS.—A requirement as conditions of parole that—

''(A) any juvenile offender who is a parent demonstrates parental responsibility by working and paying child support; and

''(B) the juvenile attends and successfully completes school or pursues vocational training.

''(6) SERIOUS HABITUAL OFFENDERS COMPREHENSIVE ACTION PROGRAM (SHOCAP).—

''(A) IN GENERAL.—Implementation of a serious habitual offender comprehensive action program which is a multidisciplinary interagency case management and information sharing system that enables the juvenile and criminal justice system, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts.

''(B) MULTIDISCIPLINARY AGENCIES.—Establishment by units of local government in the State under a program referred to in subparagraph (A), of a multidisciplinary agency comprised of representatives from—

''(i) law enforcement organizations;

''(ii) school districts;

''(iii) State's attorneys offices;

''(iv) court services;

''(v) State and county children and family services; and

''(vi) any additional organizations, groups, or agencies deemed appropriate to accomplish the purposes described in subparagraph (A), including—

''(I) juvenile detention centers;

''(II) mental and medical health agencies; and

''(III) the community at large.

''(C) IDENTIFICATION OF SERIOUS HABITUAL OFFENDERS.—Each multidisciplinary agency established under subparagraph (B) shall adopt, by a majority of its members, criteria to identify individuals who are serious habitual offenders.

''(D) INTERAGENCY INFORMATION SHARING AGREEMENT.—

''(i) IN GENERAL.—Each multidisciplinary agency established under subparagraph (B) shall adopt, by a majority of its members, an interagency information sharing agreement to be signed by the chief executive officer of each organization and agency represented in the multidisciplinary agency.

''(ii) DISCLOSURE OF INFORMATION.—The interagency information sharing agreement shall require that—

''(I) all records pertaining to serious habitual offenders shall be kept confidential to the extent required by State law;

''(II) information in the records may be made available to other staff from member organizations and agencies as authorized by the multidisciplinary agency for the purposes of promoting case management, community supervision, conduct control, and tracking of the serious habitual offender for the application and coordination of appropriate services; and

''(III) access to the information in the records shall be limited to individuals who provide direct services to the serious habitual offender or who provide community conduct control and supervision to the serious habitual offender.

''(7) COMMUNITY-WIDE PARTNERSHIPS.—Community-wide partnerships involving county, municipal government, school districts, appropriate State agencies, and nonprofit organizations to administer a unified approach to juvenile delinquency.

''(8) ZERO TOLERANCE FOR TRUANCY.—Implementation by school districts of programs to curb truancy and implement certain and swift punishments for truancy, including parental notification of every absence, mandatory Saturday school makeup sessions for truants or weekends in jail for truants and denial of participation or attendance at extracurricular activities by truants.

''(9) ALTERNATIVE SCHOOLING.—A requirement that, as a condition of receiving any State funding provided to school districts in accordance with a formula allocation based on the number of children enrolled in school in the school district, each school district shall establish one or more alternative schools or classrooms for juvenile offenders or juveniles who are expelled or suspended for disciplinary reasons and shall require that such juveniles attend the alternative schools or classrooms. Any juvenile who refuses to attend such alternative school or classroom shall be immediately detained pending a hearing. If a student is transferred from a regular school to an alternative school for juvenile offenders or juveniles who are expelled or suspended for disciplinary reasons such State funding shall also be transferred to the alternative school.

''(10) JUDICIAL JURISDICTION.—A system under which municipal and magistrate courts have—

''(A) jurisdiction over minor delinquency offenses such as truancy, curfew violations, and vandalism; and

''(B) short term detention authority for habitual minor delinquent behavior.

''(11) ELIMINATION OF CERTAIN INEFFECTIVE PENALTIES.—Elimination of 'counsel and release' or 'refer and release' as a penalty for juveniles with respect to the second or subsequent offense for which the juvenile is referred to a juvenile probation officer.

''(12) REPORT BACK ORDERS.—A system of 'report back' orders when juveniles are placed on probation, so that after a period of time (not to exceed 2 months) the juvenile appears before and advises the judge of the progress of the juvenile in meeting certain goals.

''(13) PENALTIES FOR USE OF FIREARM.—Mandatory penalties for the use of a firearm during a violent crime or a drug felony.

''(14) STREET GANGS.—A prohibition on engaging in criminal conduct as a member of a street gang and imposition of severe penalties for terrorism by criminal street gangs.

''(15) CHARACTER COUNTS.—Establishment of character education and training for juvenile offenders.

''(16) MENTORING.—Establishment of mentoring programs for at-risk youth.

''(17) DRUG COURTS AND COMMUNITY-ORIENTED POLICING STRATEGIES.—Establishment of courts for juveniles charged with drug offenses and community-oriented policing strategies.

''(18) RECORDKEEPING AND FINGERPRINTING.—Programs that provide that, whenever a juvenile who has not achieved his or her 14th birthday is adjudicated delinquent (as defined by Federal or State law in a juvenile delinquency proceeding) for conduct that, if committed by an adult, would constitute a felony under Federal or State law, the State shall ensure that a record is kept relating to the adjudication that is—

''(A) equivalent to the record that would be kept of an adult conviction for such an offense;

''(B) retained for a period of time that is equal to the period of time that records are kept for adult convictions;

''(C) made available to prosecutors, courts, and law enforcement agencies of any jurisdiction upon request; and

''(D) made available to officials of a school, school district, or postsecondary school where the individual who is the subject of the juvenile record seeks, intends, or is instructed to enroll, and that such officials are held liable to the same standards and penalties that law enforcement and juvenile justice system employees are held liable to, for handling and disclosing such information.

''(19) EVALUATION.—Establishment of a comprehensive process for monitoring and evaluating the effectiveness of State juvenile justice and delinquency prevention programs in reducing juvenile crime and recidivism.

''(20) BOOT CAMPS.—Establishment of State boot camps with an intensive restitution or work and community service requirement as part of a system of graduated sanctions.

''SEC. 243. GRANT AMOUNTS.

''(a) ALLOCATION AND DISTRIBUTION OF FUNDS.—

''(1) ELIGIBILITY.—Of the total amount made available to carry out part C for each fiscal year, subject to subsection (b), each State shall be eligible to receive the sum of—

''(A) an amount that bears the same relation to one-third of such total as the number of juveniles in the State bears to the number of juveniles in all States;

''(B) an amount that bears the same relation to one-third of such total as the number of juveniles from families with incomes below the poverty line in the State bears to the number of such juveniles in all States; and

''(C) an amount that bears the same relation to one-third of such total as the average annual number of part 1 violent crimes reported by the State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data are available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

''(2) MINIMUM REQUIREMENT.—Each State shall be eligible to receive not less than 3.5 percent of one-third of the total amount appropriated to carry out part C for each fiscal year, except that the amount for which the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands is eligible shall be not less than $100,000 and the amount for which Palau is eligible shall be not less than $15,000.

''(3) UNAVAILABILITY OF INFORMATION.—For purposes of this subsection, if data regarding the measures governing allocation of funds under paragraphs (1) and (2) in any State are unavailable or substantially inaccurate, the Administrator and the State shall utilize the best available comparable data for the purposes of allocation of any funds under this section.

''(b) ALLOCATED AMOUNT.—The amount made available to carry out part C for any fiscal year shall be allocated among the States as follows:

''(1) 50 percent of the amount for which a State is eligible under subsection (a) shall be allocated to that State if it meets the requirements of section 242(a).

''(2) 50 percent of the amount for which a State is eligible under subsection (a) shall be

allocated to that State if it meets the requirements of subsections (a) and (c) of section 242.

''(c) AVAILABILITY.—Any amounts made available under this section to carry out part C shall remain available until expended.

''SEC. 244. ACCOUNTABILITY.

''A State that receives a grant under section 241 shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Administrator, and shall ensure that any funds used to carry out section 241 shall represent the best value for the State at the lowest possible cost and employ the best available technology.

''SEC. 245. LIMITATION ON USE OF FUNDS.

''(a) NONSUPPLANTING REQUIREMENT.—Funds made available under section 241 shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

''(b) ADMINISTRATIVE AND RELATED COSTS.—Not more than 2 percent of the funds appropriated under section 299(a) for a fiscal year shall be available to the Administrator for such fiscal year for purposes of—

''(1) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this part; and

''(2) technical assistance relating to the use of grants made under section 241, and development and implementation of policies, programs, and practices described in section 242.

''(c) CARRYOVER OF APPROPRIATIONS.—Funds appropriated under section 299(a) shall remain available until expended.

''(d) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a proposal, as described in an application approved under this part.''.

TITLE III—GENERAL PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by striking subsections (a) through (e) and inserting the following:

''(a) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004, such sums as may be necessary to carry out part A.

''(b) BLOCK GRANTS FOR STATE AND LOCAL PROGRAMS.—There is authorized to be appropriated $200,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004, to carry out part B.

''(c) INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS.—There is authorized to be appropriated $300,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004, to carry out part C.

''(d) SOURCE OF APPROPRIATIONS.—Funds authorized to be appropriated by this section may be appropriated from the Violent Crime Reduction Trust Fund.''.

By Mr. GRASSLEY (for himself, Mr. TORRICELLI, and Mr. LEAHY):

S. 840. A bill to amend title 11, United States Code, to provide for health care and employee benefits, and for other purposes; to the Committee on the Judiciary.

BANKRUPTCY LEGISLATION

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation that would modify our bankruptcy laws to deal with bankruptcies in the health care sector. According to testimony I received in the Subcommittee on Administrative Oversight and the Courts, almost one-third of our hospitals could face foreclosure because they are not financially sound. And a number of nursing homes are in terrible financial trouble. I believe that chapter 11 and chapter 9 of the Bankruptcy Code could be vitally important in keeping troubled hospitals in business. The bill we are proposing will ensure that chapter 11 will work fairly and efficiently in the unfortunate event that we face a rash of health care bankruptcies. The bill will also make sure the health care businesses which liquidate under Chapter 7 don't just throw patients by the wayside in a rush to sell assets and pay creditors.

Currently, the Bankruptcy Code does an adequate job of helping debtors reorganize and helping creditors recover losses. However, the code does not provide protection for the interests of patients. This bill contains several important reforms to protect patients when health care providers declare bankruptcy. Specifically, the bill addresses the disposal of patient records, the costs associated with closing a health care business, the duty to transfer patients upon the closing of a health care facility and the appointment of an ombudsman to protect patient rights.

Section 102 covers the disposal of patient records. The legislation provides clear and specific guidance to trustees who may not be aware of state law requirements for maintaining the patient records or the confidentiality issues associated with patient records. Section 102 is necessary given the patient's need for the records and the apparent lack of clear instruction, whether statutory or otherwise, describing a proper procedure in dealing with patient records when closing a facility.

Section 103 brings the costs associated with closing a health care business, including any expenses incurred by disposing of patient records and transferring patients to another health care facility, within the administrative expense umbrella of the Bankruptcy Act.

Section 104 provides for an ombudsman to act as an advocate for the patient. This change will ensure that judges are fully aware of all the facts when they guide a health care provider through bankruptcy. Prior to a chapter 11 filing or immediately thereafter, the debtor employs a health care crisis consultant to help it in its reorganization effort. The first step is usually cutting costs. Sometimes, this step may result in a lower quality of patient care. The appointment of an ombudsman should balance the interests between the creditor and the patient. These interests need balancing because the court appointed professionals owe fiduciary duties to creditors and the estate but not necessarily to the patients. There will be occasions which illustrate that what may be in the best interest of creditors may not always be consistent with the patients' best interest. The trustee's interest, for example, is to maximize the amount of the estate to pay off the creditors. The more assets the trustees disburses, the more his payment will be. On the other hand, the ombudsman is designed to insure continued quality of care at least above some minimum standard. Such quality of care standards currently exist throughout the health care environment, from the health care facility itself to State standards and Federal standards.

Consider the following excerpt from the Los Angeles Times on September 28, 1997 which describes the unconscionable, pathetic, and traumatizing consequences of sudden nursing home closings:

> It could not be determined Saturday how many more elderly and chronically ill patients may be affected by the health care company's financial problems. Those at the Reseda Care Center in the San Fernando Valley, including a 106-year-old woman, were rolled into the street late Friday in wheelchairs and on hospital beds, bundled in blankets as relatives scurried to gather up clothes and other personal belongings.

The presence of an ombudsman probably would result in fewer instances similar to what I just described, where trustees quickly close health care facilities without notifying appropriate state and federal agencies and without notifying the bankruptcy court.

Section 1105 requires a trustee to use reasonable and best efforts to transfer patients in the face of a health care business closing. This provision is both useful and necessary in that it outlines a trustee's duty with respect to a transfer of vulnerable patients.

For all these reasons, I urge you to join me and my colleagues in supporting this bill which will protect the interests of patients in health care bankruptcies.

Mr. LEAHY. Mr. President, I am pleased to join Senator GRASSLEY and Senator TORRICELLI in introducing legislation to protect patient privacy when a hospital, nursing home, HMO or other institution holding medical records is involved in a bankruptcy proceeding that leads to liquidation.

Of course, in the best case scenario any institution holding patient health care records would continue to follow applicable state or federal law requiring proper storage and safeguards. The fact is, however, under current law during a business liquidation an individual would have to wait until there has been a serious breach of their privacy rights before anyone stepped in to ensure that patient privacy is protected. Under current law it is questionable what protection these most sensitive personal records would have during a liquidation.

The reality of this situation and the practical questions of what recourse an individual would have if their personal medical records were not properly safeguarded against a business that is going out of business makes this provision essential. Our legislation would

set in law the procedure that an institution holding medical records would have to follow during a liquidation proceeding.

The bottom line is that we do not want to have to wait until there has been a breach of privacy before steps are taken to protect patient privacy. Once privacy is breached—there is nothing one can really do to give that back to an individual.

I have been working on the overall issue of medical privacy for many years. I look forward to working with Senator GRASSLEY and Senator TORRICELLI on this issue to make sure that patient privacy rights are protected in bankruptcy.

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, and Mr. WELLSTONE):

S. 841. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under the Medicare Program; to the Committee on Finance.

ACCESS TO RX MEDICATIONS IN MEDICARE ACT OF 1999

Mr. KENNEDY. Mr. President, today Senator JAY ROCKEFELLER and I are introducing the Access to Rx Medications in Medicare Act. This legislation will add a long overdue benefit to Medicare—coverage of prescription drugs. Medicare is a promise to senior citizens. It says ''Work hard, contribute to Medicare during your working years, and you will be guaranteed health security in your retirement years.'' But too often that promise is broken, because of Medicare's failure to protect the elderly against the high cost of prescription drugs.

Our legislation will provide every senior citizen or disabled person with Medicare coverage for up to $1,700 worth of prescription drugs a year, and additional coverage for those with very high drug costs. Medicare will contract with the private sector organizations in regions across the country to administer and deliver the new coverage. Beneficiaries in traditional Medicare will select an organization to provide them with the benefit. Beneficiaries enrolled in Medicare+Choice organizations will receive coverage through their plan. Seniors who have equivalent or greater coverage through retiree health plans can continue that coverage or enroll in the new program. The bill will also required private Medigap plans to include supplemental coverage.

Fourteen million beneficiaries have no prescription drug coverage. Millions more have coverage that is unaffordable, inadequate, or uncertain. The average senior citizen fills 18 prescriptions a year, and takes four to six prescription drugs daily. Many of them face monthly bills of $100, $200, or even more to fill their prescriptions. The lack of prescription drug coverage condemns many senior citizens to second-class medicine. Too often, they decide to go without the medication essential for effective health care, because they have to pay other bills for food or heat or shelter. These difficult choices will only worsen in the years ahead, since so many of the miracle cures of the future will be based on pharmaceutical products.

This legislation is a lifeline for every senior citizen who needs prescription drugs to treat an illness or maintain their health. It assures that today's and tomorrow's senior citizens will be able to share in the medical miracles that we can expect in the new century of the life sciences. It addresses the greatest single gap in Medicare—and the one that is the greatest anachronism in Medicare today.

When Medicare was first enacted in 1965, its coverage was patterned after typical private insurance policies at the time—when only a minority of such policies covered prescription drugs. Today, prescription drug coverage is virtually universal in private plans, but Medicare is still caught in its 1965 time warp.

This legislation has been carefully developed to respond to the legitimate concerns of the pharmaceutical and biotechnology industry. We have consulted with many leading firms on the development of this plan, and we believe that the industry will work with us to refine it and enact it. The most profitable industry in America has a strong interest in assuring that the miracle cures it creates are affordable for senior citizens.

Prescription drug coverage under Medicare will not come cheaply, and I intend to work with my colleagues in Congress to find the fairest way to pay for this benefit. It may well be necessary to allocate a portion of the budget surplus to defray the cost. The hard work of American families has created the surplus. Assuring it should be as high a priority for the Congress as it is for the American people. We know that improper or inadequate use of prescription drugs now costs Medicare an estimated at least $20 billion annually in avoidable hospital and physician costs. Clearly, a well-constructed prescription drug benefit can achieve large savings by reducing these avoidable costs. The bottom line is that there are many possible ways to pay for this benefit. A consensus on the best financing will develop as Congress considers this issue.

This legislation is literally a matter of life and death for millions of elderly and disabled citizens served by Medicare in communities throughout America. It is time for Congress to listen to their voices, and the voices of their children and grandchildren, too.

I ask unanimous consent that the text of this legislation and accompanying materials be printed in the RECORD.

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

S. 841

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Access to Rx Medications in Medicare Act of 1999''.

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

SEC. 2. MEDICARE COVERAGE OF OUTPATIENT PRESCRIPTION DRUGS.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting ''; and''; and

(3) by adding at the end the following:

''(U) covered outpatient drugs (as defined in subsection (i)(1) of section 1849) pursuant to the procedures established under such section;''.

(b) PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking ''and (S)'' and inserting ''(S)''; and

(2) by striking the semicolon at the end and inserting the following: '', and (T) with respect to covered outpatient drugs (as defined in subsection (i)(1) of section 1849), the amounts paid shall be the amounts established by the Secretary pursuant to such section;''.

SEC. 3. SELECTION OF ENTITIES TO PROVIDE OUTPATIENT DRUG BENEFIT.

Part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) is amended by adding at the end the following:

''SEC. 1849. SELECTION OF ENTITIES TO PROVIDE OUTPATIENT DRUG BENEFIT.

''(a) ESTABLISHMENT OF BIDDING PROCESS.—

''(1) IN GENERAL.—The Secretary shall establish procedures under which the Secretary accepts bids from eligible entities and awards contracts to such entities in order to provide covered outpatient drugs to eligible beneficiaries in an area. Such contracts may be awarded based on shared risk, capitation, or performance.

''(2) AREA.—

''(A) REGIONAL BASIS.—The contract entered into between the Secretary and an eligible entity shall require the eligible entity to provide covered outpatient drugs on a regional basis.

''(B) DETERMINATION.—In determining coverage areas under this section, the Secretary shall take into account the number of eligible beneficiaries in an area in order to encourage participation by eligible entities.

''(3) SUBMISSION OF BIDS.—Each eligible entity desiring to provide covered outpatient drugs under this section shall submit a bid

to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Such bids shall include the amount the eligible entity will charge enrollees under subsection (e)(2) for covered outpatient drugs under the contract.

''(4) ACCESS.—The Secretary shall ensure that—

''(A) an eligible entity complies with the access requirements described in subsection (f)(5);

''(B) if an eligible entity employs formularies pursuant to subsection (f)(6)(A), such entity complies with the requirements of subsection (f)(6)(B); and

''(C) an eligible entity makes available to each beneficiary covered under the contract the full scope of benefits required under paragraph (5).

''(5) SCOPE OF BENEFITS.—The Secretary shall ensure that all covered outpatient drugs that are reasonable and necessary to prevent or slow the deterioration of, and improve or maintain, the health of eligible beneficiaries are offered under a contract entered into under this section.

''(6) NUMBER OF CONTRACTS.—The Secretary shall, consistent with the requirements of this section and the goal of containing medicare program costs, award at least 2 contracts in an area, unless only 1 bidding entity meets the minimum standards specified under this section and by the Secretary.

''(7) DURATION OF CONTRACTS.—Each contract under this section shall be for a term of at least 2 years but not more than 5 years, as determined by the Secretary.

''(8) BENCHMARK FOR CONTRACTS.—The Secretary shall not enter into a contract with an eligible entity under this section unless the Secretary determines that the average cost (excluding any cost-sharing) for all covered outpatient drugs provided to beneficiaries under the contract is comparable to the average cost charged (exclusive of any cost-sharing) by large private sector purchasers for such drugs.

''(b) ENROLLMENT.—

''(1) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary shall make an election to enroll with any eligible entity that has been awarded a contract under this section and serves the geographic area in which the beneficiary resides. In establishing such process, the Secretary shall use rules similar to the rules for enrollment and disenrollment with a Medicare+Choice plan under section 1851.

''(2) REQUIREMENT OF ENROLLMENT.—Excluding an eligible beneficiary enrolled in a group health plan described in section 4 of the Access to Rx Medications in Medicare Act of 1999, an eligible beneficiary not enrolled in a Medicare+Choice plan under part C must enroll with an eligible entity under this section in order to be eligible to receive covered outpatient drugs under this title.

''(3) ENROLLMENT IN ABSENCE OF ELECTION BY ELIGIBLE BENEFICIARY.—In the case of an eligible beneficiary that fails to make an election pursuant to paragraph (1), the Secretary shall provide, pursuant to procedures developed by the Secretary, for the enrollment of such beneficiary with an eligible entity that has a contract under this section that covers the area in which such beneficiary resides.

''(4) AREAS NOT COVERED BY CONTRACTS.—The Secretary shall develop procedures for the provision of covered outpatient drugs under this title to eligible beneficiaries that reside in an area that is not covered by any contract under this section.

''(5) BENEFICIARIES RESIDING IN DIFFERENT LOCATIONS.—The Secretary shall develop procedures to ensure that an eligible beneficiary that resides in different regions in a year is provided benefits under this section throughout the entire year.

''(c) PROVIDING INFORMATION TO BENEFICIARIES.—The Secretary shall provide for activities under this section to broadly disseminate information to medicare beneficiaries on the coverage provided under this section. Such activities shall be similar to the activities performed by the Secretary under section 1851(d).

''(d) PAYMENTS TO ELIGIBLE ENTITIES.—The Secretary shall establish procedures for making payments to an eligible entity under a contract.

''(e) COST-SHARING.—

''(1) DEDUCTIBLE.—Benefits under this section shall not begin until the eligible beneficiary has met a $200 deductible.

''(2) COPAYMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the eligible beneficiary shall be responsible for making payments in an amount not greater than 20 percent of the cost (as stated in the contract) of any covered outpatient drug that is provided to the beneficiary. Pursuant to subsection (a)(4)(B), an eligible entity may reduce the payment amount that an eligible beneficiary is responsible for making to the entity.

''(B) BASIC BENEFIT.—Subject to subparagraph (C), if the aggregate amount of covered outpatient drugs provided to an eligible beneficiary under this section for any calendar year (based on the cost of covered outpatient drugs stated in the contract) exceeds $1,700—

''(i) the beneficiary may continue to purchase covered outpatient drugs under the contract based on the contract price, but

''(ii) the copayment under subparagraph (A) shall be 100 percent.

''(C) STOP-LOSS PROTECTION.—The copayment amount under subparagraph (A) shall be 0 percent once an eligible beneficiary's out-of-pocket expenses for covered outpatient drugs under this section reach $3,000.

''(D) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any calendar year beginning after 2000, each of the dollar amounts in subparagraphs (B) and (C) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) an adjustment, as determined by the Secretary, for changes in the per capita cost of prescription drugs for beneficiaries under this title.

''(ii) ROUNDING.—If any dollar amount after being increased under clause (i) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.

''(f) CONDITIONS FOR AWARDING CONTRACT.—The Secretary shall not award a contract to an eligible entity under subsection (a) unless the Secretary finds that the eligible entity is in compliance with such terms and conditions as the Secretary shall specify, including the following:

''(1) QUALITY AND FINANCIAL STANDARDS.—The eligible entity meets quality and financial standards specified by the Secretary.

''(2) INFORMATION.—The eligible entity provides the Secretary with information that the Secretary determines is necessary in order to carry out the bidding process under this section, including data needed to implement subsection (a)(8) and data regarding utilization, expenditures, and costs.

''(3) EDUCATION.—The eligible entity establishes educational programs that meet the criteria established by the Secretary pursuant to subsection (g)(1).

''(4) PROCEDURES TO ENSURE PROPER UTILIZATION AND TO AVOID ADVERSE DRUG REACTIONS.—The eligible entity has in place procedures to ensure the—

''(A) appropriate utilization by eligible beneficiaries of the benefits to be provided under the contract; and

''(B) avoidance of adverse drug reactions among eligible beneficiaries enrolled with the entity.

''(5) ACCESS.—The eligible entity ensures that the covered outpatient drugs are accessible and convenient to eligible beneficiaries covered under the contract, including by offering the services in the following manner:

''(A) SERVICES DURING EMERGENCIES.—The offering of services 24 hours a day and 7 days a week for emergencies.

''(B) CONTRACTS WITH RETAIL PHARMACIES.—The offering of services—

''(i) at a sufficient (as determined by the Secretary) number of retail pharmacies; and

''(ii) to the extent feasible, at retail pharmacies located throughout the eligible entity's service area.

''(6) RULES RELATING TO PROVISION OF BENEFITS.—

''(A) PROVISION OF BENEFITS.—In providing benefits under a contract under this section, an eligible entity may—

''(i) employ mechanisms to provide benefits economically, including the use of—

''(I) formularies (pursuant to subparagraph (B));

''(II) alternative methods of distribution; and

''(III) generic drug substitution; and

''(ii) use incentives to encourage eligible beneficiaries to select cost-effective drugs or less costly means of receiving drugs.

''(B) FORMULARIES.—If an eligible entity uses a formulary to contain costs under this Act—

''(i) the eligible entity shall—

''(I) ensure participation of practicing physicians and pharmacists in the development of the formulary;

''(II) include in the formulary at least 1 drug from each therapeutic class;

''(III) provide for coverage of otherwise covered non-formulary drugs when recommended by prescribing providers; and

''(IV) disclose to current and prospective beneficiaries and to providers in the service area the nature of the formulary restrictions, including information regarding the drugs included in the formulary, copayment amounts, and any difference in the cost-sharing for different types of drugs; but

''(ii) nothing shall preclude an entity from—

''(I) requiring higher cost-sharing for drugs provided under clause (i)(III), subject to limits established in subsection (e)(2)(A), except that an entity shall provide for coverage of a nonformulary drug on the same basis as a drug within the formulary if such nonformulary drug is determined by the prescribing provider to be medically indicated;

''(II) educating prescribing providers, pharmacists, and beneficiaries about medical and cost benefits of formulary products; and

''(III) requesting prescribing providers to consider a formulary product prior to dispensing of a nonformulary drug, as long as such request does not unduly delay the provision of the drug.

''(7) PROCEDURES TO COMPENSATE PHARMACISTS FOR COUNSELING.—The eligible entity shall compensate pharmacists for providing the counseling described in subsection (g)(2)(B).

''(8) CLINICAL OUTCOMES.—

''(A) REQUIREMENT.—The eligible entity shall comply with clinical quality standards as determined by the Secretary.

''(B) DEVELOPMENT OF STANDARDS.—The Secretary, in consultation with appropriate medical specialty societies, shall develop clinical quality standards that are applicable to eligible entities. Such standards shall be based on current standards of care.

''(9) PROCEDURES REGARDING DENIALS OF CARE.—The eligible entity has in place procedures to ensure—

''(A) the timely review and resolution of denials of care and complaints (including those regarding the use of formularies under paragraph (6)) by enrollees, or providers, pharmacists, and other individuals acting on behalf of such individual (with the individual's consent) in accordance with requirements (as established by the Secretary) that are comparable to such requirements for Medicare+Choice organizations under part C; and

''(B) that beneficiaries are provided with information regarding the appeals procedures under this section at the time of enrollment.

''(g) EDUCATIONAL REQUIREMENTS TO ENSURE APPROPRIATE UTILIZATION.—

''(1) ESTABLISHMENT OF PROGRAM CRITERIA.—The Secretary shall establish a model for comprehensive educational programs in order to assure the appropriate—

''(A) prescribing and dispensing of covered outpatient drugs under this section; and

''(B) use of such drugs by eligible beneficiaries.

''(2) ELEMENTS OF MODEL.—The model established under paragraph (1) shall include the following elements:

''(A) On-line prospective review available 24 hours a day and 7 days a week in order to evaluate each prescription for drug therapy problems due to duplication, interaction, or incorrect dosage or duration of therapy.

''(B) Consistent with State law, guidelines for counseling eligible beneficiaries enrolled under a contract under this section regarding—

''(i) the proper use of prescribed covered outpatient drugs; and

''(ii) interactions and contra-indications.

''(C) Methods to identify and educate providers, pharmacists, and eligible beneficiaries regarding—

''(i) instances or patterns concerning the unnecessary or inappropriate prescribing or dispensing of covered outpatient drugs;

''(ii) instances or patterns of substandard care;

''(iii) potential adverse reactions to covered outpatient drugs;

''(iv) inappropriate use of antibiotics;

''(v) appropriate use of generic products; and

''(vi) the importance of using covered outpatient drugs in accordance with the instruction of prescribing providers.

''(h) PROTECTION OF PATIENT CONFIDENTIALITY.—Insofar as an eligible organization maintains individually identifiable medical records or other health information regarding enrollees under a contract entered into under this section, the organization shall—

''(1) safeguard the privacy of any individually identifiable enrollee information;

''(2) maintain such records and information in a manner that is accurate and timely; and

''(3) assure timely access of such enrollees to such records and information.

''(i) DEFINITIONS.—In this section:

''(1) COVERED OUTPATIENT DRUG.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'covered outpatient drug' means any of the following products:

''(i) A drug which may be dispensed only upon prescription, and—

''(I) which is approved for safety and effectiveness as a prescription drug under section 505 of the Federal Food, Drug, and Cosmetic Act;

''(II)(aa) which was commercially used or sold in the United States before the date of enactment of the Drug Amendments of 1962 or which is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) which has not been the subject of a final determination by the Secretary that it is a 'new drug' (within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act) or an action brought by the Secretary under section 301, 302(a), or 304(a) of such Act to enforce section 502(f) or 505(a) of such Act; or

''(III)(aa) which is described in section 107(c)(3) of the Drug Amendments of 1962 and for which the Secretary has determined there is a compelling justification for its medical need, or is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a drug, and (bb) for which the Secretary has not issued a notice of an opportunity for a hearing under section 505(e) of the Federal Food, Drug, and Cosmetic Act on a proposed order of the Secretary to withdraw approval of an application for such drug under such section because the Secretary has determined that the drug is less than effective for all conditions of use prescribed, recommended, or suggested in its labeling.

''(ii) A biological product which—

''(I) may only be dispensed upon prescription;

''(II) is licensed under section 351 of the Public Health Service Act; and

''(III) is produced at an establishment licensed under such section to produce such product.

''(iii) Insulin approved under appropriate Federal law.

''(iv) A prescribed drug or biological product that would meet the requirements of clause (i) or (ii) but that is available over-the-counter in addition to being available upon prescription.

''(B) EXCLUSION.—The term 'covered outpatient drug' does not include any product—

''(i) except as provided in subparagraph (A)(iv), which may be distributed to individuals without a prescription;

''(ii) when furnished as part of, or as incident to, a diagnostic service or any other item or service for which payment may be made under this title;

''(iii) that was covered under this title on the day before the date of enactment of the Access to Rx Medications in Medicare Act of 1999; or

''(iv) that is a therapeutically equivalent replacement for a product described in clause (ii) or (iii), as determined by the Secretary.

''(2) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual that is enrolled under part B of this title.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that the Secretary determines to be appropriate, including—

''(A) pharmaceutical benefit management companies;

''(B) wholesale and retail pharmacist delivery systems;

''(C) insurers;

''(D) other entities; or

''(E) any combination of the entities described in subparagraphs (A) through (D).''.

SEC. 4. OPTIONAL COVERAGE FOR CERTAIN BENEFICIARIES.

(a) IN GENERAL.—If drug coverage under a group health plan that provides health insurance coverage for retirees is equivalent to or greater than the coverage provided under section 1849 of the Social Security Act (as added by section 3), beneficiaries receiving coverage through the group health plan may continue to receive such coverage from the plan and the Secretary may make payments to such plans, subject to the requirements of this section.

