SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. BOXER (for herself, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

3. Res. 279. A resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on Foreign Relations.

By Mr. WELLSTONE:

S. Res. 280. A resolution expressing the sense of the Senate with respect to United States relations with the Russian Federation in view of the situation in Chechnya; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. KYL, and Mr. GRASSLEY):

S. 2328. A bill to prevent identity fraud in consumer credit transactions and credit reports, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

IDENTITY THEFT PREVENTION ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I rise to send to the desk a bill cosponsored by Senator KYL of Arizona and Senator GRASSLEY of Iowa for reference to committee.

The bill is entitled the ''Identity Theft Prevention Act of 2000.''

The crime of identity theft has become one of the major law enforcement challenges of the new economy because vast quantities of sensitive personal information are now vulnerable to criminal interception and misuse.

What is identity theft? Identity theft occurs when one person uses another person's Social Security number, birth date, driver's license number, or other identifying information to obtain credit cards, car loans, phone plans, or other services in the potential victim's name. Of course, the victim does not know the theft has happened until he or she receives bills for items he or she didn't buy; plans for which he or she didn't contract, and so on.

Identity thieves get personal information in a myriad of ways. They steal wallets and purses containing identification cards. They use personal information found on the Internet. They steal mail, including preapproved credit offers and credit statements. They fraudulently obtain credit reports or they get someone else's personnel records at work.

All indications are that there is an alarming growth of this highly invasive crime. I believe the time has come to do something about it. A national credit bureau has reported that the total number of identity theft inquiries to its Theft Victim Assistance Department grew from 35,000 theft inquiries in 1992 to over one-half million in 1997. That is over a 1,400-percent increase. It is national. It touches every State and it impacts every area of our citizenry.

The United States Postal Inspection Service reports that 50,000 people a year have become victims of identity theft since it first began collecting information on identity theft in the mid-1990s. In total, the Treasury Department estimates that identity theft annually causes between $2 and $3 billion in losses from credit cards alone.

The legislation I introduce today, along with Senators KYL and GRASSLEY, tackles this issue. It makes it harder for criminals to access another person's private information, it gives consumers more tools to uncover fraudulent activity conducted in their name, and it expands the authority of the Social Security Administration to prosecute identity theft.

The Identity Theft Prevention Act makes it harder for criminals to steal personal information. First, it closes a loophole in the Fair Credit Reporting Act that permits personal identifying information such as Social Security numbers, one's mother's maiden name, and birth date to be distributed without restriction to marketers. This sensitive information would be treated under this bill like any other part of the credit report, with its disclosure restricted to businesses needing the data for extensions of credit, employment applications, insurance applications, or other permissible purposes.

This bill codifies, also, the practice of placing fraud alerts on a consumer's credit file and gives the Federal Trade Commission the authority to impose fines against credit issuers that ignore the alert. Too many credit issuers are presently ignoring fraud alerts to the detriment of identity theft victims.

Additionally, the bill requires credit bureaus to investigate discrepancies between their records and the address, birth date, and other personal information submitted as a part of an individual's application for credit, so that telltale signs of fraudulent applications such as incorrect addresses are immediately flagged.

The bill improves how credit card companies monitor requests for new credit cards or changes of address. For example, it requires that credit card holders always be notified at their original address when a duplicate card is sent to a new address.

This legislation also gives consumers more access to the personal information collected about them, which is a critical tool in combating identity theft. Currently, six States—Colorado, Georgia, Massachusetts, Maryland, Vermont, and New Jersey—have statutes that entitle consumers to one free personal credit report annually. This act makes this a national requirement. Every consumer across this Nation would have access to a free credit report. In addition, consumers could review the personal information collected about them by individual reference services for a reasonable fee. With greater access to their own personal information, consumers can proactively check their records for evidence of identity theft and uncover other errors.

We have worked with the staff of the Federal Trade Commission in preparing this legislation. I believe the staff of the FTC is supportive of this bill. This bill is also supported by the Consumer Federation of America.

We try to empower victims in this bill. This legislation calls for measures to help identity theft victims recover from the crime. In cases of identity theft, all too often victims get treated as if they were the criminals. Victims receive hostile notices from creditors who mistakenly believe they have not paid their bills. Victims' access to credit is jeopardized, and they can spend years trying to restore their good name.

This legislation calls upon the credit industry to assist victims in notifying credit issuers of fraudulent charges by developing a single model credit reporting form. However, should the credit industry fail to implement these measures, the Federal Trade Commission would then be authorized to take action.

Maureen Mitchell, an identity theft victim, recently described why this assistance is needed at a hearing before the Judiciary Committee Subcommittee on Terrorism, Technology, and Government Information, a subcommittee on which I am ranking member. She said:

> I have logged over 400 hours of time trying to clear my name and restore my good credit. Words are unable to adequately express the gamut of emotions that I feel as a victim.

Another victim wrote to me:

> I have spent an ungodly number of hours trying to correct the damage that has been done by the individual who stole my identity. Professionally, as a teacher and a tutor, my hours are worth $35. I have been robbed of $5,250 in time. I have been humiliated in my local stores because checks have been rejected at the checkout. I am emotionally drained. I am a victim and Congress needs to recognize me as such.

We try in this bill to do that.

This legislation targets the theft and misuse of another person's Social Security number, a major cause of identity theft. While the Social Security Administration has the ability to impose civil penalties for misusing a Social Security number to falsely obtain government benefits, it has no authority over other offenses involving the misuse of Social Security numbers. This bill gives them that authority. The

Identity Theft Prevention Act authorizes the Social Security Administration to impose civil monetary penalties against any individual who:

(1) knowingly uses another's Social Security number on the basis of false information provided by them or another person;

(2) falsely represents a number to be a Social Security number when it is not;

That means, makes up a number, which people do.

(3) alters a Social Security card; or

(4) compels the disclosure of a Social Security card in violation of the law.

I think these provisions enable the Social Security Administration to throw its full weight into the investigation and civil prosecution of identity theft involving Social Security numbers.

In conclusion, I hope my colleagues find this bill worthy and pass it. This bill implements a number of practical, concrete measures to close down the flow of private information to individuals with criminal intent. In this new technology-driven economy, consumers don't need to be left vulnerable. They shouldn't be left without recourse to predators who are out to steal their good name.

I think we have a very practical solution. It is well thought out. It is well drafted. It has been worked out with the staff of the FTC. My hope is, when it goes to the Banking Committee, that committee would take a good look at it and pass it. This is an increasing problem. There is no reason to believe it will stop. Without Congress providing basic protections to individuals who are the victims, it will continue to grow.

By Mrs. LINCOLN (for herself and Mr. HUTCHINSON):

S. 2329. A bill to improve the administration of the Animal and Plant Health Inspection Service of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

LEGISLATION TO IMPROVE THE ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Mrs. LINCOLN. Mr. President, the Wildlife Services Division of the United States Department of Agriculture needs assistance in expediting proper bird management activities. I am here today to introduce legislation that accomplishes this goal.

Proper migratory bird management is important to the state of Arkansas for a number of reasons. We are deemed ''The Natural State'' due to the numerous outdoor recreational opportunities that exist in the state. Fishing, hunting, and bird watching opportunities abound throughout Arkansas. Maintaining proper populations of wildlife, especially migratory birds, is essential for sustaining a balanced environment.

In Arkansas, aquaculture production has taken great strides in recent years. The catfish industry in the state has grown rapidly and Arkansas currently ranks second nationally in acreage and production of catfish. The baitfish industry is not far behind, selling more than 15 million pounds of fish annually, with a cash value in excess of $43 million. I have been a great supporter of this industry since my days in the House of Representatives and I am concerned about the impact the double breasted cormorant is having on this industry. In the words of one of my constituents, ''The double-crested cormorant has become a natural disaster!'' I am pleased that the Fish and Wildlife Service has agreed to develop a national management plan for the double breasted cormorant. I am hopeful that an effective management program will be the result of these efforts.

