States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and the members of the Illinois Congressional delegation.

Adopted by the Senate, November 18, 1999.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1487. A bill to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906 (Rept. No. 106–250).

INTRODUCTION OF BILLS AND JOINT RESOLUTION

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

By Mr. THOMAS:

S. 2300. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; to the Committee on Energy and Natural Resources.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2301. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; to the Committee on Energy and Natural Resources.

By Mr. CLELAND:

S. 2302. A bill to amend the Internal Revenue Code of 1986 to expand the enhanced deduction for corporate donations of computer technology to public libraries and community centers; to the Committee on Finance.

By Mr. GRAHAM:

S. 2303. A bill to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the ''Vicki Coceano Post Office Building''; to the Committee on Governmental Affairs.

By Mr. SHELBY:

S. 2304. A bill to amend the Internal Revenue Code of 1986 to phase out the taxation of social security benefits; to the Committee on Finance.

By Mr. BAYH:

S. 2305. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing a nonrefundable marriage credit and adjustment to the earned income credit; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. BROWNBACK, and Mr. ROTH):

S. 2306. A bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. JOHNSON, and Mr. HARKIN):

S. 2307. A bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself, Mr. GRAHAM, and Mrs. FEINSTEIN):

S. 2308. A bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program; to the Committee on Finance.

By Mr. DASCHLE:

S. 2309. A bill to establish a commission to assess the performance of the performance of the civil works function of the Secretary of the Army; to the Committee on Environment and Public Works.

By Mr. COVERDELL (for himself, Mr. LEAHY, Mr. HELMS, and Mr. DEWINE):

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KERREY:

S. Res. 278. A resolution commending Ernest Burgess, M.D. for his service to the Nation and international community; to the Committee on the Judiciary.

By Mr. LOTT:

S. Con. Res. 99. A concurrent resolution congratulating the people of Taiwan for the successful conclusion of presidential elections on March 18, 2000, and reaffirming United States policy toward Taiwan and the People's Republic of China; considered and agreed to.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS:

S. 2300. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any one State; to the Committee on Energy and Natural Resources.

COAL MARKET COMPETITION ACT OF 2000

Mr. THOMAS. Mr. President, I rise today to introduce the Coal Market Competition Act of 2000. The legislation would amend the Mineral Leasing Act to increase the acreage of coal leases. Companies need this assurance as they plan and finance their operations into the future. Now, more than ever, we need to diversify our Nation's resources. The current oil prices are a daily reminder of what occurs when we allow this country to be too dependent on foreign resources. It is time to focus on domestic energy production and this legislation will facilitate development of one of our Nation's abundant natural resources, coal.

Most of the coal produced in our Nation comes from mines west of the Mississippi River and the vast majority of that coal is mined in western states with significant federal ownership of both the surface and mineral estates. In fact, my state of Wyoming is home to 11 of the top 12 coal mines based on tonnage. We produced approximately one third of the total U.S. coal in 1999, with production exceeding 330 million tons last year. Not surprisingly Wyoming is also the leader in federal coal lease acreage with approximately 145,000 federal acres under lease to 20 companies.

The current federal coal lease limitation under the Mineral Leasing Act of 1920 is 46,080 acres per state. An amendment of the Mineral Leasing Act in 1976 maintained the per-state limit and added a 100,000-acre nationwide limit for any one company. The state coal lease limit has not been changed for 36 years. Coal, sodium, phosphate and oil and gas were all assigned identical or similar per state lease acreage limitations in the 1926 amendments to the MLA (2,560 acres per state for sodium, coal and phosphate, 2,560 acres per geologic structure and 7,680 acres per state for oil and gas). The acreage limitation for each of these minerals was increased in the 1946 and 1948 MLA amendments (coal, sodium and phosphate to 5,120 per state in 1948; oil and gas to 15,360 acres per state in 1946). The per state acreage limitation for oil and gas leases was increased twice more (to 46,080 acres in 1957 and 246,080 acres in 1960) and the per state acreage ceiling for coal (and phosphate) leases was increased once more to 46,080 acres (and 20,480 acres for phosphate) in 1964. In my view, it is time to address the coal acreage limitations both on a state and national level.

The cap on coal needs to be raised to allow producers to remain competitive in the world-wide market. In Wyoming, the coal mine sizes will need to increase in order to maintain economic competitiveness. Our coal industry has grown and prospered because its economic competitiveness allowed Wyoming to be the location of choice for new low-sulfur coal capacity to serve much of the world. The scale of mining operations is much larger now.

In order for this competitiveness to continue, we must raise the acreage cap to alleviate concern from several companies in both Wyoming and Utah about the effect of the limitation on their planning and production abilities. Larger lease acreage areas are required to justify the significant capital investment necessary for mine expansion. Under current leasing operations, the penalty for violation of the acreage limitation is lease cancellation. It is essential during a time like now—when oil prices are soaring—that we diversify and develop our Nation's energy sources rather than be dependent on foreign sources. Expanding lease acreage will allow coal to be competitive and it is essential we have choices for energy here at home.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2301. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; to the Committee on Energy and Natural Resources.

LAKEHAVEN UTILITY DISTRICT WATER RECLAMATION PROJECT

Mr. GORTON. Mr. President, today I join Senator MURRAY from Washington State in introducing legislation that will authorize the Bureau of Reclamation to develop a water reuse project with Lakehaven Utility District in Federal Way, WA.

The Lakehaven Utility District is one of Washington State's largest water and sewer utilities, providing 10.5 million gallons of water a day to over 100,000 residents in South King County. The utility depends on a groundwater supply system that is replenished by local precipitation. As development in this Seattle suburb has increased, aquifer recharge has diminished. The utility district recognizes it must protect its precious resources and has undertaken several projects to ensure it will have an adequate water supply for future generations.

One of these projects involves extensive treatment of the utilities effluent for reuse. Some of the treated water will be used to irrigate golf courses and other facilities, while the rest of the water will be returned to the aquifer through injection wells. The techniques for water reuse are innovative, yet proven, and have been implemented throughout Nevada and California. Currently, the Lakehaven Utility District discharges 6 million gallons of treated water into Puget Sound every day. This new program will allow the district to reuse these crucial resources while replenishing its precious groundwater supply.

This legislation amends title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Bureau of Reclamation to provide the Lakehaven Utility District the technical and financial assistance necessary to implement its reuse project.

I am pleased to support this project, which I believe is crucial to maintaining wetlands and rivers in Washington State. The Northwest is faced with a salmon crisis that demands every available drop of water remain in our streams and riparian areas. The Lakehaven Utility District water reclamation project will ensure that the South King County community continues to rely on groundwater resources rather than turning to other sources that must be preserved for fish recovery.

By Mr. CLELAND:

S. 2302. A bill to amend the Internal Revenue Code of 1986 to expand the enhanced deduction for corporate donations of computer technology to public libraries and community centers; to the Committee on Finance.

COMMUNITY TECHNOLOGY ASSISTANCE ACT

Mr. CLELAND. Mr. President, there has been a lot of talk recently about the ''digital divide'' and the differences in the availability of information between the technological haves and have nots. With the emerging digital economy becoming a major driving force of our nation's economic well-being, we must ensure that all Americans have the information tools and skills that are critical to full participation in the new economy. Access to such tools is an essential step to ensure that our economy grows strongly and that in the future no one is left behind.

While we know that Americans are more connected to digital tools than ever before, the ''digital divide'' between certain demographic groups and regions of our country continues to persist and in many cases is widening significantly. As a member of the Commerce Committee, Subcommittee on Communications, I am alarmed by these developments. Just consider:

A third of America's economic growth in recent years has come from information technologies, producing 19 million new jobs. Yet, while thirty percent of white Americans are connected to the Internet only 11 or 12 percent of African Americans or Hispanic Americans are on-line. Households with incomes of at least $75,000 are more than 20 times as likely to have access to the Internet as those at the lowest income levels, and more than 9 times as likely to have a computer at home. Additionally, citizens in rural areas, including large parts of my state of Georgia, are less likely to be connected to the Internet than urban users. Regardless of income level, those living in rural areas are lagging behind in computer ownership and Internet access.

A viable alternative for many of these under served individuals is Internet access outside the home and statistics show that computer use at public libraries and community centers is on the rise. First of all, among all Americans, 17 percent use the Internet at some site outside the home. Secondly, minorities are even more likely to use the Internet and pursue online courses and school research at even higher rates. Third, those earning less than $20,000 who use the Internet outside the home are twice as likely to get their access through a public library or community center. Finally, Americans who are not in the labor force, such as retirees or homemakers, are twice as likely to use public libraries for access.