(b) REQUIREMENTS.—To receive payment under this section, group health plans shall—

(1) comply with certain requirements of this Act and other reasonable, necessary, and related requirements that are needed to administer this section, as determined by the Secretary;

(2) to the extent that there is a contractual obligation to provide drug coverage to retirees that is equal to or greater than the drug coverage provided under this Act, reimburse or otherwise arrange to compensate beneficiaries during the life of the contract for the portion of the part B premium under section 1839 of the Social Security Act that is identified by the Secretary of Health and Human Services as attributable to the drug coverage provided under section 1849 of that Act (as added by section 3); or

(3) for group health plans that are in existence prior to enactment of this section and provide drug coverage to retirees that is equal to or greater than the drug coverage provided under section 1849 of the Social Security Act (as added by section 3), reimburse or otherwise arrange to compensate beneficiaries for the portion of the part B premium under section 1839 of the Social Security Act that is identified by the Secretary of Health and Human Services as attributable to the drug coverage provided under section 1849 of that Act (as added by section 3) for at least 1 year from the date that the group health plan begins participation under this section.

(c) PAYMENTS.—The Secretary shall establish a process to provide payments to eligible group health plans under this section on behalf of enrolled beneficiaries. Such payments shall not exceed the amount that would otherwise be paid to a private entity serving similar beneficiaries in the same service area under section 1849 of the Social Security Act (as added by section 3).

SEC. 5. MEDIGAP REVISIONS.

(a) COVERAGE OF OUTPATIENT DRUGS.—Section 1882(p)(2)(B) of the Social Security Act (42 U.S.C. 1395ss(p)(2)(B)) is amended by inserting before ''and'' at the end the following: ''including a requirement that an appropriate number of policies provide coverage of drugs which compliments but does not duplicate the drug benefits that beneficiaries are otherwise entitled to under this title (with the Secretary and the National Association of Insurance Commissioners determining the appropriate level of drug benefits that each benefit package must provide and ensuring that policies providing such coverage remain affordable for beneficiaries);''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2000.

(c) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the amendments made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, within 9 months after the date of enactment of this Act, the National Association of Insurance Commissioners (in this subsection referred to as the ''NAIC'') modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in

paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section; or

(ii) 1 year after the date the NAIC or the Secretary first makes the modifications under paragraph (2) or (3), respectively.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section; but

(ii) having a legislature which is not scheduled to meet in 2000 in a legislative session in which such legislation may be considered;

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 2000. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 6. IMPROVED MEDICAID ASSISTANCE FOR LOW-INCOME INDIVIDUALS.

(a) INCREASE IN SLMB ELIGIBILITY TO 135 PERCENT OF POVERTY LEVEL.—.

(1) IN GENERAL.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(A) in clause (iii), by striking ''and 120 percent in 1995 and years thereafter'' and inserting '', 120 percent in 1995 and through July 1, 2000, and 135 percent for subsequent periods''; and

(B) in clause (iv)—

(i) by striking the dash and all that follows through ''(II)'', and

(ii) by striking ''who would be described in subclause (I) if '135 percent' and '175 percent' were substituted for '120 percent' and '135 percent' respectively'' and inserting ''who would be described in clause (iii) but for the fact that their income exceeds 135 percent, but is less than 175 percent, of the official poverty line (referred to in such clause) for a family of the size involved''.

(2) CONFORMING AMENDMENT.—Section 1933(c)(2)(A) of such Act (42 U.S.C. 1396v(c)(2)(A)) is amended by striking ''the sum'' and all that follows and inserting ''the total number of individuals described in section 1902(a)(10)(E)(iv) in the State; to''.

(b) PROVISION OF MEDICAID PRESCRIPTION DRUG BENEFITS FOR QMBS AND SLMBS AS WRAP-AROUND BENEFIT.—

(1) IN GENERAL.—Section 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(10)) is amended—

(A) in subparagraph (E)(i), by inserting ''and for prescribed drugs (in the same amount, duration, and scope as for individuals described in subparagraph (A)(i))'' after ''1905(p)(3))'';

(B) in subparagraph (E)(iii), by inserting ''and for prescribed drugs (in the same amount, duration, and scope as for individuals described in subparagraph (A)(i))'' after ''section 1905(p)(3)(A)(ii)''; and

(C) in the clause (VIII) following subparagraph (F), by inserting ''and to medical assistance for prescribed drugs described in subparagraph (E)(i)'' after ''1905(p)(3))''.

(2) CONFORMING AMENDMENT.—Section 1916(a) of such Act (42 U.S.C. 1396o(a)) is amended, in the matter before paragraph (1), by striking ''(E)(i)'' and inserting ''(E)''.

(c) EFFECTIVE DATES.—

(1) The amendments made by subsections (a)(1) and (b) take effect on July 1, 2000, and apply to prescribed drugs furnished on or after such date.

(2) The amendment made by subsection (a)(2) applies to the allocation for the portion of fiscal year 2000 that occurs on or after July 1, 2000, and to the allocation for subsequent fiscal years.

(3) The amendments made by this section apply without regard to whether or not regulations to implement such amendments are promulgated by July 1, 2000.

SEC. 7. WAIVER OF ADDITIONAL PORTION OF PART B PREMIUM FOR CERTAIN MEDICARE BENEFICIARIES HAVING ACTUARIALLY EQUIVALENT COVERAGE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a method under which the portion of the part B premium under section 1839 of the Social Security Act that is identified by the Secretary of Health and Human Services as attributable to the drug coverage provided under section 1849 of that Act (as added by section 3) is waived (and not collected) for any individual enrolled under part B of title XVIII of the Social Security Act who demonstrates that the individual has drug coverage that is actuarially equivalent to the coverage provided under that part.

(b) LIMITATION.—Subsection (a) shall not apply to an individual with coverage through a group health plan if the group health plan receives payments for such individual pursuant to section 4.

SEC. 8. ELIMINATION OF TIME LIMITATION ON MEDICARE BENEFITS FOR IMMUNOSUPPRESSIVE DRUGS.

(a) REVISION.—

(1) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) is amended by striking '', but only'' and all that follows up to the semicolon at the end.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to drugs furnished on or after the date of enactment of this Act.

(b) EXTENSION OF CERTAIN SECONDARY PAYER REQUIREMENTS.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Access to Rx Medications in Medicare Act of 1999, this subparagraph shall be applied without regard to any time limitation.''.

SEC. 9. EXPANSION OF MEMBERSHIP OF MEDPAC TO 19.

(a) IN GENERAL.—Section 1805(c) of the Social Security Act (42 U.S.C. 1395b–6(c)), as amended by section 5202 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended—

(1) in paragraph (1), by striking ''17'' and inserting ''19''; and

(2) in paragraph (2)(B), by inserting ''experts in the area of pharmacology and prescription drug benefit programs,'' after ''other health professionals,''.

(b) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under subsection (a)(1) are as follows:

(A) One member shall be appointed for 1 year.

(B) One member shall be appointed for 2 years.

(2) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2000.

SEC. 10. GAO STUDY AND REPORT TO CONGRESS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of the implementation of the competitive bidding process for covered outpatient drugs under section 1849 of the Social Security Act (as added by section 3), including an analysis of—

(1) the reduction of hospital visits (or lengths of such visits) by beneficiaries as a result of providing coverage of covered outpatient drugs under such section;

(2) prices paid by the medicare program relative to comparable private and public sector programs; and

(3) any other savings to the medicare program as a result of—

(A) such coverage; and

(B) the education and counseling provisions of section 1849(g).

(b) REPORT.—Not later than January 1, 2001, and annually thereafter, the Comptroller General of the United States shall submit a report to Congress on the study and analysis conducted pursuant to subsection (a), and shall include in the report such recommendations regarding the coverage of covered outpatient drugs under the medicare program as the Comptroller General determines to be appropriate.

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this Act apply to items and services furnished on or after July 1, 2000.

ACCESS TO RX MEDICATIONS IN MEDICARE ACT OF 1999—SUMMARY

THE NEED

When Medicare was enacted in 1965, outpatient prescription drug coverage was not a standard feature of private health insurance policies. Now, virtually all employment-based policies provide prescription drug coverage, but Medicare does not.

More than one-third of Medicare beneficiaries have no coverage for outpatient prescription drugs. While other elderly and disabled beneficiaries have some level of outpatient prescription drug coverage through Medicare+Choice plans, individually purchased Medigap or retiree health coverage, too often that coverage is inadequate, expensive or unreliable.

LEGISLATIVE PROPOSAL

This legislation would create a new outpatient prescription drug benefit under Part B. The benefit has two parts—a basic benefit that will fully cover the drug needs of most beneficiaries and a stop-loss benefit that will provide much needed additional coverage to the beneficiaries who have the highest drug costs.

The proposal administers and delivers the benefit through private entities and private sector performance benchmarks—rather than HCFA or federally designated price controls. All beneficiaries would be covered by the new benefit. Beneficiaries enrolled in Medicare+Choice plans would receive the benefit through their plan. Beneficiaries in conventional Medicare would enroll with an approved program in their area of residence, following the general model of Medicare+Choice enrollment.

In addition, the proposal would preserve and improve existing coverage in the private market that is equal to or greater than the new coverage under Medicare. Beneficiaries with equivalent coverage through a retiree health plan would be able to keep that coverage and HHS would provide payment to the plan equal to the payment that would otherwise be paid on behalf of the beneficiary to one of the new private entities.

The benefit

Outpatient drugs covered under this Act are FDA-approved therapies that are dispensed only by prescription, including insulin and biologics, and that are reasonable and necessary to prevent or slow the deterioration of, and improve or maintain the health of covered individuals. This Act would not cover over-the-counter products or therapies that are currently covered under Medicare (e.g., those that are administered ''incident to'' physician services).

After beneficiaries meet a separate drug deductible of $200, coverage is generally provided at levels similar to regular Part B benefits—with the beneficiary paying not more than 20 percent of the program's established price for a particular product. The basic benefit would provide coverage up to $1,700 annually. Medicare would provide ''stop-loss'' coverage (i.e., Medicare would pay 100 percent) once annual out-of-pocket expenditures exceed $3,000. Beneficiaries with drug costs in excess of the basic benefit—but below the stop-loss trigger—would be allowed to self-pay for additional medications at the private entity's discounted price.

This benefit package provides a new and much needed guarantee of coverage for all beneficiaries, and will fully cover the prescription drug needs of approximately 80 percent of beneficiaries.

Use of private sector and support of existing coverage

Coverage would be provided through private entities under contract with HHS. Eligible entities include pharmaceutical benefit management companies, insurers, networks of wholesale and retail pharmacies, and other appropriate organizations. Eligible entities would submit competitive bids to the Secretary for regional coverage—regions would be determined by the Secretary and structured in such a way as to encourage participation by and competition among private entities. Service areas would consist of at least one state whenever possible.

Bids would be awarded based on shared risk, capitation or performance to entities that meet the requirements of the Act and provide for discounts comparable to those garnered by other large private sector purchasers. There is no fee schedule or rebate structure. The Secretary shall award at least two bids in an area, if such bids meet the requirements of the Act, encourage competition and improve service for beneficiaries.

Entities may employ a variety of cost-containment techniques used in the private sector (e.g., formularies, differential cost-sharing for certain products, etc.), subject to guidelines and beneficiary protections established in the Act. Entities must contract with a sufficient number and distribution of retail pharmacies throughout the plan's service area to assure convenient access for covered beneficiaries.

Additional assistance for low-income beneficiaries

Beneficiaries with incomes between the level for Medicaid eligibility and 135 percent of poverty would receive comprehensive wrap-around coverage through Medicaid, including assistance with cost-sharing and premiums.

Incentive to maintain current private market coverage

To maintain coverage in the retiree health market, employers who offer retiree drug coverage that is equal to or better than the new Medicare benefit would be eligible for a payment equal to the payment that would otherwise be made to the local private entity. This would help beneficiaries with comprehensive drug coverage in retiree health plans to keep their current coverage.

Measures to decrease drug-related problems

Improper use of or lack of access to prescription drugs is estimated to cost Medicare more than $20 billion annually (primarily through avoidable hospitalizations and admissions to skilled nursing facilities.) Participating private entities must use systems to assure appropriate prescribing, dispensing and use of covered therapies. These programs must include on-line prospective review and methods to identify and educate pharmacists, providers and beneficiaries on (1) instances or patterns of unnecessary or inappropriate prescribing or dispensing or substandard care, (2) potential adverse reactions, (3) inappropriate use of antibiotics, (4) appropriate use of generic products, and (5) patient compliance.

Medigap reforms

The Secretary and the National Association of Insurance Commissioners would be required to revise the standard Medigap packages to reflect the new Medicare benefit, and provide for coverage that compliments, but does not duplicate, such coverage in an appropriate number of standard packages.

ESTIMATED COST AND FINANCING

The Congressional Budget Office has not yet estimated the costs or potential savings associated with this proposal. The proposal does not specify the financing mechanism, but viable options include (1) recovering—through legislation or litigation—the Medicare costs attributable to treating tobacco-related diseases and conditions, (2) an increase in the federal tobacco tax, (3) a small portion of the unallocated surplus, or (4) savings achieved as part of the financing of more comprehensive Medicare reform legislation.

ACCESS TO RX MEDICATIONS IN MEDICARE ACT OF 1999 FACT SHEET

The greatest gap in Medicare coverage in the lack of a prescription drug benefit. The time has come to modernize Medicare's benefits by including coverage for outpatient prescription drugs.

COVERAGE

When Medicare was enacted in 1965, outpatient prescription drug coverage was not a standard feature of private insurance policies. Today, however, virtually all employment-based policies provide prescription drug coverage.[1]

Approximately one-third of Medicare beneficiaries have no prescription drug coverage. Coverage among the remaining beneficiaries is often inadequate, unaffordable and uncertain. Approximately 12 percent receive limited coverage through individually purchased Medigap policies, which are extremely expensive and often difficult to obtain. About six percent of Medicare beneficiaries have limited drug coverage through Medicare HMOs, but many plans are cutting back or eliminating drug coverage. Only about one-third of beneficiaries have reasonably comprehensive coverage, through an employment-based retirement plan or through Medicaid—and the proportion with employment-based coverage is declining.[2]

SPENDING AND UTILIZATION

Purchase of prescription drugs accounts for the largest single source of out-of-pocket health costs for Medicare beneficiaries.[3]

About 85 percent of the elderly use at least one prescription medicine during the year. The average senior citizen takes more than four prescription drugs daily and fills an average of eighteen prescriptions a year. It is not uncommon for seniors to face prescription drug bills of at least $100 a month.[4]

The elderly, who make up 12 percent of the population, are estimated to use one-third of all prescription drugs.[5]

Lack of Medicare coverage disproportionately increases the financial burden on women, rural residents, low-income beneficiaries and older beneficiaries.[6]

A 1993 study, before the most recent surge in drug costs, reported that one in eight senior citizens said they were forced to choose between buying food and buying medicine.[7]

Medicare beneficiaries without supplemental private coverage for prescription drugs spend twice as much on prescription drugs as their counterparts with private insurance.[8]

Increasingly, the miracle cures of the future will depend on pharmaceuticals developed through new breakthroughs in biology and biotechnology. These cures will generally save money overall, but the individual products will be expensive. The dollar volume of drug sales last year increased 16.6%, but most of the increase was due to greater use of costly new drugs, rather than price increases.[9]

Medicare beneficiaries pay exorbitant prices for the drugs they buy, because they generally do not have access to discount programs available to other buyers. A study of five commonly prescribed drugs found that Medicare beneficiaries paid twice as much as the drug companies' favored customers.[10]

Elderly persons without drug coverage are among the last purchasers who pay full price. According to a recent Standard and Poor's report on the pharmaceutical industry, ''[d]rugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care consumers.'' Because Medicare beneficiaries are among the only private patients without additional coverage, they shoulder most of the burden generated by the industry's preference for cost-shifting.[11]

ADEQUATE COVERAGE AND IMPROVED UTILIZATION ARE WISE INVESTMENTS

Assuring Medicare beneficiaries access to drugs in a well-managed program can produce immense savings for the Medicare program. Savings arise because seniors are able to afford to take the drugs that have been prescribed for their condition and because it is easier to encourage compliance with drug regimens and avoid complications or interactions because of inappropriate use. Improper use of prescription drug costs Medicare more than $20 billion annually, primarily through avoidable hospitalizations and admissions to skilled nursing facilities.[12]

One study found that hospitals costs for a preventable adverse drug event run nearly $5,000 per episode.[13]

GAO reported in June 1996 that Medicaid's automated drug utilization review system reduced adverse drug events and saved more than $30 million a year in just five states.

RESEARCH AND DEVELOPMENT

The Pharmaceutical industry spent more than $21 billion in research and development in 1998.[14] Ensuring access for the elderly through this proposal will provide a natural market for new and innovative therapies, promoting additional investments in research and development.

FOOTNOTES

[1] Department of Labor, Employee Benefits in Small Private Establishments.

[2] The Lewin Group, ''Current Knowledge of Third Party Outpatient Drug Coverage for Medicare Beneficiaries,'' November 9, 1998, cited in staff documents, Medicare Commission; Margaret Davis, et al., ''Prescription Drug Coverage, Utilization, and Spending Among Medicare Beneficiaries,'' Health Affairs, January-February, 1999.

[3] AARP, ''Out-of-Pocket Spending.''

[4] Stephen H. Long, ''Prescription Drugs and the Elderly: Issues and Options,'' Health Affairs, Spring 1994.

Footnotes at end of article.

[5] AARP Public Policy Institute, ''Overview: Lack of Coverage Burdens Many Medicare Beneficiaries,'' September 1998.

[6] Jeanette Rogowski, PhD, et al, ''The Financial Burden of Prescription Drug use Among Elderly Persons,'' The Gerontologist 37:4 (August 1997).

[7] American Pharmacy, October, 1992; HCFA Office of Strategic Planning, Data from the Current Beneficiary Survey, cited in staff documents, Medicare Commission; Department of Health and Human Services, unpublished data; Committee on Government Reform and Oversight, U.S. House of Representatives, Minority Staff Report, ''Prescription Drug Pricing in the United States: Drug Companies Profit at the Expense of Older Americans,'' October 20, 1998.

[8] Rogowski, The Gerontologist 37:4 (August 1997).

[9] Elyse Tanoye, Wall Street Journal, November 16, 1998.

[10] Committee on Government Reform and Oversight, ''Prescription Drug Pricing.''

[11] Ibid.

[12] Prescription Drugs and the Elderly: Many Still Receive Potentially Harmful Drugs Despite Recent Improvements (GAO/HEHS–95–152, July 24, 1995); 60 FR 44182 (August 24, 1995).

[13] David W. Bates, Md, MSc, et al., ''The Costs of Adverse Drug Events in Hospitalized Patients,'' JAMA, January 22/29, 1997.

[14] Pharmaceutical Research and Manufacturers of America, ''The Value of Pharmaceuticals,'' 1998.

BENEFIT

New benefit under Part B.

20% coinsurance; special $200 deductible. Special assistance for low-income beneficiaries (i.e., income <135% of poverty).

Basic coverage of first $1,700 worth of expenditures annually, including cost-sharing.

Stop-loss coverage once annual out-of-pocket spending reaches $3,000.

ADMINISTRATION OF BENEFIT

All benefits provided through private sector:

Secretary enters into contracts with at least two private entities (pharmacy benefit management organizations, insurance companies, consortiums of retail pharmacists, etc.) in each region to provide benefits. Beneficiaries choose which one to sign up with.

Medicare HMOs provide benefit directly. Medicare+Choice payments adjusted to reflect additional cost of drug coverage.

Private businesses offering coverage equal to or greater than Medicare benefit as part of retiree health program are eligible for payments to maintain coverage.

Beneficiaries who have and maintain equivalent private sector coverage may opt-out of program entirely.

All programs must provide convenient access to drugs through retail pharmacies.

Programs must include measures to assure proper use of prescription drugs and reduce adverse drug reactions or other drug-related problems.

Programs must allow patients to receive most appropriate drug.

Standard Medigap packages are redesigned by the Secretary of HHS and NAIC to reflect new Medicare benefit, and provide complimentary coverage, where appropriate.

COST OF PROGRAM AND FINANCING

Cost estimates not yet available. Beneficiaries pay 25% of cost through Part B premium (with assistance for low-income). Additional financing possibilities include: higher tobacco taxes, recoupment of federal costs for tobacco-related diseases, unallocated portion of surplus, savings from long-term Medicare reform proposal (in reconciliation or alone), and savings from reduced hospitalizations and other costs related to inappropriate use of prescription drugs.

Mr. ROCKEFELLER. Mr. President, I am pleased to be introducing the ''Access to Rx Medications in Medicare Act of 1999'' with my colleague from Massachusetts, Senator KENNEDY. Our legislation seeks to assist Medicare beneficiaries with their single largest out-of-pocket expense for health care services—prescription drugs.

I would like to thank Senator KENNEDY for his leadership in bringing this issue to the forefront of the health care debate. I have long admired Senator KENNEDY's commitment and dedication to improving the lives of our most vulnerable citizens.

This is not the first time prescription coverage has been discussed seriously in the United States Senate. The debate around providing prescription drug coverage was first discussed while the creation of the Medicare program was being considered. Unfortunately, in the end, drug coverage was not included.

Medicare has not been updated substantially since its enactment and we know that a lot has changed in health care since 1965. The program was modeled after employer-sponsored health plans—most of which, at the time, did not offer prescription drug coverage. Now, almost all employer-sponsored health plans recognize the important role that prescription drugs play in modern medicine. Additionally, the value of drug therapy was unclear in 1965. Today, medical and technological advances in drug safety and effectiveness have created more pharmaceutical products that can treat disease and manage chronic illnesses.

A decade ago, the Senate sought to redress that error and provide prescription drug coverage to all—but politics overwhelmed a much-needed policy change and the benefit was forfeited. I believe it is time to reenergize the debate.

Today, we have the opportunity to build on successful private sector initiatives to provide Medicare beneficiaries with much needed prescription drug coverage. Pharmaceutical benefit managers (PBMs) have the information infrastructure, claims experience, and detailed understanding of drug management to provide a strong, stable benefit structure. By taking advantage of their management skills, we can update the Medicare program, make it stronger, make it more competitive, and more able to meet the challenges presented by the approaching retirement of the baby boom generation.

Mr. President, I am constantly in touch with West Virginians who describe the dilemmas they face about paying for the prescription drugs. These are people who have worked hard all their lives, raised families, contributed to their communities, and paid their taxes. Now, in the twilight of their lives, a time that they should be enjoying with their children and grandchildren, they are struggling to make ends meet. And health care expenses, especially prescription drug costs, are breaking their budgets.

A West Virginia senior has an average income of $10,700 and spends $2,600 annually on average in out-of-pocket health care expenses. Prilosec, a popular anti-ulcer drug, costs about $1000 a year. Lipitor, a drug that controls cholesterol levels, and Rezulin, an anti-diabetic drug, each cost over $800 a year. But the rent, electricity, phone, and groceries also have to be paid. And there is only so much that can be cut when a person is down to choosing between basic necessities.

Mr. President, I'd like to share some examples of West Virginians who would truly apppreciate the enactment of the ''Access to Rx Medications in Medicare Act.'' I know of an elderly woman in West Virginia who relies solely on Social Security for her monthly income of $800 but spends over $100 a month for her heart medication. I know of another elderly widow in West Virginia who has monthly income of $760 but spends $500 a month in prescription drug costs. She constantly worries about her future, especially if her health takes a turn for the worse.

West Virginians are not alone. Between one-third and one-half of all Medicare beneficiaries—that's roughly between 13 and 19 million seniors—have little or no prescription drug coverage.

The seniors who are the most vulnerable are the lowest income beneficiaries and those suffering from chronic illnesses. Eighty percent of the elderly suffer from one or more chronic diseases, many of which could be controlled by drug therapy. The chronically ill spend $400 more annually on average than seniors without a chronic illness. Seniors in West Virginia are disproportionately hurt by chronic illness. Heart disease, cancer, strokes are the leading causes of death in my state.

Low-income seniors are especially at risk for developing chronic illnesses. Unfortunately, low-income seniors are also not likely to have prescription drug coverage—only 36% of those with incomes less than $10,000 had drug coverage—but they spend a greater percentage of their income to pay for prescription drugs than do higher-income beneficiaries.

Those who do have access to prescription drug coverage rely on patchwork of public and private measures that usually offer very limited coverage with high premiums, coinsurance rates, and deductibles—making the lifesaving coverage they need hard to maintain. The most comprehensive coverage sources of prescription drug coverage are Medicaid and employer-sponsored retiree insurance. However, recent trends indicate that fewer firms are offering retiree benefits that include drug coverage because of the cost.

Seniors who do not have prescription drug coverage and have to buy medication on their own are the hardest hit by the steep increases in prescription drug costs. A recent Congressional study found that seniors may pay as much as double what HMOs, insurance companies and other bulk purchasers pay. The price difference is due to the fact that bulk purchasers can negotiate much lower prices for their drug orders

than the retail pharmacies—where seniors buy their drugs—can. Even though 34 million seniors participate in the Medicare program, Medicare beneficiaries have no leverage when purchasing medication.

Mr President, the ''Access to Rx Medications in Medicare Act'' helps seniors in several ways. First, it would provide seniors without existing coverage a basic drug benefit, up to about $1700 dollars a year, under Medicare Part B. Once the benefit has been exhausted, seniors can continue to purchase prescription drugs at the program's discounted price. Next, this bill offers stop-loss protection that is triggered when a beneficiary spends more than $3,000 annually in out-of-pocket prescription drug costs. Finally, this legislation would improve the protections offered by current law to assist the lowest income beneficiaries and those with the highest out-of-pocket drug costs.

The ''Access to Rx Medications in Medicare Act'' builds on infrastructure already in place in the private sector. Pharmaceutical benefits managers, networks of retail or community pharmacies, or insurers will have the opportunity to submit competitive bids to manage the benefit. The PBMs would then negotiate discounts and rebates for Medicare beneficiaries just like they do for HMOs and insurance companies in return for a payment from Medicare.

Finally, providing prescription drug coverage to seniors is cost-effective in the long-run. Drug therapy, especially in managing chronic illnesses, saves money by keeping seniors out of hospitals and nursing homes. This proposal would also save money by reducing improper use of prescription drugs, which currently costs Medicare $16 billion annually.

Mr. President, when Congress created the Medicare program nearly 35 years ago, we made a commitment to provide affordable, quality health care for our seniors. Today, prescription drugs are an essential component of quality health care. The lack of affordable prescription drug coverage in the Medicare program is especially saddening at a time when most Americans are experiencing greater prosperity than ever before.

I believe that we have to honor the commitment we made to those who came before us and sacrificed so much to make this nation what it is today. Providing Medicare coverage for outpatient prescription drugs is necessary to update and modernize the Medicare benefit package. Now is the time to enact legislation and so I urge my colleagues to support the ''Access to Rx Medications in Medicare Act of 1999.''

By Mr. SANTORUM:

S. 842. A bill to limit the civil liability of business entities that donate equipment to nonprofit organizations; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 843. A bill to limit the civil liability of business entities that provide facility tours; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 844. A bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 845. A bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations; to the Committee on the Judiciary.

LEGISLATION TO LIMIT THE CIVIL LIABILITY OF BUSINESS ENTITIES PROVIDING SERVICES TO NONPROFIT ORGANIZATIONS

Mr. SANTORUM. Mr. President, I rise today to introduce four pieces of legislation I introduced in the 105th Congress. Building on the support I've received for these bills, I look forward to passage this Congress of much needed liability protection for those who donate goods and services to charities.

Over the past thirty years, courts have consistently expanded what constitutes tortious conduct. Regrettably, fault is often not a factor when deciding who should compensate an individual for damages incurred. This has had an impact on charitable giving. Today, individuals and businesses are wary of giving goods, services, and time to charities for fear of frivolous lawsuits.

This legislation is designed to free up resources for charities by providing legal protections for donors. Generally, these bills raise the tort liability standard for donors, whereby they are liable only in cases of gross negligence, hence eliminating strict liability and returning to a fault based legal standard. By allowing businesses to once again become good Samaritans, I look forward to seeing a massive increase in the donation of goods and services to charities.

Specifically, I have introduced four bills, each of which accomplishes one of the following four objectives: first, to limit the civil liability of business entities that donate equipment to nonprofit organizations; second, to limit the civil liability of business entities that provide use of their facilities to nonprofit organizations; third, to limit the civil liability of business entities that provide facility tours; and fourth, to limit the civil liability of business entities that make available to nonprofit organizations the use of motor vehicles or aircraft.

Clearly, where an organization is grossly negligent when providing goods or the use of its facilities to charity, that organization should be fully liable for inquiries caused. These bills merely require this to be the standard in cases arising from certain donations to charities.

In late 1996, the Good Samaritan Food Donation Act was passed into law. This law now protects donors of foodstuffs to charities from liability except in cases where the donor was grossly negligent in making the donation. I was proud to join Senator BOND in passing this Act. The bills I introduce today draw from my successful work with Senator BOND years ago. Each of these bills is modeled on the legal framework of the Good Samaritan Food Donation Act. I hope my distinguished colleagues who supported the Food Donation Act will help further these efforts by supporting the Charity Empowerment Project.

Mr. President, I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered printed in the RECORD, as follows:

S. 842

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

SECTION 1. LIABILITY OF BUSINESS ENTITIES THAT DONATE EQUIPMENT TO NONPROFIT ORGANIZATIONS.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY.—The term ''business entity'' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(2) EQUIPMENT.—The term ''equipment'' includes mechanical equipment, electronic equipment, and office equipment.

(3) GROSS NEGLIGENCE.—the term ''gross negligence'' means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term ''intentional misconduct'' means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(6) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by a business entity to a noprofit organization.

(2) APPLICATION.—This subsection shall apply with respect to civil liability under Federal and State law.

(c) EXCEPTION FOR LIABILITY.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection for a business entity for an injury or death described in subsection (b)(1).

(2) LIMITATION.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provision.

S. 843

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

SECTION 1. LIABILITY OF BUSINESS ENTITIES PROVIDING TOURS OF FACILITIES.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY.—The term ''business entity'' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(2) FACILITY.—The term ''facility'' means any real property, including any building, improvement, or appurtenance.

(3) GROSS NEGLIGENCE.—The term ''gross negligence'' means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term ''intentional misconduct'' means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury to, or death of an individual occurring at a facility of the business entity if—

(A) such injury or death occurs during a tour of the facility in an area of the facility that is not otherwise accessible to the general public; and

(B) the business entity authorized the tour.

(2) APPLICATION.—This subsection shall apply—

(A) with respect to civil liability under Federal and State law; and

(B) regardless of whether an individual pays for the tour.

(c) EXCEPTION FOR LIABILITY.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability for a business entity for an injury or death with respect to which the conditions under subparagraphs (A) and (B) of subsection (b)(1) apply.

(2) LIMITATION.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provision.

S. 844

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

SECTION 1. LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term ''aircraft'' has the meaning provided that term in section 40102(6) of title 49, United States Code.

(2) BUSINESS ENTITY.—the term ''business entity'' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(3) GROSS NEGLIGENCE.—The term ''gross negligence'' means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term ''intentional misconduct'' means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning provided that term in section 30102(6) of title 49, United States Code.

(6) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(7) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of aircraft or a motor vehicle of a business entity loaned to a nonprofit organization for use outside of the scope of business of the business entity if—

(A) such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization; and

(B) the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.

(2) APPLICATION.—This subsection shall apply—

(A) with respect to civil liability under Federal and State law; and

(B) regardless of whether a nonprofit organization pays for the use of the aircraft or motor vehicle.

(c) EXCEPTION FOR LIABILITY.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability for a business entity for an injury or death with respect to which the conditions described in subparagraphs (A) and (B) of subsection (b)(1) apply.

(2) LIMITATION.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a volunteer, nonprofit organization, or governmental entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provision.

S. 845

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

SECTION 1. LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF FACILITIES TO NONPROFIT ORGANIZATIONS.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY.—The term ''business entity'' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(2) FACILITY.—The term ''facility'' means any real property, including any building, improvement, or appurtenance.

(3) GROSS NEGLIGENCE.—The term ''gross negligence'' means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(4) INTENTIONAL MISCONDUCT.—The term ''intentional misconduct'' means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(6) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring at a facility of the business entity in connection with a use of such facility by a nonprofit organization if—

(A) the use occurs outside of the scope of business of the business entity;

(B) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(C) the business entity authorized the use of such facility by the nonprofit organization.

(2) APPLICATION.—This subsection shall apply—

(A) with respect to civil liability under Federal and State law; and

(B) regardless of whether a nonprofit organization pays for the use of a facility.

(c) EXCEPTION FOR LIABILITY.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability for a business entity for an injury or death with respect to which conditions under subparagraphs (A) through (C) of subsection (b)(1) apply.

(2) LIMITATION.—Nothing in this Act shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provision.

By Mr. MCCAIN (for himself, Mr. BIDEN, Mr. HAGEL, Mr. LIEBERMAN, Mr. COCHRAN, Mr. DODD, Mr. LUGAR, Mr. ROBB, and Mr. KERRY):

S.J. Res. 20. A joint resolution concerning the deployment of the United States Armed Forces to the Kosovo region in Yugoslavia; to the Committee on Foreign Relations.

CONCERNING THE DEPLOYMENT OF THE UNITED STATES ARMED FORCES TO THE KOSOVO REGION IN YUGOSLAVIA

Mr. MCCAIN. Mr. President, I introduce a joint resolution cosponsored by Senators BIDEN, COCHRAN, HAGEL, LIEBERMAN, LUGAR, DODD and ROBB.