One of my first priorities since coming to Congress in 1992 has been to work to make government more efficient and effective. To specifically address what I see as an inequity among government agencies regarding this issue, I am introducing a bill today that gives Wildlife Service employees as much authority to manage and take migratory birds as any U.S. Fish and Wildlife Service employee. After all, Wildlife Services biologists are professional wildlife managers providing the front line of defense against such problems. With this legislation I would like to recognize the excellent job that Wildlife Services has done and is doing for bird management.

Currently, USDA-Wildlife Services is required to apply for and receive a permit from the U.S. Fish and Wildlife Service before they can proceed with any bird collection or management activities. This process is redundant and unnecessary. Oftentimes, Wildlife Services finds that by the time a permit arrives, the birds for which the permit was applied for are already gone. I hope that this legislation will lead to a more streamlined effort for management purposes and I urge both agencies, USDA and the Fish and Wildlife Service, to work together to accomplish this goal.

I would like to thank my colleague from Arkansas, Senator TIM HUTCHINSON, for joining me in this effort and look forward to working with my colleagues to ensure that government is operating efficiently.

By Mr. ROTH (for himself, Mr. MURKOWSKI, Mr. ROBB, Mr. NICKLES, and Mr. MACK):

S. 2330. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication service; to the Committee on Finance.

LEGISLATION TO REPEAL THE TELEPHONE EXCISE TAX

• Mr. ROTH. Mr. President, I rise today—along with Senator BREAUX and others—to introduce a bill to repeal the telephone excise tax. It is a tax that is outdated, unfair, and complex for both consumers to understand and for the collectors to administer. It cannot be justified on any tax policy grounds.

The federal government has had the American consumer on ''hold'' for too long when it comes to this tax. The telephone excise tax has been around for over 102 years. In fact, it was first imposed in 1898—just 22 years after the telephone itself was invented. So quickly was it imposed that it almost seems that Uncle Sam was there to collect it before Alexander Graham Bell could put down the receiver from the first call. In fact, the tax is so old that Bell himself would have paid it!

This tax on talking—as it is known—currently stands at 3%. Today, about 94% of all American families have telephone service. That means that virtually every family in the United States must tack an additional 3% on to their monthly phone bill. The federal tax applies to local phone service; it applies to long distance service; and it even applies in some cases to the extra amounts paid for state and local taxes. It is estimated that this tax costs the American public more than $5 billion per year.

The telephone excise tax is a classic story of a tax that has been severed from its original justifications, but lives on solely to collect money.

In truth, the federal phone tax has had more legislative lives than a cat. When the tax was originally imposed, Teddy Roosevelt was leading the Rough Riders up San Juan Hill. At that time, it was billed as a luxury tax, as only a small portion of the American public even had telephones. The tax was repealed in the early 20th century but then was reinstated at the beginning of World War I. It was repealed and reinstated a few more times until 1941, when it was made permanent to raise money for World War II. In the mid-60s, Congress scheduled the elimination of the phone tax, which had reached levels of 10 and 25 percent. But once again, the demands of war intervened, as the elimination of the tax was delayed to help pay for Vietnam. In 1973, the phone tax began to phase-out, but one year before it was about to be eliminated, it rose up yet again—this time justified by the rationale of deficit reduction—and has remained with us ever since.

This tax is a pure money grab by the federal government—it does not pass any of the traditional criteria used for evaluating tax policy. First, this phone tax is outmoded. Once upon a time, it could have been argued that telephone service was a luxury item and that only the rich would be affected. As we all know, there is nothing further from the truth today.

Second, the federal phone tax is unfair. Because this tax is a flat 3%, it applies disproportionately to low and middle income people. For example, studies show that an American family making less than $50,000 per year spends at least 2% of its income on telephone service. A family earning less than $10,000 per year spends over 9% of its income on telephone service. Imposing a tax on those families for a

service that is a necessity in a modern society is simply not fair.

Third, the federal phone tax is complex. Once upon a time, phone service was simple—there was one company who provided it. It was an easy tax to administer. Now, however, phone service is intertwined with data services and Internet access, and it brings about a whole new set of complexities. For instance, a common way to provide high speed Internet access is through a digital subscriber line. This DSL line allows a user to have simultaneous access to the Internet and to telephone communications. How should it be taxed? Should the tax be apportioned? Should the whole line be tax free? And what will we do when cable, wireless, and satellite companies provide voice and data communications over the same system? The burdensome complexity of today will only become more difficult tomorrow.

As these questions are answered, we run the risk of distorting the market by favoring certain technologies. There are already numerous exceptions and carve-outs to the phone tax. For instance, private communications services are exempt from the tax. That allows large, sophisticated companies to establish communications networks and avoid paying any federal phone tax. It goes without saying that American families do not have that same option.

With new technology, we also may exacerbate the inequities of the tax and contribute to the digital divide. For example, consider two families that decide it's time to connect their homes to the Internet. The first family installs another phone line for regular Internet access. The second family decides to buy a more expensive, dedicated high speed line for Internet access. The first family definitely gets hit with the phone tax, while the second family may end up paying no tax at all on their connection. I can't see any policy rationale for that result.

Speaking of complexity, let me ask if anyone has taken a look at their most recent phone bill. It is a labyrinth of taxes and fees piled one on top of another. We may not be able to figure out what all the fees are for; but we do know that they add a big chunk to our phone bill. According to a recent study, the mean tax rate across the country on telecommunications is slightly over 18%. That is about a 6% rise in the last 10 years. In my little state of Delaware, the average tax rate on telecommunications now stands at 12%. I can't control the state and local taxes that have been imposed, but I can do my part with respect to the federal taxes. I seek to remove this burden from the citizens of my state—and all Americans across the country.

The technological changes in America have increased productivity and revolutionized our economy. As members of Congress, we need to make sure that our tax policies do not stifle that economic expansion. We should not adhere to policies that are a relic from a different time. In 1987, even before the deregulation of the telecommunications market, the Treasury Department concluded that there were ''no strong arguments in favor of the communications excise tax.''

In today's economy, the arguments for repeal are even stronger. Earlier this year, the National Governors Association issued a report concluding that ''policymakers need to create a telecommunications tax structure that more accurately reflects the new economic realities of the market and to ensure that current state tax policy does not inhibit growth in the telecommunications industry.'' Moreover, the Advisory Commission on Electronic Commerce, which Congress established to study the issue of Internet taxation, appears to have reached near unanimous agreement that the phone excise tax should be repealed.

Mr. President, it is time to end the federal phone tax. For too long while America has been listening to a dial tone, Washington has been hearing a dollar tone. This tax is outmoded. It has been here since Alexander Graham Bell himself was alive. It is unfair. We are today taxing a poor family with a tax that was originally meant for luxury items. And it is complex. Only a communications engineer can today understand the myriad of taxes levied on a common phone bill and only the federal government has the wherewithal to keep track of who and what will be taxed. Mr. President, it is time we hung up the phone tax once and for all. I urge my colleagues to join me in supporting its repeal.●

● Mr. ROBB. Mr. President, I rise today to introduce legislation with several of my colleagues on the Finance Committee to repeal the telephone excise tax that originated during the Spanish American War. Fiscal discipline in the past seven years has put us in a position that we could not have imagined even a few short years ago. We now have opportunities to strengthen Social Security and Medicare, pay down our burgeoning national debt and make investments that keep our economy rolling. Along the way, we will have opportunities to correct inequities in the Tax Code. Currently, all users of telephone services pay a 3% excise tax on their use. Repealing this tax will make phone service and internet access more affordable for hard-working families. In order to decrease the expanding digital divide, we must eliminate policies that discourage families from connecting to the internet. While I continue to believe that the best use of our growing surplus is to pay down the debt and strengthen Social Security and Medicare, I am pleased that we are entering a period where we can consider legislation that will sustain our high technology growth at the same time that we are shrinking the digital divide.●

● Mr. BREAUX. Mr. President, I am pleased to cosponsor with my distinguished colleague, Senator ROTH, a bill that will repeal the federal excise on telephone service. This tax is outdated, highly regressive and has lasted entirely too long.