Given the ''digital divide'' among these demographic groups, and the dependence of many Americans on the use of technology outside the home, especially at libraries and community centers, I am introducing today the Community Technology Assistance Act. Currently, the special enhanced tax deduction exists in the case of computer equipment donated to elementary and secondary schools. My bill would extend for five years the special enhanced tax deduction, currently scheduled to expire at the end of this year, and would expand it to include computer donations to libraries and community centers as well as to elementary and secondary schools. Consider the many high profile technology and Internet related companies, such as Microsoft, Intel and AmericaOnline, that have donated computer equipment and web access to schools and universities across America. My bill would make it easier for companies and individuals to invest in their community and jump start efforts to help bridge the ''digital divide'' in rural and low income areas everywhere.

Ensuring access to the fundamental tools of the digital economy is one of the most significant investments our nation can make. Our country's most important resource is its people. Our companies are only as good as their workers. Highly-skilled, well educated workers make for stellar businesses and create superior products. In a society that increasingly relies on computers and the Internet to deliver information and enhance communication, we need to make sure that all Americans have access. Our domestic and global economies will demand it. Ready access to telecommunications tools will help produce the kind of technology-literate work force that will enable the United States to continue to be a leader in the global economy well into the 21st Century and beyond.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 2302

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 ''Community Technology Assistance Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A third of America's economic growth in recent years has come from information technologies, including 19,000,000 new jobs.

(2) Thirty percent of white Americans are connected to the Internet while only 11 or 12 percent of African Americans or Hispanic Americans are online. Households with incomes of at least $75,000 are more than 20 times as likely to have access to the Internet than those at the lowest income levels, and more than 9 times as likely to have a computer at home.

(3) Citizens in rural areas are less likely to be connected to the Internet than urban users. Regardless of income level, those living in rural areas are lagging behind in computer ownership and Internet access.

(4) Unemployed persons who access the Internet outside their homes are nearly 3 times more likely to use the Internet for job searching than the national average. Those Americans who are ''not in the labor force'', such as retirees or homemakers, are twice as likely to use the public libraries for access.

(5) Those earning less than $20,000 who use the Internet outside the home are twice as likely to get their access through a public library or community center than those earning more than $20,000.

(6) Minorities are more likely users of the Internet and pursue online courses and school research at even higher rates outside the home (50.3 percent for Hispanics, 47.0 percent for American Indians/Eskimos/Aleuts, and 46.3 percent for African Americans).

(7) Among all Americans, 17.0 percent use the Internet at some site outside the home.

Many Americans who obtain Internet access outside the home rely on such places as public libraries (8.2 percent) and community centers (0.6 percent).

SEC. 3. ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY TO PUBLIC LIBRARIES AND COMMUNITY CENTERS.

(a) EXPANSION OF COMPUTER TECHNOLOGY DONATIONS TO PUBLIC LIBRARIES AND COMMUNITY CENTERS.—

(1) IN GENERAL.—Paragraph (6) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for contributions of computer technology and equipment for elementary or secondary school purposes) is amended by striking ''qualified elementary or secondary educational contribution'' each place it occurs in the headings and text and inserting ''qualified computer contribution''.

(2) EXPANSION OF ELIGIBLE DONEES.—Subclause (II) of section 170(e)(6)(B)(i) of such Code (relating to qualified elementary or secondary educational contribution) is amended by striking ''or'' at the end of subclause (I) and by inserting after subclause (II) the following new subclauses:

''(III) a public library (within the meaning of section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)), as in effect on the date of the enactment of the Community Technology Assistance Act, established and maintained by an entity described in subsection (c)(1), or

''(IV) a nonprofit or governmental community center, including any center within which an after-school or employment training program is operated,''.

(b) CONFORMING AMENDMENTS.—

(1) Section 170(e)(6)((B)(iv) of the Internal Revenue Code of 1986 is amended by striking ''in any grades K-12''.

(2) The heading of paragraph (6) of section 170(e) of such Code is amended by striking ''ELEMENTARY OR SECONDARY SCHOOL PURPOSES'' and inserting ''EDUCATIONAL PURPOSES''.

(c) EXTENSION OF DEDUCTION.—Section 170(e)(6)(F) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2000'' and inserting ''December 31, 2005''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2000.

By Mr. SHELBY:

S. 2304. A bill to amend the Internal Revenue Code of 1986 to phase out the taxation of Social Security benefits; to the Committee on Finance.

OLDER AMERICANS TAX FAIRNESS ACT

Mr. SHELBY. Mr. President, I rise today to introduce the Older Americans Tax Fairness Act. This legislation would eliminate—yes, eliminate—the unfair tax on Social Security benefits in this country.

Last week, this body, the Senate, took a historic step toward giving senior citizens more financial freedom and retirement security by passing legislation to repeal the earnings limit on Social Security benefits. We seized an opportunity to allow seniors to continue to work and contribute their skills and knowledge to the most vibrant economy in recent memory.

While the U.S. economy is currently reporting the lowest unemployment number in years, employers are finding that labor is difficult to come by and they are searching for ways to address this challenge. Increasingly, they are turning to senior citizens to fill the void. However, many seniors are finding that while they may want to work to better their standard of living or have to work to make ends meet, they are being hit by an additional tax burden, one that taxes their Social Security benefits—their retirement security, in other words—such that working, in many cases, is not financially beneficial to them.

When the Social Security program was first established by Congress, Congress did not intend for benefits to be taxed at all. In fact, Social Security benefits were exempt from Federal taxes for half a century. But because of a financial crisis within the program in the eighties and President Clinton's desire to fund new programs in 1993, seniors who earn a modest wage now find that anywhere between 50 and 85 percent of their Social Security benefits are taxed in America. This tax on Social Security benefits is misguided, I believe, and only acts to penalize hard-working and productive senior members of society. As workers, these senior citizens are taxed when they earn their money, as we all know, they are taxed when the Government returns it in the form of Social Security benefits, and if they are smart enough or lucky enough to save it to give it to their children or grandchildren, they will have to pay estate taxes, or a death tax, before anyone sees a penny, in a lot of cases.

Not only is this essentially double taxation to some of our most vulnerable citizens, our seniors, it is harmful to many seniors. Many seniors need to work in order to pay for costly health insurance premiums, prescription drugs, and other expenses which they incur as they grow older. For these seniors, working is not a choice, it is a necessity.

If we eliminate the tax on Social Security benefits in America, most seniors would have more disposable income to pay for many of these necessities of life. But rather than helping them, I believe we hurt them—that is, the seniors—by taxing their Social Security benefits, lowering their standard of living, and decreasing the amount of disposable income they have available to them.

What many fail to recognize is, working seniors continue to contribute to the economy not only in terms of knowledge and added productivity but by paying taxes on their earnings and paying into the Social Security trust fund without ever recognizing an additional benefit.

Clearly, the benefits seniors provide to our economy in terms of investment, knowledge, and skills far outweigh the minimal costs to the Treasury of repealing this unjust tax on Social Security.

This tax on Social Security benefits implies the Federal Government thinks senior citizens have nothing to contribute in the way of effectiveness, efficiency, experience, or knowledge to the workforce. You know and I know this is not true.

Senior citizens are our most valuable resource. They can provide knowledge, insight, and experience to our booming economy. And they do. We should treat them fairly and allow them to continue to earn and to save without imposing a discriminatory ''old age tax'' simply because they want to continue to contribute to society.

Responsible seniors—who plan for their retirement, who save and invest for the future, and who strive to leave something to future generations—are finding that it is just not worth it. At a time when we are trying to encourage savings and investment, it does not make sense to continue to tax Social Security benefits.

I am today encouraging my colleagues to join me in supporting the Older Americans Tax Fairness Act to bring additional fairness and freedom to the lives of millions of our most respected Americans.

Let's repeal the tax on Social Security benefits. Let's make it like it used to be. It is the right thing for the seniors in America.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. BROWNBACK, and Mr. ROTH):

S. 2306. A bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

GOVERNMENT FOR THE 21ST CENTURY ACT

Mr. THOMPSON. Mr. President, I am pleased to introduce the Government for the 21st Century Act, a bill to establish a commission to bring the structure and functions of our Government in line with the needs of our Nation in the new century. This bipartisan legislation was the result of work done by the Governmental Affairs Committee last Congress and is virtually identical to S. 2623, 105th Congress. The bill has been carefully crafted to address not just what our Government should look like, but the more fundamental question of what it should do.

Clearly, the time has come to take a comprehensive and fresh look at what the Federal Government does and how it goes about doing it. Despite these good economic times, polls repeatedly show that Americans have little trust or confidence in the Federal Government. They want the Federal Government to work, but they don't think that it does.