Before I go into my statement, I will mention that the Veterans of Foreign Wars today will be issuing a statement regarding their support for this resolution. The Veterans of Foreign Wars statement will read:

The United States, acting as a part of the NATO alliance, should use a full range of force in an overwhelming and decisive manner to meet its objectives.

I think it is important to note that this resolution would be supported by those American veterans who have fought in foreign wars.

As my colleagues know, I am concerned that the force the United States and our NATO allies have employed against Serbia, gradually escalating airstrikes, is insufficient to achieve our political objectives there, which are the removal of the Serb military and security forces from Kosovo, the return of the refugees to their homes, and the establishment of a NATO-led peacekeeping force.

I hope this resolution, should it be adopted, will encourage the administration and our allies to find the courage and resolve to prosecute this war in the manner most likely to result in its early end and successful conclusion. In other words, I hope this resolution will make clear Congress' support for adopting our means to secure our ends rather than the reverse. But that is not our central purpose today. Our central purpose is to encourage Congress to meet its responsibilities, responsibilities that we have thus far evaded.

Many of my colleagues oppose this war and would prefer that the United States immediately withdraw from a Balkan conflict which they judge to be a quagmire so far removed from America's interests that the cost of victory cannot be justified. I disagree, but I respect their opinion as honest and honorable. I believe that they would welcome the opportunity to express their opposition by the means available to Congress.

Those of us who support this intervention and those who may have had reservations about either its necessity or its initial direction but are now committed to winning it should also welcome this resolution as the instrument for doing our duty, as we have called on so many fine young Americans to do their duty at the risk of their lives. If those who oppose this war and any widening of it prevail, so be it. The President will pursue his present course as authorized by earlier congressional resolutions until its failure demands we settle on Mr. Milosevic's terms.

Those of our colleagues who feel that course is preferable to the price that would be incurred by fully prosecuting this war can rightly claim that they followed the demands of conscience and Constitution, but they must also be accountable to the country and the world for whatever negative consequences ensue from our failure. Should those of us who want to use all necessary force to win this war prevail, then we must accept the responsibility for the losses incurred in its prosecution. That is the only honorable course.

But no matter which view any Senator holds, should this resolution be adopted at the end of a thorough debate, all Members of Congress should then unite to support the early and complete accomplishment of our mission in Kosovo.

Silence and equivocation will not unburden us of our responsibility to support or oppose the war. I do not recommend lightly the course I have called on the President to pursue. I know, as should any one who votes for this resolution, that if Americans die in a land war with Serbia, we will bear a considerable share of the blame for their loss. We are as accountable to their families as the President must be.

But I would rather face that sad burden than hide from my conscience because I sought an ambiguous political position to seek shelter behind. Nor could I easily bear the dishonor of having known that my country's interests demanded a course of action, but avoided taking it because the costs of defending them were substantial, as were its attendant political risks.

Congress, no less than the administration, must show the resolve and confidence of a superpower whose cause is just and imperative. Let us all, President and Senator alike, show the courage of our convictions in this critical hour. Let us declare ourselves in support of or opposition to this war, and the many sacrifices it will entail. Our duty demands it.

Mr. President, I reserve the remainder of my time.

Mr. COCHRAN addressed the Chair.

Mr. MCCAIN. Mr. President, I yield as much time as the Senator from Mississippi may consume.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join my good friend and distinguished colleague, the Senator from Arizona, in introducing this resolution. It seems to me very important at this juncture that the Senate express itself on the subject of our obligation to use whatever force is available to our alliance in NATO to win the conflict quickly and decisively and not to be a party to dragging it out unnecessarily by telling our adversary what military actions we will not use in the conflict.

It seems to me that an appropriate analogy to the administration's strategy is someone who gets himself into a fight, a boxing match, and says, ''I am just going to use a left jab in this match, I am never going to use the right hand.'' No one would do that with any expectation of being successful in that conflict, in that encounter. It seems to me that that is exactly what the United States has been doing, and it has been a mistake.

This resolution suggests by its clear language that the President of the United States is authorized to use all necessary force and other means, in concert with United States allies, to accomplish United States and North Atlantic Treaty Organization objectives in the Federal Republic of Yugoslavia.

It also spells out in the resolution what those objectives are. It suggests that the Federal Republic of Yugoslavia withdraw its forces from Kosovo, permitting the ethnic Albanians to return to their homes and the establishment of a peacekeeping force in Kosovo. Those are our objectives.

To accomplish that, we must convince Milosevic that we are very serious that this war will be waged with all necessary force unless he surrenders his efforts to intimidate, kill, and otherwise terrify this region of Europe, and that he stop this military action, and stop it now, or he is going to suffer the most serious military consequences.

That is the message he should get from the NATO alliance and from the U.S. leadership. That is what the Senate is saying by adopting this resolution. And I hope the Senate will adopt this resolution.

It is unfortunate that we are involved in this military action. It is very unpleasant. It is not something that any of us would have wished to have occurred. We do have to recognize, though, that our NATO allies are very actively involved in this conflict as well. Great Britain, France, Germany, and Italy are all taking—and others—very active roles in the prosecution of this military conflict to achieve the goals that are recited in this resolution. It is an honorable course of action to stop the killing and to stop the atrocities and restore stability in this region of Europe.

The NATO alliance was begun on the premise that Europe should be free, with an opportunity for people to live their lives in freedom, without threat from military intimidation or harm. The alliance has decided that this is an appropriate means for achieving that goal, waging a conflict against a person who has proven to be totally disrespectful of human rights, of the right to life, of the right to live in peace with his neighbors. We can no longer tolerate this under any circumstances.

So the NATO alliance is involved. And I am hopeful that the Senate will spell out our views on this issue at the earliest possible time.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Mr. President, let me thank the Senator from Connecticut for allowing me to proceed. I will be relatively brief. Unfortunately, I think we are going to have an awful lot to say on this issue for some time to come.

I thank Senator MCCAIN. Several weeks ago, Senator MCCAIN and I were on one of these national shows talking about this issue, and we spoke to one another after the show. We agreed on three things—and some of my colleagues assembled here on the floor have reached the same conclusions. First, that the President of the United States, if he were to decide to use ground troops, would need congressional authorization. Second, that we and the President should not ever take anything off the table once we are in a war, in order to be able to successfully prosecute that war. And third, that we consider a resolution that talks about the use of ground force.

Senator MCCAIN had a better idea. He said, ''JOE, why don't we do a resolution that suggests the President use whatever means are at his disposal in order to meet the objectives that are stated in the resolution?'' So we came back after the recess with the intention of introducing a resolution. We spoke with the Democratic and Republican leadership here in the Senate. We met with the President in a bipartisan group. And we concluded that it was not the time to press for passage of the resolution. But it is time to lay it before the American people and before the Congress.

This is a joint resolution. If passed, it would meet the constitutional requirement of the war clause in the U.S. Constitution. That is the equivalent of a declaration of war.

From a constitutional standpoint, in order to use ground forces, I am of the view—and I expect my colleagues will be of the view, whether they do or do not support ground forces, now or in the future—that the Congress should be involved in that decision under our Constitution.

So speaking for myself, my first and foremost reason for being the original cosponsor of this amendment with my friend, JOHN MCCAIN, is that I believe it is constitutionally required.

Second, I believe very strongly that we should not make an international commitment and then withhold the use of any means at our disposal to reach our publicly stated objectives. This resolution will allow us, as a nation and as an alliance, to fulfill our commitments.

So I am proud to be a cosponsor of this resolution. We will have disagreements, as you will hear as this debate goes forward, as to whether or not the President and NATO have appropriately prosecuted this action thus far. I am not suggesting that all of us agree. But that will be part of a debate that takes place here on the floor of the Senate.

I, for one, do not have the military experience of JOHN MCCAIN; few in America do. I would not attempt to second-guess whether the military has the capacity to accomplish the objectives as stated by NATO solely through the use of air power.

There are men on the floor like Senator HAGEL—a war hero himself, a Vietnam veteran—who are better equipped to determine whether or not the military is accurately telling us what they can do. I am prepared to accept for the moment that the military does have that capacity.

Thus my sponsorship of this resolution is not for the purpose of making the case that the President and NATO should use ground troops at this moment. Instead, I think the President should be authorized to use those troops, if necessary, in order to prosecute successfully the NATO goals in the Balkans. We must have the flexibility to respond to one of the most serious crises of this century in the Balkans.

I just got back from Macedonia and Albania with TED STEVENS and others. I noticed most people in Europe are not using the phrase ''conflict'' anymore; it is a war. This is a war. We should not kid each other about it. This is a war. The fact that there have, thank God, not been any American casualties yet, the fact that ''only'' three Americans have been captured, does not mean this is not a war. This is a war. And to successfully prosecute our aims, people are going to die, including Americans. I think it is almost unbelievable to think that we will meet the objectives stated by NATO without the loss of a single American life.

So this is a war, and it is testing Europe and the alliance in a way that we have not faced since the end of World War II. However we choose to label it, this is a war in the Balkans, a war that is being conducted by a war criminal named Slobodan Milosevic, who has caused the greatest human catastrophe in Europe since World War II. At stake are the lives of millions of displaced persons and refugees, the stability of southeastern Europe, and the future of NATO itself.

Our goals must be the safe and secure return of all Kosovars to their homes; the withdrawal of all Yugoslav and

Serbian Army, police, and paramilitary forces from Kosovo; and permitting the establishment of a NATO-led peacekeeping force in Kosovo, either through a permissive environment or—my phrase—a practically permissible environment, one in which we could go in and the military of Milosevic could not stop us.

With the stakes this high, we must give the President the necessary means to achieve our goals. The Constitution, as I said, requires that Congress consider giving such authorization. I have trust and confidence in our military leaders when they say that, at least for the moment, they do not need ground forces to achieve our goals. Nonetheless, they should have the authorization to use all military tools should they conclude otherwise. This resolution would provide that authorization.

This resolution also authorizes the President to use other means, which encompasses diplomacy as well as arms. I hope, of course, that a diplomatic solution will be possible without the use of ground forces, but only if the diplomatic solution achieves all of our stated goals.

Finally, through this resolution, we are putting Slobodan Milosevic on notice that the United States and NATO allies are deadly serious about doing what it takes to compel him to withdraw his vicious ethnic-cleansers, gang rapists, recently pardoned criminals, ski-masked thugs, and his now corrupted regular army troops from Kosovo.

So, let me conclude by saying once again that there will be plenty of time to debate whether or not NATO should have had a full-blown plan on the table for the use of ground forces. I suggest to my colleagues, as I suggested at the NAC in Brussels this past Sunday, that if we had done that, there is overwhelming evidence that several of our allies would not have gone along with even airstrikes.

I remind everyone who is listening that the good news is that we are an alliance. The bad news is, we are an alliance. An alliance requires consensus. I respectfully suggest that as hard as it was for the Senators on this floor to convince our colleagues that air power made sense in the first instance, can you imagine what it would have been like if we were standing on the floor today authorizing the President to use all force necessary without 18 other NATO nations agreeing?

I respectfully suggest that Democrats and Republicans alike would come to the floor and say: It is not our business alone. We should only do this in conjunction with NATO.

So, there is a delicate balancing act, not unlike what Dwight Eisenhower had to deal with in World War II with the French and the British and others. The delicate balancing act involves keeping the alliance together and at the same time not diminishing the capacity to achieve the alliance's ends.

The message I would like to see sent to Belgrade today is that America is united, the United States Congress is united, and American citizens are prepared to use whatever force is necessary to stop him. I would also send a message to our allies that we are resolved and we expect them to stay resolved to achieve NATO's stated objectives. If we fail to achieve our stated objectives, I believe that NATO loses its credibility as a credible peacekeeping alternative and a defensive organization in Europe. If that occurs, I believe you will see a repetition of this war in Serbia, in Macedonia, in Albania, in Montenegro, and other parts of the Balkans.

Much is at stake. We should not kid the American people. American lives will be lost as this continues. But America's strategic interests and American lives in the long run will be saved if we resolutely pursue the NATO objectives.

Mr. President, I again thank my friend from Connecticut. I am proud to join with the Senators on the floor here today, for whom I have deep respect. I realize they have put aside their political considerations in order to pursue this effort. I compliment them for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend from Nebraska for yielding time to me.

Mr. President, I come to the floor and to the decision to cosponsor this resolution with a deep sense of seriousness and purpose. These are fateful, historic and very consequential matters that we are discussing and engaged in today.

Great nations such as this one, and great alliances such as NATO, do not remain great if they do not uphold their principles and keep their promises. That has always been true, of course, but it seems powerfully so today, as we prepare to welcome NATO and much of the rest of the world to Washington this week to commemorate the 50th anniversary of this great alliance.

We are being tested. This alliance and this Nation are being tested in ways that a few months ago we never could have imagined would have been the case as we prepared for this commemoration. So it becomes now, in its way, less an unlimited celebration and more a renewal of commitment to the principles which animated and necessitated the organization of NATO 50 years ago. We are called on today to uphold those principles, the principles of a free and secure transatlantic community. We must keep the promises we have made in support of those principles. NATO must prevail in the Balkans, in Kosovo.

Thugs, renegade regimes and power-hungry maniacs everywhere in the world are watching our actions in the Balkans and gauging our resolve. They must receive an unequivocal message. They must understand that they violate our principles, they ignore our promises and threats at their peril.

That is the context in which I am proud to cosponsor this resolution, to stand by our national and alliance principles, to keep our promises and to send an unequivocal message to Milosevic and all the other thugs of the world: You cannot defy forces united for common decency and humanity; you cannot ignore our promises and threats. We will not end the 20th century standing idle, allowing a murderous tyrant to mar all that we together have accomplished in Europe and in this transatlantic community over the last five decades.

Mr. President, I was privileged to go, almost 2 weeks ago now, to Europe with Secretary Cohen on a bipartisan, bicameral delegation of Congress. I brought home with me a heightened respect for the military machine that we and NATO—particularly in the United States—have developed. It is awesome in its capability and power, and our service men and women are, without a doubt, the best trained and the most committed that any nation has ever produced. I say that to say, as a matter of confidence, that no matter what it takes, they will prevail over Milosevic.

I still believe that the current air campaign, which is being very effectively implemented, can succeed in achieving our goals in this conflict. That, of course, depends on the test of wills that is going on now and on the test of sanity that is going on now. If there is any sanity in an enlightened national self-interest left in the higher counsels of government in Belgrade, they will stop the NATO air bombardment of their country by accepting NATO's terms and restoring peace.

However, it would be irresponsible not to plan for other military options that may be necessary to defeat this enemy. Not only should all options remain on the table, but all options must be adequately analyzed and readied.

In the case of ground forces, which will take weeks to deploy should they be necessary, we should begin now to plan for the logistics of such a mission and to ensure that appropriate personnel are adequately trained.

I say again what I have said before, I hope and pray that NATO ground forces are not needed. I hope common sense, sanity will prevail in the government in Belgrade, but it would be irresponsible not to prepare NATO's forces now for their potential deployment, and it would be similarly irresponsible, I believe, for Congress, in these circumstances, not to authorize the President, as Commander in Chief, under article I, section 2 of our Constitution, to take whatever actions are necessary to achieve the noble objectives we have set out for ourselves in the Balkans by defeating Milosevic. That is what this resolution does, and that is why I am proud to be a cosponsor.

In the last week or so, several countries and others have offered proposals for seeking a negotiated cease-fire.

While we all pray for peace in the Balkans, I think it is important that the peace be a principled peace. NATO has clearly stated objectives, and we can settle for nothing less than the attainment of those reasonable objectives.

They are quite simply that the Serbian invaders, the military and paramilitary forces that have wreaked havoc, bloodshed, and terror on the Kosovar Albanians be withdrawn from Kosovo; that the Kosovars be allowed to return, to be able to do no more than we take for granted every day of our lives in the U.S., which is to live in peace and freedom in their homes and villages; and that there be an international peacekeeping force to monitor that peace that we will have achieved.

If we agree on the worth and the justice of those objectives, we—NATO, the United States—must be prepared to do whatever is necessary to achieve those objectives. To negotiate half a victory, which is no victory, to claim that we have achieved military objectives without achieving the principled objectives that motivated our involvement, would effectively be a devastating defeat, not just for the human rights of the people of Kosovo, but for NATO and the United States.

By introducing this resolution today, we begin a very serious and fateful debate. Today is just the beginning of it. It must, because of the seriousness of all that is involved here, engage not just the executive branch of our Government and the Members of Congress of both parties and both Houses, but the American people as well.

I come back to the bottom line in concluding. I am convinced that we are engaged in a noble mission with our allies in the Balkans, which goes to the heart of international security, European security and American security, but also goes to the heart of our principles as a nation.

I close, if I may, with a prayer that God will be with all those who are fighting in the Balkans today for freedom and human rights and soften the hearts of our opposition so that the additional force that the Commander in Chief would be authorized to deploy, if this resolution passes, will not be necessary. But if it is, let this resolution stand, introduced as it is today by a bipartisan group of Members of the Senate, let this resolution stand for the clear statement that we will stand together as long as necessary to achieve the principles we cherish in the Balkans, as well as the security that we require.

I thank the Chair, and I yield to my friend and colleague from Nebraska.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President. I thank the distinguished Senator from Connecticut.

Mr. President, I join with my colleagues this morning in introducing this joint resolution because it is the right thing to do, it is the responsible thing to do.

Our military efforts and our political will must be consistent with and commensurate with our military and political objectives. That is the essence of what this debate is about.

I happen to believe that the Balkans are in the national security interests of this country for many reasons: Our relationship with NATO, the stability of Central and Eastern Europe; the next ring out is the stability of the Baltics, central Asia, Turkey. So in my mind it is rather clear that we do have a national security interest here.

What this resolution is about is cutting through the fog of who is to blame, the miscalculation, mistakes up/down. That must be set aside. What we need to remember is that we are engaged in a war. We must stay focused on this commitment and have the resolution and the will to achieve the purpose which we began a month ago.

Wars—political, military calculations are imperfect. If we believe—and I do; I believe our 18 NATO allies do believe —that this is the right thing to do, then we must commit ourselves to achieving this most important objective. That means the American people must first understand what our national security interests are, the Congress must lead with the President, and we must be unified to accomplish this goal.

Surely, one of the lessons of Vietnam was that not only are long, confusing wars not sustainable in democracies, but we also learned, as Colin Powell laid out very clearly the last time that we dispatched our military might, that the doctrine of military force is very simple: Maximum amount of power, minimum amount of time.

Time is not on our side here, Mr. President. Time is not on our side. The longer this goes without a resolution, the more difficult it will become and the more likely it will be that the resolution, the outcome, will be some kind of a half-baked deal that will resolve nothing; so as we began this noble effort, we will end with no nobility and no achievement as to making the world better and more stable and more secure.

This is not a Republican/Democrat issue. It is far beyond that. I think that is well represented by the bipartisanship of this resolution. There is another consequence that flows from what we are now engaged in, and that is how we will respond to future security challenges. And just as important as that link is how others around the world will measure our response, measure our will, measure our commitment to doing the right thing.

History has taught us very clearly that when you defer the tough decisions, things do not get better; they get worse. And the more you try and appease the Milosevics of the world, things get worse, more people die, more commitment must be made later. That is surely a lesson of history.

The time is now past whether we are committed to do this or not. That debate was a month ago. What we must do now is come together in a unified effort to win this, to achieve our political and military goals, stop the slaughter, stop the butchery, allow the people of Kosovo to go back into their homes, maintain the stability of that part of the world, and allow for a political resolution to develop—not one that we dictate, not one that NATO dictates, but the people of the Balkans.

My colleagues this morning have referred to the outer rings of consequences here, the outer rings of instability. I believe that if this effort is not successful, not only are you destabilizing Central and Eastern Europe, you are taking away the opportunities those nations of Central and Eastern Europe have now, and the former republics of the Socialist Soviet Republic, for a chance to develop a democracy and individual liberties and a free market system, because you have destabilized the area for no other reason than you have brought a million refugees, displaced persons, into that part of the world where those nations and the infrastructures of those nations cannot possibly deal with that and, hence, destabilizing the very infrastructure we are trying to help.

There are so many, many consequences that are attached to this one effort. I hope this resolution makes very clear, on a bipartisan basis, what we, as a Nation, as a member of NATO, as a member of the civilized world have at stake here and why it is important that we win this war. And I call it a war because it is a war.

I hope that the President of the United States will provide the kind of leadership that this Nation is going to need to connect the national security interests not just at the immediate time in that part of the world, but for our long-term national security interests not just in that part of the world, but all parts of the world. The President must lead. If the President wishes to come to the Congress and ask for a declaration of war, that should be entertained and debated and carefully considered.

The time for nibbling around the edges here is gone. And we not only do a great disservice to the men and women that we asked to fight this war, but to our democracy and all of the civilized world if we do not do the right thing. History will judge us harshly, as it should, if we allow this to continue, what is going on in the Balkans today, and do not stop it.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Illinois (Mr. DURBIN), the Senator from Delaware (Mr. BIDEN), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 39, a bill to provide

a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 59

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 409

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 472

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

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 487

At the request of Mr. GRAMS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 512

At the request of Mr. GORTON, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 526

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

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 697

At the request of Mrs. BOXER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 697, a bill to ensure that a woman can designate an obstetrician or gynecologist as her primary care provider.

S. 735

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 735, a bill to protect children from firearms violence.

S. 779

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 790

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 790, a bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water to submit annual reports, and for other purposes.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance.

SENATE CONCURRENT RESOLUTION 25

At the request of Mr. JEFFORDS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Concurrent Resolution 25, a concurrent resolution urging the Congress and the President to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as ''National Correctional Officers and Employees Week.''

SENATE RESOLUTION 33

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 33, a resolution designating May 1999 as ''National Military Appreciation Month.''

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as ''National Youth Fitness Week.''

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors

of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 68

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 68, a resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

AMENDMENTS SUBMITTED

LEGISLATION TO PROVIDE GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

ABRAHAM (AND OTHERS) AMENDMENT NO. 254

Mr. LOTT (for Mr. ABRAHAM for himself, Mr. DOMENICI, Mr. THOMPSON, and Mr. VOINOVICH) proposed an amendment to the bill (S. 557) to provide guidance for the designation of emergencies as a part of the budget process; as follows:

At the end of the bill, add the following:

TITLE II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Social Security Surplus Preservation and Debt Reduction Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

''(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

''(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

''(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

''(B) the deficit for a fiscal year results solely from the enactment of—

''(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking ''305(b)(2),'' and inserting ''301(k), 301(l), 305(b)(2), 318,''.

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

''(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.''.

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

''(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

''(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(i) the original issue price of the obligation; plus

''(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

''(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.'';

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

''(6) the debt held by the public; and''; and

(3) in section 310(a) by—

(A) striking ''or'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

''(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or''.

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

''(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

''(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

''(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.'';

(2) in section 250(c)(1), by inserting '' ' debt held by the public', 'social security surplus' '' after ''outlays', ''; and

(3) by inserting after section 253 the following:

''SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

''(a) LIMIT.—The debt held by the public shall not exceed—

''(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

''(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

''(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

''(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

''(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

''(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

''(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

''(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

''(A) for fiscal year 1999, $127,000,000,000;

''(B) for fiscal year 2000, $137,000,000,000;

''(C) for fiscal year 2001, $145,000,000,000;

''(D) for fiscal year 2002, $153,000,000,000;

''(E) for fiscal year 2003, $162,000,000,000;

''(F) for fiscal year 2004, $171,000,000,000;

''(G) for fiscal year 2005, $184,000,000,000;

''(H) for fiscal year 2006, $193,000,000,000;

''(I) for fiscal year 2007, $204,000,000,000;

''(J) for fiscal year 2008, $212,000,000,000; and

''(K) for fiscal year 2009, $218,000,000,000.

''(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

''(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

''(B) ADJUSTMENT.—

''(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

''(II) each subsequent limit.

''(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

''(II) each subsequent limit.

''(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

''(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

''(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

''(ii) each subsequent limit; and

''(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

''(ii) each subsequent limit.

''(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

''(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

''(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

''(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

''(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

''(B) ADJUSTMENT.—

''(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

''(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

''(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

''(II) each subsequent limit.

''(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

''(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

''(e) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

''( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

''(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

''( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, _____ of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.''.

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking ''in a manner consistent'' and inserting ''in compliance''.

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

ABRAHAM (AND OTHERS) AMENDMENT NO. 255

Mr. ABRAHAM (for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. LOTT, Mr. NICKLES, Mr. MCCAIN, Mr. FRIST, Mr. CRAPO, Ms. COLLINS, Mr. GRAMS, Mr. VOINOVICH, and Mr. THOMPSON) proposed an amendment to the bill, S. 557, supra; as follows:

In the amendment strike all after the word ''Title'' and add the following:

II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Social Security Surplus Preservation and Debt Reduction Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

''(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

''(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

''(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

''(B) the deficit for a fiscal year results solely from the enactment of—

''(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking ''305(b)(2),'' and inserting ''301(k), 301(l), 305(b)(2), 318,''.

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

''(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.''.

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

''(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

''(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(i) the original issue price of the obligation; plus

''(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

''(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.'';

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

''(6) the debt held by the public; and''; and

(3) in section 310(a) by—

(A) striking ''or'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

''(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or''.

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

''(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

''(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

''(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.'';

(2) in section 250(c)(1), by inserting '' ' debt held by the public', 'social security surplus' '' after ''outlays',''; and

(3) by inserting after section 253 the following:

''SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

''(a) LIMIT.—The debt held by the public shall not exceed—

''(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

''(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

''(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

''(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

''(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

''(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

''(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

''(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

''(A) for fiscal year 1999, $127,000,000,000;

''(B) for fiscal year 2000, $137,000,000,000;

''(C) for fiscal year 2001, $145,000,000,000;

''(D) for fiscal year 2002, $153,000,000,000;

''(E) for fiscal year 2003, $162,000,000,000;

''(F) for fiscal year 2004, $171,000,000,000;

''(G) for fiscal year 2005, $184,000,000,000;

''(H) for fiscal year 2006, $193,000,000,000;

''(I) for fiscal year 2007, $204,000,000,000;

''(J) for fiscal year 2008, $212,000,000,000; and

''(K) for fiscal year 2009, $218,000,000,000.

''(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

''(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

''(B) ADJUSTMENT.—

''(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

''(II) each subsequent limit.

''(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

''(II) each subsequent limit.

''(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

''(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

''(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

''(ii) each subsequent limit; and

''(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

''(ii) each subsequent limit.

''(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

''(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

''(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

''(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

''(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

''(B) ADJUSTMENT.—

''(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

''(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

''(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

''(II) each subsequent limit.

''(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

''(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

''(e) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' means a bill or joint resolution that is enacted into law and includes a provision stating the following:

'' '( ) SOCIAL SECURITY REFORM LEGISLATION.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this Act constitutes social security reform legislation.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

''(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

'' '( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, _____ of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.''.

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking ''in a manner consistent'' and inserting ''in compliance''.

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

This section shall become effective 1 day after enactment.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on April 21, 1999, in SR–328A at 8:30 a.m. The purpose of this meeting will be to review the USDA Office of the Inspector General's report on crop insurance reform.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 20, 1999, at 9:30 a.m., in closed session, to receive a briefing on current military operations.

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

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Emerging Threats and Capabilities be authorized to meet at 2:30 p.m. on Tuesday, April 20, 1999, in open session, to receive testimony on the science and technology program, in review of the defense authorization request for fiscal year 2000 and the future years defense program.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, April 20, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 25, the Conservation and Reinvestment Act of 1999; S. 446, the Resources 2000 Act; S. 532, the Public Land and Recreation Investment Act of 1999; and the Administration's Lands Legacy proposal.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 20, 1999, at 9:30 a.m., to hold a hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 20, 1999, at 2:30 p.m., to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on April 20, 1999, at 10:30 a.m., for a hearing on the nominations of Stephen Glickman to be associate judge of the D.C. Court of Appeals, Judge Eric Washington to be associate judge of the D.C. Court of Appeals, and Hiram Puig-Lugo to be associate judge of the D.C. Superior Court.

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

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing regarding Senate Joint Resolution 14, proposing an amendment to the Constitution of the United States, authorizing Congress to prohibit the physical desecration of the flag of the United States, during the session of the Senate on Tuesday, April 20, 1999, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the Department of Veterans Affairs contingency plans for year 2000. The hearing will be held on Tuesday, April 20, 1999, at 2:30 p.m., in room 418 of the Russell Senate Office Building.

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

ADDITIONAL STATEMENTS

TRIBUTE TO EXERCISE TIGER VETERANS

● Mr. LUGAR. Mr. President, I rise today to honor Hoosier and American veterans of Exercise Tiger. Exercise Tiger began as a top secret naval ''dress rehearsal'' for the impending Allied Invasion of Normandy. In the early morning of April 28, 1944, German warships attacked eight American tank landing ships (LST's) without warning during the exercise in the English Channel. Two American LST's were sunk, and a third was crippled. Of the 4,000-man force, 749 were lost in this short battle.

On April 23, Exercise Tiger veterans will be honored at Crown Hill Cemetery in Indianapolis, Indiana in commemoration of the 55th anniversary of the engagement. Tom Glynn, a retired US Navy veteran of Exercise Tiger, will lay a wreath at the grave of Frederick C. Carr, US Navy, LST–531, who died in the operation at Slapton Sands. The toll of a US Navy ship's bell will bring the ceremony to a close, ringing once for each of the eight ships involved in Exercise Tiger.

Because of the sensitive nature of the mission, veterans of Exercise Tiger were not properly recognized after the operation. Today's ceremony in Indianapolis is the first tribute in Indiana to honor the memory of fallen heroes of the battle. I ask my colleagues to join me today in honoring these courageous servicemen for their valiant service to the United States of America.●

TRIBUTE TO JAMES P. SCHUETTE

● Mr. KOHL. Mr. President, I rise today to honor Outagamie County Executive James P. Schuette, who is retiring this April after 25 years of service. A lifelong resident of Outagamie

county, Mr. Schuette has shown great commitment to serving the region where he was raised.

During his years of public service, Mr. Schuette has been an integral part of many committees that have seen Outagamie county become one of the fastest growing regions in Wisconsin. He has been a member of the Property Committee and witnessed the county's first recycling facility and the purchase and acquisition of land for public parks. While on the legislative committee, he saw region become more politically active on the state level as the area grew and became more prosperous. In the final two years of his career, he attained the venerable position of County Executive.

Mr. Schuette is also a patriot. For nine years he served as a sergeant and drill instructor with the United States Marine Corps. After leaving the Marines, he continued his commitment to the armed forces with the United States Army Reserves, serving for 19 years and achieving the rank of Sergeant First Class.

James Schuette is an exemplary member of the Outagamie County community and a tribute to his country. We must applaud his dedication and devotion to the community where he grew up as we wish James all the best for his retirement and congratulate him on his many years of service in our State.●

THE RETIREMENT OF DAVID WOLFE

● Mr. COCHRAN. Mr. President, I bring to the Senate's attention the retirement of Mr. David Wolfe, the Deputy District Engineer for Project Management at the Memphis District of the U.S. Army Corps of Engineers.

Mr. Wolf held several positions during his 39 years with the District, including Assistant Chief of Planning Division, Chief of the Information Management Office, and Chief of the Planning Division. He has served as Deputy District Engineer since 1994.

During his time at the Memphis District, Mr. Wolf initiated several projects unique to the District and the Corps of Engineers. The Grand Prairie Region and Bayou Meto Basin, Arkansas Project provides irrigation for agriculture and reverses the depletion of groundwater supply in central Arkansas. The Magnolia Street Project in Hickman, Kentucky is a soil-saving, bluff stability project. Serving as a member of the Mississippi Valley Division's Resource Management Board, Mr. Wolfe led the merging of Memphis District's Planning Division with the Programs and Project Management Division.

Mr. Wolfe's outstanding technical and leadership capabilities have made him a vital resource for my office and the people of Mississippi. In particular, he should be recognized for his assistance to the flood control needs of northwest Mississippi.

Upon his retirement on March 31, 1999, Mr. Wolfe was presented with the Bronze de Fleury Medal in recognition of his contributions to the Engineer Regiment.

I know that all Senators join me in thanking David for his many years of service and in wishing him our best for his retirement.●

ERIC TYLER, THE NEWEST MEMBER OF THE STEPHENSON FAMILY

● Mr. BENNETT. Mr. President, I would like to recognize an exceptionally special event that occurred yesterday, April 19, 1999. John Stephenson, Deputy Staff Director for the Senate Special Committee on the Year 2000 (Y2K) Technology Problem, and his wife welcomed the arrival of Eric Tyler, the newest member of the Stephenson family. Eric arrived yesterday at 11:53 a.m. weighing in at a healthy 6 pounds 15 ounces and measuring 19 inches long. I am extremely pleased to offer my sincere congratulations to John, Penny, and Eric's older sister, Kaitlyn.