The ''tax on talking'' was originally levied as a luxury tax to fund the Spanish-American War. At the time, only a small number of wealthy individuals had access to telephone service. Telephones are no longer luxuries that only the very wealthy can afford. They are basic fixtures in every American household. And with the creation of the Internet, telephone service has become the lifeline of the new economy. This expansion of telephone service and its many uses has revealed the regressive nature of the ''tax on talking.'' Today, it is low-income families who are hit the hardest by this excise tax, since they pay a higher percentage of their income on telephone service than higher income families.

Mr. President, with the almost universal subscription to telephone service, the repeal of this telephone tax would provide tax relief to virtually every family in the United States. I urge my colleagues to cosponsor this important piece of legislation. It is time we ended over 100 years of Americans paying this regressive and unnecessary tax on telephone service.●

By Mr. HOLLINGS:

S. 2331. A bill to direct the Secretary of the Interior to recalculate the franchise fee owned by Fort Sumter Tours, Inc., a concessioner providing services to Fort Sumter National Monument, South Carolina; to the Committee on Energy and Natural Resources.

FORT SUMTER NATIONAL MONUMENT CONCESSIONS

● Mr. HOLLINGS. Mr. President, I rise today to introduce legislation in an attempt to settle a long-standing dispute between the National Park Service (NPS) and Fort Sumter Tours, Inc. (FST) regarding the calculation of FST's Concessioner Franchise Fees.

Fort Sumter National Monument was established by Congress in 1948 and is located in the harbor of Charleston, South Carolina. Congress directed that the National Park Service (NPS) ''Shall maintain and preserve it [the fort] for the benefit and enjoyment of the people of the United States.'' (16 USC 450ee et. seq.)

Since 1962, the private concessioner, Fort Sumter Tours, Inc. (FST), has provided visitors with service to this national monument. In 1985, FST was asked by NPS to acquire a new landside docking facility and invest in a new boat that would cost FST over $1 million. In exchange for these investments, an agreement was reached between FST and the NPS to provide a fifteen-year contract, with a franchise fee set by the NPS at 4.25 percent of gross receipts.

By statutory law all park concessionaires are required to pay a franchise fee based upon a percentage of

their gross receipts. In 1992 the NPS unilaterally attempted to increase FST's franchise fee from 4.25 percent to 12 percent and a dispute has existed ever since. This increase was based upon a Franchise Fee Analysis (FFA) prepared by the NPS, which FST claims to be inconsistent with Park Service guidelines existing at that time. I believe if errors have been made they need to be corrected.

While the Courts have ruled that the NPS has the authority to raise the franchise fee, that is not the actual dispute. The actual dispute is whether the NPS calculated the increase in these fees appropriately. This legislation provides for arbitration between FST and the NPS to settle a dispute that has lasted for almost eight years. By the NPS's own account, FST has been a valuable service benefiting thousands and thousands of visitors to Fort Sumter National Monument. It is time for the NPS and FST to settle their differences and move forward.

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

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

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

SECTION 1. RECALCULATION OF FRANCHISE FEE.

(a) DEFINITIONS.—In this section:

(1) FRANCHISEE.—The term ''franchisee'' means Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, South Carolina.

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

(b) RECALCULATION OF FRANCHISE FEE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(1) recalculate the amount (if any) of the franchise fee owed by the franchisee; and

(2) notify the franchisee of the recalculated amount.

(c) ARBITRATION.—

(1) IN GENERAL.—If the amount of the franchise fee as recalculated under subsection (a) is not acceptable to the franchisee—

(A) the franchisee, not later than 5 days after receipt of notification under subsection (b)(2), shall so notify the Secretary; and

(B) the amount of the franchise fee owed shall be determined through binding arbitration that provides for a trial-type hearing that—

(i) includes the opportunity to call and cross-examine witnesses; and

(ii) is subject to supervision by the United States District Court for the District of Columbia in accordance with the title 9, United States Code.

(2) SELECTION OF ARBITRATOR OR ARBITRATION PANEL.—

(A) AGREEMENT ON ARBITRATOR.—For a period of not more than 30 days after the franchisee gives notification under paragraph (1)(A), the Secretary and the franchisee shall attempt to agree on the selection of an arbitrator to conduct the arbitration.

(B) PANEL.—If at any time the Secretary or the franchisee declares that the parties are unable to agree on an arbitrator—

(i) the Secretary and the franchisee shall each select an arbitrator;

(ii) not later than 10 days after 2 arbitrators are selected under clause (i), the 2 arbitrators shall select a third arbitrator; and

(iii) the 3 arbitrators shall conduct the arbitration.

(3) COMMENCEMENT AND COMPLETION.—An arbitration proceeding under paragraph (1)—

(A) shall commence not later than 30 days after the date on which an arbitrator or arbitration panel is selected under paragraph (2); and

(B) shall be completed with a decision rendered not later than 240 days after that date.

(4) APPLICABLE LAW.—

(A) RELEVANT TIME PERIOD.—The law applicable to the recalculation of the franchise fee under this subsection shall be the law applicable to franchise fee determinations in effect at the beginning of the period for which the franchise fee is payable.

(B) PREVIOUS DECISIONS.—No previous judicial decision regarding the franchise fee dispute that is the subject of arbitration under this subsection may be introduced in evidence or considered by the arbitrator or arbitration panel for any purpose.

(5) FEES AND COSTS.—If the franchisee is the prevailing party in binding arbitration, the arbitrator or arbitration panel shall award the franchisee reasonable attorney's fees and costs for all proceedings involving the disputed franchise fee consistent with—

(A) section 504 of title 5, United States Code; and

(B) section 2412 of title 28, United States Code.

(d) BIDS AND PROPOSALS.—Until such date as any arbitration under this Act is completed and is no longer subject to appeal, the Secretary—

(1) shall not solicit or accept a bid or proposal for any contract for passenger service to Fort Sumter National Monument; and

(2) shall offer to the franchisee annual extensions of the concessions contract in effect on the date of enactment of this Act.●

By Mr. GRAMS:

S. 2332. A bill to amend the Agricultural Market Transition Act to permit a producer to lock in a loan deficiency payment rate for a portion of a crop; to the Committee on Agriculture, Nutrition, and Forestry.

THE LOAN DEFICIENCY PAYMENT FLEXIBILITY ACT

● Mr. GRAMS. Mr. President, I rise today to introduce the Loan Deficiency Payment Flexibility Act. The idea for this legislation came from Peter Kalenberg, a producer from Stewart, MN, and is an example of how a good idea can be transformed into sound public policy. It is supported by such organizations as the Minnesota Corn Growers, the Minnesota Farm Bureau Federation, and the Minnesota Wheat Growers Association. These and many other groups have recognized the need for this legislation.

As you know, Loan Deficiency Payments, otherwise known as LDPs, were a key component of the 1996 Farm bill and have helped cushion the blow of low commodity prices and restricted demand. However, producers in Minnesota and other northern states have questioned the fairness of how the LDP is administered. States farther south are able to begin harvest before farmers in states such as Minnesota and are therefore able to ''lock in'' a more favorable LDP. This has the potential of impacting market signals and driving down the futures price before harvest has begun in northern states.

Mr. President, by taking the approach I am about to outline, I have ensured that regions of the country that are currently able to utilize an earlier LDP are not placed at a disadvantage. The components of this legislation are simple, yet provide a common-sense approach to a problem faced by producers in states such as Minnesota.