Unfortunately, our citizens have ample reason for concern. The Federal Government of today is a cacophony of agencies and programs, many of which are directed at the same problems. Much of what Washington does is inefficient and wasteful. Few would dispute that the government in Washington cannot do effectively all it is now charged with doing. When it comes to specifics, however, changing things is

extremely difficult. Virtually every Federal agency and program has an entrenched constituency to shield it from scrutiny and fend off challenges to the status quo. Hence, the familiar axiom that the closest thing to immortality is a Washington spending program.

Federal agencies and programs have mushroomed over time, evolving in a largely random manner to respond to the real or perceived needs of the moment. Consequently, duplication and fragmentation abound. There is an obvious need to bring some order out of this chaos. As former Comptroller General Charles Bowsher stated in testimony before the Senate Governmental Affairs Committee in 1995:

> The case for reorganizing the Federal government is an easy one to make. Many departments and agencies were created in a different time and in response to problems very different from today's. Many have accumulated responsibilities beyond their original purposes. As new challenges arose or new needs were identified, new programs and responsibilities were added to departments and agencies with insufficient regard to their effects on the overall delivery of services to the public.

The situation has not improved since then. Just last month, the current Comptroller General, David Walker, recited an all too familiar litany of duplication, waste, mismanagement, and other Federal performance problems in testimony before the Senate and House Budget Committees. The GAO ''high-risk list'' of those Federal activities most vulnerable to fraud, waste, and abuse has grown from 14 problem areas in 1990 to 26 problem areas today. Only one high-risk problem has been removed since 1995. Ten of the 14 original high-risk problems are still on the list today—a full decade later. Likewise, inspectors general identify much the same critical performance problems in their agencies year after year. Collectively, these core performance problems cost Federal taxpayers countless billions of dollars each year in outright waste. They also exact an incalculable toll on the ability of agencies to carry out their missions and serve the needs of our citizens.

Of course, meaningful reform of the Federal Government will not come from simply reshuffling current organizational boxes and redistributing current programs. We need to conduct a fundamental review of what Washington does and why. Our Founding Fathers envisioned a government of defined and limited powers. Imagine their dismay if they knew the size and scope of the Federal government today. We need to return to the limited but effective government that the Founders intended. This means divesting the Federal Government of functions it is not well suited to perform. However, it also means ensuring that the Federal Government does a better job of performing those core constitutional functions for which our citizens must rely on it.

The commission established in the legislation we are introducing today is a major step in that direction. It will take a hard look at Federal departments, agencies and programs and ask such questions as:

How can we restructure agencies and programs to improve the implementation of their statutory missions, eliminate activities not essential to their statutory missions, and reduce duplication of activities?

How can we improve management to maximize productivity, effectiveness and accountability of performance results?

What criteria should we use in determining whether a Federal activity should be privatized?

Which departments or agencies should be eliminated because their functions are obsolete, redundant, or could be better performed by state and local governments or the private sector?

Obviously, these questions involve subjective policy decisions. However, policy decisions should be the product of honest and open debate that stems from objective and fact-based analysis. I am convinced that this analysis can best be provided by an independent, nonpartisan commission that is removed from the normal pressures of Washington.

The commission will have many information sources available to it. The first cycle of implementation of the Government Performance and Results Act of 1993 will be complete by the end of this month when agencies submit their first performance reports. The plans and reports that agencies have submitted under the Results Act, while far from perfect, should provide a more comprehensive framework for reviewing Federal missions and performance than we have had before.

I am pleased that Senators LIEBERMAN and VOINOVICH are joining me in introducing the bill today, and I thank them for the time and staff they have devoted to the effort. I look forward to working with them on this important legislation.

I ask unanimous consent that the Government for the 21st Century Act, along with a brief summary and section-by-section analysis, be printed in the RECORD.

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

S. 2306

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

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Government for the 21st Century Act''.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of this Act is to reduce the cost and increase the effectiveness of the Federal Government by reorganizing departments and agencies, consolidating redundant activities, streamlining operations, and decentralizing service delivery in a manner that promotes economy, efficiency, and accountability in Government programs. This Act is intended to result in a Federal Government that—

(A) utilizes a smaller and more effective workforce;

(B) motivates its workforce by providing a better organizational environment; and

(C) ensures greater access and accountability to the public in policy formulation and service delivery.

(2) SPECIFIC GOALS.—This Act is intended to achieve the following goals for improvements in the performance of the Federal Government by October 1, 2004:

(A) A restructuring of the cabinet and subcabinet level agencies.

(B) A substantial reduction in the costs of administering Government programs.

(C) A dramatic and noticeable improvement in the timely and courteous delivery of services to the public.

(D) Responsiveness and customer-service levels comparable to those achieved in the private sector.

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) ''agency'' includes all Federal departments, independent agencies, Government-sponsored enterprises, and Government corporations; and

(2) ''private sector'' means any business, partnership, association, corporation, educational institution, nonprofit organization, or individuals.

SEC. 3. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Commission on Government Restructuring and Reform (hereafter in this Act referred to as the ''Commission'').

(b) DUTIES.—The Commission shall examine and make recommendations to reform and restructure the organization and operations of the executive branch of the Federal Government to improve economy, efficiency, effectiveness, consistency, and accountability in Government programs and services, and shall include and be limited to proposals to—

(1) consolidate or reorganize programs, departments, and agencies in order to—

(A) improve the effective implementation of their statutory missions;

(B) eliminate activities not essential to the effective implementation of statutory missions;

(C) reduce the duplication of activities among agencies; or

(D) reduce layers of organizational hierarchy and personnel where appropriate to improve the effective implementation of statutory missions and increase accountability for performance;

(2) improve and strengthen management capacity in departments and agencies (including central management agencies) to maximize productivity, effectiveness, and accountability;

(3) propose criteria for use by the President and Congress in evaluating proposals to establish, or to assign a function to, an executive entity, including a Government corporation or Government-sponsored enterprise;

(4) define the missions, roles, and responsibilities of any new, reorganized, or consolidated department or agency proposed by the Commission;

(5) eliminate the departments or agencies whose missions and functions have been determined to be—

(A) obsolete, redundant, or complete; or

(B) more effectively performed by other units of government (including other Federal departments and agencies and State and local governments) or by the private sector; and

(6) establish criteria for use by the President and Congress in evaluating proposals to privatize, or to contract with the private

sector for the performance of, functions currently administered by the Federal Government.

(c) LIMITATIONS ON COMMISSION RECOMMENDATIONS.—The Commission's recommendations or proposals under this Act may not provide for or have the effect of—

(1) continuing an agency beyond the period authorized by law for its existence;

(2) continuing a function beyond the period authorized by law for its existence;

(3) authorizing an agency to exercise a function which is not already being performed by any agency;

(4) eliminating the enforcement functions of an agency, except such functions may be transferred to another executive department or independent agency; or

(5) adding, deleting, or changing any rule of either House of Congress.

(d) APPOINTMENT.—

(1) MEMBERS.—The Commissioners shall be appointed for the life of the Commission and shall be composed of nine members of whom—

(A) three shall be appointed by the President of the United States;

(B) two shall be appointed by the Speaker of the House of Representatives;

(C) one shall be appointed by the minority Leader of the House of Representatives;

(D) two shall be appointed by the majority Leader of the Senate; and

(E) one shall be appointed by the minority Leader of the Senate.

(2) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission under subsection (b).

(3) CHAIRMAN.—At the time the President nominates individuals for appointment to the Commission the President shall designate one such individual who shall serve as Chairman of the Commission.

(4) MEMBERSHIP.—A member of the Commission may be any citizen of the United States who is not an elected or appointed Federal public official, a Federal career civil servant, or a congressional employee.

(5) CONFLICT OF INTERESTS.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, a member of the Commission (to whom such provisions would not otherwise apply except for this paragraph) shall be a special Government employee.

(6) DATE OF APPOINTMENTS.—All members of the Commission shall be appointed within 90 days after the date of enactment of this Act.

(e) TERMS.—Each member shall serve until the termination of the Commission.

(f) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as was the original appointment.

(g) MEETINGS.—The Commission shall meet as necessary to carry out its responsibilities. The Commission may conduct meetings outside the District of Columbia when necessary.

(h) PAY AND TRAVEL EXPENSES.—

(1) PAY.—

(A) CHAIRMAN.—Except for an individual who is chairman of the Commission and is otherwise a Federal officer or employee, the chairman shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the chairman is engaged in the performance of duties vested in the Commission.

(B) MEMBERS.—Except for the chairman who shall be paid as provided under subparagraph (A), each member of the Commission who is not a Federal officer or employee shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the Commission.