I must say that the staff leadership within the Y2K committee has been a prolific one. Late last year on September 17, 1998, Robert Cresanti, Committee Staff Director, and Colleen, his wife, introduced Katja Maria, their first-born child, who arrived measuring 20.5 inches and a hearty 8 pounds 10 ounces. This is an excellent opportunity to express my personal heartfelt congratulations to Robert and Colleen.

As I ponder these events, I wonder if there is any connection to the fact that we now have another member of the committee professional staff that is expecting their third child. You might question if the due date is targeted for January 1, 2000. I will tell you that at this point, the expected delivery date is much earlier, November 26th. We will anxiously await yet another addition to the committee staff's offspring.●

REGISTRATION OF MASS MAILINGS

The filing date for 1999 first quarter mass mailings is April 26, 1999. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

PERSONAL FINANCIAL DISCLOSURE

Financial Disclosure Reports required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Monday, May 17, 1999. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records office will be open from 8:00 a.m. until 6:00 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 11. Any questions regarding the availability of reports should be directed to the Public Records office (224–0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224–2981).

S. 507—WATER RESOURCES DEVELOPMENT ACT OF 1999

On April 19, 1999, the Senate passed S. 507, the Water Resources Development Act of 1999. The text of the bill follows:

S. 507

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 1999''.

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

SEC. 2. DEFINITION OF SECRETARY.

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

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

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

(1) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $11,760,000, with an estimated Federal cost of $6,964,000 and an estimated non-Federal cost of $4,796,000.

(2) RIO SALADO (SALT RIVER), ARIZONA.—The project for environmental restoration, Rio Salado (Salt River), Arizona: Report of the Chief of Engineers dated August 20, 1998, at a total cost of $88,048,000, with an estimated Federal cost of $56,355,000 and an estimated non-Federal cost of $31,693,000.

(3) TUCSON DRAINAGE AREA, ARIZONA.—The project for flood damage reduction, environmental restoration, and recreation, Tucson drainage area, Arizona: Report of the Chief of Engineers dated May 20, 1998, at a total cost of $29,900,000, with an estimated Federal cost of $16,768,000 and an estimated non-Federal cost of $13,132,000.

(4) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction described as the Folsom Stepped Release Plan in the Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $505,400,000, with an estimated Federal cost of $329,300,000 and an estimated non-Federal cost of $176,100,000.

(B) IMPLEMENTATION.—

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

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

(iii) REMAINING DOWNSTREAM ELEMENTS.—

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

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

(5) LLAGAS CREEK, CALIFORNIA.—The project for completion of the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the requirements of local cooperation as specified in section 4 of that Act (16 U.S.C. 1004) at a total cost of $45,000,000, with an estimated Federal cost of $21,800,000 and an estimated non-Federal cost of $23,200,000.

(6) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood control, environmental restoration, and recreation, South Sacramento County streams, California: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $65,500,000, with an estimated Federal cost of $41,200,000 and an estimated non-Federal cost of $24,300,000.

(7) UPPER GUADALUPE RIVER, CALIFORNIA.—Construction of the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, at a total cost of $137,600,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $93,600,000.

(8) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California: Report of the Chief of Engineers dated November 25, 1998, at a total cost of $26,600,000, with an estimated Federal cost of $17,350,000 and an estimated non-Federal cost of $9,250,000.

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

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, Delaware Bay coastline: Delaware and New Jersey-Broadkill Beach, Delaware, Report of the Chief of Engineers dated August 17, 1998, at a total cost of $9,049,000, with an estimated Federal cost of $5,674,000 and an estimated non-Federal cost of $3,375,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $538,200, with an estimated annual Federal cost of $349,800 and an estimated annual non-Federal cost of $188,400.

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

(A) IN GENERAL.—The project for ecosystem restoration and shore protection, Delaware Bay coastline: Delaware and New Jersey-Port Mahon, Delaware: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $7,644,000, with an estimated Federal cost of $4,969,000 and an estimated non-Federal cost of $2,675,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $234,000, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $82,000.

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

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

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

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

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

(14) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $12,356,000, with an estimated Federal cost of $6,235,000 and an estimated non-Federal cost of $6,121,000.

(15) BRUNSWICK HARBOR, GEORGIA.—The project for navigation, Brunswick Harbor, Georgia: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $50,717,000, with an estimated Federal cost of $32,966,000 and an estimated non-Federal cost of $17,751,000.

(16) BEARGRASS CREEK, KENTUCKY.—The project for flood damage reduction, Beargrass Creek, Kentucky: Report of the Chief of Engineers dated May 12, 1998, at a total cost of $11,172,000, with an estimated Federal cost of $7,262,000 and an estimated non-Federal cost of $3,910,000.

(17) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers, dated December 23, 1996, at a total cost of $112,900,000, with an estimated Federal cost of $73,400,000 and an estimated non-Federal cost of $39,500,000.

(18) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—

(A) IN GENERAL.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia, Report of the Chief of Engineers dated June 8, 1998, at a total cost of $28,426,000, with an estimated Federal cost of $18,994,000 and an estimated non-Federal cost of $9,432,000.

(B) CREDIT OR REIMBURSEMENT.—If a project cooperation agreement is entered into, the non-Federal interest shall receive credit or reimbursement of the Federal share of project costs for construction work performed by the non-Federal interest before execution of the project cooperation agreement if the Secretary finds the work to be integral to the project.

(C) STUDY OF MODIFICATIONS.—During the preconstruction engineering and design phase of the project, the Secretary shall conduct a study to determine the feasibility of undertaking further modifications to the Dundalk Marine Terminal access channels, consisting of—

(i) deepening and widening the Dundalk access channels to a depth of 50 feet and a width of 500 feet;

(ii) widening the flares of the access channels; and

(iii) providing a new flare on the west side of the entrance to the east access channel.

(D) REPORT.—

(i) IN GENERAL.—Not later than March 1, 2000, the Secretary shall submit to Congress a report on the study under subparagraph (C).

(ii) CONTENTS.—The report shall include a determination of—

(I) the feasibility of performing the project modifications described in subparagraph (C); and

(II) the appropriateness of crediting or reimbursing the Federal share of the cost of the work performed by the non-Federal interest on the project modifications.

(19) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood damage reduction, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers, dated April 20, 1998, at a total cost of $8,950,000, with an estimated Federal cost of $5,720,000 and an estimated non-Federal cost of $3,230,000.

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

(A) IN GENERAL.—The project for hurricane and storm damage reduction, ecosystem restoration, and shore protection, New Jersey coastline, Townsends Inlet to Cape May Inlet, New Jersey: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $56,503,000, with an estimated Federal cost of $36,727,000 and an estimated non-Federal cost of $19,776,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $2,000,000, with an estimated annual Federal cost of $1,300,000 and an estimated annual non-Federal cost of $700,000.

(21) PARK RIVER, NORTH DAKOTA.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), at a total cost of $28,100,000, with an estimated Federal cost of $18,265,000 and an estimated non-Federal cost of $9,835,000.

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

(22) SALT CREEK, GRAHAM, TEXAS.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $10,080,000, with an estimated Federal cost of $6,560,000 and an estimated non-Federal cost of $3,520,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions recommended in a final report of the Chief of Engineers as approved by the Secretary, if a favorable report of the Chief is completed not later than December 31, 1999:

(1) NOME HARBOR IMPROVEMENTS, ALASKA.—The project for navigation, Nome Harbor Improvements, Alaska, at a total cost of $24,608,000, with an estimated first Federal cost of $19,660,000 and an estimated first non-Federal cost of $4,948,000.

(2) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska, at a total cost of $12,240,000, with an estimated first Federal cost of $4,364,000 and an estimated first non-Federal cost of $7,876,000.

(3) ARROYO PASAJERO, CALIFORNIA..—The project for flood damage reduction, Arroyo Pasajero, California, at a total cost of $260,700,000, with an estimated first Federal cost of $170,100,000 and an estimated first non-Federal cost of $90,600,000.

(4) HAMILTON AIRFIELD WETLAND RESTORATION, CALIFORNIA.—The project for environmental restoration at Hamilton Airfield, California, at a total cost of $55,200,000, with an estimated Federal cost of $41,400,000 and an estimated non-Federal cost of $13,800,000.

(5) OAKLAND, CALIFORNIA.—

(A) IN GENERAL.—The project for navigation and environmental restoration, Oakland, California, at a total cost of $214,340,000, with an estimated Federal cost of $143,450,000 and an estimated non-Federal cost of $70,890,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $42,310,000.

(6) SUCCESS DAM, TULE RIVER BASIN, CALIFORNIA.—The project for flood damage reduction and water supply, Success Dam, Tule River basin, California, at a total cost of $17,900,000, with an estimated first Federal cost of $11,635,000 and an estimated first non-Federal cost of $6,265,000.

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

(A) IN GENERAL.—The project for navigation mitigation, shore protection, and hurricane and storm damage reduction, Delaware Bay coastline: Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, at a total cost of $3,393,000, with an estimated Federal cost of $2,620,000 and an estimated non-Federal cost of $773,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $196,000, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $44,000.

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

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware, at a total cost of $22,205,000, with an estimated Federal cost of $14,433,000 and an estimated non-Federal cost of $7,772,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of

$1,584,000, with an estimated annual Federal cost of $1,030,000 and an estimated annual non-Federal cost of $554,000.

(9) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida, at a total cost of $26,116,000, with an estimated Federal cost of $9,129,000 and an estimated non-Federal cost of $16,987,000.

(10) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The project for hurricane and storm damage prevention and shore protection, Little Talbot Island, Duval County, Florida, at a total cost of $5,915,000, with an estimated Federal cost of $3,839,000 and an estimated non-Federal cost of $2,076,000.

(11) PONCE DE LEON INLET, VOLUSIA COUNTY, FLORIDA.—The project for navigation and recreation, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of $5,454,000, with an estimated Federal cost of $2,988,000 and an estimated non-Federal cost of $2,466,000.

(12) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may carry out the project for navigation, Savannah Harbor expansion, Georgia, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, with such modifications as the Secretary deems appropriate, at a total cost of $230,174,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of $145,160,000 and an estimated non-Federal cost of $85,014,000.

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

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

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

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

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

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

(13) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, at a total cost of $42,875,000 with an estimated Federal cost of $25,596,000 and an estimated non-Federal cost of $17,279,000.

(14) DELAWARE BAY COASTLINE, OAKWOOD BEACH, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Delaware Bay coastline, Oakwood Beach, New Jersey, at a total cost of $3,380,000, with an estimated Federal cost of $2,197,000 and an estimated non-Federal cost of $1,183,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $90,000, with an estimated annual Federal cost of $58,000 and an estimated annual non-Federal cost of $32,000.

(15) DELAWARE BAY COASTLINE, REEDS BEACH AND PIERCES POINT, NEW JERSEY.—The project for environmental restoration, Delaware Bay coastline, Reeds Beach and Pierces Point, New Jersey, at a total cost of $4,057,000, with an estimated Federal cost of $2,637,000 and an estimated non-Federal cost of $1,420,000.

(16) DELAWARE BAY COASTLINE, VILLAS AND VICINITY, NEW JERSEY.—The project for environmental restoration, Delaware Bay coastline, Villas and vicinity, New Jersey, at a total cost of $7,520,000, with an estimated Federal cost of $4,888,000 and an estimated non-Federal cost of $2,632,000.

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

(A) IN GENERAL.—The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, at a total cost of $15,952,000, with an estimated Federal cost of $12,118,000 and an estimated non-Federal cost of $3,834,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,114,000, with an estimated annual Federal cost of $897,000 and an estimated annual non-Federal cost of $217,000.

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

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, New Jersey Shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of $4,970,000, with an estimated Federal cost of $3,230,000 and an estimated non-Federal cost of $1,740,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $465,000, with an estimated annual Federal cost of $302,000 and an estimated annual non-Federal cost of $163,000.

(19) COLUMBIA RIVER CHANNEL DEEPENING, OREGON AND WASHINGTON.—

(A) IN GENERAL.—The project for navigation, Columbia River channel deepening, Oregon and Washington, at a total cost of $176,700,000, with an estimated Federal cost of $116,900,000 and an estimated non-Federal cost of $59,800,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $1,200,000.

(20) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—

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

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

(21) JOHNSON CREEK, ARLINGTON, TEXAS.—The project for flood damage reduction, environmental restoration, and recreation, Johnson Creek, Arlington, Texas, at a total cost of $20,300,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,300,000.

(22) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of $75,600,000, with an estimated Federal cost of $36,900,000 and an estimated non-Federal cost of $38,700,000.

SEC. 102. PROJECT MODIFICATIONS.

(a) PROJECTS WITH REPORTS.—

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

(2) ST. JOHNS COUNTY SHORE PROTECTION, FLORIDA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, St. Johns County, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4133) is modified to authorize the Secretary to include navigation mitigation as a purpose of the project in accordance with the report of the Corps of Engineers dated November 18, 1998, at a total cost of $16,086,000, with an estimated Federal cost of $12,949,000 and an estimated non-Federal cost of $3,137,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,251,000, with an estimated annual Federal cost of $1,007,000 and an estimated annual non-Federal cost of $244,000.

(3) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665) is modified to authorize the Secretary to construct the project in accordance with the Corps of Engineers report dated June 29, 1998, at a total cost of $17,039,000, with an estimated Federal cost of $9,730,000 and an estimated non-Federal cost of $7,309,000.

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

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

(A) IN GENERAL.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project at a total cost of $276,800,000, with an estimated Federal cost of $183,200,000 and an estimated non-Federal cost of $93,600,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $38,900,000.

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

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a final report by the

Chief of Engineers, as approved by the Secretary, finding that such work is technically sound, environmentally acceptable, and economically justified, as applicable:

(1) FORT PIERCE SHORE PROTECTION, FLORIDA.—

(A) IN GENERAL.—The Fort Pierce, Florida, shore protection and harbor mitigation project authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) and section 506(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3757) is modified to include an additional 1-mile extension of the project and increased Federal participation in accordance with section 101(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(c)), as described in the general reevaluation report approved by the Chief of Engineers, at an estimated total cost of $9,128,000, with an estimated Federal cost of $7,074,000 and an estimated non-Federal cost of $2,054,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period for the modified project, at an estimated annual cost of $559,000, with an estimated annual Federal cost of $433,000 and an estimated annual non-Federal cost of $126,000.

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

(A) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Natural Resources Conservation Service Thornton Reservoir (Structure 84), Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

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

(C) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Natural Resources Conservation Service Thornton Reservoir (Structure 84) project in the west lobe of the Thornton quarry.

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

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

(3) WELLS HARBOR, WELLS, MAINE.—

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

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

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

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

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

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

(C) REDESIGNATIONS AS PART OF THE 6-FOOT ANCHORAGE.—The following portions of the project shall be redesignated as part of the 6-foot anchorage:

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

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

(D) REDESIGNATION AS PART OF THE 6-FOOT CHANNEL.—The following portion of the project shall be redesignated as part of the 6-foot channel: the portion the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes 24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

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

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

(G) CONSERVATION EASEMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may accept a conveyance of the right, but not the obligation, to enforce a conservation easement to be held by the State of Maine over certain land owned by the town of Wells, Maine, that is adjacent to the Rachel Carson National Wildlife Refuge.

(4) NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, New York Harbor and adjacent channels, Port Jersey, New Jersey, authorized by section 201(b) of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to authorize the Secretary to construct the project at a total cost of $102,545,000, with an estimated Federal cost of $76,909,000 and an estimated non-Federal cost of $25,636,000.

(B) BERTHING AREAS AND OTHER LOCAL FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $722,000.

(5) WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to construct the project at a total Federal cost of $64,741,000.

(6) WHITE RIVER BASIN, ARKANSAS AND MISSOURI.—

(A) IN GENERAL.—The project for flood control, power generation and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, Seventy-sixth Congress, Third Session, and House Document 290, Seventy-seventh Congress, First Session, approved August 18, 1941, and House Document 499, Eighty-third Congress, Second Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711) is modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following amounts of project storage: Beaver Lake, 3.5 feet; Table Rock, 2 feet; Bull Shoals Lake, 5 feet; Norfork Lake, 3.5 feet; and Greers Ferry Lake, 3 feet. The Secretary shall complete such report and submit it to the Congress by July 30, 2000.

(B) REPORT.—The report of the Chief of Engineers, required by this subsection, shall also include a determination that the modification of the project in subparagraph (A) does not adversely affect other authorized

project purposes, and that no Federal costs are incurred.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(i) the Secretary determines that—

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

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

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

(l) LAKE MICHIGAN, ILLINOIS.—

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

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

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

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

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

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

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

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

(1) IN GENERAL.—Except as otherwise provided in this paragraph, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in the parcels of land described in paragraph (2)(A) that are currently being managed by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by the Flood Control Act of 1966 and modified by the Water Resources Development Act of 1986.

(2) LAND DESCRIPTION.—

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

(B) MANAGEMENT OF EXCLUDED PARCELS.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21–3–85–1904 until the Secretary and the State enter into an agreement under paragraph (6).

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

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

(4) PERPETUAL STATUS.—

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

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

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

(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

(A) IN GENERAL.—The Secretary may pay the State of South Carolina not more than $4,850,000 subject to the Secretary and the

State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the lands conveyed under this paragraph and excluded parcels designated in Exhibit A of Army License No. DACW21–3–85–1904.

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

(r) LAND CONVEYANCE, CLARKSTON, WASHINGTON.—

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

(2) ADDITIONAL LAND.—The Secretary may convey to the Port of Clarkston, Washington, such additional land located in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) TERMS AND CONDITIONS.—The conveyances made under paragraphs (1) and (2) shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws (including regulations).

(4) USE OF LAND.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed pursuant to paragraphs (1) and (2) that is not retained in public ownership and used for public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

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

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

(u) LEE COUNTY, CAPTIVA ISLAND SEGMENT, FLORIDA.—

(1) IN GENERAL.—The project for shoreline protection, Lee County, Captiva Island segment, Florida, authorized by section 506(b)(3)(A) of the Water Resources Development Act of 1996 (110 Stat. 3758), is modified to direct the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1).

(2) DECISION DOCUMENT.—The design memorandum approved in 1996 shall be the decision document supporting continued Federal participation in cost sharing of the project.

(v) COLUMBIA RIVER CHANNEL, WASHINGTON AND OREGON.—

(1) IN GENERAL.—The project for navigation, Columbia River between Vancouver, Washington, and The Dalles, Oregon, authorized by the first section of the Act of July 24, 1946 (60 Stat. 637, chapter 595), is modified to authorize the Secretary to construct an alternate barge channel to traverse the high span of the Interstate Route 5 bridge between Portland, Oregon, and Vancouver, Washington, to a depth of 17 feet, with a width of approximately 200 feet through the high span of the bridge and a width of approximately 300 feet upstream of the bridge.

(2) DISTANCE UPSTREAM.—The channel shall continue upstream of the bridge approximately 2,500 feet to about river mile 107, then to a point of convergence with the main barge channel at about river mile 108.

(3) DISTANCE DOWNSTREAM.—

(A) SOUTHERN EDGE.—The southern edge of the channel shall continue downstream of the bridge approximately 1,500 feet to river mile 106+10, then turn northwest to tie into the edge of the Upper Vancouver Turning Basin.

(B) NORTHERN EDGE.—The northern edge of the channel shall continue downstream of the bridge to the Upper Vancouver Turning Basin.

SEC. 103. PROJECT DEAUTHORIZATIONS.

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

(b) BASS HARBOR, MAINE.—

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

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

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

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

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

(d) CARVERS HARBOR, VINALHAVEN, MAINE.—

(1) DEAUTHORIZATION.—The portion of the project for navigation, Carvers Harbor, Vinalhaven, Maine, authorized by the Act of June 3, 1896 (commonly known as the ''River and Harbor Appropriations Act of 1896'') (29 Stat. 202, chapter 314), described in paragraph (2) is not authorized after the date of enactment of this Act.

(2) DESCRIPTION.—The portion of the project referred to in paragraph (1) is the portion of the 16-foot anchorage beginning at a point with coordinates N137,502.04, E895,156.83, thence running south 6 degrees 34 minutes 57.6 seconds west 277.660 feet to a point N137,226.21, E895,125.00, thence running north 53 degrees, 5 minutes 42.4 seconds west 127.746 feet to a point N137,302.92, E895022.85, thence running north 33 degrees 56 minutes 9.8 seconds east 239.999 feet to the point of origin.

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

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

(f) SEARSPORT HARBOR, SEARSPORT, MAINE.—

(1) DEAUTHORIZATION.—The portion of the project for navigation, Searsport Harbor, Searsport, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), described in paragraph (2) is not authorized after the date of enactment of this Act.

(2) DESCRIPTION.—The portion of the project referred to in paragraph (1) is the portion of the 35-foot turning basin beginning at a point with coordinates N225,008.38, E395,464.26, thence running north 43 degrees 49 minutes 53.4 seconds east 362.001 feet to a point N225,269.52, E395,714.96, thence running south 71 degrees 27 minutes 33.0 seconds east 1,309.201 feet to a point N224,853.22, E396,956.21, thence running north 84 degrees 3 minutes 45.7 seconds west 1,499.997 feet to the point of origin.

SEC. 104. STUDIES.

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

(b) BOYDSVILLE, ARKANSAS.—The Secretary shall conduct a study to determine the feasibility of reservoir and associated improvements to provide for flood control, recreation, water quality, water supply, and fish and wildlife purposes in the vicinity of Boydsville, Arkansas.

(c) UNION COUNTY, ARKANSAS.—The Secretary shall conduct a study to determine the feasibility of municipal and industrial water supply for Union County, Arkansas.

(d) WHITE RIVER BASIN, ARKANSAS AND MISSOURI.—

(1) IN GENERAL.—The Secretary shall conduct a study of the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by H. Doc. 917, 76th Cong., 3d Sess., and H. Doc. 290, 77th Cong., 1st Sess., approved August 18, 1941, and H. Doc. 499, 83d Cong., 2d Sess., approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711) to determine the feasibility of modifying the project to provide minimum flows necessary to sustain the tail water trout fisheries.

(2) REPORT.—Not later than July 30, 2000, the Secretary shall submit to Congress a report on the study and any recommendations on reallocation of storage at Beaver Lake, Table Rock, Bull Shoals Lake, Norfolk Lake, and Greers Ferry Lake.

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

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

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

(f) FRAZIER CREEK, TULARE COUNTY, CALIFORNIA.—The Secretary shall conduct a study to determine—

(1) the feasibility of restoring Frazier Creek, Tulare County, California; and

(2) the Federal interest in flood control, environmental restoration, conservation of fish and wildlife resources, recreation, and water quality of the creek.

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

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

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

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

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

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

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

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

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

(l) GATEWAY TRIANGLE REDEVELOPMENT AREA, FLORIDA.—

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

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

(m) CITY OF PLANT CITY, FLORIDA.—

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

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

(n) BOISE, IDAHO.—The Secretary shall conduct a study to determine the feasibility of undertaking flood control on the Boise River in Boise, Idaho.

(o) GOOSE CREEK WATERSHED, OAKLEY, IDAHO.—The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction, water conservation, ground water recharge, ecosystem restoration, and related purposes along the Goose Creek watershed near Oakley, Idaho.

(p) LITTLE WOOD RIVER, GOODING, IDAHO.—The Secretary shall conduct a study to determine the feasibility of restoring and repairing the Lava Rock Little Wood River Containment System to prevent flooding in the city of Gooding, Idaho.

(q) BANK STABILIZATION, SNAKE RIVER, LEWISTON, IDAHO.—The Secretary shall conduct a study to determine the feasibility of undertaking bank stabilization and flood control on the Snake River at Lewiston, Idaho.

(r) SNAKE RIVER AND PAYETTE RIVER, IDAHO.—The Secretary shall conduct a study to determine the feasibility of a flood control project along the Snake River and Payette River, in the vicinity of Payette, Idaho.

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

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

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

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

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

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

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

(2) MATTERS TO BE ADDRESSED.—The study shall address saltwater intrusion, tidal scour, erosion, compaction, subsidence, wind and wave action, bank failure, and other problems relating to water resources in the area.

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

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

(aa) MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.—

(1) IN GENERAL.—The Secretary shall evaluate the January 1999 study commissioned by the Boston Parks and Recreation Department, Boston, Massachusetts, and entitled ''The Emerald Necklace Environmental Improvement Master Plan, Phase I Muddy River Flood Control, Water Quality and Habitat Enhancement'', to determine whether the plans outlined in the study for flood control, water quality, habitat enhancements, and other improvements to the Muddy River in Brookline and Boston, Massachusetts, are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(2) REPORT.—Not later than December 31, 1999, the Secretary shall report to Congress the results of the evaluation.

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

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

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

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

(dd) WOODTICK PENINSULA, MICHIGAN, AND TOLEDO HARBOR, OHIO.—The Secretary shall conduct a study to determine the feasibility of utilizing dredged material from Toledo Harbor, Ohio, to provide erosion reduction, navigation, and ecosystem restoration at Woodtick Peninsula, Michigan.

(ee) DREDGED MATERIAL MANAGEMENT, PASCAGOULA HARBOR, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine an alternative

plan for dredged material management for the Pascagoula River portion of the project for navigation, Pascagoula Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094).

(2) CONTENTS.—The study under paragraph (1) shall—

(A) include an analysis of the feasibility of expanding the Singing River Island Disposal Area or constructing a new dredged material disposal facility; and

(2) identify methods of managing and reducing sediment transport into the Federal navigation channel.

(ff) TUNICA LAKE WEIR, MISSISSIPPI.—

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

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

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

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

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

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

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

(3) REPORT.—Not later than April 15, 2000, the Secretary shall submit to Congress a report on the results of the study.

(hh) YELLOWSTONE RIVER, MONTANA.—

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

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

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

(ii) LAS VEGAS VALLEY, NEVADA.—

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

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

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

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

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

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

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

(ll) CLEVELAND HARBOR, CLEVELAND, OHIO.—The Secretary shall conduct a study to determine the feasibility of undertaking repairs and related navigation improvements at Dike 14, Cleveland, Ohio.

(mm) CHAGRIN, OHIO.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction at Chagrin, Ohio.

(2) ICE RETENTION STRUCTURE.—In conducting the study, the Secretary may consider construction of an ice retention structure as a potential means of providing flood damage reduction.

(nn) TOUSSAINT RIVER, CARROLL TOWNSHIP, OHIO.—The Secretary shall conduct a study to determine the feasibility of undertaking navigation improvements at Toussaint River, Carroll Township, Ohio.

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

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

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

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

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

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

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

(rr) CONTAMINATED DREDGED MATERIAL AND SEDIMENT MANAGEMENT, SOUTH CAROLINA COASTAL AREAS.—

(1) IN GENERAL.—The Secretary shall review pertinent reports and conduct other studies and field investigations to determine the best available science and methods for management of contaminated dredged material and sediments in the coastal areas of South Carolina.

(2) FOCUS.—In carrying out subsection (a), the Secretary shall place particular focus on areas where the Corps of Engineers maintains deep draft navigation projects, such as Charleston Harbor, Georgetown Harbor, and Port Royal, South Carolina.

(3) COOPERATION.—The studies shall be conducted in cooperation with the appropriate Federal and State environmental agencies.

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

(tt) SANTA CLARA RIVER, UTAH.—

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

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

(uu) MOUNT ST. HELENS ENVIRONMENTAL RESTORATION, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of ecosystem restoration improvements throughout the Cowlitz and Toutle River basins, Washington, including the 6,000 acres of wetland, riverine, riparian, and upland habitats lost or altered due to the eruption of Mount St. Helens in 1980 and subsequent emergency actions.

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

(A) work in close coordination with local governments, watershed entities, the State of Washington, and other Federal agencies; and

(B) place special emphasis on—

(i) conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) other watershed restoration objectives.

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

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

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

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

(zz) ALTERNATIVE WATER SOURCES STUDY.—

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

(2) REQUIREMENTS.—The study shall—

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

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

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

(3) REPORT.—The Administrator shall report to Congress on the results of the study not more than 180 days after the date of enactment of this Act.

(aaa) GREAT LAKES NAVIGATIONAL SYSTEM.—In consultation with the St. Lawrence Seaway Development Corporation, the Secretary shall review the Great Lakes Connecting Channel and Harbors Report dated March 1985 to determine the feasibility of any modification of the recommendations made in the report to improve commercial navigation on the Great Lakes navigation system, including locks, dams, harbors, ports, channels, and other related features.

TITLE II—GENERAL PROVISIONS

SEC. 201. FLOOD HAZARD MITIGATION AND RIVERINE ECOSYSTEM RESTORATION PROGRAM.

(a) IN GENERAL.—

(1) AUTHORIZATION.—The Secretary may carry out a program to reduce flood hazards and restore the natural functions and values of riverine ecosystems throughout the United States.

(2) STUDIES.—In carrying out the program, the Secretary shall conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement watershed management and restoration projects.

(3) PARTICIPATION.—The studies and projects carried out under the program shall be conducted, to the extent practicable, with the full participation of the appropriate Federal agencies, including the Department of Agriculture, the Federal Emergency Management Agency, the Department of the Interior, the Environmental Protection Agency, and the Department of Commerce.

(4) NONSTRUCTURAL APPROACHES.—The studies and projects shall, to the extent practicable, emphasize nonstructural approaches to preventing or reducing flood damages.

(b) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—The cost of studies conducted under subsection (a) shall be shared in accordance with section 105 of the Water Resources Development Act of 1986 (33 Stat. 2215).

(2) PROJECTS.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(3) IN-KIND CONTRIBUTIONS.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the projects. The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this subsection.

(4) RESPONSIBILITIES OF THE NON-FEDERAL INTERESTS.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(c) PROJECT JUSTIFICATION.—

(1) IN GENERAL.—The Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) SELECTION CRITERIA; POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) develop criteria for selecting and rating the projects to be carried out as part of the program authorized by this section; and

(B) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(d) REPORTING REQUIREMENT.—The Secretary may not implement a project under this section until—

(1) the Secretary provides to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (c); and

(2) a period of 21 calendar days has expired following the date on which the notification was received by the Committees.

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including—

(1) Los Angeles County drainage area, California;

(2) Napa River Valley watershed, California;

(3) Le May, Missouri;

(4) the upper Delaware River basin, New York;

(5) Mill Creek, Cincinnati, Ohio;

(6) Tillamook County, Oregon;

(7) Willamette River basin, Oregon;

(8) Delaware River, Pennsylvania;

(9) Schuylkill River, Pennsylvania; and

(10) Providence County, Rhode Island.

(f) PER-PROJECT LIMITATION.—Not more than $25,000,000 in Army Civil Works appropriations may be expended on any single project undertaken under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $75,000,000 for the period of fiscal years 2000 and 2001.

(2) PROGRAM FUNDING LEVELS.—All studies and projects undertaken under this authority from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

SEC. 202. SHORE PROTECTION.

Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking ''Costs of constructing'' and inserting the following:

''(1) CONSTRUCTION.—Costs of constructing''; and

(2) by adding at the end the following:

''(2) PERIODIC NOURISHMENT.—In the case of a project authorized for construction after December 31, 1999, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of projects or measures for shore protection or beach erosion control shall be 50 percent, except that—

''(A) all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by non-Federal interests; and

''(B) all costs assigned to the protection of federally owned shores shall be borne by the United States.''.

SEC. 203. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) in the first sentence, by striking ''construction of small projects'' and inserting ''implementation of small structural and nonstructural projects''; and

(2) in the third sentence, by striking ''$5,000,000'' and inserting ''$7,000,000''.

SEC. 204. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGES.

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end the following: '', but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the servıces requested by the entities''.

SEC. 205. AQUATIC ECOSYSTEM RESTORATION.

Section 206(c) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(c)) is amended—

(1) by striking ''Construction'' and inserting the following:

''(1) IN GENERAL.—Construction''; and

(2) by adding at the end the following:

''(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 206. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 207. VOLUNTARY CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting ''or environmental restoration'' after ''flood control''.

SEC. 208. RECREATION USER FEES.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of $34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460l–6a(b)).

(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the

amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

(3) signage;

(4) habitat or facility enhancement;

(5) resource preservation;

(6) annual operation (including fee collection);

(7) maintenance; and

(8) law enforcement related to public use.

(c) AVAILABILITY.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

SEC. 209. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking ''interest of navigation'' and inserting ''interests of water resources development (including navigation, flood damage reduction, and environmental restoration)''.

SEC. 210. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) DEFINITIONS.—In this section:

(1) MIDDLE MISSISSIPPI RIVER.—The term ''middle Mississippi River'' means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) MISSOURI RIVER.—The term ''Missouri River'' means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) PROJECT.—The term ''project'' means the project authorized by this section.

(b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

(1) PLAN.—

(A) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) ACTIVITIES.—

(i) IN GENERAL.—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) REQUIRED ACTIVITIES.—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and

(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) IMPLEMENTATION OF ACTIVITIES.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED FEATURES OF THE PROJECT.—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

(i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and

(ii) be compatible with the project purposes described in this section.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) PUBLIC PARTICIPATION.—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of meetings;

(2) providing adequate opportunity for public input and comment;

(3) maintaining appropriate records; and

(4) compiling a record of the proceedings of meetings.