My ''Loan Deficiency Payment Flexibility Act'' would correct this inequity by directing the Secretary of Agriculture to announce that harvest has begun on a particular commodity (i.e. corn or soybeans) and that producers throughout the United States may now utilize the Loan Deficiency Payment. Essentially my bill does two things:

It establishes an earlier, more flexible starting date when all producers would have the option of ''locking in'' that day's LDP. They would be able to do so once throughout the duration of the harvest season.

Allows a producer to lock-in an LDP for up to 85% of his or her actual yield. Because the LDP is ''locked in'' on paper, no payments are actually made until the crop is harvested and we avoid the problems posed by the old deficiency payment system due to unanticipated high or low yields.

Although there is no guarantee that the LDP will be better in the early summer versus the fall, my legislation will afford farmers the opportunity to evaluate the markets and base their decision on what best fits their management plan.

I urge my colleagues to cosponsor and support this legislation.●

By Mr. REED (for himself and Mr. BINGAMAN):

S. 2333. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Food and Drug Administration the authority to regulate the manufacture, sale, and distribution of tobacco and other products containing nicotine, tar, additives, and other potentially harmful constituents and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

TOBACCO REGULATORY FAIRNESS ACT OF 2000

● Mr. REED. Mr. President, I rise today to introduce legislation with my distinguished colleague, Senator BINGAMAN, that we hope will mark the beginning of a dialogue on an issue that has tremendous implications for our nation's public health, and more specifically, the health and well-being of our children. Today, we are introducing the ''Tobacco Regulatory Fairness Act of 2000''.

The goal of this legislation is quite simple—to grant the Food and Drug Administration (FDA) the authority it needs to regulate the manufacture, labeling, advertising, distribution and sale of tobacco products.

A week ago, the Supreme Court ruled 5 to 4 that the FDA does not have the authority to regulate tobacco products, thus nullifying regulations promulgated by the agency in August 1996.

While a slim majority of the court found that the agency lacked the jurisdiction necessary to act on this class of products, the Justices in the majority and minority both opinions acknowledged the clear threat unregulated tobacco products poses to public health. In the majority opinion, Justice Sandra Day O'Connor stated that tobacco was ''perhaps the single most significant threat to public health in the United States.'' Similarly, Justice Stephen G. Breyer, a former professor of mine at Harvard University School of Law, pointed out in the dissenting opinion that FDA's ability to regulate tobacco products clearly fit into its basic authority, ''the overall protection of the public health.''

Although the court upheld the 1998 ruling by the United States Court of Appeals for the Fourth Circuit, the decision does not dispute, and, in fact, it reaffirms that the FDA is the most appropriate agency to regulate tobacco products, given the general scope of its authority and its emphasis on protecting the public health. Now, it is a matter of Congress taking action to clearly give the FDA the long overdue authority it requires.

So today, I introduce this legislation as a challenge to my colleagues to do what is right—to debate and pass legislation that will once and for all give FDA the tools it needs to enact regulations that will help to protect children and others from the dangers of tobacco.

After the long and protracted debate in the Senate two years ago on the McCain tobacco bill, I am sure that most of my colleagues are familiar with the numerous statistics that are often cited in relation to the dangers of smoking and its devastating impact on society in terms of health care costs, lost productivity, disability, and loss of life. However, I believe these figures bear repeating. It is estimated that today, some 50 million Americans are addicted to tobacco, and one out of every three long-term users will die from a disease related to their tobacco use.

The cost of tobacco use not only results in lives lost, but also has a considerable toll on health care expenses. It is estimated that the health care costs associated with treating tobacco-related disease totals over $80 billion a year—with almost half being paid for by taxpayer financed health care programs.

We also know that tobacco addiction is clearly a problem that starts with children: almost 90 percent of adult smokers started using tobacco at or before age 18. Each year, one million children become regular smokers—and one-third of them will die prematurely of lung cancer, emphysema, and similar tobacco caused diseases. Unless current trends are reversed, five million kids under 18 alive today will die from tobacco related diseases.

In Rhode Island, while overall cigarette use is declining slightly, it has increased by more than 25 percent among high-schoolers. Currently, over one-third of New England high school students under age 18 use tobacco products. In Rhode Island, over one third of high school students smoke.

Indeed, tobacco use continues to permeate the ranks of the young. For decades, the tobacco industry has ingeniously promoted its products. It has done so with total disregard for the health of its customers. It has relied upon cool, youthful images to sell its products. The tobacco industry has taken an addiction that prematurely kills and dressed it up as a glamorous symbol of success and sex appeal.

By providing the FDA with the appropriate and unambiguous authority, we can be assured that these products comply with minimum health and safety standards. Tobacco should be regulated in the same way every other product we consume is regulated.

I will concede that there are some formidable challenges ahead—but these challenges are not insurmountable. During the 1998 debate on the McCain tobacco bill, a majority of my colleagues on both sides of the aisle agreed our country needed a national tobacco control policy. While we may not have succeeded then, we cannot and must not allow the progress the FDA has made in limiting minors' access to tobacco be lost.

We all know that tobacco is a substance that not only reduces the quality of one's life in the short term, but with lifelong use results in untimely death. We have an opportunity this year to make a real difference. Through the legislation I am introducing today, I call my colleagues to action in the ongoing fight to protect the long term health of the children of this country.

I urge my colleagues to join me in this commitment to enacting legislation granting FDA the authority to regulate tobacco products.

Mr. President, I ask unanimous consent to have 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. 2333

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 ''Tobacco Regulatory Fairness Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Cigarette smoking and tobacco use cause approximately 450,000 deaths each year in the United States.

(2) Cigarette smoking accounts for approximately $65,000,000,000 in lost productivity and health care costs.

(3) In spite of the well-established dangers of cigarette smoking and tobacco use, there is no Federal agency that has any authority to regulate the manufacture, sale, distribution, and use of tobacco products.

(4) The tobacco industry spends approximately $4,000,000,000 each year to promote tobacco products.

(5) Each day 3,000 children try cigarettes for the first time, many of whom become lifelong addicted smokers.

(6) There is no minimum age requirement in Federal law that an individual must reach to legally buy cigarettes and other tobacco products.

(7) The Food and Drug Administration is the most qualified Federal agency to regulate tobacco products.

(8) It is inconsistent for the Food and Drug Administration to regulate the manufacture, sale, and distribution of other nicotine-containing products used as substitutes for cigarette smoking and tobacco use and not be able to regulate tobacco products in a comparable manner.

SEC. 3. DEFINITIONS.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(kk) The term 'tobacco product' means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

''(ll) The term 'tobacco additive' means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any tobacco product.

''(mm) The term 'constituent' means any element of cigarette mainstream or sidestream smoke which is present in quantities which represent a potential health hazard or where the health effect is unknown.

''(nn) The term 'tar' means mainstream total articulate matter minus nicotine and water.''.

SEC. 4. ENFORCEMENT.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended—

(1) in subsections (a), (b), (c), (g), and (k), by striking ''or cosmetic'' and inserting ''cosmetic, or tobacco product''; and

(2) by adding at the end the following:

''(u) The manufacture, sale, distribution, and advertising of tobacco products in violation of regulations promulgated by the Secretary pursuant to chapter X.''.

SEC. 5. REGULATION OF TOBACCO PRODUCTS.

The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:

''CHAPTER X—TOBACCO PRODUCTS

''SEC. 1000. REGULATION OF TOBACCO PRODUCTS.

''(a) REGULATIONS.—Not later than 1 year after the date on which the Secretary receives the recommendations described in section 1003(f), the Secretary shall promulgate regulations governing the manufacture, sale, and distribution of tobacco products in accordance with the provisions of the chapter.

''(b) FOOD AND DRUG ADMINISTRATION.—Regulations promulgated under subsection (a) shall designate the Food and Drug Administration as the Federal agency that regulates the manufacture, distribution, and sale of tobacco products.