(2) TRAVEL.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) DIRECTOR.—

(1) APPOINTMENT.—The Chairman of the Commission shall appoint a Director of the Commission without regard to section 5311(b) of title 5, United States Code.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(j) STAFF.—

(1) APPOINTMENT.—The Director may, with the approval of the Commission, appoint and fix the pay of employees of the Commission without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any Commission employee may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that a Commission employee may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAIL.—

(A) DETAILS FROM AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(B) DETAILS FROM CONGRESS.—Upon request of the Director, a Member of Congress or an officer who is the head of an office of the Senate or House of Representatives may detail an employee of the office or committee of which such Member or officer is the head to the Commission to assist the Commission in carrying out its duties under this Act.

(C) REIMBURSEMENT.—Any Federal Government employee may be detailed to the Commission with or without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(k) SUPPORT.—

(1) SUPPORT SERVICES.—The Office of Management and Budget shall provide support services to the Commission.

(2) ASSISTANCE.—The Comptroller General of the United States may provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(l) OTHER AUTHORITY.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(m) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Commission shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(n) FUNDING.—There are authorized to be appropriated to the Commission $2,500,000 for fiscal year 2000, and $5,000,000 for each of fiscal years 2001 through 2003 to enable the Commission to carry out its duties under this Act.

(o) TERMINATION.—The Commission shall terminate no later than September 30, 2003.

SEC. 4. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) PRESIDENTIAL RECOMMENDATIONS.—No later than July 1, 2001, the President may submit to the Commission a report making recommendations consistent with the criteria under section 3 (b) and (c). Such a report shall contain a single legislative proposal (including legislation proposed to be enacted) to implement those recommendations for which legislation is necessary or appropriate.

(b) IN GENERAL.—No later than December 1, 2002, the Commission shall prepare and submit a single preliminary report to the President and Congress, which shall include—

(1) a description of the Commission's findings and recommendations, taking into account any recommendations submitted by the President to the Commission under subsection (a); and

(2) reasons for such recommendations.

(c) COMMISSION VOTES.—No legislative proposal or preliminary or final report (including a final report after disapproval) may be submitted by the Commission to the President and Congress without the affirmative vote of at least 6 members.

(d) DEPARTMENT AND AGENCY COOPERATION.—All Federal departments, agencies, and divisions and employees of all departments, agencies, and divisions shall cooperate fully with all requests for information from the Commission and shall respond to any such requests for information expeditiously, or no later than 15 calendar days or such other time agreed upon by the requesting and requested parties.

SEC. 5. PROCEDURE FOR IMPLEMENTATION OF REPORTS.

(a) PRELIMINARY REPORT AND REVIEW PROCEDURE.—Any preliminary report submitted to the President and Congress under section 4(b) shall be made immediately available to the public. During the 60-day period beginning on the date on which the preliminary report is submitted, the Commission shall announce and hold public hearings for the purpose of receiving comments on the reports.

(b) FINAL REPORT.—No later than 6 months after the conclusion of the period for public hearing under subsection (a), the Commission shall prepare and submit a final report to the President. Such report shall be made available to the public on the date of submission to the President. Such report shall include—

(1) a description of the Commission's findings and recommendations, including a description of changes made to the report as a result of public comment on the preliminary report;

(2) reasons for such recommendations; and

(3) a single legislative proposal (including legislation proposed to be enacted) to implement those recommendations for which legislation is necessary or appropriate.

(c) EXTENSION OF FINAL REPORT.—By affirmative vote pursuant to section 4(c), the Commission may extend the deadline under subsection (b) by a period not to exceed 90 days.

(d) REVIEW BY THE PRESIDENT.—

(1) IN GENERAL.—

(A) PRESIDENTIAL ACTION.—No later than 30 calendar days after receipt of a final report under subsection (b), the President shall approve or disapprove the report.

(B) PRESIDENTIAL INACTION.—

(i) IN GENERAL.—If the President does not approve or disapprove the final report within 30 calendar days in accordance with subparagraph (A), Congress shall consider the report in accordance with clause (ii).

(ii) SUBMISSION.—Subject to clause (i), the Commission shall submit the final report, without further modification, to Congress on the date occurring 31 calendar days after the date on which the Commission submitted the final report to the President under subsection (b).

(2) APPROVAL.—If the report is approved, the President shall submit the report to Congress for legislative action under section 6.

(3) DISAPPROVAL.—If the President disapproves a final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and Congress.

(4) FINAL REPORT AFTER DISAPPROVAL.—The Commission shall consider any issues or objections raised by the President and may modify the report based on such issues and objections. No later than 30 calendar days after receipt of the President's disapproval under paragraph (3), the Commission shall submit the final report (as modified if modified) to the President and to Congress.

SEC. 6. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''implementation bill'' means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation included in the final report submitted to the Congress under section 5(d)(1)(B), (2), or (4), without modification; and

(2) the term ''calendar day'' means a calendar day other than one on which either House is not in session because of an adjournment of more than three days to a date certain.

(b) INTRODUCTION, REFERRAL, AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day on which both Houses are in session, on or immediately following the date on which a final report is submitted to the Congress under section 5(d)(1)(B), (2), or (4), a single implementation bill shall be introduced (by request)—

(A) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Majority Leader of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House of Representatives.

(2) REFERRAL.—The implementation bills introduced under paragraph (1) shall be referred to the appropriate committee of jurisdiction in the Senate and the appropriate committee of jurisdiction in the House of Representatives. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House with amendments proposed to be adopted. No such amendment may be proposed unless such proposed amendment is relevant to such bill.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the 30th calendar day after the date of the introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from the committee, such bill shall be placed on the appropriate calendar.

(c) SENATE CONSIDERATION.—

(1) IN GENERAL.—On or after the fifth calendar day after the date on which an implementation bill is placed on the Senate calendar under subsection (b)(3), it is in order (even if a previous motion to the same effect has been disagreed to) for any Senator to make a motion to proceed to the consideration of the implementation bill. The motion is not debatable. All points of order against the implementation bill (and against consideration of the implementation bill) other than points of order under Senate Rule 15, 16, or for failure to comply with requirements of this section are waived. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the Senate shall immediately proceed to consideration of the implementation bill.

(2) DEBATE.—In the Senate, no amendment which is not relevant to the bill shall be in order. A motion to postpone is not in order. A motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to an implementation bill shall be decided without debate.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—At any time on or after the fifth calendar day after the date on which each committee of the House of Representatives to which an implementation bill is referred has reported that bill, or has been discharged under subsection (b)(3) from further consideration of that bill, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of that bill. All points of order against the bill, the consideration of the bill, and provisions of the bill shall be waived, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed 10 hours, to be equally divided and controlled by the Majority Leader and the Minority Leader, the bill shall be considered for amendment by title under the five-minute rule and each title shall be considered as having been read.

(2) AMENDMENTS.—Each amendment shall be considered as having been read, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for not to exceed 30 minutes, equally divided and controlled by the proponent and a Member opposed thereto, except that the time for consideration, including debate and disposition, of all amendments to the bill shall not exceed 20 hours.

(3) FINAL PASSAGE.—At the conclusion of the consideration of the bill, the Committee shall rise and report the bill to the House with such amendments as may have been agreed to, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(e) CONFERENCE.—

(1) APPOINTMENT OF CONFEREES.—In the Senate, a motion to elect or to authorize the appointment of conferees by the presiding officer shall not be debatable.

(2) CONFERENCE REPORT.—No later than 20 calendar days after the appointment of conferees, the conferees shall report to their respective Houses.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 7. IMPLEMENTATION.

(a) RESPONSIBILITY FOR IMPLEMENTATION.—The Director of the Office of Management and Budget shall have primary responsibility for implementation of the Commission's report and the Act enacted under section 6 (unless such Act provides otherwise). The Director of the Office of Management and Budget shall notify and provide direction to heads of affected departments, agencies, and programs. The head of an affected department, agency, or program shall be responsible for implementation and shall proceed with the recommendations contained in the report as provided under subsection (b).

(b) DEPARTMENTS AND AGENCIES.—After the enactment of an Act under section 6, each affected Federal department and agency as a part of its annual budget request shall transmit to the appropriate committees of Congress its schedule for implementation of the provisions of the Act for each fiscal year. In addition, the report shall contain an estimate of the total expenditures required and the cost savings to be achieved by each action, along with the Secretary's assessment of the effect of the action. The report shall also include a report of any activities that have been eliminated, consolidated, or transferred to other departments or agencies.

(c) GAO OVERSIGHT.—The Comptroller General shall periodically report to Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation of any Act enacted under section 6.

SEC. 8. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an Act under section 6 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

GOVERNMENT FOR THE 21ST CENTURY ACT—BRIEF SUMMARY

This legislation will reduce the cost and increase the effectiveness of the Federal government. It achieves this by establishing a commission to submit to Congress and the President a plan to bring the structure and operations of the Federal government in line with the needs of Americans in the new century.