(e) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be 35 percent.

(2) FEDERAL SHARE.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed $5,000,000.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $30,000,000 for the period of fiscal years 2000 and 2001.

SEC. 211. OUTER CONTINENTAL SHELF.

(a) SAND, GRAVEL, AND SHELL.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by inserting before the period at the end the following: ''or any other non-Federal interest subject to an agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b)''.

(b) REIMBURSEMENT FOR LOCAL INTERESTS.—Any amounts paid by non-Federal interests for beach erosion control, hurricane protection, shore protection, or storm damage reduction projects as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

SEC. 212. ENVIRONMENTAL DREDGING.

Section 312(f) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)) is amended by adding at the end the following:

''(6) Snake Creek, Bixby, Oklahoma.

''(7) Willamette River, Oregon.''.

SEC. 213. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED INCLUDED IN BENEFIT-COST ANALYSIS.

Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by striking ''BENEFIT-COST ANALYSIS'' and inserting ''ELEMENTS EXCLUDED FROM COST-BENEFIT ANALYSIS'';

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(3) by inserting after subsection (a) the following:

''(b) ELEMENTS INCLUDED IN COST-BENEFIT ANALYSIS.—The Secretary shall include primary flood damages avoided in the benefit base for justifying Federal nonstructural flood damage reduction projects.''; and

(4) in the first sentence of subsection (e) (as redesignated by paragraph (2)), by striking ''(b)'' and inserting ''(d)''.

SEC. 214. CONTROL OF AQUATIC PLANT GROWTH.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended in the first sentence by striking ''water-hyacinth, alligatorweed, Eurasian water milfoil, melaleuca,'' and inserting ''Alligatorweed, Aquaticum, Arundo Dona, Brazilian Elodea, Cabomba, Melaleuca, Myrophyllum, Spicatum, Tarmarix, Water Hyacinth,''.

SEC. 215. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

''(19) LAKE TAHOE, CALIFORNIA AND NEVADA.—Regional water system for Lake Tahoe, California and Nevada.

''(20) LANCASTER, CALIFORNIA.—Fox Field Industrial Corridor water facilities, Lancaster, California.

''(21) SAN RAMON, CALIFORNIA.—San Ramon Valley recycled water project, San Ramon, California.''.

SEC. 216. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

''(10) Regional Atlanta Watershed, Atlanta, Georgia, and Lake Lanier of Forsyth and Hall Counties, Georgia.''; and

(B) by adding at the end the following:

''(14) Clear Lake watershed, California.

''(15) Fresno Slough watershed, California.

''(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

''(17) Kaweah River watershed, California.

''(18) Lake Tahoe watershed, California and Nevada.

''(19) Malibu Creek watershed, California.

''(20) Truckee River basin, Nevada.

''(21) Walker River basin, Nevada.

''(22) Bronx River watershed, New York.

''(23) Catawba River watershed, North Carolina.

''(24) Columbia Slough watershed, Oregon.'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.''.

SEC. 217. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148) is amended—

(1) in paragraph (15), by striking ''and'' at the end;

(2) in paragraph (16), by striking the period at the end; and

(3) by adding at the end the following:

''(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and development of a sustainable weed and algae management program;

''(18) Flints Pond, Hollis, New Hampshire, removal of excessive aquatic vegetation; and

''(19) Osgood Pond, Milford, New Hampshire, removal of excessive aquatic vegetation.''.

SEC. 218. SEDIMENTS DECONTAMINATION POLICY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102–580) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall result in practical end-use products.

''(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity.''; and

(2) in subsection (c), by striking the first sentence and inserting the following: ''There is authorized to be appropriated to carry out this section a total of $22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.''.

SEC. 219. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

(a) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking ''50'' and inserting ''35''.

(b) GREAT LAKES BASIN.—The Secretary shall work with the State of Ohio, other Great Lakes States, and political subdivisions of the States to fully implement and maximize beneficial reuse of dredged material as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

SEC. 220. FISH AND WILDLIFE MITIGATION.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: ''Not more than 80 percent of the non-Federal share of such first costs may be in kind, including a facility, supply, or service that is necessary to carry out the enhancement project.''.

SEC. 221. REIMBURSEMENT OF NON-FEDERAL INTEREST.

Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)(A)) is amended by striking ''subject to amounts being made available in advance in appropriations Acts'' and inserting ''subject to the availability of appropriations''.

SEC. 222. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.

(a) DEFINITION OF TASK FORCE.—In this section, the term ''Task Force'' means the National Contaminated Sediment Task Force established by section 502 of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271 note; Public Law 102–580).

(b) CONVENING.—The Secretary and the Administrator shall convene the Task Force not later than 90 days after the date of enactment of this Act.

(c) REPORTING ON REMEDIAL ACTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to Congress a report on the status of remedial actions at aquatic sites in the areas described in paragraph (2).

(2) AREAS.—The report under paragraph (1) shall address remedial actions in—

(A) areas of probable concern identified in the survey of data regarding aquatic sediment quality required by section 503(a) of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271);

(B) areas of concern within the Great Lakes, as identified under section 118(f) of the Federal Water Pollution Control Act (33 U.S.C. 1268(f));

(C) estuaries of national significance identified under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(D) areas for which remedial action has been authorized under any of the Water Resources Development Acts; and

(E) as appropriate, any other areas where sediment contamination is identified by the Task Force.

(3) ACTIVITIES.—Remedial actions subject to reporting under this subsection include remedial actions under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other Federal or State law containing environmental remediation authority;

(B) any of the Water Resources Development Acts;

(C) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or

(D) section 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425).

(4) CONTENTS.—The report under paragraph (1) shall provide, with respect to each remedial action described in the report, a description of—

(A) the authorities and sources of funding for conducting the remedial action;

(B) the nature and sources of the sediment contamination, including volume and concentration, where appropriate;

(C) the testing conducted to determine the nature and extent of sediment contamination and to determine whether the remedial action is necessary;

(D) the action levels or other factors used to determine that the remedial action is necessary;

(E) the nature of the remedial action planned or undertaken, including the levels of protection of public health and the environment to be achieved by the remedial action;

(F) the ultimate disposition of any material dredged as part of the remedial action;

(G) the status of projects and the obstacles or barriers to prompt conduct of the remedial action; and

(H) contacts and sources of further information concerning the remedial action.

SEC. 223. JOHN GLENN GREAT LAKES BASIN PROGRAM.

(a) STRATEGIC PLANS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall report to Congress on a plan for programs of the Corps of Engineers in the Great Lakes basin.

(2) CONTENTS.—The plan shall include details of the projected environmental and navigational projects in the Great Lakes basin, including—

(A) navigational maintenance and operations for commercial and recreational vessels;

(B) environmental restoration activities;

(C) water level maintenance activities;

(D) technical and planning assistance to States and remedial action planning committees;

(E) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(F) flood damage reduction and shoreline erosion prevention;

(G) all other activities of the Corps of Engineers; and

(H) an analysis of factors limiting use of programs and authorities of the Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(b) GREAT LAKES BIOHYDROLOGICAL INFORMATION.—

(1) INVENTORY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency.

(B) RELEVANT INFORMATION.—For the purpose of subparagraph (A), relevant information includes information on—

(i) ground and surface water hydrology;

(ii) natural and altered tributary dynamics;

(iii) biological aspects of the system influenced by and influencing water quantity and water movement;

(iv) meteorological projections and weather impacts on Great Lakes water levels; and

(v) other Great Lakes biohydrological system data relevant to sustainable water use management.

(2) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall—

(i) compile the inventories of information;

(ii) analyze the information for consistency and gaps; and

(iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) RECOMMENDATIONS.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) CONSIDERATIONS.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and other relevant agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

(i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and

(ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) GREAT LAKES RECREATIONAL BOATING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, using information and studies in existence on the date of enactment of this Act to the maximum extent practicable, and in cooperation with the Great Lakes States, submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors

benefiting from operation and maintenance projects of the Corps of Engineers.

(d) COOPERATION.—In undertaking activities under this section, the Secretary shall—

(1) encourage public participation; and

(2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, tribal governments.

(e) WATER USE ACTIVITIES AND POLICIES.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) COST SHARING.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

SEC. 224. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

Section 1135(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(c)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) CONTROL OF SEA LAMPREY.—Congress finds that—

''(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts to its fishery; and

''(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.''.

SEC. 225. WATER QUALITY, ENVIRONMENTAL QUALITY, RECREATION, FISH AND WILDLIFE, FLOOD CONTROL, AND NAVIGATION.

(a) IN GENERAL.—The Secretary may investigate, study, evaluate, and report on—

(1) water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie watershed, including the watersheds of the Maumee River, Ottawa River, and Portage River in the States of Indiana, Ohio, and Michigan; and

(2) measures to improve water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie basin.

(b) COOPERATION.—In carrying out studies and investigations under subsection (a), the Secretary shall cooperate with Federal, State, and local agencies and nongovernmental organizations to ensure full consideration of all views and requirements of all interrelated programs that those agencies may develop independently or in coordination with the Corps of Engineers.

SEC. 226. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering into irrigation systems. Measures shall be developed in cooperation with Federal and State resource agencies and not impair the continued withdrawal of water for irrigation purposes. In providing such assistance priority shall be given based on the objectives of the Endangered Species Act, cost-effectiveness, and the potential for reducing fish mortality. Non-Federal interests shall agree by contract to contribute 50 percent of the cost of such assistance. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services. No construction activities are authorized by this section. Not later than 2 years after the date of enactment of this section, the Secretary shall report to Congress on fish mortality caused by irrigation water intake devices, appropriate measures to reduce mortality, the extent to which such measures are currently being employed in the arid States, the construction costs associated with such measures, and the appropriate Federal role, if any, to encourage the use of such measures.

SEC. 227. SMALL STORM DAMAGE REDUCTION PROJECTS.

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking ''$2,000,000'' and inserting ''$3,000,000''.

SEC. 228. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426(i)) is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting ''(a) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The costs'' and inserting the following:

''(b) COST SHARING.—The costs'';

(3) in the third sentence—

(A) by striking ''No such'' and inserting the following:

''(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such''; and

(B) by striking ''$2,000,000'' and inserting ''$5,000,000''; and

(4) by adding at the end the following:

''(d) COORDINATION.—The Secretary shall—

''(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

''(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.''.

SEC. 229. ATLANTIC COAST OF NEW YORK.

Section 404(c) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended by inserting after ''1997'' the following: ''and an additional total of $2,500,000 for fiscal years thereafter''.

SEC. 230. ACCELERATED ADOPTION OF INNOVATIVE TECHNOLOGIES FOR CONTAMINATED SEDIMENTS.

Section 8 of the Water Resources Development Act of 1988 (33 U.S.C. 2314) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) ACCELERATED ADOPTION OF INNOVATIVE TECHNOLOGIES FOR MANAGEMENT OF CONTAMINATED SEDIMENTS.—

''(1) TEST PROJECTS.—The Secretary shall approve an appropriate number of projects to test, under actual field conditions, innovative technologies for environmentally sound management of contaminated sediments.

''(2) DEMONSTRATION PROJECTS.—The Secretary may approve an appropriate number of projects to demonstrate innovative technologies that have been pilot tested under paragraph (1).

''(3) CONDUCT OF PROJECTS.—Each pilot project under paragraph (1) and demonstration project under paragraph (2) shall be conducted by a university with proven expertise in the research and development of contaminated sediment treatment technologies and innovative applications using waste materials.''.

SEC. 231. MISSISSIPPI RIVER COMMISSION.

Notwithstanding any other provision of law, a member of the Mississippi River Commission (other than the president of the Commission) shall receive annual pay of $21,500.

SEC. 232. USE OF PRIVATE ENTERPRISES.

(a) INVENTORY AND REVIEW.—The Secretary shall inventory and review all activities of the Corps of Engineers that are not inherently governmental in nature in accordance with the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note; Public Law 105–270).

(b) CONSIDERATIONS.—In determining whether to commit to private enterprise the performance of architectural or engineering services (including surveying and mapping services), the Secretary shall take into consideration professional qualifications as well as cost.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

SEC. 302. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

''(3) The Chemung River watershed, New York, at an estimated Federal cost of $5,000,000.''.

SEC. 303. SMALL FLOOD CONTROL PROJECTS.

Section 102 of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively;

(2) by inserting after paragraph (14) the following:

''(15) REPAUPO CREEK AND DELAWARE RIVER, GLOUCESTER COUNTY, NEW JERSEY.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey.''; and

(3) by adding at the end the following:

''(24) IRONDEQUOIT CREEK, NEW YORK.—Project for flood control, Irondequoit Creek watershed, New York.

''(25) TIOGA COUNTY, PENNSYLVANIA.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.''.

SEC. 304. SMALL NAVIGATION PROJECTS.

Section 104 of the Water Resources Development Act of 1996 (110 Stat. 3669) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (11) through (14), respectively; and

(2) by inserting after paragraph (8) the following:

''(9) FORTESCUE INLET, DELAWARE BAY, NEW JERSEY.—Project for navigation for Fortescue Inlet, Delaware Bay, New Jersey.

''(10) BRADDOCK BAY, GREECE, NEW YORK.—Project for navigation, Braddock Bay, Greece, New York.''.

SEC. 305. STREAMBANK PROTECTION PROJECTS.

(a) ARCTIC OCEAN, BARROW, ALASKA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out storm damage reduction and coastal erosion measures at the town of Barrow, Alaska.

(b) SAGINAW RIVER, BAY CITY, MICHIGAN.—The Secretary may construct appropriate control structures in areas along the Saginaw River in the city of Bay City, Michigan, under authority of section 14 of the Flood Control Act of 1946 (33 Stat. 701r).

(c) YELLOWSTONE RIVER, BILLINGS, MONTANA.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(d) MONONGAHELA RIVER, POINT MARION, PENNSYLVANIA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out streambank erosion control measures along the Monongahela River at the borough of Point Marion, Pennsylvania.

SEC. 306. AQUATIC ECOSYSTEM RESTORATION, SPRINGFIELD, OREGON.

Under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall conduct measures to address water quality, water flows, and fish habitat restoration in the historic Springfield, Oregon, millrace through the reconfiguration of the existing millpond, if the Secretary determines that harmful impacts have occurred as the result of a previously constructed flood control project by the Corps of Engineers.

SEC. 307. GUILFORD AND NEW HAVEN, CONNECTICUT.

The Secretary shall expeditiously complete the activities authorized under section 346 of the Water Resources Development Act of 1992 (106 Stat. 4858), including activities associated with Sluice Creek in Guilford, Connecticut, and Lighthouse Point Park in New Haven, Connecticut.

SEC. 308. FRANCIS BLAND FLOODWAY DITCH.

(a) REDESIGNATION.—The project for flood control, Eight Mile Creek, Paragould, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) and known as ''Eight Mile Creek, Paragould, Arkansas'', shall be known and designated as the ''Francis Bland Floodway Ditch''.

(b) LEGAL REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the project and creek referred to in subsection (a) shall be deemed to be a reference to the Francis Bland Floodway Ditch.

SEC. 309. CALOOSAHATCHEE RIVER BASIN, FLORIDA.

Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: '', including potential land acquisition in the Caloosahatchee River basin or other areas''.

SEC. 310. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.

(a) IN GENERAL.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the ''Flood Control Act of 1936'') (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of $15,000,000, with an estimated Federal cost of $9,750,000 and an estimated non-Federal cost of $5,250,000.

(b) IN-KIND SERVICES.—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) OPERATION AND MAINTENANCE.—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

SEC. 311. CITY OF MIAMI BEACH, FLORIDA.

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: '', including the city of Miami Beach, Florida''.

SEC. 312. SARDIS RESERVOIR, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, as determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56–74–JC–0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) DETERMINATION OF AMOUNT.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget.

(c) EFFECT.—Nothing in this section shall otherwise affect any of the rights or obligations of the parties to the contract referred to in subsection (a).

SEC. 313. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM NAVIGATION MODERNIZATION.

(a) FINDINGS.—Congress finds that—

(1) exports are necessary to ensure job creation and an improved standard of living for the people of the United States;

(2) the ability of producers of goods in the United States to compete in the international marketplace depends on a modern and efficient transportation network;

(3) a modern and efficient waterway system is a transportation option necessary to provide United States shippers a safe, reliable, and competitive means to win foreign markets in an increasingly competitive international marketplace;

(4) the need to modernize is heightened because the United States is at risk of losing its competitive edge as a result of the priority that foreign competitors are placing on modernizing their own waterway systems;

(5) growing export demand projected over the coming decades will force greater demands on the waterway system of the United States and increase the cost to the economy if the system proves inadequate to satisfy growing export opportunities;

(6) the locks and dams on the upper Mississippi River and Illinois River waterway system were built in the 1930s and have some of the highest average delays to commercial tows in the country;

(7) inland barges carry freight at the lowest unit cost while offering an alternative to truck and rail transportation that is environmentally sound, is energy efficient, is safe, causes little congestion, produces little air or noise pollution, and has minimal social impact; and

(8) it should be the policy of the Corps of Engineers to pursue aggressively modernization of the waterway system authorized by Congress to promote the relative competitive position of the United States in the international marketplace.

(b) PRECONSTRUCTION ENGINEERING AND DESIGN.—In accordance with the Upper Mississippi River-Illinois Waterway System Navigation Study, the Secretary shall proceed immediately to prepare engineering design, plans, and specifications for extension of locks 20, 21, 22, 24, 25 on the Mississippi River and the LaGrange and Peoria Locks on the Illinois River, to provide lock chambers 110 feet in width and 1,200 feet in length, so that construction can proceed immediately upon completion of studies and authorization of projects by Congress.

SEC. 314. UPPER MISSISSIPPI RIVER MANAGEMENT.

Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)—

(A) by striking ''(e)'' and all that follows through the end of paragraph (2) and inserting the following:

''(e) UNDERTAKINGS.—

''(1) IN GENERAL.—

''(A) AUTHORITY.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake—

''(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

''(ii) implementation of a program of long-term resource monitoring, computerized data inventory and analysis, and applied research.

''(B) REQUIREMENTS FOR PROJECTS.—Each project carried out under subparagraph (A)(i) shall—

''(i) to the maximum extent practicable, simulate natural river processes;

''(ii) include an outreach and education component; and

''(iii) on completion of the assessment under subparagraph (D), address identified habitat and natural resource needs.

''(C) ADVISORY COMMITTEE.—In carrying out subparagraph (A), the Secretary shall create an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

''(D) HABITAT AND NATURAL RESOURCE NEEDS ASSESSMENT.—

''(i) AUTHORITY.—The Secretary is authorized to undertake a systemic, river reach, and pool scale assessment of habitat and natural resource needs to serve as a blueprint to guide habitat rehabilitation and long-term resource monitoring.

''(ii) DATA.—The habitat and natural resource needs assessment shall, to the maximum extent practicable, use data in existence at the time of the assessment.

''(iii) TIMING.—The Secretary shall complete a habitat and natural resource needs assessment not later than 3 years after the date of enactment of this subparagraph.

''(2) REPORTS.—On December 31, 2005, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, the Secretary shall prepare and submit to Congress a report that—

''(A) contains an evaluation of the programs described in paragraph (1);

''(B) describes the accomplishments of each program;

''(C) includes results of a habitat and natural resource needs assessment; and

''(D) identifies any needed adjustments in the authorization under paragraph (1) or the authorized appropriations under paragraphs (3), (4), and (5).'';

(B) in paragraph (3)—

(i) by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)(A)(i)''; and

(ii) by striking ''Secretary not to exceed'' and all that follows and inserting ''Secretary not to exceed $22,750,000 for each of fiscal years 1999 through 2009.'';

(C) in paragraph (4)—

(i) by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)(ii)''; and

(ii) by striking ''$7,680,000'' and all that follows and inserting ''$10,420,000 for each of fiscal years 1999 through 2009.'';

(D) by striking paragraphs (5) and (6) and inserting the following:

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(C) not to exceed $350,000 for each of fiscal years 1999 through 2009.

''(6) TRANSFER OF AMOUNTS.—

''(A) IN GENERAL.—For each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer appropriated amounts between the programs under clauses (i) and (ii) of paragraph (1)(A) and paragraph (1)(C).

''(B) APPORTIONMENT OF COSTS.—In carrying out paragraph (1)(D), the Secretary may apportion the costs between the programs authorized by paragraph (1)(A) in amounts that are proportionate to the amounts authorized to be appropriated to carry out those programs, respectively.''; and

(E) in paragraph (7)—

(i) in subparagraph (A)—

(I) by inserting ''(i)'' after ''paragraph (1)(A)''; and

(II) by inserting before the period at the end the following: ''and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent''; and

(ii) in subparagraph (B), by striking ''paragraphs (1)(B) and (1)(C) of this subsection'' and inserting ''paragraph (1)(A)(ii)'';

(2) in subsection (f)(2)—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraph (B); and

(3) by adding at the end the following:

''(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—The Secretary shall investigate and, if appropriate, carry out restoration of urban wildlife habitat, with a special emphasis on the establishment of greenways in the St. Louis, Missouri, area and surrounding communities.''.

SEC. 315. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104–303) is amended by striking subsection (a) and all that follows and inserting the following:

''(a) SALMON SURVIVAL ACTIVITIES.—

''(1) IN GENERAL.—In conjunction with the Secretary of Commerce and Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

''(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

''(A) impacts from water resources projects and other impacts on salmon life cycles;

''(B) juvenile and adult salmon passage;

''(C) light and sound guidance systems;

''(D) surface-oriented collector systems;

''(E) transportation mechanisms; and

''(F) dissolved gas monitoring and abatement.

''(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

''(A) studies of juvenile salmon survival in spawning and rearing areas;

''(B) estuary and near-ocean juvenile and adult salmon survival;

''(C) impacts on salmon life cycles from sources other than water resources projects;

''(D) cryopreservation of fish gametes and formation of a germ plasm repository for threatened and endangered populations of native fish; and

''(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

''(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

''(5) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under paragraph (3).

''(b) ADVANCED TURBINE DEVELOPMENT.—

''(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

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

''(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

''(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out research and development activities under this subsection.

''(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.''.

SEC. 316. NINE MILE RUN HABITAT RESTORATION, PENNSYLVANIA.

If the Secretary determines that the documentation is integral to the project, the Secretary shall credit against the non-Federal share such costs, not to exceed $1,000,000, as are incurred by the non-Federal interests in preparing the environmental restoration report, planning and design-phase scientific and engineering technical services documentation, and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania.

SEC. 317. LARKSPUR FERRY CHANNEL, CALIFORNIA.

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

SEC. 318. COMPREHENSIVE FLOOD IMPACT-RESPONSE MODELING SYSTEM.

(a) IN GENERAL.—The Secretary may study and implement a Comprehensive Flood Impact-Response Modeling System for the Coralville Reservoir and the Iowa River watershed, Iowa.

(b) STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $2,250,000 to carry out this section.

SEC. 319. STUDY REGARDING INNOVATIVE FINANCING FOR SMALL AND MEDIUM-SIZED PORTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of various alternatives for innovative financing of future construction, operation, and maintenance of projects in small and medium-sized ports.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives and the results of the study and any related legislative recommendations for consideration by Congress.

SEC. 320. CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.

(a) DEFINITIONS.—In this section:

(1) FAIR MARKET VALUE.—The term ''fair market value'' means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(2) PREVIOUS OWNER OF LAND.—The term ''previous owner of land'' means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(b) LAND CONVEYANCES.—

(1) IN GENERAL.—The Secretary shall convey, in accordance with this section, all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(2) PREVIOUS OWNERS OF LAND.—

(A) IN GENERAL.—The Secretary shall give a previous owner of land first option to purchase the land described in paragraph (1).

(B) APPLICATION.—

(i) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under subsection (c).

(ii) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed for a parcel of land described in paragraph (1), first options to purchase the parcel of land shall be allotted in the order in which applications for the parcel of land were filed.

(C) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(D) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(3) DISPOSAL.—Any land described in paragraph (1) for which an application has not been filed under paragraph (2)(B) within the applicable time period shall be disposed of in accordance with law.

(4) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(c) NOTICE.—

(1) IN GENERAL.—The Secretary shall notify—

(A) each person identified as a previous owner of land under subsection (b)(2)(C), not later than 90 days after identification, by United States mail; and

(B) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(2) CONTENTS OF NOTICE.—Notice under this subsection shall include—

(A) a copy of this section;

(B) information sufficient to separately identify each parcel of land subject to this section; and

(C) specification of the fair market value of each parcel of land subject to this section.

(3) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(A) the date on which actual notice is mailed; or

(B) the date of publication of the notice in the Federal Register.

SEC. 321. SALCHA RIVER AND PILEDRIVER SLOUGH, FAIRBANKS, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the lower Salcha River and on Piledriver Slough, from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, in the vicinity of Fairbanks, Alaska, to protect against surface water flooding.

SEC. 322. EYAK RIVER, CORDOVA, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the Eyak River at the town of Cordova, Alaska.

SEC. 323. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.

The Secretary shall carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000, if the Secretary finds that the work is technically sound, environmentally acceptable, and economically justified. The Secretary shall make such a finding not later than 270 days after the date of enactment of this Act.

SEC. 324. KANOPOLIS LAKE, KANSAS.

(a) WATER SUPPLY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the State of Kansas or another non-Federal interest, shall complete a water supply reallocation study at the project for flood control, Kanopolis Lake, Kansas, as a basis on which the Secretary shall enter into negotiations with the State of Kansas or another non-Federal interest for the terms and conditions of a reallocation of the water supply.

(2) OPTIONS.—The negotiations for storage reallocation shall include the following options for evaluation by all parties:

(A) Financial terms of storage reallocation.

(B) Protection of future Federal water releases from Kanopolis Dam, consistent with State water law, to ensure that the benefits expected from releases are provided.

(C) Potential establishment of a water assurance district consistent with other such districts established by the State of Kansas.

(D) Protection of existing project purposes at Kanopolis Dam to include flood control, recreation, and fish and wildlife.

(b) IN-KIND CREDIT.—

(1) IN GENERAL.—The Secretary may negotiate a credit for a portion of the financial repayment to the Federal Government for work performed by the State of Kansas, or another non-Federal interest, on land adjacent or in close proximity to the project, if the work provides a benefit to the project.

(2) WORK INCLUDED.—The work for which credit may be granted may include watershed protection and enhancement, including wetland construction and ecosystem restoration.

SEC. 325. NEW YORK CITY WATERSHED.

Section 552(d) of the Water Resources Development Act of 1996 (110 Stat. 3780) is amended by striking ''for the project to be carried out with such assistance'' and inserting '', or a public entity designated by the State director, to carry out the project with such assistance, subject to the project's meeting the certification requirement of subsection (c)(1)''.

SEC. 326. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

SEC. 327. HAMILTON DAM FLOOD CONTROL PROJECT, MICHIGAN.

The Secretary may construct the Hamilton Dam flood control project, Michigan, under authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 328. HOLES CREEK FLOOD CONTROL PROJECT, OHIO.

(a) IN GENERAL.—Notwithstanding any other provision of law, the non-Federal share of project costs for the project for flood control, Holes Creek, Ohio, shall not exceed the sum of—

(1) the total amount projected as the non-Federal share as of September 30, 1996, in the Project Cooperation Agreement executed on that date; and

(2) 100 percent of the amount of any increases in the cost of the locally preferred plan over the cost estimated in the Project Cooperation Agreement.

(b) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest any amount paid by the non-Federal interest in excess of the non-Federal share.

SEC. 329. OVERFLOW MANAGEMENT FACILITY, RHODE ISLAND.

Section 585(a) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking ''river'' and inserting ''sewer''.

SEC. 330. ANACOSTIA RIVER AQUATIC ECOSYSTEM RESTORATION, DISTRICT OF COLUMBIA AND MARYLAND.

The Secretary may use the balance of funds appropriated for the improvement of the environment as part of the Anacostia River Flood Control and Navigation Project under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) to construct aquatic ecosystem restoration projects in the Anacostia River watershed under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 331. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

Subparagraphs (B) and (C)(i) of section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769) are amended by striking ''1999'' and inserting ''2003''.

SEC. 332. PINE FLAT DAM, KINGS RIVER, CALIFORNIA.

Under the authority of section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary shall carry out a project to construct a turbine bypass at Pine Flat Dam, Kings River, California, in accordance with the Project Modification Report and Environmental Assessment dated September 1996.

SEC. 333. LEVEES IN ELBA AND GENEVA, ALABAMA.

(a) ELBA, ALABAMA.—

(1) IN GENERAL.—The Secretary may repair and rehabilitate a levee in the city of Elba, Alabama, at a total cost of $12,900,000.

(2) COST SHARING.—The non-Federal share of the cost of repair and rehabilitation under paragraph (1) shall be 35 percent.

(b) GENEVA, ALABAMA.—

(1) IN GENERAL.—The Secretary may repair and rehabilitate a levee in the city of Geneva, Alabama, at a total cost of $16,600,000.

(2) COST SHARING.—The non-Federal share of the cost of repair and rehabilitation under paragraph (1) shall be 35 percent.

SEC. 334. TORONTO LAKE AND EL DORADO LAKE, KANSAS.

(a) IN GENERAL.—The Secretary shall convey to the State of Kansas, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the 2 parcels of land described in subsection (b) on which correctional facilities operated by the Kansas Department of Corrections are situated.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are—

(1) the parcel located in Butler County, Kansas, adjacent to the El Dorado Lake Project, consisting of approximately 32.98 acres; and

(2) the parcel located in Woodson County, Kansas, adjacent to the Toronto Lake Project, consisting of approximately 51.98 acres.

(c) CONDITIONS.—

(1) USE OF LAND.—A conveyance of a parcel under subsection (a) shall be subject to the condition that all right, title, and interest in and to the parcel conveyed under subsection (a) shall revert to the United States if the parcel is used for a purpose other than that of a correctional facility.

(2) COSTS.—The Secretary may require such additional terms, conditions, reservations, and restrictions in connection with the conveyance as the Secretary determines are necessary to protect the interests of the United States, including a requirement that the State pay all reasonable administrative costs associated with the conveyance.

SEC. 335. SAN JACINTO DISPOSAL AREA, GALVESTON, TEXAS.

Section 108 of the Energy and Water Development Appropriations Act, 1994 (107 Stat. 1320), is amended in the first sentence of subsection (a) and in subsection (b)(1) by striking ''fee simple absolute title'' each place it appears and inserting ''fee simple title to the surface estate (without the right to use the surface of the property for the production of minerals)''.

SEC. 336. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(e)(1) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

SEC. 337. WATER MONITORING STATION.

Section 584(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is

amended by striking ''$50,000'' and inserting ''$100,000''.

SEC. 338. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

(a) DEVELOPMENT.—The Secretary shall develop a plan to address water and related land resources problems in the upper Mississippi River basin and the Illinois River basin, extending from Cairo, Illinois, to the headwaters of the Mississippi River, to determine the feasibility of systemic flood damage reduction by means of—

(1) structural and nonstructural flood control and floodplain management strategies;

(2) continued maintenance of the navigation project;

(3) management of bank caving, erosion, watershed nutrients and sediment, habitat, and recreation; and

(4) other related means.

(b) CONTENTS.—The plan shall contain recommendations for—

(1) management plans and actions to be carried out by Federal and non-Federal entities;

(2) construction of a systemic flood control project in accordance with a plan for the upper Mississippi River;

(3) Federal action, where appropriate; and

(4) follow-on studies for problem areas for which data or current technology does not allow immediate solutions.

(c) CONSULTATION AND USE OF EXISTING DATA.—In developing the plan, the Secretary shall—

(1) consult with appropriate State and Federal agencies; and

(2) make maximum use of—

(A) data and programs in existence on the date of enactment of this Act; and

(B) efforts of States and Federal agencies.

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes the plan.

SEC. 339. MCNARY LOCK AND DAM, WASHINGTON.

(a) IN GENERAL.—The Secretary may convey to a port district or a port authority—

(1) without the payment of additional consideration, any remaining right, title, and interest of the United States in property acquired for the McNary Lock and Dam, Washington, project and subsequently conveyed to the port district or a port authority under section 108 of the River and Harbor Act of 1960 (33 U.S.C. 578); and

(2) at fair market value, as determined by the Secretary, all right, title, and interest of the United States in such property under the jurisdiction of the Secretary relating to the project as the Secretary considers appropriate.

(b) CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—A conveyance under subsection (a) shall be subject to—

(1) such conditions, reservations, and restrictions as the Secretary determines to be necessary for the development, maintenance, or operation or the project or otherwise in the public interest; and

(2) the payment by the port district or port authority of all administrative costs associated with the conveyance.

SEC. 340. MCNARY NATIONAL WILDLIFE REFUGE.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the McNary National Wildlife Refuge is transferred from the Secretary to the Secretary of the Interior.