''(c) LIMITATION.—Regulations promulgated under subsection (a) may not prohibit the manufacture, distribution, or sale of a tobacco product solely on the basis that such product causes a disease.

''(d) SALE OR DISTRIBUTION.—Under regulations promulgated under subsection (a) it shall be unlawful to—

''(1) sell a tobacco product to an individual under the age of 18 years;

''(2) sell a tobacco product to an individual if such tobacco product is intended for use by an individual under the age of 18 years; and

''(3) sell or distribute a tobacco product if the label of such product does not display the following statement: 'Federal Law Prohibits Sale To Minors'.

''(e) MANUFACTURING.—Regulations promulgated under subsection (a) governing the manufacture of tobacco products shall—

''(1) require that all additives used in the manufacture of tobacco products are safe; and

''(2) classify as a drug any nicotine-containing product that does not meet the definition of a tobacco product.

''SEC. 1001. ADULTERATED TOBACCO PRODUCTS.

''(a) IN GENERAL.—A tobacco product shall be deemed to be adulterated—

''(1) if such product consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any poisonous or deleterious substance that may render such product injurious to health;

''(2) if such product has been prepared, packed, or held under insanitary conditions in which such product may have been contaminated with filth, or in which such product may have been rendered injurious to health; and

''(3) if the container for such product is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents of such product injurious to health.

''(b) REGULATIONS.—The Secretary may by regulation prescribe good manufacturing practices for tobacco products. Such regulations may be modeled after current good manufacturing practice regulations for other products regulated under this Act.

''SEC. 1002. MISBRANDED TOBACCO PRODUCTS.

''A tobacco product shall be deemed to be misbranded—

''(1) if the labeling of such product is false or misleading in any particular;

''(2) if in package form unless such product bears a label containing—

''(A) the name and place of business of the tobacco product manufacturer, packer, or distributor; and

''(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count,

except that under subparagraph (B) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations promulgated by the Secretary;

''(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

''(4) if such product has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name is prominently printed in type as required by the Secretary by regulation;

''(5) if the Secretary has issued regulations requiring that the labeling of such product bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless the labeling of such product conforms in all respects to such regulations; and

''(6) if such product was manufactured, prepared, propagated, or processed in an establishment not duly registered as required under section 1004.

''SEC. 1003. ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—There is established in the Food and Drug Administration a Tobacco and Nicotine Products Advisory Committee (hereafter referred to as the 'advisory committee').

''(b) PURPOSE.—The advisory committee shall assist the Secretary in developing the regulations described in section 1000.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this chapter, the Secretary shall appoint to the advisory committee 10 individuals who are qualified by training and experience to evaluate and make recommendations regarding regulations governing the manufacture, distribution, sale, labeling and advertising of tobacco products.

''(2) EXPERTS.—The members described under paragraph (1), not including the chairperson of such advisory committee, shall consist of—

''(A) one expert in the field of nicotine addiction;

''(B) one expert in the field of pharmacology;

''(C) one expert in the field of food and drug law;

''(D) one expert in the field of public education;

''(E) one expert in the field of toxicology;

''(F) two experts representing the interests of family medicine, internal medicine, or pediatrics; and

''(G) two consumer representatives from the public health community.

''(3) EX OFFICIO.—The advisory committee shall have the following as ex officio members:

''(A) The Director of the National Cancer Institute.

''(B) The Director of the National Heart, Lung, and Blood Institute.

''(C) The Director of National Institute on Drug Abuse.

''(D) The Director of the Centers for Disease Control and Prevention.

''(E) The Surgeon General of the Public Health Service.

''(4) CHAIRPERSON.—The chairperson of the advisory committee shall be appointed by the Secretary with the advice and consent of the Commissioner of Food and Drugs.

''(d) FUNCTION.—The advisory committee shall—

''(1) review the available scientific evidence on the effects of tobacco products on human health;

''(2) review the manufacturing process of tobacco products, including the use of additives, sprayed on chemicals, product development, and product manipulation;

''(3) review the role of nicotine as part of the smoking habit, including its addictive properties and health effects; and

''(4) review current Federal, State, and local laws governing the manufacture, distribution, sale, labeling and advertising of tobacco products.

''(e) AUTHORITY.—The advisory committee may hold hearings and receive testimony and evidence as the committee determines to be appropriate.

''(f) RECOMMENDATIONS.—Not later than 1 year after the Secretary has appointed all members to the advisory committee, such committee shall prepare and submit recommendations regarding regulations to be promulgated under section 1000 to the Secretary.

''SEC. 1004. REGISTRATION.

''Not later than 120 days after the date of enactment of this chapter, any manufacturer directly or indirectly engaged in the manufacture, distribution, or sale of tobacco products shall register with the Secretary the name and place of business of such manufacturer.

''SEC. 1005. ADVERTISING.

''(a) REGULATIONS.—The Federal Trade Commission, after consultation with the Secretary and upon receipt of approval by the Secretary, shall promulgate regulations governing the advertising of all tobacco products.

''(b) LABELS.—The Federal Trade Commission, after consultation with the Secretary and upon receipt of approval by the Secretary, may promulgate regulations that—

''(1) modify the warning labels required by the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.) and the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401 et seq.) if the modification in the content of the label does not weaken the health message contained in the label and is in the best interests of the public health as determined by the Secretary; and

''(2) increase the size and placement of such required labels.''.

SEC. 6. CONFORMING AMENDMENTS.

(a) RECORDS.—Section 703 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 373) is amended—

(1) by striking ''or cosmetics'' each place it appears and inserting ''cosmetics, or tobacco products''; and

(2) by striking ''or cosmetic'' each place it appears and inserting ''cosmetic, or tobacco product''.

(b) FACTORY INSPECTIONS.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)—

(A) by striking ''or cosmetics'' each place it appears and inserting ''cosmetics, or tobacco products''; and

(B) by striking ''or restricted devices'' each place it appears and inserting ''restricted devices, or tobacco products''; and

(2) in subsection (b), by striking ''or cosmetic'' and inserting ''cosmetic, or tobacco product''.●

● Mr. BINGAMAN. Mr. President, today I am very proud to be here with my friend and colleague, Senator Jack REED, to introduce the Tobacco Regulation Fairness Act of 2000.

I urge all of my colleagues in the Senate to join this effort, for it is time for Congress to take action. We must ensure that the Food and Drug Administration can regulate the manufacture, labeling, advertising, distribution and sale of tobacco products.

While many are disappointed with last week's Supreme Court ruling on FDA regulation of tobacco products, the ruling reflects reality. Congress has not acted to give FDA the authority it needs to regulate tobacco products. The Supreme Court's decision underscores this fact and heightens the need for Congress to pass meaningful and comprehensive legislation to ensure FDA authority over tobacco products.

This legislation is the key to preventing tobacco use by teenagers and adolescents and to preventing the sales of tobacco products to children. If we can prevent kids from smoking, we can head off a tremendous amount of human disease and suffering, medical costs, and loss of life. While even tobacco companies say that they are against kids smoking, we must look at the facts. According to the American Cancer Society, in the course of this Congress, almost 600,000 children will try tobacco products for the first time. Of those, nearly 200,000 will become addicted to nicotine. Additionally, over more than 90,000 people will die from tobacco related cancers.

In 1997, a study by the Center for Disease Control showed that children and adolescents were able to buy tobacco products 67 percent of the times they

tried. The CDC found that most young smokers were able to buy their own cigarettes and were seldom asked for identification. While strides have been made in the past 2 years, it is imperative that change continue. The bottom line is that the Supreme Court made its decision and Congress must act so that we can continue to make inroads into youth smoking prevention.