Duties of the Commission: The Commission is authorized under this legislation to propose the reorganization of Federal departments and agencies, the elimination of activities not essential to fulfilling agency missions, the streamlining of government operations, and the consolidation of redundant activities.

The Commission would not be authorized to continue any agency or function beyond its current life, authorize functions not performed already by the Federal government, eliminate enforcement functions, or change the rules of Congress.

Composition of the Commission: The Commission would consist of 9 members appointed by the President and the Congressional leadership of both parties.

How the Commission works: The process established in this legislation is bipartisan, allows input by the President, and is fully open and public.

The Commission report: By July 1, 2001, the President may submit his recommendations to the Commission. By December 1, 2002, the Commission shall submit to the President and Congress a preliminary report containing recommendations on restructuring the Federal Government. After a public comment period, the Commission shall prepare a final report and submit it to the President for review and comment.

Presidential review and comment: The President has 30 days to approve or disapprove the Commission's report. The Commission decides whether or not to modify its report based on the President's comments, and shall issue a final report to Congress.

Congressional consideration: The final report shall be introduced in both Houses by request and referred to the appropriate committee(s). After 30 days, the bills may be considered by the full House and Senate and are subject to amendment.

Implementation: Once legislation effecting the Commission's recommendations is enacted, the Office of Management and Budget shall be responsible for implementing it. The General Accounting Office shall report to Congress on the progress of implementation.

GOVERNMENT FOR THE 21ST CENTURY ACT—SECTION-BY-SECTION ANALYSIS

SECITON 1. SHORT TITLE AND PURPOSE

This act may be cited as the ''Government for the 21st Century Act.'' Its purpose is to reduce the cost and increase the effectiveness of the Executive Branch. It achieves this by creating a commission to propose to Congress and the President a plan to reorganize departments and agencies, consolidate redundant activities, streamline operations, and decentralize service delivery in a manner that promotes economy, efficiency, and accountability in government programs.

SECTION 2. DEFINITIONS

This section defines ''agency'' to include all Federal departments, independent agencies, government-sponsored enterprises and government corporations, and defines ''private sector'' as any business, partnership, association, corporation, educational institution, nonprofit organization, or individual.

SECTION 3. THE COMMISSION

This section establishes a commission, known as the Commission on Government Restructuring and Reform, to make recommendations to reform and restructure the Executive Branch. The Commission shall make proposals to consolidate, reorganize or eliminate Executive Branch agencies and programs in order to improve effectiveness, efficiency, consistency and accountability in government. The Commission shall also recommend criteria by which to determine which functions of government should be privatized. The Commission may not propose to continue agencies or functions beyond their current legal authorization, nor may the Commission propose to eliminate enforcement functions entirely or change the rules of either House of Congress.

The Commission shall be composed of 9 members appointed as follows: Three by the President, two by the Majority Leader of the Senate, two by the Speaker of the House of Representatives, and one each by the Minority Leaders of the Senate and House.

The Commission shall be managed by a Director and shall have a staff, which may include detailees. The Office of Management and Budget shall provide support services and the Comptroller General may provide assistance to the Commission.

This section authorizes $2.5 million to be appropriated in fiscal year 2000 and $5 million each for fiscal years 2001 through 2003 for the Commission to carry out its duties. It also provides that the Commission shall terminate no later than September 30, 2003.

SECTION 4. PROCEDURES FOR MAKING RECOMMENDATIONS

By July 1, 2001, the President may submit his recommendations on government reorganization to the Commission. The President's recommendations must be consistent with the duties and limitations given to the Commission in formulating its recommendations and must be transmitted to the Commission as a single legislative proposal.

By December 1, 2002, the commission shall prepare and submit a single preliminary report to the President and Congress. That report must include a description of the Commission's findings and recommendations and the reasons for such recommendations. The proposal must be approved by at lest 6 members of the Commission.

This section also provides that all Federal departments and agencies must cooperate fully with requests for information from the Commission.

SECTION 5. PROCEDURES FOR IMPLEMENTATION OF REPORTS

This section provides that any preliminary report submitted to the President and the Congress under section 4 be made available immediately to the public. During the 60-day period after the submission of the preliminary report, the Commission shall hold public hearings to receive comments on the report.

Six months after the conclusion of the period for public comments, the Commission shall submit a final report to the President. this report shall be made a available to the public and shall include a description of the Commission's findings and recommendations, the reasons for such recommendations, and a single legislative proposal to implement the recommendations.

The President shall then approve or disapprove the report within 30 days. If he fails to act after 30 days, the report is immediately submitted to Congress. If the President approves the report, he then shall submit the report to Congress for legislative action under section 6.

If he disapproves the final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and Congress. For 30 days after the President disapproves a report, the Commission may consider any issues and objections raised by the President and may modify the report with respect to these issues and objections. After 30 days, the Commission must submit its final report (as modified if modified) to the President and Congress.

SECTION 6. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS

After a final report is submitted to the Congress, single implementation bill shall be introduced by request in the House and Senate by the Majority and Minority Leaders in each chamber or their designees.

This section stipulates that the implementation bill be referred to the appropriate committee of jurisdiction in the House and Senate. Each committee must report the bill to its respective House chamber within 30 days, with relevant amendments proposed to be adopted. If a committee fails to report such a bill within 30 days, that committee is immediately discharged from further consideration and the bill is placed on the appropriate calendar.

Section 6(c) outlines procedures for Senate floor consideration of legislation implementing the Commission's recommendations. On or after the fifth calendar day after the date on which the implementation bill is placed on the Senate calendar, any Senator may make a privileged motion to consider the implementation bill. Only relevant amendments shall be in order, and motions to postpone, recommit, or reconsider the vote by which the bill is agreed to are not in order.

Section 6(d) outlines procedures for House floor consideration of legislation implementing the Commission's recommendations. General debate on the implementation bill is limited to 10 hours equally divided, and controlled by the Majority and Minority Leaders. Amendments shall be considered by title under the five minute rule, and shall be debatable for 30 minutes equally divided. Debate on all amendments shall not exceed 20 hours.

This section further states that within 20 calendar days, conferees shall report to their respective House.

SECTION 7. IMPLEMENTATION

The Office of Management and Budget shall have primary responsibility for implementing the Commission's report and any legislation that is enacted, unless otherwise specified in the implementation bill.

Federal departments and agencies are required to include a schedule for implementation of the provisions of the implementation legislation as a part of their annual budget request.

GAO is given oversight responsibility and is required to report to the Congress and the President regarding the accomplishments, costs, timetable, and effectiveness of the implementation process.

SECTION 8. DISTRIBUTION OF ASSETS

Any proceeds from the sale of assets of any department or agency resulting from the implementation legislation shall be deposited in the treasury and treated as general receipts.

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators THOMPSON, VOINOVICH, BROWNBACK and ROTH today to introduce the Government for the 21st Century Act. This bill provides an opportunity to address the challenges our government will face in the new millennium. Our country is undergoing rapid changes—changes brought about by technological advancements, by our expanding and increasingly global economy, and by the new and more diverse threats to our nation and our world. It is essential for our government to be prepared to respond effectively to these challenges.

We should take the opportunity now to rethink the structure of our government to be sure it can meet the needs of our citizens in the years to come. The Commission that will be established under this bill will have a critical task—to study the current shape of our government and to make recommendations about how we can improve its efficiency and effectiveness, streamline its operations, and eliminate unnecessary duplication.

I view the bill we are introducing today as a discussion draft. Our goal is to hear from a wide range of experts on government and management. I look

forward to reviewing new ideas that will enhance the value of the Commission's work. For example, I intend to recommend that the Commission focuses on the enormous potential benefit of ''E-government.'' The Commission should consider how government can be restructured to promote the innovative use of information technology. American citizens increasingly expect services and information to be provided electronically through Internet-based technology. While the federal government is working to take advantage of the opportunities technology presents to do its job better, more needs to be done to fully integrate these capabilities and to offer services and information to Americans in a more accessible and cost-effective way.

I look forward to working with Senators THOMPSON, BROWNBACK, ROTH and VOINOVICH on this important legislation.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. JOHNSON, and Mr. HARKIN):

S. 2307. A bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RURAL BROADBAND ENHANCEMENT ACT

Mr. DORGAN. Mr. President, today I am, along with Senator DASCHLE, Senator BAUCUS and Senator JOHNSON, introducing the Rural Broadband Enhancement Act to deploy broadband technology to rural America. As the demand for high speed Internet access grows, numerous companies are responding in areas of dense population. While urban America is quickly gaining high speed access, rural America is—once again—being left behind. Ensuring that all Americans have the technological capability is essential in this digital age. It is not only an issue of fairness, but it is also an issue of economic survival.