(b) LAND EXCHANGE WITH THE PORT OF WALLA WALLA, WASHINGTON.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior may exchange approximately 188 acres of land located south of Highway 12 and comprising a portion of the McNary National Wildlife Refuge for approximately 122 acres of land owned by the Port of Walla Walla, Washington, and located at the confluence of the Snake River and the Columbia River.

(2) TERMS AND CONDITIONS.—The land exchange under paragraph (1) shall be carried out in accordance with such terms and conditions as the Secretary of the Interior determines to be necessary to protect the interests of the United States, including a requirement that the Port pay—

(A) reasonable administrative costs (not to exceed $50,000) associated with the exchange; and

(B) any excess (as determined by the Secretary of the Interior) of the fair market value of the parcel conveyed by the Secretary of the Interior over the fair market value of the parcel conveyed by the Port.

(3) USE OF FUNDS.—The Secretary of the Interior may retain any funds received under paragraph (2)(B) and, without further Act of appropriation, may use the funds to acquire replacement habitat for the Mid-Columbia River National Wildlife Refuge Complex.

(c) MANAGEMENT.—The McNary National Wildlife Refuge and land conveyed by the Port of Walla Walla, Washington, under subsection (b) shall be managed in accordance with applicable laws, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE IV—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

SEC. 401. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) DEFINITIONS.—Section 601 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–660), is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

''(1) COMMISSION.—The term 'Commission' means the South Dakota Cultural Resources Advisory Commission established by section 605(j).''; and

(3) by inserting after paragraph (2) (as redesignated by paragraph (1)) the following:

''(3) SECRETARY.—The term 'Secretary' means the Secretary of the Army.''.

(b) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–660), is amended—

(1) in subsection (a)(4)—

(A) in subparagraph (A)(ii), by striking ''803'' and inserting ''603'';

(B) in subparagraph (B)(ii), by striking ''804'' and inserting ''604''; and

(C) in subparagraph (C)—

(i) in clause (i)(II), by striking ''803(d)(3) and 804(d)(3)'' and inserting ''603(d)(3) and 604(d)(3)''; and

(ii) in clause (ii)(II)—

(I) by striking ''803(d)(3)(A)(i)'' and inserting ''603(d)(3)(A)(i)''; and

(II) by striking ''804(d)(3)(A)(i)'' and inserting ''604(d)(3)(A)(i)'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''803(d)(3)(A)(iii)'' and inserting ''603(d)(3)(A)(ii)(III)''; and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking ''803(d)(3)(A)(iii)'' and inserting ''603(d)(3)(A)(ii)(III)''; and

(ii) in subparagraph (B), by striking ''804(d)(3)(A)(iii)'' and inserting ''604(d)(3)(A)(ii)(III)''; and

(3) in subsection (c), by striking ''803 and 804'' and inserting ''603 and 604''.

(c) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–663), is amended—

(1) in subsection (c)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the fund in obligations that carry the highest rate of interest among available obligations of the required maturity.''; and

(2) in subsection (d)—

(A) in paragraph (2), by striking ''802(a)(4)(A)'' and inserting ''602(a)(4)(A)''; and

(B) in paragraph (3)(A)—

(i) in clause (i)—

(I) by striking ''802(a)'' and inserting ''602(a)''; and

(II) by striking ''and'' at the end; and

(ii) in clause (ii)—

(I) in subclause (III), by striking ''802(b)'' and inserting ''602(b)''; and

(II) in subclause (IV)—

(aa) by striking ''802'' and inserting ''602''; and

(bb) by striking ''and'' at the end.

(d) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–664), is amended—

(1) in subsection (c)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the fund in obligations that carry the highest rate of interest among available obligations of the required maturity.''; and

(2) in subsection (d)—

(A) in paragraph (2), by striking ''802(a)(4)(B)'' and inserting ''602(a)(4)(B)''; and

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''802(a)'' and inserting ''602(a)''; and

(ii) in clause (ii)—

(I) in subclause (III), by striking ''802(b)'' and inserting ''602(b)''; and

(II) in subclause (IV), by striking ''802'' and inserting ''602''.

(e) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–665), is amended—

(1) in subsection (a)(2)(B), by striking ''802'' and inserting ''602'';

(2) in subsection (c), in the mater preceding paragraph (1), by striking ''waters'' and inserting ''facilities'';

(3) in subsection (e)(2), by striking ''803'' and inserting ''603'';

(4) by striking subsection (g) and inserting the following:

''(g) HUNTING AND FISHING.—

''(1) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri

River below the water's edge and outside the exterior boundaries of an Indian reservation in South Dakota.

''(2) JURISDICTION.—

''(A) TRANSFERRED LAND.—On transfer of the land under this section to the State of South Dakota, jurisdiction over the land shall be the same as that over other land owned by the State of South Dakota.

''(B) LAND BETWEEN THE MISSOURI RIVER WATER'S EDGE AND THE LEVEL OF THE EXCLUSIVE FLOOD POOL.—Jurisdiction over land between the Missouri River water's edge and the level of the exclusive flood pool outside Indian reservations in the State of South Dakota shall be the same as that exercised by the State on other land owned by the State, and that jurisdiction shall follow the fluctuations of the water's edge.

''(D) FEDERAL LAND.—Jurisdiction over land and water owned by the Federal government within the boundaries of the State of South Dakota that are not affected by this Act shall remain unchanged.

''(3) EASEMENTS AND ACCESS.—The Secretary shall provide the State of South Dakota with easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).''; and

(5) by adding at the end the following:

''(i) IMPACT AID.—The land transferred under subsection (a) shall be deemed to continue to be owned by the United States for purposes of section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702).''

(f) TRANSFER OF CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.—Section 606 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–667), is amended—

(1) in subsection (a)(1), by inserting before the period at the end the following: ''for their use in perpetuity'';

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''waters'' and inserting ''facilities'';

(3) in subsection (f), by striking paragraph (2) and inserting the following:

''(2) HUNTING AND FISHING.—

''(A) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water's edge and within the exterior boundaries of the Cheyenne River Sioux and Lower Brule Sioux Tribe reservations.

''(B) JURISDICTION.—On transfer of the land to the respective tribes under this section, jurisdiction over the land and on land between the water's edge and the level of the exclusive flood pool within the respective Tribe's reservation boundaries shall be the same as that over land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Reservation and the Lower Brule Sioux Reservation, and that jurisdiction shall follow the fluctuations of the water's edge.

''(C) EASEMENTS AND ACCESS.—The Secretary shall provide the Tribes with such easements and access on land and water below the level of the exclusive flood pool inside the respective Indian reservations for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).'';

(4) in subsection (e)(2), by striking ''804'' and inserting ''604''; and

(5) by adding at the end the following:

''(g) EXTERIOR INDIAN RESERVATION BOUNDARIES.—Notheing in this section diminishes, changes, or otherwise affects the exterior boundaries of a reservation of an Indian tribe.''.

(g) ADMINISTRATION.—Section 607(b) of division C of the Omnibus Consolidated and Energy Supplemental Appropriations Act, 1999 (112 Stat. 2681–669), is amended by striking ''land'' and inserting ''property''.

(h) STUDY.—Section 608 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–670), is amended—

(1) in subsection (a)—

(A) by striking ''Not late than 1 year after the date of enactment of this Act, the Secretary'' and inserting ''The Secretary'';

(B) by striking ''to conduct'' and inserting ''to complete, not later than October 31, 1999,''; and

(C) by striking ''805(b) and 806(b)'' and inserting ''605(b) and 606(b)'';

(2) in subsection (b), by striking ''805(b) or 806(b)'' and inserting ''606(b) or 606(b)''; and

(3) by adding at the end the following:

''(c) STATE WATER RIGHTS.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any State.

''(d) INDIAN WATER RIGHTS.—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any Indian tribe or tribal nation.''.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 609(a) of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–670), is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)—

(A) by striking ''802(a)'' and inserting ''605(a)''; and

(B) by striking ''803(d)(3) and 804(d)(3).'' and inserting ''603(d)(3) and 604(d)(3); and''; and

(3) by adding at the end the following:

''(3) to fund the annual expenses (not to exceed the Federal cost as of the date of enactment of this Act) of operating recreation areas to be transferred under sections 605(c) and 606(c) or leased by the State of South Dakota or Indian tribes, until such time as the trust funds under sections 603 and 604 are fully capitalized.''.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 800

Mr. ALLARD. Mr. President, I ask unanimous consent that on Wednesday, April 21, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to consideration of the conference report to accompany the education flexibility bill, H.R. 800. I further ask unanimous consent that the conference report be considered under the following limitations: 3 hours for debate on the conference report, with the time divided as follows: 1 hour each under the control of the chairman and ranking member and Senator WELLSTONE. I further ask that no motions be in order, and that following the expiration of time, the Senate proceed to vote on the adoption of the conference report, with no intervening action or debate.

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

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 105–83, the appointment of the Senator from Ohio (Mr. DEWINE) to serve as a member of the National Council on the Arts.

ORDERS FOR WEDNESDAY, APRIL 21, 1999

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Wednesday, April 21. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved and the Senate then be in a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator GORTON, 15 minutes; Senator WARNER, 15 minutes; Senator GRAHAM, 10 minutes; Senator BINGAMAN, 10 minutes; Senators REID and BOXER, 30 minutes; Senators NICKLES and LINCOLN, 20 minutes; and Senators MCCONNELL and LIEBERMAN, 20 minutes.

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

Mr. ALLARD. I ask unanimous consent that at 12:30, notwithstanding receipt of the papers, the Senate begin consideration of the education flexibility conference report under the previous order.

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

PROGRAM

Mr. ALLARD. Mr. President, the Senate will convene at 10:30 a.m. and be in a period of morning business until 12:30 p.m. Following morning business, the Senate will begin debate on the conference report to accompany the education flexibility bill. A vote can be expected on that conference report at the conclusion or yielding back of that 3-hour debate time. Also, as a reminder, a cloture motion was filed on the lockbox amendment to S. 557. Therefore, Senators should expect that cloture vote on Thursday. On Wednesday, the Senate may also consider any other legislative or executive items cleared for action.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Wednesday, April 21, 1999, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 20, 1999:

DEPARTMENT OF STATE

FRANK ALMAGUER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

JOHN R. HAMILTON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

DONALD W. KEYSER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR RANK OF AMBASSADOR DURING TENURE OF SERVICE AS SPECIAL REPRESENTATIVE OF THE SECRETARY OF STATE FOR NAGORNO-KARABAKH AND NEW INDEPENDENT STATES REGIONAL CONFLICTS.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES V. DUGAR, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RONALD J. BATH, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RAYMOND A. ARCHER III, 0000
REAR ADM. (LH) JUSTIN D. MCCARTHY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAROLD F. BIGGER, 0000
CAPT. FENTON F. PRIEST, III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN B. COTTON, 0000
REAR ADM. (LH) VERNON P. HARRISON, 0000
REAR ADM. (LH) ROBERT C. MARLAY, 0000
REAR ADM. (LH) STEVEN R. MORGAN, 0000
REAR ADM. (LH) CLIFFORD J. STUREK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DONALD C. ARTHUR, JR., 0000
CAPT. LINDA J. BIRD, 0000
CAPT. MICHAEL K. LOOSE, 0000
CAPT. RICHARD A. MAYO, 0000
CAPT. JOSEPH P. VANLANDINGHAM, JR., 0000
CAPT. MARK A. YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. ROBERT M. CLARK, 0000
CAPT. MARK M. HAZARA, 0000
CAPT. JOHN R. HINES, JR., 0000
CAPT. JAMES MANZELMANN, JR., 0000
CAPT. NOEL G. PRESTON, 0000
CAPT. HOWARD K. UNRUH, JR., 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

JERRY A. COOPER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(B):

To be colonel

THOMAS A. DROHAN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEPHEN K. SIEGRIST, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutentant colonel

DAVID A. MAYFIELD, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

JOHN D. KNOX, 0000
DAVID M. SHUBLAK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 3064:

To be lieutenant general

FRANCISCO J. DOMINGUEZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be major

JAPHET C. RIVERA, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROY T. MC CUTCHEON III, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KENNETH C. COOPER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANCIS X. BERGMEISTER, 0000
KENNETH L. BOLES, 0000
WARREN E. FOX, 0000
WILLIAM B. HANKINS, III, 0000
KENNETH P. MYERS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MELVIN D. NEWMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SCOTT R. HENDREN, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

HARVEY J. U. ADAMS, JR., 0000
KEVIN K. ADAMS, 0000
JOSEPH R. AGOSTINELLI, 0000
VINCENT L. ALBERT, 0000
DEAN S. ALLRED, 0000
DOUGLAS W. ANDERSON, 0000
LAURENS R. ANDREWS III, 0000
WILLIAM F. ANDREWS, 0000
CONSTANTINE A. ANNINOS, 0000
ALEXANDER J. ARNISTA, 0000
DAVID ATZHORN, 0000
PAUL J. AVELLA, 0000
JOHN W. AYERS, 0000
CHARLES BAILEY, 0000
MICHAEL T. BAKER, 0000
VIRGINIA E. BAKER, 0000
GEORGE W. BALLINGER, JR., 0000
JASON B. BARLOW, 0000
DAVID K. BARRETT, 0000
DEBRA L. BATES, 0000
JAMES D. BAUGHMAN, 0000
MICHAEL N. BEARD, 0000
KEITH R. BELL, 0000
DENNIS E. BELLAMY, 0000
JAMES R. BIERNESSER, 0000
BRIAN T. BISHOP, 0000
GREGORY H. BISHOP, 0000
BENNETT M. BITLER, 0000
WILLIAM E. BLOCKER, 0000
EDMUND S. BLOOM, 0000
PATRICIA S. BOGGS, 0000
EDWARD L. BOLTON, JR., 0000
MARK E. BONTRAGER, 0000
SCOTT K. BORGES, 0000
CHARLES D. BOWKER, 0000
DAVID S. BRACKETT, 0000
RAY T. BRADLEY, 0000
FRANK H. BRADY, 0000
SHEILA B. BROCKI, 0000
LESLIE W. BROCKMAN, 0000
BRUCE K. BROOKS, 0000
JAMES J. BROOKS, 0000
GREGORY M. BROWN, 0000
JOSEPH D. BROWN IV, 0000
LARRY S. BROWN, 0000
TIMOTHY M. BROWN, 0000
DAVID E. BROYLES, 0000
A. ROBERT BRUNO, 0000
JEFFREY BUCKMELTER, 0000
ALBERT F. BURNETT, 0000
PAUL J. BURNETT, 0000
ANDREW E. BUSCH, 0000
BRUCE A. BUSLER, 0000
JOHN E. BUTCHER, 0000
TIMOTHY A. BYERS, 0000
BARBARA S. CAIN, 0000
JAMES E. CALHOUN II, 0000
RICHARD A. CALTABELLOTTA, 0000
ARTHUR B. CAMERON III, 0000
DONALD E. CAMPBELL, 0000
TED R. CAMPBELL, 0000
STEVEN A CANTRELL, 0000
ELIZABETH A. CARGO, 0000
MICHAEL R. CARPENTER, 0000
MICHAEL A. CATLIN, 0000
SUE T. CAUDILL, 0000
SYER S. CAUDILL, JR., 0000
JAMES C. CHAMBERLAIN, 0000
MICHAEL P. CHAPIN, 0000
LESLIE L. CHAPMAN, 0000
TINA M. CHESTER, 0000
STEPHEN P. CHILDERS, 0000
ROBERT A. CIOLA, 0000
GEORGE P. CLARK, 0000
JAMES P. CLYBURN, 0000
GREGORY S. COALE, 0000
ALFRED M. COFFMAN, JR., 0000
CORILLA D. COLLINS, 0000
ANDREW COLON, 0000
KATHLEEN M. CONLEY, 0000
EDWARD CONNOLLY, 0000
ARRISI MARY COOPER, 0000
THOMAS P. CORBETT, 0000
JERRY T. CORLEY, 0000
RICKY J. COSBY, 0000
ROBERT T. COSTELLO, 0000
PAUL W. COUTEE, 0000
WILLIAM C. COUTTS, 0000
JAMES H. COX, JR., 0000
WILSON D. CRAFTON, JR., 0000
NATHANIEL CRAWFORD, JR., 0000
PATRICIA M. D. CREWS, 0000
RONALD S. CROOKS, 0000
BRUCE W. CROWNOVER, 0000
BRUCE L. CURRY, 0000
KEVIN E. CURRY, 0000
JEFFREY H. CURTIS, 0000
PAUL S. CURTIS, 0000
STEVEN W. DALBEY, 0000
JOHN D. DALY, 0000
DENNIS L. DANGELO, 0000
DANIEL C. DAUBACH, 0000
MICHAEL DAVID, 0000
PAUL A. DAVIDSON, 0000
HARRY J. DAVIS II, 0000
JAMES S. DAY, 0000
JOHN W. DAY, 0000
FRANK M. DEARMOND, 0000
THURMON L. DELONEY II, 0000
SUSAN Y. DESJARDINS, 0000
DAVID L. DINNING, 0000
KURT B. DITTMER, 0000
JEFFREY C. DODSON, 0000
GRAY R. DONNALLEY, 0000
JAMES M. DOODY, 0000
GEORGE T. DORAN, 0000
STANLEY J. DOUGHERTY, 0000
JAMES W. DOWIS, 0000
JOSEPH M. DROBEZKO, 0000
MICHAEL DROZ, 0000
ROGER H. DUCEY III, 0000
GEORGE J. DUDA, JR., 0000
RICHARD A. DUGAN, 0000
JOHNNY H. EDWARDS, 0000
JAMES M. ENGLAND, 0000
ALAN T. EVANS, 0000
GERALD B. EVANS, 0000
SAMUEL W. FANCHER, 0000
BARBARA J. FAULKENBERRY, 0000
EDWARD J. FELKER, 0000
KIRK A. FERRELL, 0000
CLIFFORD C. FETTER, 0000
GEORGANNE FICKLIN, 0000
BURTON M. FIELD, 0000
GREGORY D. FLIERL, 0000
WILLIAM R. FLOYD, 0000
HERBERT L. FORET, JR., 0000
JOHN D. FOUSER, 0000
DAVID R. FRANCIS, 0000
GEORGE R. GAGNON, 0000
ROBERT GARCIA, 0000
MICHAEL C. GARDINER, 0000
ROBERT W. GARDNER, 0000
ELIJAH GARRETT, 0000
TOMMY L. GARRETT, 0000
MARIO A. GARZA, 0000
LORENE T. GASTON, 0000
ROBERT D. GAUDETTE, 0000
REBECCA J. GENTRY, 0000
CHARLES W. GILL, JR., 0000
DENNIS L. GITT, 0000
CLARENCE E. GLAUSIER III, 0000
DOUGLAS J. GOEBEL, 0000
DAVID J. GOOSSENS, 0000
ROBERT O. GRAY, 0000
WILLIAM G. GREGORY, 0000
GREGORY L. GROSS, 0000
RANDY L. GROSS, 0000
DWAYNE L. HAFER, 0000
MICHAEL P. HAINSEY, 0000
GARY L. HALBERT, 0000
CHARLES A. HALE, 0000
JON T. HALL, 0000
WAYNE F. HALLGREN, 0000
ANTHONY L.H. HANEY, 0000
BOICE M. HARDY, 0000
DAVID D. HARRELL, 0000
DAVID M. HARRIS, 0000
RONALD E. HARVEY, 0000
JOSEPH L. HEIMANN, 0000
BRADLEY A. HEITHOLD, 0000
SUSAN J. HELMS, 0000
FRANCIS L. HENDRICKS, 0000
JOHN H. HERD, 0000
DARRELL L. HERRIGES, 0000
MARVIN T. HERSHEY, 0000
MARY K. HERTOG, 0000
WILLIAM N. HERZOG, JR., 0000
DALE A. HESS, 0000
JOHN W. HESTERMAN III, 0000
DALE J. HEWITT, 0000
WILLIAM N. HIGGINBOTHAM, 0000
MICHAEL S. HILL, 0000
CHARLES F. HISER, 0000
CRAIG H. HOLLENBECK, 0000
ROBERT H. HOLMES, 0000
WILLIAM N. HOLWAY, 0000
TIMOTHY B. HOPPER, 0000
RODNEY A. HOTTLE, 0000
STANLEY DOYLE HOWARD, 0000
RICHARD C. HOWELL, 0000
JOHN W. HUGHES, 0000
MICHAEL J. HUHN, 0000
BOBBY LEE HUNT, 0000
EDWARD E. HUNT III, 0000
RICHARD M. HUTCHINS, 0000
THOMAS J. INSKEEP, 0000
BARBARA JACOBI, 0000
LEROY F. JACOBS III, 0000
MIROSLAV JENCIK, 0000
DAVID W. JENSEN, 0000
JAMES A. JIMENEZ, 0000
CREID K. JOHNSON, 0000
KEITH E. JOHNSON, 0000
ATHENA R. JONES, 0000
VIKTOR I. JONKOFF, 0000
RONALD J. JUHL, 0000
JOHN E. JULSONNET, 0000
ROBERT C. KANE, 0000
NEIL K. KANNO, 0000
JUDITH F. KAUTZ, 0000
MARTHA J.M. KELLEY, 0000
VIRGINIA S. KELLY, 0000
LAURA S. KENNEDY, 0000
RONALD C. KENNEDY, 0000
PATRICIA F. KERSEY, 0000
DONALD T. KIDD, 0000
STEVEN B. KING, 0000
JOHANN R. KINSEY, 0000
DAVID A. KOPANSKI, 0000
DAVID J. KRAMER, 0000
MARGARET E. KRAMER, 0000
STANLEY T. KRESGE, 0000
CHRISTOPHER J. KRISINGER, 0000
SUSAN P. KUEHL, 0000
JAMES W. LAMB, 0000
NED J. LAVIOLETTE, JR, 0000
RICHARD R. LAW, 0000
DAVID J. LAWTON, 0000

ANNE D. LEARY, 0000
MICHAEL F. LEHNERTZ, 0000
MICHAEL J. LEPPER, 0000
RAYMOND J. LEURCK, 0000
RALPH T. LEWKOWICZ, 0000
BRIAN D. LIKENS, 0000
BRUCE A. LITCHFIELD, 0000
BRIAN W. LITTLE, 0000
DENNIS R. LITTRELL, 0000
DAVID A. LITTS, 0000
CHRISTOPHER P. LIVINGSTON, 0000
MICHAEL A. LONGORIA, 0000
WAYNE E. LOUIS, 0000
RICHARD J. LUCAS, 0000
RAYMOND L. LYNN, 0000
JAMES D. LYON, 0000
JOHNNIE R. MADISON, 0000
MICHAEL J. MAFFEI, 0000
GREGORY J. MALINSKY, 0000
TIMOTHY G. MALONE, 0000
JOEL D. MARTIN, 0000
TIMOTHY C. MARTIN, 0000
RICHARD G. MATTHEWS, 0000
ELVIN E. MAXWELL, JR., 0000
NORMAN B. MC ALPIN, 0000
THOMAS A. MC CARTHY, 0000
BRIAN D. MC CARTY, 0000
DOUGLAS D. MC COY, JR., 0000
DANIEL A. MC CUSKER, 0000
DARREN W. MC DEW, 0000
ALEXANDER M. MC DOWELL, 0000
DAVID W. MC FADDIN, 0000
DANIEL A. MC FADGEN, 0000
CHARLES H. MC GUIRK, JR., 0000
COLTON MC KETHAN, 0000
SANFORD MC LAURIN, JR., 0000
WILLIAM P. MC NALLY, 0000
KENNETH P. MENZIE, 0000
RAYMOND D. MICHAEL, JR., 0000
RICHARD P. MIHALIK, 0000
BRIAN L. MILLER, 0000
JOHN W. MILLER, 0000
BRYON M. MILLS, 0000
DONALD K. MINNER, 0000
JANICE L. MITCHELL, 0000
DENNIS R. MITZEL, 0000
LON W. MOLNAR, 0000
BILLY W. MONTGOMERY, 0000
CLYDE D. MOORE II, 0000
JEFFREY A. MOORE, 0000
DARRELL D. MORTON, 0000
OSWALDO Y. MULLINS, 0000
MICHAEL J. MUOLO, 0000
RICHARD D. MURRAY, JR., 0000
TERRON W. NELSEN, 0000
JAMES R. NELSON, 0000
MARTIN NEUBAUER, 0000
MICHAEL R. NEWBERRY, 0000
ROBERT MICHAEL NEWTON, 0000
JOSEPH B. NIEMEYER, 0000
ROSEMARY NORMAN, 0000
DOUG D. NOWAK, 0000
MICHAEL J. NOWAK, 0000
JEFFREY J. OLINGER, 0000
PETER M. O'NEILL, 0000
PETER O. OPHEIM, 0000
ROBERT P. OTTO, 0000
MICHAEL E. OUTTEN, 0000
MARK H. OWEN, 0000
DOUGLAS H. OWENS, 0000
MICHAEL A. PACHUTA, 0000
JEFFREY B. PADDOCK, 0000
DALE I. PANGMAN, 0000
STEVEN PENNINGTON, 0000
STEVEN PETERSEN, 0000
RICHARD A. PHILLIPS, 0000
DONALD C. PIPP, 0000
ERNEST H. PLOTT, JR., 0000
FRANK PLUM III, 0000
DENNIS C. PORTER, 0000
JOHN D. POSNER, 0000
JAMES O. POSS, 0000
MICHAEL J. POSVAR, 0000
BRADLEY R. PRAY, 0000
JOHN I. PRAY, JR., 0000
TERREL S. PRESTON, 0000
GARY G. PRESUHN, 0000
CHRISTINE D. PREWITT, 0000
CRAIG J. PRIEBE, 0000
RICHARD E. PRINS, 0000
DAVID M. PRONCHICK, 0000
RORY A. QUESINBERRY, 0000
MICHAEL A. RAMPINO, 0000
MARK F. RAMSAY, 0000
FREDERICK R. RAUCH II, 0000
ERIC A. REFFETT, 0000
JAMES E. RENNIE, 0000
DAVID M. RHODES, 0000
PATRICK P. RHODES, 0000
STEPHEN RIBUFFO, 0000
CARDELL K. RICHARDSON, 0000
DONALD R. RICHARDSON, JR., 0000
RUSSELL G. RICHARDSON, 0000
SUSAN E. RICHARDSON, 0000
RONALD E. RICHBURG, 0000
PAUL G. RIDER, 0000
DAVID M. RIESTER, 0000
BRIAN C. ROGERS, 0000
MICHAEL R. ROGERS, 0000
MARK K. ROLAND, 0000
LAWRENCE L. ROLFS, 0000
JOHN K. ROLL, 0000
MICHAEL S. ROLLER, 0000
SEBASTIAN V. ROMANO, 0000
DONNA M. RONCARTI, 0000
JEANNE M. RUETH, 0000
DOUGLAS B. SALMON, 0000
JOHN S. SANDERS, 0000
JAY G. SANTEE, 0000
JOHN M. SANTIAGO, 0000
ROBERT R. SARNOSKI, 0000
WILLIAM R. SAUNDERS, 0000
GERALD J. SAWYER, 0000
MARK O. SCHISSLER, 0000
DAVID C. SCHRECK, 0000
JAMES C. SEAT, 0000
MICHAEL D. SELVA, 0000
ROBERT E. SERVANT, 0000
MAX D. SHAEVITZ, 0000
LARRY D. SHAFER, 0000
STEVEN M. SHAFFER, 0000
ANNA M. SHAKLEE, 0000
CHARLES B. SHERBURNE, JR., 0000
KATHERINE A. SHINDEL, 0000
DUNCAN H. SHOWERS, 0000
DALE G. SHRADER, 0000
CHARLES K. SHUGG, 0000
RICHARD A. SIEBERT, 0000
ROY Y. SIKES, 0000
DANA A. SIMMONS, 0000
DANIEL R. SIMMONS, 0000
BARRY L. SIMON, 0000
LARRY SIMPSON, 0000
DAVID L. SIMS, 0000
WILMA F. SLADE, 0000
ANNE H. SMITH, 0000
ROBERT B. SMITH, 0000
STEPHEN G. SMITH, 0000
ALAN J. SNYDER, 0000
JAMES E. SOLINSKI, 0000
JOSE P. SOSA, 0000
PAUL J. SPARKMAN, 0000
ROBIN A. SQUATRITO, 0000
MICHAEL A. STANLEY, 0000
JAMES P. STANTON, 0000
CHARLES W. STATON, 0000
THOMAS M. STEDMAN, JR., 0000
ROBERT B. STEPHAN, 0000
KENNETH E. STOKES, 0000
RICHARD A. STRATHEARN, 0000
MICHAEL C. STROUSE, 0000
RUPERT K. STRUM, 0000
BRUCE W. SUDDUTH, 0000
PETER L. TARTER, 0000
ANDREW P. TAWNEY, 0000
THOMAS H. THACKER, 0000
RANDALL J. THADY, 0000
JEFFREY E. THIERET, 0000
DAVID E. THOMPSON, 0000
WALTER J. TOMCZAK, 0000
CHARLES L. TURBE, 0000
WILLIAM W. UHLE, JR., 0000
PAUL VALOVCIN, 0000
MARINUS G. VANDESTEEG, 0000
DONNA J. VANHOOSE, 0000
BRIAN R. VANSICKLE, 0000
KENNETH P. VANSICKLE, JR., 0000
JAMIE G.G. VARNI, 0000
ROBERT J. VAUGHN, 0000
SUZANNE M. VAUTRINOT, 0000
JON D. VERLINDE, 0000
LYNNE E. VERMILLION, 0000
RANDY P. VIEIRA, 0000
TIMOTHY B. VIGIL, 0000
RICKI VILLALOBOS, 0000
ROGER L. VIROST, 0000
ALAN L. VOGEL, 0000
KARL R. VONKESSEL, 0000
ARTHUR L. WACHDORF, 0000
STEVEN J. WAGONER, 0000
WILLIAM C. WALKER, 0000
EILEEN M. WALLING, 0000
PHILIP F. WARING, 0000
LAUREL A. WARISH, 0000
DAVID B. WARNER, 0000
DARTANIAN WARR, 0000
JOHN E. WATKINS, 0000
RONALD L. WATKINS, 0000
ERIC E. WEISS, 0000
WILLIAM C. WELLMAN, 0000
B. DAWN W. WHEELER, 0000
CARL A. WHICKER, 0000
EUGENE B. WHITAKER, 0000
PAUL K. WHITE, 0000
JAMES H. WILKINSON, 0000
KENT D. WILLIAMS, 0000
MICHAEL D. WILLIAMS, 0000
RAE A. WILLIAMS, 0000
STEPHEN P. WILLIAMS, 0000
LARRY D. WILSON, 0000
VINCENT P. WISNIEWSKI, 0000
STEPHEN L. WOLBORSKY, 0000
DANIEL P. WOODWARD, 0000
CURTIS A. WRIGHT, 0000
DAVID A. WRIGHT, 0000
ROBERT R. YAUCH, 0000
THOMAS D. YOUNG, 0000
EDWARD G. ZAKRZEWSKI, 0000
DAVID J. ZUPI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD G. ADAMS, 0000
BARRY P. ALLEN, 0000
JOHN M. ALLEN, 0000
SANDRA L. ALLENBAUGH, 0000
MATTHEW T. ANDERSON, 0000
PETER T. ANDRES, 0000
CALVIN A. ANDREWS, 0000
JERRY L. BABLER, 0000
GREGORY M. BAKER, 0000
JOHN J. BAKER, 0000
N. BENJAMIN BARNEA, 0000
DONALD E. BAYLES, 0000
WILFRIED N. BECKMANN, 0000
MARK E. BEEHNER, 0000
GERALD S. BEILSTEIN, 0000
NORMAN S. BELL, JR., 0000
ROBERT A. BERSAK, 0000
BEVERLEY A. BEST, 0000
DEBORAH N. BIELANSKI, 0000
RICHARD G. BIONDI, 0000
WILLIAM H. BOBBITT III, 0000
BENJE H. BOEDEKER, 0000
RICHARD W. BOERSMA, 0000
GAYLE I. BOWEN, 0000
FOSTER S. BOYD, 0000
JOHN L. BOZARTH, 0000
BRUCE M. BRIDEWELL, 0000
SCOTT H. BROWN, 0000
GEORGE D. BURGESS, 0000
KAREN L. BURKE, 0000
THOMAS W. BUSH, 0000
RAYMOND M. BUTLER, 0000
ELLEN J. CALLE, 0000
SHIRLEY B. CAMERON, 0000
DOROTHY K. CANNON, 0000
RICKY E. CARTER, 0000
FRANK J. CASSERINO, 0000
LARRY H. CHASTEEN, 0000
JAMES L. CLEMENT, JR., 0000
RONALD R. COFFEY, 0000
ROBERT D. COFFMAN, JR., 0000
JENNIFER L. COLES, 0000
LLYLE R. CONNER, 0000
GARY L. COOK, 0000
LAWRENCE CREMO, 0000
WILLIAM J. CURRY, 0000
THOMAS X. DAMICO, 0000
RONALD E. DELGIZZI, 0000
THOMAS E. DENESIA, 0000
LOUISE M. DEWILDER, 0000
SUE A. DONAHEY, 0000
DAVID E. DOYLE, 0000
MICHAEL C. DUDZIK, 0000
JOHN M. DUMOULIN, 0000
GEORGE A. EBERT, 0000
RICHARD R. ECKERT, 0000
MICHAEL L. ELLENBERGER, 0000
ROGER W. ELLIS, 0000
DAVID O. EVANS, 0000
FAITH H. FADOK, 0000
ELIZABETH M. FAGAN, 0000
BARBARA E. FAMULARO, 0000
CATHERINE T. FANT, 0000
WALLACE W. FARRIS, JR., 0000
TERRENCE J. FINNEGAN, 0000
JAMES T. FITZGERALD, 0000
STEPHEN T. FOSTER, 0000
MICHAEL H. FOX, 0000
GEORGE R. FREEMAN, 0000
CHUCK R. FRIESENHAHN, 0000
KAREN L. FUSTO, 0000
RICHARD A. GANO, 0000
ALBERT J. GERATHY, JR., 0000
WILLIAM M. GILBIRDS II, 0000
WILLIAM S. GOODHAND III, 0000
WALTER H. GOURGUES II, 0000
SUSAN S. GRANT, 0000
ALVA D. GREENUP, 0000
PAUL R. GROSKREUTZ, 0000
STEPHEN P. GROSS, 0000
ANNE F. HAMILTON, 0000
DENNIS L. HAMMERMASTER, 0000
NINA L. HANSEN, 0000
MARY K. HANSON, 0000
PATRICIA A. HARRIS, 0000
DEBORAH L. HART, 0000
ROBERT S. HART, 0000
HETZAL HARTLEY, 0000
BETTY J. HAYWOOD, 0000
KEVIN F. HENABRAY, 0000
MICHAEL HENRY, 0000
SHARON L. HICK, 0000
JEANETTE A. HIGGINS, 0000
MICHAEL T. HIGGINSON, 0000
JAMES D. HITE, 0000
STEVEN W. HOAGLAND, 0000
WERNER E. HOLT, 0000
JOHN M. HOWLETT, 0000
PAUL F. HUMEL, 0000
ALAN R. JACKSON, 0000
NORVAL O. JACKSON, 0000
VIRGINIA R. JOHNSON, 0000
RICHARD E. KARULF, 0000
MICHAEL K. KAWAHARA, 0000
FORREST G. KEATON, 0000
JAMES L. KERR, 0000
RITA A. KERRICK, 0000
TOSCA E. KINCHELOWSCHMIDT, 0000
WILLIAM J. KINDRED, 0000
KAREN D. KOHLHAAS, 0000
HARVEY A. KORNSTEIN, 0000
DIETER KRECKEL, 0000
JOHN A. KREMER II, 0000
BRUCE F. KROEHL, 0000
FREDERICK B. KUHLMAN, JR., 0000
STEPHEN R. LADD, 0000
RONALD R. LAWRENCE, 0000
WAYNE T. LEMOI, 0000
LINDA L. LEWIS, 0000
THADDEUS A. LIVINGSTON, 0000
SUSAN M. LOCKE, 0000
JAMES R. LONG, JR., 0000
LYNN I. LONG, 0000
GREGORY K. LOVE, 0000
JOHN P. LUTZ, 0000
JOHN A. LYLES, 0000
JACK B. LYNN, 0000
THEODORE I. MACEY, 0000
FRANCIS S. MACK, 0000
ROCCO J. MAFFEI, JR., 0000
MANOHAR R. MANCHANDIA, 0000
DENNIS J. MANNING, 0000
NONA I. MAPES, 0000
DAVID E. MARKWALDER, 0000
DANA S. MARSH, 0000
BARBARA A. MARTIN, 0000
TIMOTHY W. MARTIN, 0000
DANIEL G. MAZZA, 0000
RANDOLPH J. MC CLURE, 0000
MARGARET A. MC GREGOR, 0000
JAMES S. MC INTYRE, 0000
PAUL E. MC KAY, 0000
MICHAEL L. MC KIM, 0000
JOHN G. MENTAVLOS, 0000
LEON A. MILLER, 0000
LINDA E. MILLER, 0000
MILTON J. P. MILLER, 0000
NANCY E. MISEL, 0000
JOSEPH F. MOLINARI, 0000
PAULA A. MONDLOH, 0000
JUAN MONTOYA, 0000
THOMAS E. MORRILL, 0000
ROBERT J. MORRISON II, 0000
GARY L. NAPIER, 0000
MOHAMMED A. NAYEEM, 0000
LEWIS D. NEACE, 0000
MICHAEL B. NEWTON, 0000
MICHAEL B. NOWLIN, 0000
SAMUEL F. OGLESBY, 0000
STEVEN K. OHERN, 0000
DANIEL E. OPP, 0000
LOUANNE G. PAGE, 0000
HARRY A. PAPE, 0000
ROGER S. PARSONS, 0000
BARBARA L. PASIERB, 0000
DONALD E. PAYNTER, 0000
BARBARA M. PETERSON, 0000
BEVERLY A. P. POINTER, 0000
JANE E. PROFITT, 0000
GORDON H. QUANBECK, 0000
BEN Q. RAGSAC, 0000
JACK W. RAMSAUR II, 0000
NASIRUDDIN RANA, 0000
JAMES E. RANDBY, 0000
ARTHUR G. RATKEWICZ, 0000
DONALD D. REEVES, 0000
JAMES D. RENDLEMAN, 0000
MARILYN K. RHODES, 0000
DALE S. RHOTEHAMEL, 0000
DAVID A. RICHARDS, 0000
ROBIN M. ROGERS, 0000
JEFFREY N. RUBIN, 0000
RICHARD G. RUTH, 0000
ELIZABETH A. RYAN, 0000
PAUL L. SAMPSON, 0000
DENNIS K. SAVAGE, 0000
THOMAS J. SAWEY, 0000
LUCINDA A. SCHEIB, 0000
STEVEN M. SCHLASNER, 0000
ROBERT W. SCHOENFELD, 0000
JAMES M. SCHUMAN, 0000
DOUGLAS G. SCHWAAB, 0000
CATHERINE L. SCOTT, 0000
MARY A. SEIBEL, 0000
HAROON A. SHAIKH, 0000
DOUGLAS H. SHANNON, 0000
ROBERT G. SHAW, 0000
ROBERT G. SHONDEL, 0000
ROBERT C. SINGLER, 0000
PAUL L. SKAGGS, 0000
BOBBY LEE SMITH, 0000
CLIFFORD D. SMITH II, 0000
JAMES B. SMITH, 0000
ELIZABETH SODBINOW, 0000
JOHN J. THRASHER III, 0000
ANDREW W. TICE, JR., 0000
ROBERT M. TILTON, 0000
STEPHEN W. TOPPER, 0000
JANET G. TUCKER, 0000
KAGGAL V. UMAKANTHA, 0000
WILLIAM K. UNDERWOOD, 0000
CHARLES J. UNICE III, 0000
LUIS A. VAZQUEZ, 0000
JOHN S. VENTO, 0000
RICHARD P. VOLDEN, 0000
DANIEL J. WALKER IV, 0000
THOMAS I. WASHINGTON, 0000
CURTIS E. WATKINS, 0000
JON R. WESTERGAARD, 0000
JOHN C. WHITCHURCH, 0000
STEVEN K. WHITE, 0000
GAYLE C. WIGGINS, 0000
JOAN C. WINTERS, 0000
JOAN K. WOTRING, 0000
DENNIS O. WRETLIND, 0000
C. FAYLENE WRIGHT, 0000
VINCENT U. YAP, 0000
THOMAS D. YATES, 0000
GERALD L. YEARSLEY, 0000
GREGORY J. ZAGAR, 0000
ADELLE R. ZAVADA, 0000
WALTER H. ZIMMER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY IN THE NURSE CORPS (AN), MEDICAL SERVICE CORPS (MS), MEDICAL CORPS (MC), DENTAL CORPS (DE), MEDICAL SPECIALIST CORPS (SP), AND JUDGE ADVOCATE GENERAL'S CORPS (JA) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