Mr. President, this legislation designates the Food and Drug Administration as the Federal agency that regulates the manufacture, distribution and sale of tobacco products. This Act will serve to provide the Secretary of Health and Human Services with the authority to promulgate regulations governing the manufacture, sale and distribution of tobacco products. Additionally, the legislation also establishes a federal minimum age of sale of tobacco products of 18 and require the label to state ''Federal Law Prohibits Sale to Minors.''

Mr. President, in 1989 and again in 1992, I introduced a bill to require the Food and Drug Administration to regulate the manufacture and sale of tobacco products. ''The Tobacco Health and Safety Act of 1992'' had a companion bill with Representative Michael Synar in the House. These bills were very similar legislative attempts to regulate tobacco by bringing it under the jurisdiction of the Federal Food and Drug Administration.

I believed then and I believe now that the FDA is the appropriate regulatory entity to address this vital issue. To do anything else is unacceptable. It is time to give the FDA the full authority to regulate the manufacture, sale, labeling, advertising, and promotion of tobacco products.

The bill we introduce today is a fair and equitable approach to the issue. It represents a strong commitment to health promotion and disease prevention. I urge my colleagues to support this bill and work with us to act upon this as a public health issue before we adjourn this year.●

By Mr. L. CHAFEE (for himself and Mr. JEFFORDS):

S. 2334. A bill to amend the Internal Revenue Code of 1986 to extend expensing of environmental remediation costs for an additional 6 years and to include sites in metropolitan statistical areas.

LEGISLATION TO EXTEND EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS

By Mr. L. CHAFEE:

S. 2335. A bill to authorize the Secretary of the Army to carry out a program to provide assistance in the remediation and restoration of brownfields, and for other purposes; to the Committee on Environment and Public Works.

STATE AND LOCAL BROWNFIELDS REVITALIZATION ACT OF 2000

● Mr. L. CHAFEE. Mr. President, today I am introducing a pair of bills to enhance the pace and effectiveness of brownfields redevelopment throughout the country. The first bill, entitled the ''State and Local Brownfields Revitalization Act of 2000'', will authorize the U.S. Army Corps of Engineers to remediate and restore brownfield sites owned by state and local governments. The second bill, S. 2334, which I introduce with Senator JEFFORDS, will expand coverage of the federal brownfields tax incentive and extend it for an additional six years. I also am adding my name as a co-sponsor to the ''Small Business Brownfields Redevelopment Act of 1999'', S. 1408, authored by Senator JEFFORDS. Along with these initiatives, I am announcing my intention to develop broader legislation to remove barriers to the redevelopment and restoration of brownfields.

Brownfields are abandoned, idled, or under-used commercial or industrial properties at which development or expansion is hindered by the presence, or potential presence of hazardous substantives. Countless numbers of brownfield sites blight our communities, pose health and environmental hazards, erode our cities' tax base, and contribute to urban sprawl. In fact, in 210 cities surveyed by the U.S. Conference of Mayors, an estimated 21,000 brownfields sites covering more than 81,000 acres were identified. But, we stand to reap enormous economic, environmental, and social benefits with the successful redevelopment of brownfield sites. The redevelopment of brownfields capitalizes on existing infrastructure, creates a robust tax base for local governments, attracts new businesses and jobs, mitigates urban sprawl, and reduces the environmental and health risks to communities.

Yet, many of these contaminated sites sit abandoned because of the presence of hazardous substances. Developers that would otherwise restore these properties choose not to for fear of becoming tangled in liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, commonly referred to as Superfund. I believe it is critical that Congress take action to ensure that the federal government provides funding and incentives to recycle our nation's contaminated land, remove barriers to development, and ally perceived fears associated with Superfund liability. The bills I am introducing today are a step toward resolving those concerns.

Let me take a moment to take a moment to explain each one.

The first bill I am introducing today is the ''State and Local Brownfields Revitalization Act of 2000.'' This legislation would authorize the U.S. Army Corps of Engineers to establish and implement a program to assist state, regional, and local governments in the remediation and restoration of brownfields sites tied to the quality, conservation, and sustainable use of the nation's waterways and watershed ecosystems.

Additionally, this bill would provide authority to the Corps to conduct site characterization and planning, site design and construction, environmental restoration, and preparation for site development on brownfields sites owned by state, regional, or local governments. When selecting these projects, the Corps must consider whether the project would improve public health and safety, encourage sustainable economic and environmental redevelopment in areas serviced by existing infrasture, and help cure or expand parks, greenways, or other recreational property.

Activities by the Corps would be contingent upon a 35 percent match in cash or in-kind contribution by the state, regional, or local government. The bill limits the Corps to spending $3,250,000 on an individual site. However, the Secretary of the Army could increase the cap to $5,000,000 if he determines that the size of the site or the level of contamination warrants additional funds. To carry out the provisions of this Act, the bill authorizes annual appropriations of $100 million for fiscal years 2001 through 2005.

I believe this bill would make a significant, positive contribution to the revitalization of our communities. Recently, I toured two sites along the banks of the Woonasquatucket River in Providence. At the turn of the century these sites housed a woollen mill and a lace and braid factory. They have been abandoned, but debris and contamination soils remain. They also threaten the river and the children that inevitably explore these abandoned properties. City officials and local residents have a wonderful vision for the cleanup of these sites that would create a bike path and a park along the Woonasquatucket River. This effort is integral to the success of the Woonasquatucket River Greenway Project, a public-private initiative to increase recreational and green space in low-income neighborhoods, thereby promoting economic reinvestment in the area.

Despite selection of this project as a federal Brownfields Showcase Community and contributions totaling over $1 million by the City and State, the community is unable to complete remediation activities. And, because the area is intended for use as a local park and will not generate an income stream, the community cannot utilize a loan. In the meantime, the area remains an eyesore. This bill would revitalize the neighborhoods surrounding the Woonasquatucket River, as well as many other projects around the country.

The Army Corps of Engineers is not new to brownfields redevelopment. The Corps currently conducts pre-remedial activities at brownfields sites for EPA on a fee-for-service basis. However, current law precludes it from carrying out the necessary cleanup activities. In addition, the Corps is limited to conducting activities for which EPA will provide reimbursement. I believe that EPA's brownfields budget is inadequate

to complete the task at hand. My bill will address these deficiencies and spur revitalization at many sites.

The second bill (S. 2334), which I am introducing with Senator JEFFORDS addresses two key deficiencies in current law. It would expand the definition of a targeted area to include any brownfield site located within a metropolitan statistical area making the current tax incentives more useful; and extending it for an additional six years.

Under current law, parties that remediate brownfields sites in targeted areas are eligible to expense, or deduct, the costs of environmental restoration in the year the costs are incurred. A targeted area is any population census tract with a poverty rate of more than 20 percent, any empowerment zone or enterprise community, or any site deemed to an EPA pilot project before February 1, 1997. This tax incentive is scheduled to expire at the end of 2001.

The vast underutilization of the existing tax incentive highlights the need for a re-examination of the goals we are pursuing. As chairman of the Environment and Public Works Subcommittee on Superfund, Waste Control, and Risk Assessment, I have heard complaints that parties eager to utilize the existing federal tax incentive have not done so for one of two reasons. The first reason is the limitation on the areas covered by the incentive. Unless the project constitutes an early EPA pilot project or lies within an impoverished community, the tax incentive does not apply. In addition, the tax incentive expires frequently, which creates uncertainty.

Let me provide an example. Let us assume that a party is willing to purchase contaminated land and clean it up in order to redevelop the property. However, a party may be unable to make the acquisition and complete the remediation within one calendar year. Uncertain as to whether the tax incentive will be reinstated in the next year may discourage the party from taking on the risk. To address this issue, the bill extends the tax incentive until the end of calendar year 2007. I believe that this will provide certainty to those who see the wisdom in redeveloping these untapped properties of value.