To remedy the gap between urban and rural America, this legislation gives new authority to the Rural Utilities Service to make low interest loans to companies that are deploying broadband technology to rural America. Loans are made on a company neutral and a technology neutral basis so that companies that want to serve these areas can do so by employing technology that is best suited to a particular area. Without this program, market forces will pass by much of America, and that is unacceptable.

This issue is not a new one. When we were faced with electrifying all of the country, we enacted the Rural Electrification Act. When telephone service was only being provided to well-populated communities, we expanded the Rural Electrification Act and created the Rural Utilities Service to oversee rural telephone deployment. The equitable deployment of broadband services is only the next step in keeping America connected, and our legislation would ensure that.

If we fail to act, rural America will be left behind once again. As the economy moves further and further towards online transactions and communications, rural America must be able to participate. Historically, our economy has been defined by geography, and we in Congress were powerless to do anything about it. Where there were ports, towns and businesses got their start. Where there were railroad tracks, towns and businesses grew up around them. The highway system brought the same evolution.

But the Internet is changing all of that. No longer must economic growth be defined by geographic fiat. Telecommunications industries and policymakers are proclaiming, ''Distance is dead!'' But, that's not quite right: Distance will be dead, as long as Congress ensures that broadband services are available to all parts of America, urban and rural.

I look forward to working with Senator DASCHLE, Senator BAUCUS, Senator JOHNSON and my other colleagues in the Senate to pass this legislation and give rural America a fair chance to survive.

By Mr. MOYNIHAN (for himself, Mr. GRAHAM, and Mrs. FEINSTEIN):

S. 2308. A bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program; to the Committee on Finance.

THE MEDICAID SAFETY NET HOSPITAL ACT OF 2000

Mr. MOYNIHAN. Mr. President, today, I join with my colleagues, Senators GRAHAM and FEINSTEIN, in introducing legislation to ensure that our safety net hospitals continue to be able to care for the poor and the uninsured.

The Medicaid Disproportionate Share Hospital (DSH) program provides vital funding to safety net hospitals that primarily serve Medicaid and uninsured patients. The Balanced Budget Act of 1997 placed declining state-specified ceilings on federal Medicaid DSH spending from 1998–2002. In 2003, the limits will begin to be adjusted upwards for inflation. The Medicaid Safety Net Hospital Act of 2000 would freeze the state-specific caps at this year's limits (thereby preventing further declines in the limits) and adjust them for inflation beginning in 2002.

It is essential to provide much-needed support to our safety net hospitals. The number of uninsured in the United States increases every year, in part because of declining Medicaid enrollment as a result of welfare reform. There are now 44 million Americans without health insurance who have no choice but to turn to the emergency rooms of safety net hospitals for care. Yet, even as demands on safety net hospitals increase, DSH spending per State is being further reduced. The Medicaid Safety Net Hospital Act of 2000 would maintain significant savings achieved by prior reductions but would protect safety net hospitals from further DSH cuts. As a result, hospitals would have access to the financing they need for achieving their social mission.

Mr. President, Congress should act now to preserve the financial ability of our safety net hospitals to provide health care to the poor and uninsured/

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2308

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 ''Medicaid Safety Net Hospital Act of 2000''.

SEC. 2. FREEZING MEDICAID DSH ALLOTMENTS FOR FISCAL YEAR 2001 AT LEVELS FOR FISCAL YEAR 2000.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking ''2002'' and inserting ''2001'';

(B) in the matter preceding the table, by striking ''2002'' and inserting ''2001 (and the DSH allotment for a State for fiscal year 2001 is the same as the DSH allotment for the State for fiscal year 2000, as determined under the following table)''; and

(C) by striking the columns in the table relating to FY 01 and FY 02 (fiscal years 2001 and 2002); and

(2) in paragraph (3)—

(A) in the heading, by striking ''2003'' and inserting ''2002''; and

(B) in subparagraph (A), by striking ''2003'' and inserting ''2002''.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Medicaid Safety Net Hospital Act of 2000, a bill that would freeze Medicaid Disproportionate Share Hospital (DSH) payments to hospitals at their 2000 level for Fiscal Year 2001 and 2002. I hope the Senate can act promptly on this bill.

The number of people in our nation who have no medical insurance has hit some 44 million. This is tragic. More than 100,000 people join the ranks of the uninsured monthly. We cannot continue to reduce payments to hospitals that provide care for the uninsured. We cannot balance the budget on the backs of poor people who show up at emergency rooms with no insurance or on the backs of the hospitals that tend to them.

California bears a disproportionate burden of uncompensated care. Twenty-four percent of our population is uninsured. Nationwide, the rate is 17 percent. Currently, over 7 million Californians are uninsured. During the past few months, I have met with many California health care leaders. They fear that the Medicaid cuts contained in the Balanced Budget Act of 1997 have undermined the financial stability of California's health care system, which many believe to be on the verge of collapse.

As a result of Medicaid reductions in the Balanced Budget Act of 1997, California's Medicaid Disproportionate

Share Hospital program could lose more than $280 million by 2002. Federal Medicaid DSH payments to California have declined by more than $116 million in the past two years and are slated to be cut by an additional $164 million—17 percent—over the next two years.

Without this bill, for example, by Fiscal Year 2002 Los Angeles County-University of Southern California Medical Center will lose $13.5 million. San Francisco General will lose $5.2 million. Fresno Community Hospital will lose $10.5 million. Over 132 California hospitals, representing rural and urban communities, depend on Medicaid DSH payments. Under this bill, millions of dollars will be restored to California public hospitals.

Public hospitals carry a disproportionate share of caring for the poor and uninsured. Forty percent of all California uninsured hospital patients were treated at public hospitals in 1998, up from 32 percent in 1993. The uninsured as a share of all discharges from public hospitals grew from 22 percent in 1993 to 29 percent in 1998. While overall public hospital discharges declined from 1993 to 1999 by 15 percent, discharges for uninsured patients increased by 11 percent. Large numbers of uninsured add huge uncompensated costs to our public hospitals.

The uninsured often choose public hospitals and frequently wait until their illnesses or injuries require emergency treatment. This makes their care even more costly. California's emergency rooms are strained to the breaking point. Last week at a California State Senate hearing, Dr. Dan Abbott, an emergency room physician at St. Jude Hospital in Fullerton, California said: ''We feel that emergency care in California is overwhelmed, it's underfunded and at times, frankly, it is out-and-out dangerous.'' Statewide, 19 emergency rooms have closed since 1997 despite an increase in the number of uninsured requiring care. The burden to provide care is put on those hospitals who have managed to remain open, and many of those hospitals are currently facing financial problems of their own.

California's health care system, in the words of a November 15th Wall Street Journal article, is a ''chaotic and discombobulated environment.'' It is stretched to the limit:

Thirty-seven California hospitals have closed since 1996, and up to 15 percent more may close by 2005.

Earlier this month, Scripps Memorial Hospital East County closed its doors due in part to reimbursement problems.

Eighty-six California hospitals operated in the red in 1999.

Academic medical centers, which incur added costs unique to their mission, are facing margins reduced to zero and below.

Sixty-two percent of California hospitals are now losing money. Due to the large number of Medicare and Medicaid patients, sixty-nine percent of California's rural hospitals lost money in 1998, according to the California Healthcare Association.

Hospitals have laid off staff, limited hours of operation, and discontinued services.

California physician groups are failing at the rate of one a week, with 115 bankruptcies or closures since 1996.

In short, restoring Medicaid cuts is crucial to stabilizing California's health delivery system.

Circumstances have changed since 1997 when we passed the Balanced Budget Act. We have eliminated the federal deficit. Because we have a robust economy, lower inflation, higher GDP growth and lower unemployment, we also have lowered Medicaid spending growth more than anticipated. This climate provides us an opportunity to revisit the reductions contained in the Balanced Budget Act of 1997 and to strengthen the stability of health care services, a system that in my State is on the verge of unraveling.

We need to pass this bill. Without it, we could have a more severe health care crisis on our hands, especially in California. I urge my colleagues to join me in passing this bill.

By Mr. DASCHLE:

S. 2309. A bill to establish a commission to assess the performance of the civil works function of the Secretary of the Army; to the Committee on Environment and Public Works.

CORPS OF ENGINEERS CIVIL WORKS INDEPENDENT INVESTIGATION AND REVIEW ACT

Mr. DASCHLE. Mr. President, over the last couple of months the Washington Post has published a number of very troubling articles about the operations of the U.S. Army Corps of Engineers.