JOSEPH I. SMITH, 0000

To be lieutenant colonel

SUSAN A. ANNICELLI, 0000
GARY L. BREWER, 0000
LOUIS J. DELDO, 0000
CHARLES T. GORIE, 0000
STEVEN G. LANG, 0000
MURIEL D. METCALF, 0000
JANET A. NEUTZE, 0000
STEVEN E. REISSMAN, 0000
ROBERT D. ROCK, 0000
PAUL S. RUBLE, 0000
JOHN F. UPHOFF, 0000

To be major

HEATHER W. HANSEN, 0000
ANGELENE HEMINGWAY, 0000
OMAR D. HOTTENSTEIN, 0000
JUNG S. KIM, 0000
ARTHUR W. LOESEVITZ, 0000
WILLIAM G. MARZULLO, 0000
MICHAEL D. MATTHEWS, 0000
SCOTT J. MC ATEE, 0000
ROBERT C. PUGH, 0000
LOUIS H. SMITH, 0000
KEITH J. WROBLEWSKI, 0000

To be captain

PHILIP A. ALBANEZE, 0000
TIMOTHY J. BIEGA, 0000
DUSTIN L. BOYER, 0000
ALLYSON G. CARR, 0000
MICKEY S. CHO, 0000
DAVID W. COFFIN, 0000
PATRICK B. COOPER, 0000
PERCIVAL L. CUETO, 0000
HEATHER L. CURRIER, 0000
TAMARA L. DU, 0000
THOMAS G. ECCLES, 0000
MICHELLE K. ERVIN, 0000
ERIC P. FILLMAN, 0000
ANDREW J. FOSTER, 0000
BEAU GARDNER, 0000
PETER C. GRAFF, 0000
JILL C. HASLING, 0000
JAMES R. HEMPEL, 0000
PATRICK W. HICKEY, 0000
JASON M. HILES, 0000
DEAN H. HOMMER, 0000
CHRISTOPHER HUTSON, 0000
MATTHEW R. JEZIOR, 0000
DALE N. JOHNSON, 0000
DANIEL G. JORDAN, 0000
PATRICIA A. KEEFE, 0000
DWIGHT C. KELLICUT, 0000
GLENN J. KERR, 0000
CATHERINE KIMBALL, 0000
GREGORY D. KOSTUR, 0000
KENNETH D. KUHN, 0000
KEVIN J. LEARY, 0000
DEREK LINKLATER, 0000
PHILIP LITTLEFIELD, 0000
RICHARD C. LIU, 0000
ELIZABETH M. LORE, 0000
HUY Q. LUU, 0000
TRACEY F. LYON, 0000
ROBERT L. MABRY, 0000
PAMELA M. MALLARI, 0000
LISA M. MAXWELL, 0000
PATRICIA A. MC KAY, 0000
MARY S. MC NERNEY, 0000
ROBERT MEADOWS, 0000
JEFFREY MIKITA, 0000
CHRISTOPHER MOON, 0000
ELAINE M. MUNITZ, 0000
CECILIA M. PADLAN, 0000
BEN K. PHILLIPS, 0000
PATRICK J. POLLOCK, 0000
BRIAN D. ROBERTSON, 0000
IRENE M. ROSEN, 0000
SAMARA A. RUTBERG, 0000
RUBEN SALINAS, 0000
MALCOLM G. SCHAEFER, 0000
THOMAS R. SERRANO, 0000
MARK F. SEWELL, 0000
JOHN A. SMYRSKI, 0000
CHRISTINE E. STAHL, 0000
BRYONY W. TOM, 0000
DANIEL S. WASHBURN, 0000
WILLIAM B. WEISS, 0000
JOHN L. WESTHOFF, 0000
SUNNY Y. WHITEMAN, 0000
BRADLEY N. YOUGGREN, 0000
OMAYA H. YOUSSEF, 0000
SARA J. ZIMMER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SETH D. AINSPAC, 0000
VICTOR E. AMBROSE, 0000
JAMES H. ANDERSON II, 0000
LARRY D. ANDERSON, 0000
MICHAEL S. ANDERSON, 0000
MATTHEW J. ANS, 0000
ALAN J. ARCENEAUX, 0000
ANTHONY C. ARCHER, 0000
TRAY J. ARDESE, 0000
DAVID N. AREOLA, 0000
GLINDON ASHBROOK, JR., 0000
JON M. AYTES, 0000
EDWARD S. BACON, 0000
JAMES E. BAILEY III, 0000
ROBERT A. BAIRD, 0000
JOHN G. BAKER, 0000
JAVIER J. BALL, 0000
AHMAD BANDANI, 0000
STEPHEN G. BANTA, 0000

JAY M. BARGERON, 0000
STEPHEN J. BASEL, 0000
CHRISTOPHER P. BAUSCH, 0000
THOMAS H. BECK, 0000
PAUL M. BECKWITH, 0000
CLANTON D. BEETH, 0000
BRETT M. BEKKEN, 0000
SCOTT F. BENEDICT, 0000
MICHAEL L. BENNETT, 0000
ROBERT E. BENSON, 0000
MICHAEL C. BERIGAN, 0000
INMAN R. BESSENGER, 0000
WILLIE J. BEST, 0000
RICHARD T. BEW, 0000
CHRISTOPHER S. BEY, 0000
ANTHONY J. BIANCA, 0000
JAMES M. BLACKBURN, 0000
EDWARD W. BLIGH, 0000
DAVID L. BLOOM, 0000
CARY M. BOARD, 0000
MICHAEL C. BOGNA, 0000
JASON Q. BOHM, 0000
BRANTLEY A. BOND, 0000
LLOYD E. BONZO II, 0000
GERALD F. BOOS, JR., 0000
ALLEN C. BOOTHBY, JR., 0000
ARTHUR W. BORNSCHEIN, JR., 0000
ROBERT V. BOUCHER, 0000
JOHN R. BOWEN, 0000
WILLIAM J. BOWERS, 0000
TIMOTHY BRADLEY, 0000
CHAD M. BREEDEN, 0000
RANDOLPH R. BRESNIK, 0000
ANDREW E. BRIDGES, 0000
JAMES B. BRITTON, JR., 0000
JOHN F. BRIX III, 0000
ANTHONY W. BROOKS, 0000
STEPHEN E. BROOKS, 0000
LEX A. BROWN, 0000
RICKY F. BROWN, 0000
THOMAS A. BRUNO, 0000
DANIEL S. BRYAN, 0000
MARK V. BUDDE, 0000
WILLIAM T. BUFKIN II, 0000
CHARLES G. BURKE, JR., 0000
THOMAS M. BURNS, 0000
JOSEPH L. BURROUGHS II, 0000
GLEN G. BUTLER, 0000
PATRICK C. BYRON, 0000
JAMES C. CALEY, 0000
TIMOTHY S. CALLAHAN, 0000
JOHN R. CALVERT, JR., 0000
AARON P. CAMELE, 0000
JOHN H. CANE, 0000
JOHN W. CAPDEPON, 0000
KENNETH K. CARPENTER, 0000
DONALD J. CARRIER, 0000
PATRICK J. CARROLL, 0000
MICHAEL D. CARSTEN, 0000
DAVID P. CASEY, 0000
TIMOTHY M. CASSIDY, 0000
JOHN A. CAVAZOS, 0000
MICHAEL S. CEDERHOLM, 0000
JUSTICE M. CHAMBERS III, 0000
PAIGE L. CHANDLER, 0000
KEITH M. CHIRICO, 0000
JAMES D. CHRISTMAS, 0000
MICHAEL A. CLARK, 0000
VINCENT E. CLARK, 0000
BENJAMIN R. CLATTERBUCK, 0000
GERARD P. CLOUTIER, 0000
NEAL S. COBLE, 0000
MICHAEL J. COCO, 0000
PHILLIP A. COLBORN, 0000
BRIAN H. COLLINS, 0000
MATTHEW A. COLLINS, 0000
RANDALL J. COLSON, 0000
THOMAS M. CONNER, 0000
THOMAS G. CONNOR III, 0000
MATTHEW W. COON, 0000
MATTHEW H. COOPER, 0000
ROGER L. CORDELL, 0000
ROBERT P. COTE, 0000
KEVIN M. COUGHLIN, 0000
ROBERT C. COURTEMANCHE, 0000
JOSEPH A. CRAFT, 0000
THOMAS M. CRAIG, 0000
FRANCISCO B. CRISAFULLI, 0000
MICHAEL T. CUCCIO, 0000
ANGEL A. CUELLAR, JR., 0000
STEVEN M. CUNNINGHAM, 0000
ROBERT D. CURTIS, 0000
KEITH M. CUTLER, 0000
BRUCE A. CZAJA, II, 0000
MARC E. CZAJA, 0000
THOMAS C. DAMES, 0000
PAUL E. DAMPHOUSSE, 0000
DALE S. DANIEL, 0000
PATRICK J. DARCY, 0000
EVAN W. DAVIES, 0000
JAMES D. DAVIS, 0000
RICHARD G. DEGUZMAN, 0000
ROY H. DELANEY, 0000
JOHN B. DELUCA, 0000
TODD S. DESGROSSEILLIERS, 0000
EDWARD M. DEVILLIERS, 0000
EDWARD T. DEWALD, 0000
DANIEL J. DEWHIRST, 0000
THOMAS P. DEWYEA, 0000
MICHAEL B. DICKEY, 0000
BRIAN T. DOLAN, 0000
DAVID J. DOWLING, 0000
DAN E. DOWSE, 0000
DOUGLAS A. DREW, 0000
LOREN J. DUGAN, 0000
ROBERT M. DUKES, 0000
TERENCE J. DUNNE, 0000
KYLE D. EAST, 0000
DEAN A. EBERT, 0000
RICHARD A. ECKLES, II, 0000
MARK M. EDINGTON, 0000
CHARLES E. EHLERT, 0000
TODD J. ENGE, 0000
BRIAN E. ENGEL, 0000
BARRY L. ENSTICE, 0000
DAVID J. ESKELUND, 0000
ROBB P. ETNYRE, 0000
FRED T. FAGAN III, 0000
JOHN P. FARNAM, 0000
CHRISTOPHER L. FATHEREE, 0000
ANTHONY D. FAUST, 0000
DOUGLAS I. FEIRING, 0000
ANTHONY A. FERENCE, 0000
MICHAEL G. FERGUSON, 0000
MATTHEW D. FERINGA, 0000
GEOFFREY H. FIELD, 0000
CHERYL L. FITZGERALD, 0000
JOHN S. FITZPATRICK, 0000
PATRICK S. FLANERY, 0000
JAMES G. FLYNN, 0000
LYLE E. FORCUM, 0000
ALLEN S. FORD, 0000
ROBERT B. FORD, 0000
ALAN D. FOUST, 0000
TIMOTHY C. FRANTZ, 0000
JAMES W. FUHS, 0000
GARY R. FULLERTON, 0000
MATTHEW K. GALLAGHER, 0000
PATRICK K. GALLAHER, 0000
MICHAEL J. GANN II, 0000
MICHAEL GANTE, JR., 0000
JAVIER GARCIA, 0000
RUSSELL A. GARDNER, 0000
PETER J. GARFIELD, 0000
JAMES M. GARRETT III, 0000
ERIC B. GARRETTY, 0000
DAVID E. GAUL, 0000
KENNETH D. GEORGI, 0000
STEVEN G. GERACOULIS, 0000
BRADFORD J. GERING, 0000
HAROLD K. GIBSON, 0000
SEAN D. GIBSON, 0000
EDWARD GILLCRIST, 0000
GREGORY G. GILLETTE, 0000
JOHN R. GILTZ, 0000
KYLE A. GLERUM, 0000
JAMES F. GLYNN, 0000
SAUL GODINEZ, 0000
JOHN C. GOLDEN IV, 0000
ROBERTO J. GOMEZ, 0000
KEVIN M. GONZALEZ, 0000
JEFFERY O. GOODES, 0000
MICHAEL J. GORMAN, 0000
MICHAEL J. GOUGH, 0000
JOHN M. GRAHAM, 0000
VERNON L. GRAHAM, 0000
STEVEN J. GRASS, 0000
CHARLES S. GRAY, 0000
JAMES A. GRAY, 0000
CHRISTOPHER M. GREER, 0000
DUDLEY R. GRIGGS, 0000
WILLIAM C. GRIGONIS, 0000
MARK A. GRILLO, 0000
SCOTT R. GROSENHEIDER, 0000
STEPHEN P. GRUBBS, 0000
JIMMIE G. GRUNY, 0000
FRANCIS A. GRZYMKOWSKI, JR., 0000
GLENN R. GUENTHER, 0000
ROBERT M. HAGAN, 0000
CHARLES C. HALE, 0000
MORRIS D. HALE, 0000
BRINLEY M. HALL III, 0000
STEPHEN W. HALL, 0000
DARIUS J. HAMMAC, 0000
JAMES B. HANLON, 0000
PATRICIA M. HANNIGAN, 0000
BRIAN D. HARRELSON, 0000
RICHARD J. HARRIES III, 0000
WAYNE C. HARRISON, 0000
PAUL W. HART II, 0000
SETH A. HATHAWAY, 0000
KENT W. HAYES, 0000
CASON N. HEARD, 0000
GREGORY M. HEINES, 0000
JOHN M. HEISEY, 0000
SCOTT H. HENDERSON, 0000
ROD M. HENDRICK, 0000
ROBERT H. HENDRICKS, 0000
PATRICK L. HERNANDEZ, 0000
DAVID P. HERONEMUS, 0000
JAMES B. HIGGINS, JR., 0000
JAMES D. HILL, 0000
JONATHAN W. HITESMAN, 0000
MICHAEL B. HOBBS, 0000
THOMAS M. HOBBS, 0000
HUNTER H. HOBSON, 0000
JAMES L. HOGAN, 0000
JOHN R. HOLLANDER, 0000
RICHARD A. HOLLEN, JR., 0000
ADAM P. HOLMES, 0000
JANICE E. HOLMES, 0000
TODD D. HOOK, 0000
GRAHAM C. HOPPESS, 0000
JOSEPH K. HOTTENDORF, 0000
EDWARD A. HOWELL, 0000
MARC L. HUCKABONE, 0000
MICHAEL W. HUFF, 0000
CRAIG W. HUNGERFORD, 0000
JEFFREY L. HUNT, 0000
ALBERT B. INTILLI, 0000
DANIEL C. IRCINK, 0000
JAMES E. IZEN, 0000
SAMUEL E. JACKSON, 0000
JON M. JACOBS, 0000
WILLIAM D. JARRETT, 0000
JAMES T. JENKINS II, 0000
SCOTT S. JENSEN, 0000
MARK A. JEWELL, 0000
DIETER G. JOBE, 0000
BRIAN J. JOHNSON, 0000
MATTHEW L. JONES, 0000
ROBERT W. JONES, 0000
RONALD F. JONES, 0000
TIMOTHY D. JONES, 0000
JOHN O. JORDAN, 0000
STEVEN P. KAEGEBEIN, 0000
DANIEL R. KAISER, 0000
BRIAN J. KAPPLE, 0000
CHRISTOPHER A. KEANE, 0000
JANET L. KEECH, 0000
GREGORY C. KEESLER, 0000
RANDALL J. KEHRMEYER, 0000
GARY F. KEIM, 0000
SCOTT A. KEMP, 0000
KURT A. KEMPSTER, 0000
GREGG R. KENDRICK, 0000
BRIAN M. KENNEDY, 0000
JAMES R. KENNEDY, 0000
THOMAS M. KEOGH, 0000
SEAN A. KERR, 0000
CRAIG T. KILLIAN, 0000
ANDREW N. KILLION, 0000
WILLIAM E. KIRALY, 0000
STEVEN C. KISH, 0000
LORNE KITTLE, 0000
ERIC R. KLEIS, 0000
DOUGLAS C. KLEMM, 0000
NICHOLAS L. KNIGHT, 0000
KURT A. KOCH, 0000
ROBERT J. KOCHANSKI, 0000
JEFFREY S. KOJAC, 0000
ANDREW J. KOSTIC JR., 0000
LORRIE B. KOVACS, 0000
ERIK B. KRAFT, 0000
DAVID P. KRAMER, 0000
DAVID A. KREBS, 0000
ROBERT A. KREKEL, 0000
ROBERT W. KRIEG, 0000
THOMAS M. KRUGLER, 0000
DALE R. KRUSE, 0000
RUDY R. KUBE, 0000
BRIAN E. KUHN, 0000
DOUGLAS J. KUMBALEK, 0000
MARK C. KUSTRA, 0000
CRAIG P. LAMBERT, 0000
WILLIAM B. LAMBERT, 0000
GEORGE LAMPKIN JR., 0000
DAVID W. LANCASTER, 0000
JOHN R. LANGFORD, 0000
DANIEL T. LATHROP, 0000
MICHAEL E. LATHROP, 0000
WALTER E. LAVRINOVICH JR., 0000
JOSEPH L. LAYKO, 0000
ANDRE H. LEBLANC, 0000
MICHAEL H. LEDBETTER, 0000
PAUL J. LEEDS, 0000
BRUCE W. LEFAN, 0000
ROBERT M. LEIBE, 0000
JAMES E. LEIGHTY, 0000
RICHARD E. LEINO, 0000
BRYAN R. LEMONS, 0000
GERRY W. LEONARD JR., 0000
MATTHEW P. LEVASSEUR, 0000
KENNETH M. LEWTON, 0000
WILLIAM R. LIEBLEIN, 0000
FLORIAN F. LIMJOCO JR., 0000
SALVADOR L. LIMON III, 0000
STEPHEN E. LISZEWSKI, 0000
JOHN A. LITTLE, 0000
BRIAN B. LIZOTTE, 0000
STEVEN P. LOGAN, 0000
JAMES V. LONGI III, 0000
RICHARD E. LOUCKS, 0000
WILLIAM S. LUCAS, 0000
ROBERT E. LUCIUS JR., 0000
DAVID S. LUCKEY, 0000
MICHAEL X. LUCKEY, 0000
FRANK E. LUGO JR., 0000
PHILLIP T. LUPER, 0000
SCOTT A. LUTTERBECK, 0000
ARTHUR R. LYMAN, IV, 0000
MICHAEL W. LYNCH, 0000
REX D. LYNNE, 0000
TODD W. LYONS, 0000
WALLACE P. MACK, IV, 0000
WILLIAM J. MACKEY, 0000
JOHN C. MADSEN, 0000
SCOTT D. MAGIDSON, 0000
SAMUEL A. MAGLIANO, 0000
BRIAN L. MAGNUSON, 0000
MICHAEL W. MALEC, 0000
ROBERT L. MANION, 0000
ANTHONY J. MANUEL, 0000
HECTOR E. MARCAYDA, 0000
THOMAS F. MARCINKIEWICZ, 0000
NICHOLAS W. MARINO, 0000
CRAIG H. MARTELLE, 0000
GREGORY R. MARTIN, 0000
JOSEPH A. MATOS, 0000
DENISE A. MATTES, 0000
WILLIAM B. MAYBERRY, JR., 0000
DOUGLAS S. MAYER, 0000
BRENDAN B. MC BREEN,0000
DAVID B. MC CANN, 0000
CHRISTOPHER M. MC CARTHY, 0000
CHRISTINA D. MC CLOSKEY, 0000
DEBORAH M. MC CONNELL, 0000
PAUL H. MC CONNELL, 0000
DAVID G. MC CORD, 0000
MICHAEL T. MC DONNELL, 0000
ROGER J. MC FADDEN, 0000
MICHAEL C. MC GHEE, 0000
JOHN G. MC GINNIS, 0000
MICHAEL T. MC GUINNESS, 0000
ARTHUR B. MC KEEL, 0000
FRANK N. MC KENZIE, 0000
JOHN G. MC KNIGHT, 0000
MATTHEW P. MC LUCKIE, 0000
DONALD B. MC NEILL, JR., 0000
FLOYD M. MEANS, JR., 0000
JOHN P. MEE, 0000
ANDRE L. MERCIER, 0000
JOHN E. MERNA, 0000
RANDALL H. MESSER, 0000
ANDREW R. MILBURN, 0000
JAMES L. MILLER, 0000
JEFFREY W. MILLER, 0000
LAWRENCE F. MILLER, 0000
DON A. MILLS, 0000
KEVIN S. MINTON, 0000
LEON D. MOBERG, 0000
CHARLES A. MOCK, 0000
THOMAS B. MOCKBEE, 0000
SCARLET A. MONROE, 0000
WILLIAM J. MONROE, 0000
PAUL D. MONTANUS, 0000
DAVID C. MOOREFIELD, 0000
ANTONIO J. MORABITO, 0000
PATRICK E. MORAN, 0000
DAVID B. MORGAN, 0000
DAN E. MORRIS, 0000
JAMES M. MORRISROE, 0000
CHRISTOPHER W. MORTON, 0000
WILLIAM E. MOYER, 0000
JOHN A. MULLIN, 0000
MARK A. MURPHY, 0000
STEPHEN J. MURPHY, 0000
CHRISTOPHER L. NALER, 0000
ROBERT J. NASH, 0000
NATHAN I. NASTASE, 0000
LAWRENCE A. NATHAN, 0000
KEVIN G. NAVE, 0000
DWIGHT C. NEELEY, 0000
RICHARD J. NEFF, 0000
RONALD D. NEFF, 0000
CHAD R. NELSON, 0000
KENNETH A. NELSON, 0000
MARK W. NELSON, 0000
THOMAS J. NEMETH III, 0000
JOHN J. NEYLON, 0000
TIMOTHY W. NICHOLS, 0000
KYLE J. NICKEL, 0000
JOHN J. NOEL, 0000
RAYMOND T. NOLIN, 0000
BRENT R. NORQUIST, 0000
SEAN P. O'DOHERTY, 0000
HARRY D. OAKLEY, 0000
DANIEL E. O'DONNELL, JR., 0000
DANIEL P. O'HORA, 0000
BRIAN P. O'KEEFE, 0000
DAVID S. OLIVER, 0000
TIMOTHY J. OLIVER, 0000
MICHAEL S. O'NEAL, 0000
RENE A. ORELLANA, 0000
DANIEL R. OSKAR, 0000
RICHARD T. OSTERMEYER, 0000
JOHN A. OSTROWSKI, 0000
TIMOTHY R. O'TOOLE, 0000
DAVID M. OWEN, 0000
SCOTT E. PACKARD, 0000
CHRISTOPHER L. PAGE, 0000
ROBERT Y. PARK, 0000
TIMOTHY M. PARKER, 0000
CHRISTOPHER J. PARKHURST, 0000
PATRICK C. PATTERSON, 0000
MATTHEW J. PAUL, 0000
RICHARD W. PAULY, 0000
STEPHEN C. PELLEGRINO, 0000
ISAAC PELT, 0000
MYLES F. PEMBER IV, 0000
CRAIG B. PENROSE, 0000
ALEX G. PETERSON, 0000
PAUL T. PETIT III, 0000
AUSTIN L. PETWAY, 0000
MICHAEL R. PFISTER, 0000
RICHARD L. PHILLIPS II, 0000
MICHAEL D. PIA, 0000
GRAHAM C. PIERSON, 0000
VON H. PIGG, 0000
STEVEN F. PITINGOLD, 0000
JASON K. POPE, 0000
JAMES A. POPIELEC, 0000
PETER L. POPPE, 0000
DUNCAN C. PORTER, 0000
DAVE S. PORTILLO, 0000
THOMAS E. POST, 0000
ALBERT C. POTRAZ, JR., 0000
AARON F. POTTER, 0000
GEORGE E. PRATT, JR., 0000
PAUL J. PRATT, 0000
ROBERT F. PREMO, 0000
LESTER B. PRICE, 0000
WILLIS E. PRICE III, 0000
THOMAS E. PRIEST, 0000
STEPHEN W. PRIMM, 0000
DAVID R. PRISLIN, 0000
FRANK R. PROKUP, 0000
TRAVIS M. PROVOST, 0000
FRANKLIN L. PUGH, JR., 0000
STEVEN P. QUINTANA, 0000
MARK A. RAMIREZ, 0000
GERALD S. RATLIFF, 0000
ROBERT L. RAUENHORST, 0000
WILLIAM M. REDMAN, 0000
JOHN M. REED, 0000
JEAN D. REESE, 0000
JOHN C. REEVE, 0000
WADE M. REINTHALER, 0000
KEITH D. REVENTLOW, 0000
WILLIAM H. REYNOLDS, 0000
JAY N. RICE, 0000
WILLIAM D. RICE, 0000
ERROL L. RICHARDS, 0000
DEREK G. RICHARDSON, 0000
JAMES C. RIGGS, 0000
DONALD J. RILEY, JR., 0000
THOMAS J. RIORDAN, 0000
GLENN R. RITCHIE, 0000
JIMMY R. RIVERA, 0000
DOMINIC E. ROBERTS, 0000
STEPHEN C. ROBERTS, 0000
MACON R. ROBINSON, JR., 0000
MICHAEL D. ROBINSON, 0000
DANIEL J. RODMAN, 0000
ALEJANDRO RODRIGUEZ, 0000
JUSTIN C. RODRIGUEZ, 0000
MICHAEL J. RODRIGUEZ, 0000
GLENN A. ROGERS, 0000
EDWARD H. ROMASKO, 0000
SAMUEL L. RUBLE, 0000
THEODORE RUBSAMEN III, 0000
WILLIAM L. RUMBLE, 0000
JOHN F. RUOCCO, 0000
HOWARD D. RUSSELL, 0000
CHARLES A. RUST, 0000
KEITH E. RUTKOWSKI, 0000
JEFFREY A. RUTLEDGE, 0000
PAUL P. RYAN, 0000
WILLIAM J. RYSANEK IV, 0000
JON M. SABLAN, 0000
JONATHAN L. SACHAR, 0000
MARK S. SANCHEZ, 0000
DAVID L. SANFORD, 0000
JOHN M. SAPPENFIELD, 0000
BRICE D. SAYER, 0000
CHAD L. SBRAGIA, 0000
CHRISTOPHER A. SCHAEFER, 0000
THOMAS A. SCHELLIN, 0000
BRADLEY R. SCHIEFERDECKER, 0000
JOEL T. SCHIRO, 0000
PATRICK C. SCHMID, 0000
STEVEN J. SCHMID, 0000
KEVIN M. SCHMIEGEL, 0000
GRANT W. SCHNEEMANN, 0000
MARK G. SCHRECKER, 0000
MARTIN P. SCHUBERT, 0000
NEIL SCHUEHLE, 0000
HARVEY T. SCHWARTZ, 0000
STEPHEN S. SCHWARZ, 0000
ROBERT R. SCOTT, 0000
WALTER J. SCOTT, 0000
DONALD A. SCRIBNER, 0000
SUSAN B. SEAMAN, 0000
WILLIAM H. SEELY III, 0000
JOHN J. SHARKEY, JR., 0000
CAROL S. SHAW, 0000
KEVIN M. SHEA, 0000
RICHARD F. SHEEHAN, JR., 0000
JON W. SHELBURNE, 0000
JONATHAN H. SHERRELL, 0000
ROBERT C. SHERRILL, 0000
MICHAEL D. SHOUP, 0000
QUINN R. SIEVERTS, 0000
PHILLIP E. SIMMONS, 0000
STEVEN A. SIMMONS, 0000
STEPHEN A. SIMPSON, 0000
GREGG SKINNER, 0000
GEORGE J. SLYER III, 0000
DANIEL L. SMITH, 0000
JOSEPH S. SMITH, JR., 0000
JULIA A. SMITH, 0000
THOMAS J. SOBEY, 0000
ROBERT B. SOFGE, JR., 0000
JOHN C. SPAHR, 0000
JOSEPH P. SPATARO, 0000
NICHOLAS A. SPIGNESI, 0000
CLAUDE A. STALLWORTH, 0000
JOHN A. STANTON, 0000
PAUL L. STARITA, 0000
MATTHEW G. ST. CLAIR, 0000
MARCUS S. STEFANOU, 0000
MICHAEL S. STEGELMAN, 0000
ANDREW V. STICH, 0000
BRADLEY R. STILLABOWER, 0000
KRIS J. STILLINGS, 0000
JAMES B. STOPA, 0000
JAY P. STORMS, 0000
VICTOR S. STOVER, 0000
JEFFREY D. STREY, 0000
MIKEL E. STROUD, 0000
THEODORE M. STRYCHARZ, 0000
STEVEN R. SVENDSEN, 0000
DOUGLAS J. SWEITZER, 0000
DOUGLAS K. SWITZER, 0000
TRACY L. SWOPE, 0000
MARK S. SZARMACH, 0000
ROBERT L. TANZOLA III, 0000
CHRISTOPHER D. TAYLOR, 0000
TODD S. TAYLOR, 0000
MICHAEL D. TENCATE, 0000
DANIEL J. TENYENHUIS, 0000
CHARLES C. TERRASSE, 0000
ADAM C. THARP, 0000
DOUGLAS B. THIRY, 0000
JEFFREY A. THIRY, 0000
DANIEL T. THOELE, 0000
DAVID S. THORN, 0000
PAUL R. THORNTON III, 0000
WILLIAM R. TIBBS, 0000
CHRISTOPHER E. TIERNAN, 0000
MATTHEW E. TOLLIVER, 0000
MICHAEL P. TRAHAR, 0000
THAD R. TRAPP, 0000
CASEY C. TRAVERS, 0000
TERENCE D. TRENCHARD, 0000
KARL R. TRENKER, 0000
ROBERT M. TROUTMAN, 0000
JOEL B. TURK, 0000
ROGER B. TURNER, JR., 0000
RICK A. URIBE, 0000
JAY A. VANDERWERFF, 0000
DAVID N. VANDIVORT, 0000
HAROLD R. VANOPDORP, JR., 0000
WILLIAM P. VANZWOLL, 0000
JOHN C. VARA, 0000
CHRISTIAN H. VEERIS, 0000
MICHAEL T. VESELY, 0000
MICHAEL R. VILLANDRE, 0000
JOHN D. VOELKER, 0000
PAUL W. VOSS, 0000
JOSEPH F. WADE, 0000
WILLIAM L. WADE, 0000
BRETT A. WADSWORTH, 0000
THOMAS A. WAGONER, JR., 0000
RANDY G. WALKER, 0000
MARK F. WALKNER, 0000
PATRICK L. WALL, 0000
MARK M. WALTER, 0000
PAUL J. WARE, 0000
JAMES S. WASHBURN, 0000

JEFF G. WEBB, 0000
MARC A. WEBSTER, 0000
ROBERT B. WEHNER, 0000
ANNE M. WEINBERG, 0000
DOUGLAS S. WEINMANN, 0000
CLIFFORD J. WEINSTEIN, 0000
ERIC S. WEISSBERGER, 0000
FRANK E. WENDLING, 0000
STEPHEN T. WERNECKE, 0000
DAVID S. WEST 0000
JERRY J. WEST, II, 0000
CHARLES A. WESTERN, 0000
DARRIN L. WHALEY, 0000
STEVEN L. WHALEY, 0000
BRIAN H. WIKTOREK, 0000
ROBERT A. WILKERSON, 0000
HERMAN L. WILKES, JR., 0000
CHRISTOPHER W. WILLIAMS, 0000
GLENN S. WILLIAMS, 0000
CURTIS L. WILLIAMSON III, 0000
STEVEN L. WILSON, 0000
SCOTT R. WILTERMOOD, 0000
TIMOTHY E. WINAND, 0000
ANTHONY A. WINICKI, 0000
LEE J. WINTERS, 0000
DANIEL S. WISNIEWSKI, 0000
KEVIN J. WOLFE, 0000
THOMAS A. WOLLARD, 0000
MICHAEL A. WOOD, 0000
KENNETH M. WOODARD, 0000
JONATHAN A. WOODCOCK, 0000
PHILLIP R. WOODLEY, 0000
JEFFREY K. WOODS, 0000
BRUCE D. YOUNGBLUTH, 0000
BRIAN J. ZACHERL, 0000
EDMOND P. ZAIDE, JR., 0000
ERIN L. ZELLERS, 0000
JAMES B. ZIENTEK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ROBERT S. ABBOTT, 0000
TIMOTHY C. ABE, 0000
THOMAS C. ABEL, 0000
ROSS A. ADELMAN, 0000
AARON E. ALDRIDGE, 0000
TERESA J. AMBERG, 0000
CURTIS S. AMES, 0000
KENNETH W. AMIDON, 0000
THOMAS J. ANDERSON, 0000
WILLIAM M. ANDERSON, 0000
ROGER D. ANGEL, 0000
ANTHONY ARDOVINO, 0000
CHESTER A. ARNOLD, 0000
JORGE ASCUNCE, 0000
CYNTHIA M. ATKINS, 0000
VICTOR F. BALASI, 0000
DAVID W. BANKS, 0000
KIRK T. BARLEY, 0000
LOREN D. BARNEY, 0000
JORGE L. BARRERA, 0000
ERIC D. BARTCH, 0000
GARY S. BARTHEL, 0000
DANIEL C. BATT, 0000
JAMES S. BEATON, 0000
BRIAN D. BEAUDREAULT, 0000
THOMAS T. BECK, 0000
JOHN W. BEISWANGER, 0000
JOSEPH R. BERNARD, JR., 0000
JOHN C. BERRY, JR., 0000
LEROY L. BLAHNA, 0000
FRANCIS J BLANKEMEYER, JR., 0000
DAVID BLASKO, 0000
JEFFERY A. BOWDEN, 0000
CHARLES P. BRADY, 0000
FRANCIS X. BRADY, 0000
GARETH F. BRANDL, 0000
CHARLES E. BRIDGEMAN, 0000
GREGG W. BRINEGAR, 0000
GEORGE H. BRISTOL, 0000
JOHN J. BROADMEADOW, 0000
HERMAN C. BROADSTONE, 0000
KENNETH M. BROWN, 0000
ROBERT Q. BRUGGEMAN, 0000
DONOVAN E. BRYAN, 0000
MARK H. BRYANT, 0000
JAMES J. BUCKLEY, 0000
JOHN F. BUFORD, 0000
JOHN W. BULLARD, JR., 0000
TONY L. BUMGARNER, 0000
GERALD F. BURKE, 0000
JOHN M. BURT, 0000
MICHAEL K BUTTERS, 0000
ANTHONY J. CACCIATORE, 0000
ROBERT G CAHILL, 0000
JAMES A. CAMERON, 0000
MICHAEL F. CAMPBELL, 0000
JOHN M. CARRETTI, 0000
MICHAEL A. CHENGERI, 0000
HERMAN S. CLARDY, III, 0000
EDWARD M. CLARKSON, II, 0000
ROBERT E. CLAY, 0000
ROBERT E. CLAYPOOL, 0000
CHRISTOPHER M. CLAYTON, 0000
JAMES D. CLEMMER, 0000
ANGELA B. CLINGMAN, 0000
DAVID L. CLOSE, 0000
TIMOTHY L. CLUBB, 0000
VINCENT A. COGLIANESE, 0000
RONALD J. COLYER, 0000
CHRISTOPHER C. CONLIN, 0000
WILLIAM J. COOPER, 0000
WILLIAM J. COVER, IV, 0000
MARK J. CRAIG, 0000
LEWIS A. CRAPAROTTA, 0000
ROBERT M. CRAWFORD, 0000
MICHAEL L. CROUCH, 0000
ENRIQUE E. CRUZ, 0000
VINCE E. CRUZ, 0000
DANIEL E. CULBERT, 0000
STEVEN R. CUSUMANO, 0000
MARK J. CWICK, 0000
SCOTT A. DALKE, 0000
MARK A. DALLABETTA, 0000
TIMOTHY R. DALLY, 0000
THOMAS P. DALY, JR., 0000
PAUL L. DAMREN, 0000
KEITH W. DANEL, 0000
PAUL A. DANTONIO, 0000
RICHARD K DAVIDSON, 0000
WILLIAM D. DELANO, 0000
JOHN A. DELCOLLIANO, 0000
GARY M. DENNING, 0000
TIMOTHY J. DEVIN, 0000
THEODORE E. DEVLIN, 0000
DENNIS R. DICKENSON, 0000
WILLIAM N. DICKERSON, 0000
ROBERT L. DIXON, JR., 0000
JAMES M. DOCHERTY, 0000
PAUL B. DUNAHOE, 0000
DONALD M. ELLIOTT, 0000
THOMAS L. ENTERLINE, 0000
KENNETH D. ENZOR, 0000
MARK W. ERB, 0000
JOHN R. EWERS, JR., 0000
KENNETH W. FANCHER, 0000
WILLIAM M. FAULKNER, 0000
JOHN H. FEAIRHELLER, JR., 0000
JON L. FEINBERG, 0000
ROBERT N. FERRER, JR., 0000
VINCENT M. FIAMMETTA, 0000
STEPHEN P. FINN, 0000
WILLIAM J. FLANNERY, 0000
RICHARD P. FLATAU, JR., 0000
CLARK R. FLEMING, 0000
BRIAN S. FLETCHER, 0000
DANIEL F. FOLEY, 0000
KEVIN L. FOLEY, 0000
MICHAEL J. FOLEY, 0000
MARK D. FRANKLIN, 0000
CHARLES R. FRAWLEY, 0000
CLYDE FRAZIER, JR., 0000
FRANK FREE, III, 0000
ROBERT K. FRICKE, 0000
LARRY FULWILER, 0000
DENNIS E. FUNDERBURKE, 0000
KENT A. GALVIN, 0000
LINDA M. GANDEE, 0000
G G. GARFIELD, 0000
THOMAS M. GASKILL, 0000
ROBERT D. GATTUSO, 0000
PHILIP D. GENTILE, 0000
WILLIAM GILLESPIE, 0000
THOMAS N. GOBEN, 0000
JOHN L. GODBY, 0000
ROBERT B. GORSKI, 0000
JAMES D. GRACE, 0000
DONALD A. GRACZYK, 0000
GARY S. GRAHAM, 0000
FREDERIC J. GREENWOOD, 0000
PAUL E. GREENWOOD, 0000
RAYBURN G. GRIFFITH, 0000
STEVEN M. GROZINSKI, 0000
PAUL M. GUERRA, 0000
MURRAY T. GUPTILL, JR., 0000
JOHN W. GUTHRIE, 0000
DENNIS M. GUZIK, 0000
MICHAEL S. HAAS, 0000
EDWARD G. HACKETT, 0000
CHRISTOPHER S. HADINGER, 0000
DAVID M. HAGOPIAN, 0000
DANIEL C. HAHNE, 0000
PATRICK M. HAINES, 0000
DAVID B. HALL, 0000
NICHOLAS J. HALL, 0000
WADE C. HALL, 0000
LLOYD J. HAMASHIN, JR., 0000
BEN D. HANCOCK, 0000
STEVEN M. HANSCOM, 0000
DARREN L. HARGIS, 0000
NATHANIEL HARLEY, JR., 0000
THOMAS G. HARMS, 0000
STUART C. HARRIS, 0000
JOSEPH M. HARRISON, 0000
CARL E. HASELDEN, JR., 0000
GREGORY L. HAUCK, 0000
GREGORY E. HAUSER, 0000
ROBERT F. HEDELUND, 0000
ROBERT S. HELLMAN, 0000
TIMOTHY A. HERNDON, 0000
STEVEN J. HERTIG, 0000
MARY L. HOCHSTETLER, 0000
MARC L. HOHLE, 0000
CHRISTOPHER E. HOLZWORTH, 0000
JAMES D. HOOKS, 0000
DALE E. HOUCK, 0000
BRUCE M. HOUSER, 0000
ROBERT E. HUGHES, 0000
JONATHAN P. HULL, 0000
MICHAEL P. HULL, 0000
KIRK W. HYMES, 0000
ALVAH E. INGERSOLL, III, 0000
LESLIE N. JANZEN, 0000
ANDREW F. JENSEN, III, 0000
CHESTER E. JOLLEY, 0000
JOHN J. KANE, III, 0000
MARK B. KANE, 0000
PAUL A. KARAFA, 0000
THOMAS J. KEATING, 0000
DOUGLAS E. KEELER, 0000
FRANCIS L. KELLEY, 0000
DAVID KELLY, 0000
JOHN C. KENNEDY, 0000
SCOTT E. KERCHNER, 0000
DAVID J. KESTNER, 0000
PHILIP H KING, 0000
NICHOLAS B. KLAUS, 0000
ANTHONY E. KOLKMEYER, 0000
DANIEL J. KRALL, 0000
JAMES T. KUHN, 0000
MARGARET A. KUHN, 0000
MICHAEL J. LAMBIASE, 0000
WILLIAM S. LANG, 0000
ROBERT W. LANHAM, 0000
RAYMOND S. LASHIER, 0000
MALCOLM B. LEMAY, 0000
GEORGE A. LEMBRICK, 0000
DAVID R. LEPPELMEIER, 0000
GROVER C. LEWIS III, 0000
WILLIAM K. LIETZAU, 0000
JAMES D. LINGAR, 0000
KENNETH X. LISSNER, 0000
EDWARD A. LOGUE, 0000
CARL W. MAC DONALD, 0000
ROBERT B. MAC TOUGH, JR., 0000
MYRON J. MAHER, JR., 0000
MARK M. MALONEY, 0000
MARCUS G. MANNELLA, 0000
STEPHEN D. MARCHIORO, 0000
ROBERT W. MARSHALL, 0000
GREGORY T. MASCK, 0000
MICHAEL J. MASON, 0000
HENRY B. MATHEWS II, 0000
MICHAEL J. MATRONI, 0000
JOSEPH A. MAUNEY, JR., 0000
JOYCE L. MC CALLISTER, 0000
KEVIN T. MC CUTCHEON, 0000
EDWARD R. MC DANIEL, 0000
DANIEL J. MC GEE, 0000
ROBERT M. MC GUINESS, 0000
JAMES W. MC KELLAR, 0000
DAVID R. MC KINLEY, 0000
WILLIAM P. MC LAUGHLIN, 0000
RICHARD C. MC MONAGLE, 0000
GUY D. MEDOR, 0000
MICHAEL R. MELILLO, 0000
WILLIAM G. MELTON, 0000
STEVEN D. MIEIR, 0000
BRETT A. MILLER, 0000
JAMES B. MILLER, 0000
FRANK H. MINER III, 0000
ROGER D. MITCHELL, 0000
WILLIAM P. MIZERAK, 0000
JOHN P. MONAHAN, JR., 0000
BENJAMIN W. MOODY, 0000
ROYAL P. MORTENSON, 0000
MICHAEL J. MULLIGAN, 0000
SCOTT C. MYKLEBY, 0000
PETER T. NICHOLSON, 0000
PATRICK D. NOONAN, 0000
MATTHEW G. OCHS, 0000
THOMAS R. O'CONNELL, 0000
MICHAEL J. OEHL, 0000
MICHAEL A. O'HALLORAN, 0000
CHARLES D. O'HERN II, 0000
JOHN H. OHEY, 0000
HARRY G. OLDLAND III, 0000
PAUL J. O'LEARY, JR., 0000
THOMAS J. O'LEARY, 0000
MICHAEL W. OPPLIGER, 0000
JUSTIN B. ORABONA, 0000
CHRISTOPHER S. OWENS, 0000
CARL T. PARKER, 0000
RICHARD S. PARKER, JR., 0000
TED A. PARKS, 0000
RICHARD M. PARSONS, 0000
JOEL E. PAULSEN, 0000
PATRICK S. PENN, 0000
MARK E. PETERS, 0000
JEFFERY M. PETERSON, 0000
ROBERT E. PINDER, 0000
LAWRENCE A. PLATT, JR., 0000
MICHAEL J. POPOVICH, 0000
MICHAEL J. PRIMEAU, 0000
LOUIS J. PULEO, 0000
LEIGHTON R. QUICK, 0000
THOMAS A. QUINTERO, 0000
LEE B. RAGLAND, 0000
JOHN T. RAHM, 0000
MICHAEL J. RAIMONDO, 0000
EDDIE S. RAY, 0000
DARRELL F. RECTOR, JR., 0000
LARRY J. RECTOR, 0000
JAMES E. REILLY III, 0000
MICHAEL D. RESNICK, 0000
ROBERT D. RICE, 0000
ROBERT K. RICE, 0000
MICHAEL R. RICHARDS, 0000
BRYAN V. RIEGEL, 0000
PATRICK T. RILEY, 0000
MICHAEL A. ROCCO, 0000
THOMAS E. RODABAUGH, 0000
RITCHIE L. RODEBAUGH, 0000
NEIL H. RODENBECK, 0000
ERIC L. ROLAF, 0000
JAMES P. ROSENTHAL, 0000
JON L. ROSS, 0000
STACEY A. RUFF, 0000
JOHN RUPP, 0000
PAUL K. RUPP, 0000
PHILIP L. SALINAS, 0000
LAURA J. SAMPSEL, 0000
GEORGE P. SANDLIN, 0000
RODMAN D. SANSONE, 0000
MICHAEL A. SANTACROCE, 0000
JEFFERY A. SATTERFIELD, 0000
JOHN M. SCANLAN, 0000
RICHARD W. SCHIEKE, JR., 0000
ANDREW H. SCHLAEPFER, 0000
RICHARD A. SCHOTT, 0000
PAUL K. SCHREIBER, 0000
MATTHEW P. SCHWOB, 0000
JOSEPH A. SCUTELLARO, 0000
JAMES B. SEATON III, 0000
RICHARD M. SELLECK, 0000
JOHN M. SESSOMS, 0000
BRADLEY N. SHULTIS, 0000
RICHARD L. SIMCOCK II, 0000
CAROLINE A. SIMKINSMULLINS, 0000
JOHN W. SIMMONS, 0000
STEVEN S. SIMPSON, 0000
ROBERT O. SINCLAIR, 0000
DEAN T. SINIFF, 0000
JOHN D. SIPES, JR., 0000
GREGORY K. SIZEMORE, 0000
PHILLIP J. SKALNIAK, JR., 0000
DAVID A. SMITH, 0000
DAVID E. SMITH, 0000
DAVID W. SMITH, 0000
EDWARD J. SMITH, 0000
GERALD L. SMITH, 0000
JOSEPH G. SMITH, 0000
KEVIN L. SMITH, 0000
MARCUS R. SMITH, 0000
PHILIP E. SMITH, 0000
DAVID A. SOBYRA, 0000
JAMES H. SORG, JR., 0000
DAVID L. SPASOJEVICH, 0000
PAUL J. STENGER, 0000
TODD D. STEPHAN, 0000
LARRY S. STEWART, JR., 0000
CHRISTOPHER J. ST GEORGE, 0000
GEOFFERY W. STOKES, 0000
JOHN E. STONE, 0000
GARY A. STRASMANN, 0000
CATHERINE M. STUMP, 0000
GREGG A. STURDEVANT, 0000
STEVEN L. SUDDRETH, 0000
CHRISTOPHER G. SULLIVAN, 0000
RORY E. TALKINGTON, 0000
FRANK L. TAPIA, JR., 0000
RODNEY H. TAPLIN, 0000
KEVIN D. TAYLOR, 0000
DARRELL L. THACKER, JR., 0000
RICHARD W. THELIN, 0000
HERMINIO TORRES, JR., 0000
ROY L. TRUJILLO, 0000
ELIZABETH K. TUBRIDY, 0000
JAMES D. TURLIP, 0000
WILLIAM C. TURNER, 0000
PATRICK J. UETZ, JR., 0000
JAMES P. VANETTEN, JR., 0000
MARTY S. VEITEL, 0000
DOUGLAS J. WADSWORTH, 0000
MARK E. WAKEMAN, 0000
WILLIAM G. WALDRON, 0000
JAY D. WALKER, 0000
PAUL J. WARHOLA, 0000
PETER M. WARKER, 0000
GARY E. WARREN, 0000
DREW M. WATSON, 0000
RONALD WATSON, JR., 0000
MICHAEL A. WESCHE, 0000
WILLIAM E. WETZELBERGER, 0000
JOSEPH H. WHEELER III, 0000
GEORGE S. WHITBECK, 0000
BRUCE A. WHITE, 0000
JEFFREY R. WHITE, 0000
DAVID H. WILKINSON, 0000
DALE F. WILLEY, 0000
JEFFERY D. WILSON, 0000
ROBERT M. WINT, 0000
CLYDE M. WOLTMAN, 0000
NOEL S. WOOD, 0000
GREGORY P. WOODS, 0000
JESSE E. WRICE, JR., 0000
TONY L. WUNDERLICH, 0000
EDWARD YARNELL, 0000
GUY A. YEAGER, 0000
CHRISTOPHER E. YELDER, 0000
ERIC B. YONKEE, 0000
GEORGE L. YOUNG III, 0000
JOEL YOURKOWSKI, 0000
STEVEN M. ZOTTI, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531, 5582(A), AND 5582(B):

To be commander

BRIAN L. KOZLIK, 0000
CHRISTOPHER R. LINDSAY, 0000

To be lieutenant commander

WALLIS E. ANDELIN, 0000
RUSSELL P. ASHFORD, 0000
FRANK A. BIVINS, 0000
ROGER A. GILMORE, 0000
KERRY E. HUNT, 0000
ANDREW S. JOHNSON, 0000
DAVID P. JOHNSON, 0000
JACQUELINE KOVACS, 0000
STEVEN L. LORCHER, 0000
RICK A. MAY, 0000
MARK C. MONAHAN, 0000
MICHAEL M. QUIGLEY, 0000
STEPHEN T. SCHULTZ, 0000
ROBERT K. TILLERY, 0000
ROBERT VALE, 0000

To be lieutenant

ENEIN Y.H. ABOUL, 0000
PATRICIA ANDERSON, 0000
CHRISTOPHER ANDREWS, 0000
CHRISTOPHER E. ARCHER, 0000
CHRISTOPHER W. BARCOMB, 0000
CATHERINE A. BAYNE, 0000
RHETT A. BEATTIE, 0000
CHRISTOPHER L. BELL, 0000
KENNETH A. BELL, 0000
SUSAN E. BELLON, 0000
PAUL T. BENNETT, 0000
PATRICK J. BLAIR, 0000
MARY E. BODNAR, 0000
THOMAS Z. BOSY, 0000
FRANK L. BRADFIELD III, 0000
MARY M. BROWN, 0000
JAMES A. BURCH, 0000
CHARLES C. BURROUGHS, 0000
GREGORY D. BYERS, 0000
JANE E. CAMPBELL, 0000
RONNIE M. CANDILORO, 0000
SOOK K. CHAI, 0000
JANET D. COCHRAN, 0000
VICKI J. COLAPIETRO, 0000
FRANK A. COLON, 0000
JAMES M. COPENHAVER, 0000
KIMBERLY L. COVER, 0000
JAMES H. CRAWFORD, 0000
LANE J. CREAMER, 0000
DAVID E. DOW, 0000
DONALD C. EBY, 0000
JOYCE M. ELTER, 0000
BRIAN ERICKSON, 0000
THERESA M. EVERETTE, 0000
MATTHEW R. FEENEY, 0000
MARK G. FICKEL, 0000
KAREN D. FINE, 0000
KEVIN FITZPATRICK, 0000
TODD L. GARRETT, 0000
ADOLPH C. GARZA, 0000
EDRION R. GAWARAN, 0000
JOHN B. GEURIN, 0000
MICHELLE L. GLENN, 0000
MARK D. GROB, 0000
CHRISTINE B. GRUSCHKUS, 0000
LOUIS V. GUARNO, 0000
SANDRA M. HALTERMAN, 0000
GLENN D. HANSON, 0000
PAUL J. HAREN III, 0000
PATRICIA C. HASEN, 0000
BARRY L. HARRISON, 0000
STEPHEN J. HARTUNG, 0000
JOEL HARVEY, 0000
DANIEL J. HERNANDEZ, 0000
MITCHELL K. HOLMES, 0000
LORA D. HOOSER, 0000
RACELI C. HULETT, 0000
MARVIN JACKSON, 0000
AMANDA S. JOHN, 0000
CHRISTOPHER R. KARCHER, 0000
BRENT M. KELLN, 0000
ZAKI N. KIRIAKOS, 0000
JEAN M. KLOSINSKI, 0000
MICHAEL N. LANE, 0000
DONALD A. LONERGAN, 0000
CYNTHIA LOTSHAWVANDERMEER, 0000
BRIAN J. MALLOY, 0000
JESSICA L. MANSFIELD, 0000
ANTHONY P. MASSLOFSKY, 0000
RANDALL K. MATHIS, 0000
EDWARD J. MC FARLAND, 0000
MATTHEW K. MC GEE, 0000
DANIEL F. MC KENDRY, 0000
NEIL T. MILLER, 0000
LEONARD A. MILLIGAN, 0000
REY R. MOLINA, 0000
JOSEPH D. MOLINARO, 0000
STACIA L. MONEYHUN, 0000
MICHAEL MONREAL, 0000
ROBERT P. MOREAN, 0000
MICHAEL K. NORBECK, 0000
EDWARD C. NORTON, JR., 0000
RICHARD O'BREGON, 0000
MICHAEL P. O'CONNELL, 0000
DAVIN J. O'HORA, 0000
SCOTT E. ORGAN, 0000
GREGORY B. OSTRANDER, 0000
ROSEMARY PERDUE, 0000
GEORGE M. PERRY, 0000
DAVID W. PHILLIPS, 0000
CRAIG A. POWELL, 0000
VALERIE J. RIEGE, 0000
RICHARD R. RIKER, 0000
KENNETH S. ROTHAERMEL, 0000
CARL J. RUOFF, 0000
BRET A. RUSSELL, 0000
MARY J. SANDERS, 0000
SIDNEY J. SCHMIDT, 0000
KELLY A. SCHWASS, 0000
THOMAS G. SEIDENWAND, 0000
MICHAEL J. SERVICE, 0000
LEE P. SISCO, 0000
THOMAS F. STANLEY, 0000
WILLIAM B. STEVENS, 0000
TROND A. STOCKENSTROM, 0000
JON D. THOMAS, 0000
DEBORAH A. THOMPSON, 0000
KAREN J. THURMAN, 0000

CHRISTOPHER T. TORSAK, 0000
R0BINETTE L. TYLER, 0000
THOMAS D. VANDERMOLEN, 0000
JOHN A. VELOTTA, 0000
JOANN L. WALKER, 0000
DAVID W. WARNER, 0000
MICHAEL S. WATHEN, 0000
ROBERT D. WESTENDORFF, 0000
ANDREW R. WILLIAMS, 0000
JOHN C. WILLIAMS, 0000
PATRICIA A. WIRTH, 0000
THOMAS E. WITHERSPOON, 0000
DAVID R. WOOTTEN, 0000
NATHAN J. YARUSSO, 0000

To be lieutenant (junior grade)

KIMBERLY C. ABERCROMBIE, 0000
PATRICK K. AMERSBACH, 0000
VICTOR M. ANGULO, 0000
CONNIE J. AVERY, 0000
KEITH R. BARKEY, 0000
JULIE A. BERGESS, 0000
TIMOTHY C. BERZINS, 0000
JOSEPH P. BINGHAM, 0000
RONALD D. BOLING, 0000
BARBARA A. CLARKE, 0000
REBECCA H. COLE, 0000
JOSE A. COLON, 0000
JOHN P. CREEDON, 0000
ROBYN L. CROSS, 0000
SAMMY CUEVAS, 0000
FRANK M. CUNNINGHAM, 0000
STEVEN F. DESANTIS, 0000
MICHAEL P. DOYLE, 0000
CHRISTOPHER F. FLAHERTY, 0000
MATHEW C. GARBER, 0000
LISA S. GILLIAM, 0000
JESSE L. GOBELI, 0000
MIKE G. GONZALEZ, 0000
VICTORIA L. HAYWARD, 0000
KERRY B. HEISS, 0000
DANIEL D. HETLAGE, 0000
LINDA M. HILL, 0000
KATHLEEN A. HINZ, 0000
MATTHEW P. HOFFMAN, 0000
TRISHA J. HULET, 0000
AL V. JARQUE, 0000
DONALD J. JENKINS, 0000
VICKI L. JERNIGAN, 0000
ANGELA M. JONES, 0000
APRIL R. KING, 0000
MICHAEL S. KOHLER, 0000
LANCE A. LEE, 0000
JAMES W. MICKEY, 0000
MARC J. MIGUEZ, 0000
TERESA T. MILLER, 0000
MATTHEW J. MOORE, 0000
RANDY L. MOORE, 0000
SHANNON R. MUEHE, 0000
PAUL F. NETZEL, 0000
MARIA M. NORBECK, 0000
CIPRIANO PINEDA, JR, 0000
DEREK N. RAMSEY, 0000
SHAWN E. REVERTER, 0000
ROBERT S. RINEHART, 0000
EDWARD B. RITTER, 0000
JOHN C. ROBINSON, 0000
STEPHEN W. RODRIGUEZ, 0000
MICHAEL P. RYON, 0000
TRACEY L. SAMPLE, 0000
ARTURO SANCHEZ, 0000
ERIN H. SANDERS, 0000
DANIEL A. SHAARDA, 0000
DAVID P. SNELL, 0000
JAMES R. SPOSATO, 0000
ROBERT J. SRDAR, 0000
TONY J. STOCKTON, 0000
DAVID B. SURBER, 0000
THERESA A. TALBERT, 0000
PAMELA S. THEORGOOD, 0000
DAVID V. THOMAS, 0000
MATTHEW J. THOMAS, 0000
JENNIFER E. THOMPSON, 0000
ROGELIO L. TREVINO, 0000
EVELYN J. TYLER, 0000
BRIAN L. WEINSTEIN, 0000
ANTHONY W. WINSTON, 0000
CHRISTOPHER C. WOHLFELD, 0000
MICHAEL L. WOLFE, 0000

To be ensign

DANIEL B. AYOTTE, 0000
MICHAEL D. BISBEE, 0000
THOMAS W. GREEN, 0000
LAURA C. MC CLELLAND, 0000
CLINTON D. TRACY, 0000
STEPHEN M. WILSON, 0000