In addition, I am pleased to add my name as co-sponsor to the Small Business Brownfield Redevelopment Act of 1999 (S. 1408) offered by Senators JEFFORDS, MOYNIHAN, SCHUMER, LAUTENBERG, LIEBERMAN, and LEAHY. This bill is an important component of my vision for brownfields redevelopment throughout the nation. S. 1408 provides $50 million to the Small Business Administration to finance projects that assist qualified small businesses, or prospective small business owners, in carrying out site assessment and cleanup activities at brownfields sites. I believe that this bill will assist small businesses in Rhode Island and the country cleanup brownfield sites.

In conclusion, I would like to emphasize that brownfields are a critical national issue, because abandoned or underused properties dot every community, large and small. The bills I have introduced and co-sponsored today are critical components of the bigger picture, but we can do more. To complement these initiatives, I am announcing today that I intend to work on legislation to provide funding through the U.S. Environmental Protection Agency for assessment and cleanup of brownfields, and clarify liability to encourage the transfer of property. I would also like to provide assurances that while we work to facilitate state cleanup programs, EPA will take action at a brownfields site when necessary to protect human health and the environment.

As I have studied CERCLA and Rhode Island's Superfund sites, I have heard from many people of all political stripes that brownfields legislation can be achieved on a bipartisan basis. They have urged us to address the issues as soon as possible. I have visited brownfields sites in Rhode Island and have seen the potential that exists to revitalize our communities if we can provide sufficient funding, clarify liability issues, and remove other barriers to redevelopment. I am hopeful that if we work in a bipartisan manner, we will be successful in passing brownfields legislation that the President can sign this year.●

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. SCHUMER, and Mrs. MURRAY):

S. 2336. A bill to authorize funding for networking and information technology research and development at the Department of Energy for fiscal years 2001 through 2005, and for other purposes; to the Committee on Energy and Natural Resources.

NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT OF ENERGY MISSIONS ACT

● Mr. BINGAMAN. Mr. President, today I am pleased to introduce the ''Networking and Information Technology Research and Development for Department of Energy Missions Act,'' which is cosponsored by Senators CRAIG, SCHUMER, and MURRAY.

This bipartisan bill is in recognition of the critical contributions and future potential of computing programs within the Department of Energy's Office of Science. These programs have played a key role in the development of high performance computing, networking, and information technology. Some of their notable accomplishments have included: the establishment of the first national supercomputer center, the development of mathematical algorithm libraries for high performance computing, the development of a critical interface and other software packages to support high speed parallel interconnection of supercomputers, and the development of a fundamental component of how information is routed on the internet. Recent recognition of the scientists supported by this program have included: the 1998 Fernbach award; the 1998 Gordon Bell prize; awards for the best overall paper as well and the best of show award at the Supercomputing 1998 conference; the best paper and a number of special awards at the Supercomputing 1999 conference, the Maxwell prize in applied mathematics, and the 2000 Norbert Wiener Prize in applied mathematics.

The future potential of these programs is immense and not limited to the computation, networking, and information sciences. There is also great potential for helping not only the mission needs of the Department of Energy but also the broader scientific community and the public through increased understanding of biological systems, energy and environmental systems, chemical, physical, and plasma systems, and high energy and nuclear systems. This understanding is key to our more efficient and environmentally friendly production and utilization of energy and material goods.

The notable features of the bill include: an authorization for increased funding similar in scope to what is proposed in the House of Representatives for the National Science Foundation computational efforts; an open competition for funding; a collaborative program between DOE program offices; building partnerships between laboratories, universities, and industry; a focus on solutions to networking and information technology problems that are critical to the achieving DOE missions; and management of funding provided to NNSA laboratories administered by the sponsoring program of the Department. This last provision is consistent with the legislation which created the NNSA in that it maintains accountability for new money authorized by this bill in DOE civilian programs so that such funding will remain within the purview of civilian programs under the oversight of the authorizing committee for this legislation, while maintaining the principle that funding at laboratories under the purview of the NNSA be consistent with their general programmatic missions.

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. 2336

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 ''Networking and Information Technology Research and Development for Department of Energy Missions Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Department of Energy, especially in its Office of Science research programs, has played a key role in the development of high performance computing, networking and information technology. Important contributions by the Department include pioneering the concept of remote, interactive

access to supercomputers; developing the first interactive operating system for supercomputers; establishing the first national supercomputer center; laying the mathematical foundations for high performance computing with numerical linear algebra libraries now used by thousands of researchers worldwide; leading the transition to massively parallel supercomputing by developing software for parallel virtual machines; and contributing to the development of the Internet with software that is now used in the TCP/IP system responsible for routing information packages to their correct destinations.

(2) The Department of Energy's contributions to networking and information technology have played a key role in the Department's ability to accomplish its statutory missions in the past, in particular through the development of remote access to its facilities. Continued accomplishments in these areas will be needed to continue to carry out these missions in the future.

(3) The Department of Energy, through its portfolio of unique facilities for scientific research including high energy and nuclear physics laboratories, neutron source and synchrotron facilities, and computing and communications facilities such as the National Energy Research Scientific Computing Center and Energy Sciences Network, has a unique and vital role in advancing the scientific research, networking and information technology infrastructure for the nation.

(4) The challenge of remote creation of, access to, visualization of, and simulation with petabyte-scale (1,000,000 gigabyte) data sets generated by experiments at DOE scientific facilities is common to a number of different scientific disciplines. Effective treatment of these problems will likely require collaborative efforts between the university, national laboratory and industrial sectors and involve close interactions of the broader scientific community with computational, networking and information scientists.

(5) The solution of contemporary challenges facing the Department of Energy in developing and using high-performance computing, networking, communications, and information technologies will be of immense value to the entire nation. Potential benefits include: effective earth, climate, and energy systems modeling; understanding aging and fatigue effects in materials crucial to energy systems; promoting energy-efficient chemical production through rational catalyst design; predicting the structure and functions of the proteins coded by DNA and their response to chemical and radiation damage; designing more efficient combustion systems; and understanding turbulent flow in plasmas in energy and advanced materials applications.

SEC. 3. DEPARTMENT OF ENERGY PROGRAMS.

(a) HIGH-PERFORMANCE COMPUTING ACT PROGRAM.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (3), by striking ''and'';

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding after paragraph (4) the following:

''(5) conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high-performance computing and collaboration tools needed to fulfill the statutory missions of the Department of Energy.''.

(b) COMPUTATION, NETWORKING AND INFORMATION TECHNOLOGY COLLABORATIVE PROGRAM.—Within the funds authorized under this Act, the Secretary shall provide up to $25,000,000 in each fiscal year for a program of collaborative projects involving remote access to high-performance computing assets or remote experimentation over network facilities. The program shall give priority to cross-disciplinary projects that involve more than one office within the Office of Science of the Department of Energy or that couple the Office of Science with Departmental energy technology offices.

(c) PROGRAM LINE AUTHORITY.—To the extent consistent with their national security mission, laboratories administered by the National Nuclear Security Administration may compete for funding authorized in this Act to the same extent and on the same terms as other Department of Energy offices and laboratories. Such funding at laboratories administered by the National Nuclear Security Administration shall be under the direct programmatic control of the sponsoring program for the funding in the Department of Energy.

(d) MERIT REVIEW.—All grants, contracts, cooperative agreements, or other financial assistance awarded under programs authorized in this Act shall be made only after being subject to independent merit review by the Department of Energy.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy for the purposes of carrying out section 203 of the High-Performance Computing Act of 1991 (15 U.S.C. 5523) and this Act $190,000,000 for fiscal year 2001; $250,000,000 for fiscal year 2002; $285,000,000 for fiscal year 2003; $300,000,000 for fiscal year 2004; and $300,000,000 for fiscal year 2005.●

By Mr. SANTORUM (for himself and Mr. KYL):

S. 2337. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Finance.

THE FAIR CARE FOR THE UNINSURED ACT

● Mr. SANTORUM. Mr. President, I rise to join my friend and colleague, Senator JON KYL of Arizona, in introducing the Fair Care for the Uninsured Act of 2000, legislation aimed at ensuring that all Americans, regardless of income, have a basic level of resources to purchase health insurance.

As we all know, the growing ranks of uninsured Americans—currently 44 million and increasing at a rate of 100,000 per month—remains a major national problem that must be addressed as Congress considers improvements to our healthcare delivery system. The uninsured are three times as likely not to receive needed medical care, at least twice as more likely to need hospitalization for avoidable conditions like pneumonia and diabetes, and four times more likely to rely on an emergency room or have no regular source of care than Americans who are privately insured.

The Fair Care for the Uninsured Act represents a major step toward helping the uninsured obtain health coverage through the creation of a new tax credit for the purchase of private health insurance, a concept which enjoys bipartisan support.

This legislation directly addresses one of the main barriers which now inhibits access to health insurance for millions of Americans: discrimination in the tax code. Most Americans obtain health insurance through their place of work, and for good reason: workers receive their employer's contribution toward health insurance completely free from federal taxation (including payroll taxes). This is effectively a $120 billion per year federal subsidy for employer-provided health insurance. By contrast, individuals who purchase their own health insurance get virtually no tax relief. They must buy insurance with after-tax dollars, forcing many to earn twice as much income before taxes in order to purchase the same insurance. This hidden health tax penalty effectively punishes people who try to buy their insurance outside the workplace.

The Fair Care for the Uninsured Act would remedy this situation by creating a parallel system for working families who do not have access to health insurance through the workplace. Specifically, this legislation creates a refundable tax credit of $1,000 per adult and up to $3,000 per family (indexed for inflation), for the purchase of private health insurance; would be available to individuals and families who don't have access to coverage through the workplace or a federal government program; enables individuals to use their credit to shop for a basic plan that best suits their needs which would be portable from job to job; and allows individuals to buy more generous coverage with after-tax dollars. And of course the states could supplement the credit.

This legislation complements a bipartisan consensus which is emerging around this means for addressing the serious problem of uninsured Americans: Instead of creating new government entitlements to medical services, tax credits provide public financing to help uninsured Americans buy private health insurance. Representative DICK ARMEY has been a leader in this field for some time now, having introduced last year similar legislation in the House of Representatives. And just recently, Senators JEFFORDS and BREAUX introduced their own version of health insurance tax credit proposal here in the Senate. I applaud their efforts for advancing this important public policy initiative.

A tax credit for the purchase of insurance would make it possible for many more people to obtain insurance, thereby helping to lower the total cost of insurance. In reducing the amount of uncompensated care that is offset through cost shifting to private insurance plans, and in substantially increasing the insurance base, a health insurance tax credit will help relieve some of the spiraling costs of our health care delivery system. It would also encourage insurance companies to write policies geared to the size of the credit, thus offering more options and making it possible for low income families to obtain coverage without paying much more than the available credits.

It is time that we reduced the tax bias against families who do not have access to coverage through their place of work or existing government programs, and to encourage the creation of an effective market for family-selected and family-owned plans, where Americans have more choice and control over their health care dollars. The Fair Care for the Uninsured Act would create tax fairness where currently none exists by requiring that all Americans receive the same tax encouragement to purchase health insurance, regardless of employment.

It is my hope that my colleagues will join me in endorsing this approach to provide people who purchase health insurance on their own similar tax treatment as those who have access to insurance through their employer.●

By Mr. SCHUMER (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. TORRICELLI, Mr. LEVIN, Mr. ROBB, Mr. MOYNIHAN, Mrs. BOXER, Mr. DODD, and Mr. DASCHLE):

S. 2338. A bill to enhance the enforcement of gun violence laws; to the Committee on the Judiciary.

THE EFFECTIVE NATIONAL FIREARMS OBJECTIVES FOR RESPONSIBLE, COMMONSENSE ENFORCEMENT (ENFORCE) ACT

● Mr. SCHUMER. Mr. President, I rise today to introduce on behalf of myself and Senators KENNEDY, DURBIN, LAUTENBERG, REED, TORRICELLI, LEVIN, ROBB, MOYNIHAN, BOXER, DODD, and Mr. DASCHLE, the Effective National Firearms Objectives For Responsible, Commonsense Enforcement Act. This bill, I believe, bridges the gap between those who reflexively support the gun lobby and those who strongly support gun control.

The ENFORCE Act is the culmination of years of research into gun tracing and gun trafficking. It is the next phase in stopping gun violence. It is a bill and an approach to gun crime that works smarter and works harder.

This bill works smarter by ridding us of many of the laws that have shielded illegal gun traffickers and dirty gun dealers from prosecution. It uses the latest in gun tracing data and ballistics technology to make it possible for law enforcement to zero in on the bad apples, throw the book at them, and leave the rest alone. It works harder by finally giving ATF the street agents they need to crack down on high crime gun dealers and to prosecute more gun crimes.

Let me outline a few provisions in this legislation. First, this bill will fund 500 new ATF agents and inspectors to crack down on dirty gun dealers. These new agents will target high-crime gun dealers who supply firearms to criminals and juveniles and crack down on violent gun criminals and illegal gun traffickers at gun shows, gun stores, and on the streets.

ENFORCE will also give ATF the authority to investigate high crime-gun stores. Under current law, the ATF is only allowed to conduct one unannounced inspection of a licensed dealer a year. The bill would allow the ATF to conduct four compliance inspections annually of licensed firearms dealers, importers, and manufacturers.

In addition, this legislation will authorize funds to hire an additional 1,000 local, state and federal prosecutors to expand the Project Exile program in high gun-crime areas. In cases where federal law enforcement authorities defer to state prosecutors, this funding would ensure that state prosecutors have sufficient resources. Furthermore, ENFORCE authorizes funding for federal prosecutors and gun enforcement teams to coordinate efforts with local law enforcement and to determine where federal prosecution is warranted.

ENFORCE will also create a comprehensive ballistics DNA testing network. The Act would triple current funding for ballistics testing programs to support the deployment of 150 ballistics imaging units, helping to link bullets and shell casings to the crime-guns they were fired from.

ENFORCE will expand to 50 cities and counties the Youth Crime Gun Interdiction Initiative (YCGII), which would dramatically increase tracing of crime guns to find sources. Participating cities and counties' law enforcement agencies would submit and share identifying information about crime guns and conduct law enforcement investigations regarding illegal youth users of firearms and illegal traffickers of firearms to youth. The Secretary of the Treasury would provide an annual report on the types and sources of recovered crime guns and the number of investigations associated with YCGII.

The bill would also fund $10 million for smart gun technology research and development. New state-of-the-art innovations could limit a gun's use to its owner or other authorized users—and could therefore prevent accidental shooting deaths of children, detect gun theft, and stop criminals from seizing and using the guns of police officers against them.

ENFORCE is a comprehensive package of measures that will strengthen the enforcement of existing gun laws and target high crime-gun dealers to reduce gun violence and to keep firearms out of the hands of children and criminals. The gun lobby has been calling for more enforcement. This is as tough and effective an enforcement bill as ever drafted. Gun rights and gun control supporters ought to step up to the plate and pass it.●

ADDITIONAL COSPONSORS

S. 309

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

S. 622

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 784

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 1017

At the request of Mr. MACK, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1020

At the request of Mr. SMITH of New Hampshire, his name 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 process relating to motor vehicle franchise contracts.

S. 1215

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1399

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1399, a bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other healthcare professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals.

S. 1408

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. L. CHAFEE,) was added as a cosponsor of S. 1408, a bill to amend the Small Business Investment Act of 1958 to promote the cleanup of abandoned, idled, or underused commercial or industrial facilities, the expansion or redevelopment of which are complicated by real