These stories expose the existence of independent agendas within the Corps. They suggest cost-benefit analyses rigged to justify billion dollar projects; disregard for environmental laws, and a pattern of catering to special interests.

The actions described in the Post articles raise serious questions about the accountability of the Corps. And they present a compelling case for a thorough review of the agency's operations and management.

And it is not only the Post articles that cause me to believe this.

The Corps' current effort to update the Missouri River Master Control Manual—the policy document that governs the Corps' management of the river from Montana to Missouri—illustrates not only that the Corps can be indifferent to the environment. Too often, it actually erects institutional barriers that make achieving certain critical ecological goals difficult or impossible.

This ought to be a concern to all Americans. It is a deep concern to South Dakotans. The Missouri runs down the center of our state and is a major source of income, recreation and pride for us.

More than 40 years ago, the Corps built dams up and down the Missouri River in order to harness hydroelectric power. In return, it promised to manage the river wisely and efficiently.

That promise has not been kept.

Silt has built up, choking the river in several spots.

In recent years, studies have been done to determine how to restore the river to health. An overwhelming amount of scientific and technical data all point to the same conclusion.

The flow of the river should more closely mimic nature. Flows should be higher in the spring, and lower in the summer—just as they are in nature.

Yet the Corps proposes to continue doing largely what it has been doing all these years—knowing the consequences, knowing exactly what the practices have produced now for the last 50-plus years.

The agency's refusal to change will further jeopardize endangered species. And, it will continue to erode the recreational value of the river, which is 12 times more important to the economy than its navigational value.

Why does the Corps insist—despite all the evidence—on this course?

It does it to protect the barge industry—a $7 million-a-year industry that American taxpayers already spend $8 million a year to support. $8 million. That's how much American taxpayers pay each year for channel maintenance, to accommodate the barge industry.

The Washington Post suggests that the Corps handling of the Missouri River Master Manual is not an isolated case.

The Post articles contain allegations by a Corps whistleblower who says that a study of proposed upper-Mississippi lock expansions was rigged to provide an economic justification for that billion-dollar project.

In response to these allegations, the Corps' own Office of Special Counsel concluded that the agency—quote—''probably broke laws and engaged in a gross waste of funds.''

In my own dealings with the Corps of Engineers, I too have experienced the institutional problems recorded so starkly in the Post series.

In South Dakota, where the Corps operates four hydroelectric dams, we have fought for more than 40 years to force the agency to meet its responsibilities under the 1958 Fish and Wildlife Coordination Act and mitigate the loss of wildlife habitat resulting from the construction of those dams.

For 40 years, the Corps has failed to meet those responsibilities.

That is why I have worked closely with the Governor of my state, Bill Janklow, and with many other South Dakotans, to come up with a plan to transfer of Corps lands back to the state of South Dakota and two Indian tribes.

Unfortunately, instead of attempting to work with us, the Corps is fighting us.

The litany of excuses, scare tactics and misinformation the Corps employed to try to defeat our proposal is outrageous. It appears Corps officials are not nearly as concerned with preserving the river as they are with preserving their own bureaucracy.

After the legislation was enacted, the Chief of the Engineers, General Joseph Ballard continued to resist its implementation. In fact, my own experiences with the Corps, and the experiences of other members, repeatedly demonstrates General Ballard's unwillingness to follow civilian direction and ensure the faithful implementation of the law.

When considered in the context of the litany of problems that have come to light in the Post series, Congress has no choice but to consider seriously moving the responsibilities of the Corps from the Army and placing them within the Department of the Interior. Too much power now is concentrated in the hands of the Chief of the Engineers, and that power too often has been abused.

General Ballard's lack of responsiveness to the law, to meeting environmental objectives and to civilian direction, has serious consequences for individual projects.

Beyond that, it raises very troubling questions about the lack of meaningful civilian control over this federal agency.

In a democracy, institutions of government must be held accountable. That is the job of Congress—to hold them responsible.

The existence of separate agendas within the Corps bureaucracy cannot be tolerated if our democracy is to succeed in representing the will of the people. Its elected representatives and the civil servants appointed by them must maintain control of the apparatus of government.

Moreover, contempt for environmental laws and self-serving economic analyses simply cannot be tolerated if Congress is to make well-informed decisions regarding the authorization of expensive projects, and if the American taxpayer is to be assured that federal monies are being spent wisely.

The Corps of Engineers provides a valuable national service. It constructs and manages needed projects throughout the country.

The size and scope of the biannual Water Resources Development Act is clear evidence of the importance of the Corps' civil works mission.

Because the Corps' work is so critical, it is essential that steps be taken immediately to determine the extent of the problems within the agency—and to design meaningful and lasting reforms to correct them.

Our nation needs a civil works program we can depend on. We need a Corps of Engineers that conducts credible analysis.

We need a Corps that balances economic development and environmental protection as required by its mandate—not one that ignores environmental laws as it chooses.

History does not offer much room for confidence that the Army Corps of Engineers can meet these standards under its current management structure. Therefore, I am introducing legislation today to establish an independent Corps of Engineers Investigation and Review Commission.

The commission will take a hard and systemic look at the agency and make recommendations to Congress on needed reforms.

It will examine a number of issues, including:

The effectiveness of civilian control in the Corps, particularly the effectiveness of the relationship between uniformed officers and the Assistant Secretary for civil works with regard to responsiveness, lines of authority, and coordination;

The Corps' compliance with environmental laws—including the Fish and Wildlife Coordination Act, the Endangered Species Act and NEPA—in the design and operation of projects;

The quality and objectivity of the agency's scientific and economic analysis;

The extent to which the Corps coordinates and cooperates with other state and federal agencies in designing and implementing projects;

The appropriateness of the agency's size, budget and personnel; and

Whether the civil works program should be transferred from the Corps to a civilian agency, and whether certain responsibilities should be privatized.

Mr. President, I urge my colleagues to review this legislation.

It is my hope that all those who care about the integrity of the Army Corps of Engineers and its mission will support this effort to identify and implement whatever reforms are necessary to rebuild public support for its work.

I ask unanimous consent that the full text of the legislation be printed in the CONGRESSIONAL RECORD.

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

S. 2309

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 ''Corps of Engineers Civil Works Independent Investigation and Review Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Corps of Engineers Civil Works Independent Investigation and Review Commission established under section 3(a).

(2) SESSION DAY.—The term ''session day'' means a day on which both Houses of Congress are in session.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the President shall establish a commission to be known as the ''Corps of Engineers Civil Works Independent Investigation and Review Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of not to exceed 18 members, and shall include—

(A) individuals appointed by the President to represent—

(i) the Department of the Army;

(ii) the Department of the Interior;

(iii) the Department of Justice;

(iv) environmental interests;

(v) hydropower interests;

(vi) flood control interests;

(vii) recreational interests;

(viii) navigation interests;

(ix) the Council on Environmental Quality; and

(x) such other affected interests as are determined by the President to be appropriate; and

(B) 6 governors from States representing different regions of the United States, as determined by the President.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 180 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) IN GENERAL.—The President shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) NO CORPS REPRESENTATIVE.—The Chairperson and the Vice Chairperson shall not be representatives of the Department of the Army (including the Corps of Engineers).

SEC. 4. INVESTIGATION OF CORPS OF ENGINEERS.

Not later than 2 years after the date of enactment of this Act, the Commission shall complete an investigation and submit to Congress a report on the Corps of Engineers, with emphasis on—

(1) the effectiveness of civilian control over the civil works functions of the Corps of Engineers, particularly the effectiveness of the relationship between uniformed officers and the office of the Assistant Secretary of the Army for Civil Works with respect to—

(A) responsiveness;

(B) lines of authority; and

(C) coordination;

(2) compliance through the civil works functions of the Corps of Engineers with environmental laws in the design and operation of projects, including—

(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(3) the quality and objectivity of scientific, environmental, and economic analyses by the Corps of Engineers, including the use of independent reviewers of analyses performed by the Corps;

(4) the extent of coordination and cooperation by the Corps of Engineers with other Federal and State agencies in designing and implementing projects;

(5) whether the size of the Corps of Engineers is appropriate, including the size of the budget and personnel of the Corps;

(6) whether the management structure of the Corps of Engineers should be changed, and, if so, how the management structure should be changed;

(7) whether any of the civil works functions of the Corps of Engineers should be transferred from the Department of the Army to a civilian agency or should be privatized;

(8) whether any segments of the inland water system should be closed;

(9) whether any planning regulations of the Corps of Engineers should be revised to give equal consideration to economic and environmental goals of a project;

(10) whether any currently-authorized projects should be deauthorized;

(11) whether all studies conducted by the Corps of Engineers should be subject to independent review; and

(12) the extent to which the benefits of proposed projects—

(A) exceed the costs of the projects; or

(B) accrue to private interests.

SEC. 5. POWERS.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal department or agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the department or agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or personal property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $10,000,000 for each of fiscal years 2001 through 2003, to remain available until expended.

SEC. 8. TERMINATION OF COMMISSION.

The Commission shall terminate on the date on which the Commission submits the report to Congress under section 4(a).

By Mr. COVERDELL (for himself, Mr. LEAHY, Mr. HELMS, and Mr. DEWINE):

S.J. Res. 43. A joint resolution expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru; read the first time.

SUPPORT FOR ELECTIONS AND DEMOCRACY IN PERU

Mr. COVERDELL. Mr. President, I rise today to introduce a joint resolution urging free and fair elections and respect for democratic principles in Peru. I join with my colleagues, Senator LEAHY, Senator HELMS, and Senator DEWINE to express concern about the transparency and fairness of the current electoral campaign in Peru.

Several independent election monitors have issued distressing reports on the conditions surrounding the upcoming April 9 elections in Peru. A Carter Center/National Democratic Institute delegation has concluded that conditions for a free election campaign have not been established. Their report states that ''the electoral environment in Peru is characterized by polarization, anxiety and uncertainties . . . Irreparable damage to the integrity of the electoral process has already been done.'' The Organization of American States (OAS) has come to similar conclusions. An OAS special rapporteur recently concluded that ''Peru lacks that necessary conditions to guarantee the complete exercise of the right to express political ideas that oppose or criticize the government.''

These reports, and others, detail the Peruvian Government's control of key official electoral agencies, systematic restrictions on freedom of the press, manipulation of the judicial process to stifle independent news outlets, and harassment or intimidation of opposition politicians—all with the aim of limiting the ability of opposition candidates to campaign freely. Such reports raise serious concerns about the openness in which the electoral campaign is being conducted and whether free and fair elections will actually occur.

Mr. President, this is a disturbing, though not necessarily surprising, trend for a government that already has an inconsistent record on democracy and the rule of law. Despite his many accomplishments, President Fujimori has often demonstrated little respect for democratic principles—his infamous ''auto-coup'', or dissolution of Congress, and his current bid for a third Presidential term being the best examples. In addition, the current crackdown on independent media highlights Peru's dismal record on press freedom under Fujimori. Freedom House rates only two countries in the Hemisphere, Peru and Cuba, as having a press that is ''not free.'' According to Freedom House, since 1992 media outlets have been pressured into self-censorship or exile by a government campaign of intimidation, abductions, death threats, arbitrary detention, and physical mistreatment. The case of Baruch Ivcher is a good example. In September 1997, a government-controlled court stripped Ivcher of his media business and his Peruvian citizenship after the station ran reports linking the military to torture and corruption. In 1998, Ivcher was sentenced in absentia to 12 years imprisonment.

The continued intimidation of journalists, and the lack of truly independent judicial and legislative branches threaten democracy and the rule of law in Peru. Indeed, Peru, could be said to be undergoing a ''slow-motion coup.'' Though not under attack in a violent or conspicuous manner, democracy and the rule of law in Peru are increasingly in question.

Mr. President, if one considers the incredible spread of democracy around the world over the last century, and in particular over the last twenty years, such a development is indeed disturbing. Consider the following: according to Freedom House, of the 192 sovereign states in existence today, 119 of them are considered true democracies. In 1950, just 22 countries were democracies, meaning that nearly 100 nations have made the transition over this half century. Nowhere was there a more dramatic change than in our own back yard. In 1981, 18 of the 33 nations in the hemisphere were under some

form of authoritarian rule. By the beginning of the 1990's, all but one—Castro's Cuba—had freely elected heads of state.

Despite these gains, freedom in the hemisphere remains fragile and uncertain—Peru being just one example. After 7 years of neglect by the current administration, some of the hard-fought victories for freedom in Latin America are weakened and in jeopardy. There is no doubt that if the elections are not deemed to be free and fair, it will represent a major setback for the people of Peru and for democracy in the hemisphere.

Mr. President, we must recommit ourselves to nurturing and protecting the gains of freedom around the world, but with great attention on our own hemisphere. A message must be sent to President Fujimori that if democratic processes are not respected, their economic and diplomatic relations will suffer. This message should be unanimous from every nation in the region, and not just from the United States. A breach of democracy, especially in this hemisphere, must not be allowed to stand.

I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

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

S.J. RES. 43

Whereas presidential and congressional elections are scheduled to occur in Peru on April 9, 2000;

Whereas independent election monitors have expressed grave doubts about the fairness of the electoral process due to the Peruvian Government's control of key official electoral agencies, systematic restrictions on freedom of the press, manipulation of the judicial processes to stifle independent reporting on radio, television, and newspaper outlets, and harassment and intimidation of opposition politicians, which have greatly limited the ability of opposing candidates to campaign freely; and

Whereas the absence of free and fair elections in Peru would constitute a major setback for the Peruvian people and for democracy in the hemisphere, could result in instability in Peru, and could jeopardize United States antinarcotics objectives in Peru and the region: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress Assembled, That it is the sense of Congress that the President of the United States should promptly convey to the President of Peru that if the April 9, 2000 elections are not deemed by the international community to have been free and fair, the United States will modify its political and economic relations with Peru, including its support for international financial institution loans to Peru, and will work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

Mr. LEAHY. Mr. President, today I am joining Senators COVERDELL, DEWINE and HELMS in introducing a Joint Resolution regarding the presidential and congressional elections in Peru, which are scheduled for April 9. I want to thank the other sponsors for their leadership and concern for these issues.

These elections have generated a great deal of attention and anticipation, and they have also focused a spotlight on President Fujimori, who is running for an unprecedented third term. He is doing so after firing three of the country's Supreme Court judges, who had determined that a third term was barred by Peru's Constitution.

President Fujimori has often been praised for what he has accomplished since he first took office in 1990. He success in defeating the brutal Sendero Luminoso insurgency, combating cocaine trafficking, and curbing soaring inflation has brought stability and greater economic opportunities.

These are important achievements. Unfortunately, they have often been accomplished through the strong arm tactics of a president who has shown a disturbing willingness to run roughshod over democratic principles and institutions.

In the run up to the April 9th election, President Fujimori's and his supporter's disrespect for democratic procedures and the conditions necessary for free and fair elections has rarely been so blatant.

Journalists and independent election observer groups cite the Peruvian Government's control of key official electoral agencies, systematic restrictions on freedom of the press, manipulation of the judicial process, alleged falsification of electoral petitions and harassment and intimidation of opposition politicians as just a few of the problems plaguing this process.

In February, the National Democratic Institute and the Carter Center concluded that ''extraordinary, immediate and comprehensive measures'' were necessary if the Peruvian elections are to meet international standards. Those measures have not been taken, and NDI and the Carter Center recently reported that ''irreparable damage to the integrity of the election process has already been done.'' The Clinton administration, to its credit, has expressed grave concerns about the transparent attempts by President Fujimori and his supporters to manipulate the election process.

Mr. President, the results of the Peruvian elections will not be known until the final ballot is counted. But one thing is already clear. If the elections are not deemed to have been free and fair, it will be a major setback for the Peruvian people and for democracy in the hemisphere. And if that happens, the United States must react strongly. We will have no choice but to modify our economic and political relations with Peru, and work to restore democracy to that country.

That is the message of this resolution, and I urge other Senators to support it so we can send as strong a message as possible to President Fujimori and the Peruvian people.

Mr. President, I also want to take this opportunity to mention another matter that has caused me and other Members of Congress great concern. The Peruvian Government recently brought to the United States a former Peruvian Army intelligence officer who was responsible for torturing a woman who was left permanently paralyzed as a result. He was convicted in Peru, but released after a military tribunal reversed his conviction. For reasons that I have yet to get a suitable answer to, the U.S. Embassy granted him a visa to come to the United States to testify at a hearing before the Inter-American Human Rights Commission. That was bad enough. But the fact that the Peruvian Government saw fit to include such a person in its official delegation to appear as a witness in a human rights forum says a great deal about that government, and it should be condemned.

Finally, I want to express my personal concern about Lori Berenson, who was convicted by a Peruvian military court and sentenced to life in prison. The United States Government, other governments, Amnesty International and other independent human rights groups, have all concluded that she was denied due process. I and others have called for her release or trial by a civilian court in accordance with international standards. Innocent or guilty, every person deserves a fair trial, and I would hope that a country that professes to respect human rights would recognize the obvious—that Ms. Berenson's conviction was a miscarriage of justice.

ADDITIONAL COSPONSORS

S. 514

At the request of Mr. COCHRAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 577

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 656

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 764

At the request of Mr. THURMOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration