the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mr. KERRY, Mr. ROTH, and Mr. BINGAMAN):

S. Con. Res. 107. A concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT (for himself, Mr. BOND, Mr. DEWINE, Mr. WARNER, and Mr. MOYNIHAN):

S. 2416. A bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the ''Harry S. Truman Federal Building''; to the Committee on Environment and Public Works.

LEGISLATION TO RENAME THE STATE DEPARTMENT AFTER PRESIDENT HARRY S. TRUMAN

Mr. ASHCROFT. Mr. President, it is my great privilege to introduce a bill today, along with Senators BOND, WARNER, DEWINE, and MOYNIHAN, that will name the State Department's Headquarters in Washington, D.C., the ''Harry S. Truman Federal Building.'' I truly appreciate the support of these distinguished colleagues and Secretary Albright to see this idea become a reality.

Born in Lamar, Missouri, Harry S. Truman was a farmer, a national guardsman, a World War I veteran, a local postmaster, a road overseer, and a small business owner before turning to politics. Through these experiences, he gained the courage, honesty, and dedication to freedom required of a greater leader. Truman went on to become one of the most influential Presidents of the modern era. His leadership and character, especially in the area of foreign policy, have earned him well-deserved praise and respect throughout the world.

He established the Marshall Plan—creating a politically and economically stable Western Europe. President Truman was instrumental in creating the North Atlantic Treaty Organization which kept Soviet aggression at bay in Western Europe. He worked to contain the further spread of communism in Berlin, Greece, Turkey, and Korea. Clearly, President Truman was the architect of the strategy that won the Cold War and is a prime reason the United States is currently the world's sole superpower.

Mr. President, the State Department should be named after a true leader in foreign policy—and President Harry S. Truman is the clear choice. And through this choice, I hope the United States will continue President Truman's principled foreign policy as seen in his 1949 Presidential Inaugural Address:

Events have brought our American democracy to new influence and new responsibilities. They will test our courage, our devotion to duty, and our concept of liberty. But I say to all men, what we have achieved in liberty, we will surpass in greater liberty. Steadfast in our faith in the Almighty, we will advance toward a world where man's freedom is secure. To that end we will devote our strength, our resources, and our firmness of resolve. With God's help, the future of mankind will be assured in a world of justice, harmony, and peace.

● Mr. MOYNIHAN. Mr. President, it gives me great pleasure to join my colleagues—Senators ASHCROFT, WARNER, BOND, and DEWINE—in this effort to name the State Department building after our 33rd President, Harry S. Truman. It could be named for none other.

Harry S. Truman was, perhaps, the most unlikely of the Presidents. A failed haberdasher, as he would say, without a college degree. It seems somewhat paradoxical that this common man, who modeled himself along the lines of the fabled Cincinnatus—returning to the field after rising to meet his country's needs—would leave so much behind.

Put simply, President Truman's foreign affairs accomplishments saved the world from the chaos that followed the destruction of Europe in the Second World War, and enabled the ultimate defeat of totalitarianism. To list a few: the Berlin Airlift, the Marshall Plan, aid to Greece and Turkey, NATO, and the establishment of the United Nations—the vision of his only rival President Woodrow Wilson.

His greatness was not readily accepted while he served, or shortly thereafter. But over time, Harry S. Truman has been reevaluated through such scholarly biographies as those by David McCullough and Alonzo L. Hamby. This son of Independence, Missouri, would surely have rejected the high praise that his name now generates, but he would certainly concur in the appreciation of the enduring success of the policies and institutions he created. McCullough's ''Truman'' contains this reflection:

I suppose that history will remember my term in office as the years when the Cold War began to overshadow our lives.

I have had hardly a day in office that has not been dominated by this all-embracing struggle. . . . And always in the background there has been the atomic bomb. But when history says that my term of office saw the beginning of the Cold War, it will also say that in those eight years we have set the course that can win it. . . .

Mr. President, few could dispute those sentiments.●

By Mr. CRAPO (for himself and Mr. SMITH of New Hampshire):

S. 2417. A bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes; to the Committee on Environment and Public Works.

WATER POLLUTION PROGRAM ENHANCEMENTS ACT OF 2000

Mr. CRAPO. I am pleased to introduce today, with my colleague Senator SMITH of New Hampshire and Senator GORDON SMITH of Oregon, the ''Water Pollution Program Enhancements Act of 2000'' in response to a fast track rulemaking process undertaken by the Environmental Protection Agency with respect to the total maximum daily load, or TMDL, and National Pollutant Discharge Elimination System, NPDES, permit programs under the Clean Water Act. The concerns over this rule are far too great and EPA is moving far too quickly for Congress to stand aside and allow this regulation to move ahead. My disagreement with the proposed rule is not its basic objective, which is aimed at cleaning up our Nation's waters—but the hurried approach EPA has elected to take, and their refusal to address the very numerous, very real concerns of states, cities, and stakeholders.

Huge strides have been made in cleaning up our nation's waters since the Clean Water Act was passed in 1972, particularly in the area of point source pollutants. But clearly, our work is not finished in trying to make our lakes, rivers and streams ''fishable and swimmable.'' More must be done to improve water quality, and more must especially be done to provide additional resources to address nonpoint source pollution, which, so far, has not received anywhere near the kind of funding that has been focused on discharges from point sources.

In the past month and a half, we have held two hearings on the Environmental Protection Agency's proposed rule with respect to total maximum daily loads and the NPDES permit programs. The same subject has been examined in four other Congressional hearings by three separate committees. What we have collectively learned in these hearings about EPA's proposed rule is nothing short of alarming. States have responded with universal concern to this proposed rule that saddles them with enormous regulatory burdens and exorbitant costs in carrying out their water quality management programs. Not only is this proposed onerous and costly to implement, but States have testified that it is not likely to improve water quality, and, in fact, may have a detrimental effect on States with existing programs that have proven to be successful.

We would prefer not to be introducing this bill today. We have been holding hearings. I have been communicating with EPA—as have dozens of other Members of Congress expressing their grave concern with the proposed rule. We would prefer that Congress be working through these very important and challenging issues in collaboration with EPA. But holding hearings and attempting to work with EPA to resolve issues of concern, or urging them to take a more thoughtful, even-handed approach is no longer a reasonable course of action when the EPA steadfastly continues to insist on fast tracking a rule that has been the subject of such widespread concern and criticism.

When EPA issued this proposed regulation last August, we were all surprised at the boldness of the agency to publish the rule:

During the Congressional recess; and

Provide only a 60-day comment period on such as massive and complex rulemaking.

Not only did the Chairman and Ranking Member of the Environment and Public Works Committee request an extension of the comment period, but Congress was actually forced to enact legislation to compel EPA to listen. The EPA was forced to extend its comment period. EPA received more than 30,000 public comments on the proposed rule, and, as I said earlier, this rule has been the subject of six Congressional hearings.

To date, I do not see any evidence that EPA is listening. As recently as last week, EPA communicated that it had negotiated a 60-day OMB review—what is usually at least a 90-day review on major rulemaking efforts—and that it intends to finalize the rule by June 30.

The intransigence of the EPA is both unexplainable and unacceptable. If EPA is serious about ramming this regulation through by June 30, it is our intention to send them a loud message—Congress insists instead that they take a deep breath with respect to this rule.

The bill Senator SMITH and I are introducing today—the Water Pollution Program Enhancements Act—takes important steps toward achieving additional reductions in water pollution now, and providing the science necessary for better implementation of the TMDL program in the future.

In the hearings I held, witnesses raised three main concerns with respect to the proposed rule. They cited:

States' lack of reliable data for developing their 303(d) list of impaired waters;

The scarce public resources available for addressing nonpoint pollution in particular; and

EPA's overreach of its statutory authority under the Clean Water Act in controlling water quality management programs administered by States.

This bill addresses those three issues without amending current law or regulation.

The Water Pollution Program Enhancement Act authorizes significantly increased funding for sections 106 and 319 under the Clean Water Act. Funding under section 106 would be made available to the States and specifically directed to:

Collect reliable monitoring data;

Improve their lists of impaired waters;

Prepare TMDLs; and

Develop watershed management strategies.

Of the $500 million available for implementation of section 319, $200 million is required to be made available by the States for grants to private landowners to carry out projects that will improve water quality. These funds are specifically being made available to farmers, ranches, family forestland managers and others, to conduct activities on their lands that contribute to cleaning up rivers, lakes and streams.

These significant increases in funding will achieve on-the-ground results and have a very real effect in improving our nation's water quality.

Second, the bill directs the Environmental Protection Agency to contract with the National Academy of Sciences to prepare a report on:

The quality of the science used to develop and implement TMDLs;

The costs associated with implementing TMDLs; and

The availability of alternative programs or mechanisms to reduce the discharge of pollutants from point sources and nonpoint source pollution.

If there is one message I have heard loud and clear, it is that we lack basic and necessary data about TMDLs and how to implement the TMDL program that achieves the goal of improving water quality, provides States flexibility in administering their programs, and is cost effective. It is irresponsible of EPA to push ahead in finalizing this regulation when we do not have the answers to such basic questions about this program.

Third, the bill provides for innovation and collaboration by establishing a pilot program in which five states are selected to implement a three-year program that examines alternative strategies and incentives to reduce the discharge of pollutants and TMDLs. This pilot program will provide us with valuable information about how we might think outside the box to solve our water quality problems.

Finally, this legislation requires EPA to postpone its rulemaking and review the National Academy of Sciences study before publishing its final rule on the TMDL program. Despite EPA's assertions to the contrary, we know that the proposed rule would have enormous implications for States, cities and stakeholders. It is absolutely critical that we know more about the science of TMDLs before finalizing this rule, and EPA has given Congress no other choice but to compel them to do so. Congress has an obligation to intercede and resolve these issues crucial to the health of our people and our environment.

I urge my colleagues to join me in cleaning up our nation's waters through the reasonable and balanced provisions included in the Water Pollution Program Enhancements Act of 2000.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to introduce today with my colleague from Idaho, Senator MIKE CRAPO, the ''Water Pollution Program Enhancements Act of 2000.'' I believe this bill will significantly improve water quality and, over the long term, reform the way the Environmental Protection Agency and the States implement the Total Maximum Daily Load, TMDL, program for impaired waters.

I emphasize at the outset that I strongly support the goals of the Clean Water Act. I believe all Americans should be able to enjoy clean water to drink, and that our rivers and lakes should be ''fishable'' and ''swimmable.'' And we have made substantial progress over the past 25 years since the Clean Water Act was enacted in cleaning up our nations rivers, lakes and streams. According to EPA, 60–70 percent of our nation's waters are now safe for fishing and swimming. Certainly, there's more work to be done. How we control runoff from agricultural and urban areas, and forests—so-called nonpoint source pollution—is our challenge for the future.

I also support the original concept underlying the TMDL program of helping ensure that water quality standards are met on all of our nation's rivers and streams and lakes. However, I believe that there may be other tools to help us achieve those laudable goals; TMDLs are not the only answer. We should be looking to the States for alternative, innovative solutions, particularly in the area of controlling nonpoint source pollution. And I believe that if we look, we will find that the States have better, more cost effective solutions to improving water quality. Is there a role for the Federal Government in addressing nonpoint source pollution? Absolutely. The Federal Government—EPA—should work in partnership with States and the private sector to achieve our shared goal of fishable and swimmable water.

EPA's approach to solving the nation's remaining water quality issues, however, continues to be based on more ''top-down'' regulations from Washington, D.C.; more confrontration, instead of collaboration; and more interference with State programs. We are taking the step of introducing this legislation today because EPA has made it clear that it plans to expedite the process for finalizing two controversial rules that it proposed last August that would make a number of significant changes to the existing programs to control the discharge of pollutants and to improve water quality. The first rule would significantly expand the requirements for establishing the total amount of pollutants that can be discharged to a waterbody—so-called ''total maximum daily loads.'' The second rule would expand EPA's authority to revoke or reissue state-issued permits under the Clean Water Act to implement the new TMDL requirements. The combined effect of these rules would be to dramatically expand EPA's authority over issues that have traditionally been within the jurisdiction of the States, such as farming, ranching and logging operations, and additionally to give EPA a potential new role in local land management use decisions.

I have serious concerns about the substance of these rules. But I am also

deeply troubled by the process that EPA has adopted here. It began last summer when EPA initially proposed the rules. At that time, it stated that it would only accept public comments on the proposed rules for 60 days. Such a short period of time for public review was obviously inadequate given the length of the proposed rules and their complexity. Congress intervened and EPA was ultimately compelled to extend the comment deadline for an additional 90 days.

Even before the comment period had closed, however, EPA indicated that nothing would stop it from pushing the proposed rules through the process as quickly as possible. Over the past month, EPA has announced its plans to issue final rules before the end of June in spite of the fact that it received over 30,000 comments in February, at least 27,000 of which were critical of the rule, and can hardly have had an opportunity to give these comments serious consideration. There have been at least six hearings on the proposed rules in both the House and Senate in which serious concerns were raised about: the legality and practicality of the rules; the lack of reliable science underlying the existing TMDL program, not to mention any proposed expansion; the potential impact on successful State programs; the burdens that an expanded TMDL program would impose on individual landowners and small businesses; and the lack of a completed cost assessment of the proposed rules.

Senator CRAPO has held two hearings so far on EPA's proposed TMDL rules. Through that process, and in many meetings with stakeholders, I have heard about all of the problems with EPA's proposed rules—the lack of science, the overly broad scope, practical problems in implementing the rule, trampling of state programs, and the cost. Let me detail just a few of the comments that I heard.

On the question of the science underlying the TMDL program, GAO recently issued a report, and provided testimony on the basis of the report, that States do not have the data they need to accurately assess the pollution problems in their waters and further, do not have the data they need to develop TMDLs. In his statement to Senator CRAPO's subcommittee, Peter Guerrero noted specifically that the ''ability [of the States] to develop TMDLs is limited by a number of factors. . . . [S]hortages in funding and staff [were cited] as the major limitation to carrying out [the States'] responsibilities, including developing TMDLs. In addition, states reported that they need additional analytical methods and technical assistance to develop TMDLs for the more complex, nonpoint sources of pollution.'' He went on to state that only three states have the data they need to identify nonpoint sources of pollution, and only three States have the majority of the data they need to develop TMDLs for nonpoint sources. To me, this information from GAO sends a clear signal that TMDLs are not the answer for nonpoint source pollution. The science just isn't there.

We also heard from a variety of businesses and landowners who told us of other substantive problems with EPA's proposed rules. For example, Tom Thomson, a certified Tree Farmer from my home State of New Hampshire and the owner of the Outstanding Northeastern Tree Farm of 1997, testified that EPA's proposal to regulate tree farming as a point source and impose TMDLs would just make it harder to do the job of improving water quality. He explained that through aggressive, private and voluntary stewardship, private woodlot owners all over the country are doing a good job to address water quality issues related to forestry. Compliance rates now approach 90 percent in many of the States where forestry best management practices, BMPs, are in place. Total river and stream miles impaired due to silviculture declined 20 percent just between 1994 and 1996. The number of miles deemed to have ''major impairment'' from silviculture fell 83 percent. In 1996, EPA dropped silviculture from its list of 7 leading sources of river and stream impairment. That same year, silviculture contributed only 7 percent of total stream impairment. In Tom's word's this seems to be a classic case of ''if it ain't broke, don't fix it.'' In this case, it would seem clear that water quality issues related to forestry are being addressed and progress is being made through State BMP programs and other voluntary, non-regulatory measures undertaken by landowners.

To his credit, EPA Assistant Administrator for the Office of Water, Chuck Fox, has recognized that the proposed rule caused confusion and does have many problems. I met with Mr. Fox last week and was pleased to learn from him that EPA has heard at least some of the concerns that were raised and is ready to make some changes to their rule. He indicated that in any final rule, EPA would ''drop threatened waters; allow more flexibility in setting priorities; drop the offset requirements for new pollution; and revise the approach for forest pollution.''

Some of the changes may be significant and that's good news, but as always, ''the devil is in the details.'' I am still concerned that many of the major problems have not been addressed. I also wonder why, if EPA is willing to acknowledge that many of the concepts included in the proposed rule were indeed flawed, it hasn't been willing to withdraw the August draft and reissue a new proposed rule that reflects its current thoughts. Surely doing that and seeking public comment on a revised rule would result in a better, more informed end product. It would almost certainly enhance public confidence in EPA's process. However, EPA has consistently declined to consider this approach.

In my opinion, EPA simply hasn't done the work that must be done to justify and explain the rule to the public. States and the regulated community deserve to have their comments and concerns considered seriously by EPA, as well as to have an opportunity to review and provide comment on the cost assessment in the context of the proposed rule. Now apparently, EPA may be making significant changes that will never have been subject to public comment. In its desire to rush to judgment on a final rule, EPA is effectively neutering the role of public participation in the rulemaking process.

Therefore, Senator CRAPO and I have drafted legislation that will address several of the key problems with EPA's proposed rules and, in addition, defer any further EPA action on the rules until the National Academy of Sciences has conducted a study of the scientific issues underlying the development and implementation of the TMDL program.

Senator CRAPO and I are taking the first step to not only address some of the problems raised by EPA's proposed rules, but also to improve water quality on the ground right now.

Our bill will do three fundamental things. First, it significantly increases federal funding to $750 million for States to implement programs to address nonpoint source pollution, to assess the quality of their rivers and streams, and to collect the data they need to develop better TMDLs. This will represent a significant increase from current funding levels for Fiscal Year 2000 of $155 million for nonpoint source programs under section 106 and section 319 of the Clean Water Act. More money now will enable landowners, businesses, and States to do things now on the ground to improve water quality—things like putting in buffer strips and water retention ponds. With this approach, we won't have to wait 10 or 15 years for EPA to impose new regulatory requirements on landowners after a lengthy and onerous TMDL process.

Second, the bill directs the National Academy of Sciences to conduct a study on the science used to develop TMDLs and make recommendations about how to improve it. The NAS will also evaluate existing State programs to look at what works, particularly for nonpoint sources. Better science will make for better TMDLs.

Third, it includes a pilot program for EPA to compare different State approaches to improving water quality. TMDLs should not be the only tool that we rely on to meet our water quality goals; they may be appropriate and effective for a chemical company, but not for a farmer or woodlot owner. There are better solutions out there, particularly to deal with the problems associated with nonpoint source pollution. For example, States are using their own authority and incentive-based programs under the Safe Drinking Water Act and the farm bill to work together with farmers, ranchers,

loggers and their cities to substantially reduce runoff.

The bottom line is that States, public utilities, landowners, and businesses now are spending billions of dollars to improve water quality. If we are going to ask them to spend billions more—and we are—Congress and EPA have a responsibility to make sure that the programs we create are based on good, reliable science, and make the best use of limited resources.

Again, it's not a question of challenging the goals of the Clean Water Act; it's a question of seeking the best way to achieve them.

The bill also includes a provision to defer the finalization of EPA's proposed TMDL and related permit rules. We're serious when we say that we want EPA to base its regulations on good science. And we're serious when we say that we want EPA to respect the role of the States in solving the problem of nonpoint source pollution. That's why the bill provides for the National Academy of Sciences to look into those issues. We believe that EPA also should welcome the NAS Study and look forward to the opportunity to use that Study to improve its rule. Therefore, the bill directs EPA to review the NAS Study and take into consideration the recommendations of the National Academy of Sciences before it finalizes any new TMDL rule. We believe that in the long run, waiting 18 months for the NAS analysis will only improve the rule and increase public confidence in it.

Mr. President, I know our critics will charge that we are undermining the Clean Water Act. They could not be more wrong. This legislation will enhance the Clean Water Act. By seeking better science and increasing needed Federal funding, this bill will strengthen programs on the ground that work—programs that improve water quality and help us achieve the fundamental goals of fishable and swimmable waters.

I commend Senator CRAPO for his leadership on this issue. I believe that in crafting this legislation, he is taking an important step in the right direction. I urge my colleagues to support this bill.

By Mr. CAMPBELL:

S. 2418. A bill to prohibit commercial air tour operations over the Black Canyon National Park; to the Committee on Commerce, Science, and Transportation.

BLACK CANYON OF THE GUNNISON NATIONAL PARK COMMERCIAL OVERFLIGHTS BAN ACT

Mr. CAMPBELL. Mr. President, today I am introducing legislation that would prohibit commercial tour overflight operators from flying in and over the Black Canyon of the Gunnison National Park. The Black Canyon of the Gunnison National Park, our nation's 55th and newest national park is a breathtaking canyon of diverse magnitude, which is why I worked for over 13 years to get it dedicated as a national park.

I cannot imagine having the many visitors who tour my home state to view Colorado's newest national park enjoying the sound of airplanes or helicopters buzzing overhead while they are trying to listen to the flowing river at the bottom of the canyon. Because of the deep, narrow nature of the canyon, rescue and recovery operations for aircraft that experience problems would be extremely difficult, dangerous and costly.

My bill would amend the FAA reauthorization act of 2000 and would only restrict overflights on the Black Canyon of the Gunnison National Park. I worked with my friend and colleague Senator ALLARD for over five years in support of his effort to get commercial overflights banned over the Rocky Mountain National Park. Similar action by Congress is now necessary for the Black Canyon of the Gunnison.

I believe National Park visitors seek peacefulness when they visit a national park and my legislation would help provide that. We contacted the Superintendent of the Black Canyon of the Gunnison National Park and he informed us that currently no commercial overflights are taking place, but there may have been flights in the past.

My bill would amend already existing law and would not negatively affect the operation of emergency, military and commercial high-level airlines or private planes.

The Denver Post recently published an editorial supporting Congressional action on the issue of aircraft noise, citing how such operations would create noise which would echo terribly off the walls of the Canyon. As a member of the National Park and Historic Preservation Subcommittee, I have confronted these types of issues in the past and know how important it is for the visitors to our national parks to have everlasting and fond memories when they take the time and effort to visit the natural wonders we are blessed with in this country.

I ask unanimous consent that the Denver Post editorial and the bill be printed in the RECORD. And, I ask my colleagues to support this needed legislation.

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

S. 2418

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

SECTION 1. PROHIBITION ON CERTAIN COMMERCIAL AIR TOUR OPERATIONS.

Section 806 of the National Parks Air Tour Management Act of 2000 is amended by inserting ''or the Black Canyon of the Gunnison National Park'' after ''Rocky Mountain National Park''.

KEEP PLANES OUT OF PARKS

April 10—It took five years, but the wonderful quiet over Rocky Mountain National Park has been permanently preserved. However, the state's congressional delegation should take steps to protect other national parks in Colorado from being pestered by the constant drone of low-flying planes and the thunderous whapping of helicopter blades. Of particular concern is the Black Canyon of the Gunnison.

Aircraft noise has become a huge problem in some national parks, such as the Grand Canyon.

So, when a helicopter tour company wanted to start scenic flights over Rocky Mountain National Park in the mid-1990s, Estes Park residents became alarmed.

A temporary ban on commercial flights over the park was put in place, thanks to efforts by then-U.S. Rep. Wayne Allard, a Republican who at the time represented the district that includes Estes Park; then-U.S. Rep. David Skaggs, a Democrat who at the time represented the district that includes Boulder County, where part of the park is located; and then-U.S. Transportation Secretary Federico Peña, a former Denver mayor.

But the ban wasn't really a done deal until this week. Allard, now a U.S. senator, amended the Federal Aviation Administration's authorization bill to include a permanent ban on aircraft tours over Rocky Mountain National Park. U.S. Rep. Bob Schaffer, another Republican who now represents Colorado's Fourth Congressional District, co-sponsored a similar amendment on the House side.

Unfortunately, their work may not yet be finished. In the last several months, some outdoor recreation groups have raised worries that commercial flights could become a problem over the Black Canyon of the Gunnison National Park. That prospect could make it impossible for visitors to enjoy standing on the rim and listening to the Gunnison River roar thousands of feet below. Aircraft noise would echo terribly off the rock walls, and the narrow canyon could present safety problems.

The use of commercial aircraft is justifiable in a few national parks. In Alaska, for example, airplanes are needed to reach parts of Denali National Park, including the main climbing route on Mount McKinley.

But in the national parks in Colorado, commercial tour flights simply aren't appropriate. The state's congressional delegation should continue to work on the issue.

By Mr. JOHNSON (for himself and Ms. COLLINS):

S. 2419. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' HIGHER EDUCATION OPPORTUNITIES ACT

Mr. JOHNSON. Mr. President, I rise today to introduce the Veterans Higher Education Opportunities Act. I am pleased to be joined by the distinguished Senator COLLINS of Maine in bringing this important issue to the Senate floor today.

The 1944 GI Bill of Rights is one of the most important pieces of legislation ever passed by Congress. No program has been more successful in increasing educational opportunities for our country's veterans while also providing a valuable incentive for the best and brightest to make a career out of military service. This bill has allowed eight million veterans to finish high school and 2.3 million service members to attend college.

Unfortunately, without this update the current GI Bill can no longer deliver these results and fails in its promise to recruits and service members. The legislation that Senator COLLINS and I are introducing today will take an important first step in modernizing the GI Bill.

Over 96% of recruits currently sign up for the Montgomery GI Bill and pay $1,200 out of their first year's pay to guarantee eligibility. But only one-half of these military personnel use any of the current Montgomery GI Bill benefits. This is evidence that the current GI Bill simply does not meet their needs.

GI Bill benefits have not kept pace with increased costs of education. During the 1995–96 school year, the basic benefit paid under the Montgomery GI Bill offset only 36% of average total education costs.

There is wide consensus among national higher education and veterans associations that at a minimum, the GI Bill should pay the costs of attending the average four-year public institution as a commuter student. The current Montgomery GI Bill benefit pays only 55% of that cost.

My legislation creates that benchmark by indexing the GI Bill to the costs of attending the average four-year public institution as a commuter student. For example, those costs for the 1999–2000 academic year were $8,774. The Veterans Higher Education Opportunities Act would thereby require 36 monthly stipends of $975 for a total GI Bill benefit of $35,100. This benchmark cost will be updated annually by the College Board in order for the GI Bill to keep pace.

I am pleased that my legislation has the bipartisan support of Senator COLLINS and the overwhelming support of the Partnership for Veterans' Education. This organization includes over 45 veterans groups and higher education organizations including the VFW, the American Council on Education, the Non Commissioned Officers Association, the National Association of State Universities and Land Grant Colleges, and The Retired Enlisted Association.

Several proposals have been introduced in the House that would address the shortfalls of the current GI Bill, and I look forward to working with members of the House and my colleagues in the Senate on this important issue.

As the parent of a son who served as a peacekeeper in Bosnia and who is currently deployed in Kosovo, these military ''quality of life'' challenges are particularly apparent to me. Making the GI Bill pay for viable educational opportunity makes as much sense today as it did following World War II. The very modest cost of improving the GI Bill will result in net gains to our military and our society.

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

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

S. 2419

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 ''Veterans' Higher Education Opportunities Act of 2000''.

SEC. 2. ANNUAL DETERMINATION OF BASIC BENEFIT OF ACTIVE DUTY EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) BASIC BENEFIT.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking ''of $528 (as increased from time to time under subsection (g))'' and inserting ''equal to the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees (as determined under subsection (g))''; and

(2) in subsection (b)(1) by striking ''of $429 (as increased from time to time under subsection (g))'' and inserting ''equal to 75 percent of the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees (as determined under subsection (g))''.

(b) DETERMINATION OF AVERAGE MONTHLY COSTS.—Subsection (g) of that section is amended to read as follows:

''(g)(1) Not later than September 30 each year, the Secretary shall determine the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees for purposes of subsections (a)(1) and (b)(1) for the succeeding fiscal year. The Secretary shall determine such costs utilizing information obtained from the College Board or information provided annually by the College Board in its annual survey of institutions of higher education.

''(2) In determining the costs of tuition and expenses under paragraph (1), the Secretary shall take into account the following:

''(A) Tuition and fees.

''(B) The cost of books and supplies.

''(C) The cost of board.

''(D) Transportation costs.

''(E) Other nonfixed educational expenses.

''(3) A determination made under paragraph (1) in a year shall take effect on October 1 of that year and apply with respect to basic educational assistance allowances payable under this section for the fiscal year beginning in that year.

''(4) Not later than September 30 each year, the Secretary shall publish in the Federal Register the average monthly costs of tuition and expenses as determined under paragraph (1) in that year.

''(5) For purposes of this section, the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

(c) STYLISTIC AMENDMENT.—Subsection (b) of that section is further amended in the matter preceding paragraph (1) by striking ''as provided in the succeeding subsections of this section'' and inserting ''as otherwise provided in this section''.

(d) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 2000.

(2) The Secretary of Veterans Affairs shall make the determination required by subsection (g) of section 3015 of title 38, United States Code (as amended by subsection (b) of this section), and such determination shall go into effect, for fiscal year 2001.

Ms. COLLINS. Mr. President, I am delighted to join with my friend and colleague, Senator JOHNSON, in introducing the Veterans' Higher Education Opportunities Act of 2000. This legislation will provide our veterans with expanded educational opportunities at a reasonable cost. Endorsed by the 47-member Partnership for Veterans Education, our legislation provides a new model for today's GI bill that is logical, fair, and worthy of a nation that values both higher education and our veterans.

The original GI bill was enacted in 1944. As a result of this initiative, 7.8 million World War II veterans were able to take advantage of postservice education and training opportunities, including more than 2 million veterans who went on to college. My own father was among those veterans who served bravely in World War II and then came back home to resume his education with assistance from the GI bill.

Since that time, various incarnations of the G.I. Bill have continued to assist millions of veterans in taking advantage of the educational opportunities they put on hold in order to serve their country. New laws were enacted to provide educational assistance to those who served in Korea and Vietnam, as well as to those who served during the period in-between. Since the change to an all-volunteer service, additional adjustments to these programs were made, leading up to the enactment of the Montgomery G.I. Bill in 1985.

The value of the educational benefit assistance provided by the Montgomery G.I. Bill, however, has greatly eroded over time due to inflation and the escalating cost of higher education. Military recruiters indicate that the program's benefits no longer serve as a strong incentive to join the military; nor do they serve as a retention tool valuable enough to persuade men and women to stay in the military and defer the full or part-time pursuit of their higher education until a later date. Perhaps most important, the program is losing its value as an instrument for readjustment into civilian life after military service.

This point really hit home for me when I recently met with representatives of the Maine State Approving Agency (SAA) for Veterans Education Programs. They told me of the ever increasing difficulties that service members are having in using the G.I. Bill's benefits for education and training.

For example, the Maine representatives told me that the majority of today's veterans are married and have children. Yet, the Montgomery G.I. Bill often does not cover the cost of tuition to attend a public institution, let alone the other costs associated with the pursuit of higher education and those required to help support a family.

In fact, in constant dollars, with one exception, the current G.I. Bill provides the lowest level of assistance ever to those who served in the defense

of our country. The basic benefit program of the Vietnam Era G.I. Bill provided $493 per month in 1981 to a veteran with a spouse and two children. Twenty years later, a veteran in identical circumstances receives only $43 more, a mere 8% increase over a time period when inflation has nearly doubled, and a dollar buys only half of what it once purchased.

To address these problems, we are offering a modern version of the Montgomery G. I. Bill. This new model establishes a sensible, easily understood benchmark for G.I. Bill benefits. The benchmark sets G.I. Bill benefits at ''the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees.'' This commonsense provision would serve as the foundation upon which future education stipends for all veterans would be based and would set benefits at a level sufficient to provide veterans the education promised to them at recruitment.

The current G.I. Bill now provides nine monthly $536 stipends per year for four years. The total benefit is $19,296. Under the new benchmark established by this legislation, the monthly stipend for the this academic year would be $975, producing a new total benefit of $35,100 for the four academic years.

Mr. President, today's G.I. Bill is woefully under-funded and does not provide the financial support necessary for our veterans to meet their educational goals. The legislation that we are proposing would fulfill the promise made to our nation's veterans, help with recruiting and retention of men and women in our military, and reflect current costs of higher education. Now is the time to enact these modest improvements to the basic benefit program of the Montgomery G.I. Bill.

I urge all members of the Senate to join Senator JOHNSON and myself in support of the Veterans' Higher Education Opportunities Act.

By Mr. GRASSLEY (for himself, Ms. MIKULSKI, Ms. COLLINS, and Mr. CLELAND):

S. 2420. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; to the Committee on Governmental Affairs.

LONG-TERM CARE SECURITY ACT

Mr. GRASSLEY. 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:

S. 2420

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 ''Long-Term Care Security Act''.

SEC. 2. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 90—LONG-TERM CARE INSURANCE

''§ 9001. Definitions

For purposes of this chapter:

''(1) EMPLOYEE.—The term 'employee' means—

''(A) an employee as defined by section 8901(1); and

''(B) an individual described in section 2105(e);

but does not include an individual employed by the government of the District of Columbia.

''(2) ANNUITANT.—The term 'annuitant' has the meaning such term would have under paragraph (3) of section 8901 if, for purposes of such paragraph, the term 'employee' were considered to have the meaning given to it under paragraph (1) of this subsection.

''(3) MEMBER OF THE UNIFORMED SERVICES.—The term 'member of the uniformed services' means a member of the uniformed services, other than a retired member of the uniformed services.

''(4) RETIRED MEMBER OF THE UNIFORMED SERVICES.—The term 'retired member of the uniformed services' means a member or former member of the uniformed services entitled to retired or retainer pay.

''(5) QUALIFIED RELATIVE.—The term 'qualified relative' means each of the following:

''(A) The spouse of an individual described in paragraph (1), (2), (3), or (4).

''(B) A parent, stepparent, or parent-in-law of an individual described in paragraph (1) or (3).

''(C) A child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provides, a foster child) of an individual described in paragraph (1), (2), (3), or (4), if such child is at least 18 years of age.

''(D) An individual having such other relationship to an individual described in paragraph (1), (2), (3), or (4) as the Office may by regulation prescribe.

''(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' refers to an individual described in paragraph (1), (2), (3), (4), or (5).

''(7) QUALIFIED CARRIER.—The term 'qualified carrier' means an insurance company (or consortium of insurance companies) that is licensed to issue long-term care insurance in all States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

''(8) STATE.—The term 'State' includes the District of Columbia.

''(9) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

''(10) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

''(A) except as otherwise provided in this paragraph, the Secretary of Defense;

''(B) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

''(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and

''(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

''§ 9002. Availability of insurance

''(a) IN GENERAL.—The Office of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

''(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

''(1) the only coverage provided is under qualified long-term care insurance contracts; and

''(2) each insurance contract under which any such coverage is provided is issued by a qualified carrier.

''(c) DOCUMENTATION REQUIREMENT.—As a condition for obtaining long-term care insurance coverage under this chapter based on one's status as a qualified relative, an applicant shall provide documentation to demonstrate the relationship, as prescribed by the Office.

''(d) UNDERWRITING STANDARDS.—

''(1) DISQUALIFYING CONDITION.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be eligible for benefits immediately.

''(2) SPOUSAL PARITY.—For the purpose of underwriting standards, a spouse of an individual described in paragraph (1), (2), (3), or (4) of section 9001 shall, as nearly as practicable, be treated like that individual.

''(3) GUARANTEED ISSUE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be guaranteed to an eligible individual.

''(4) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(9), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

''(5) HIGHER STANDARDS ALLOWABLE.—Nothing in this chapter shall, in the case of an individual applying for long-term care insurance coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of underwriting standards more stringent than those that would have applied if that opportunity had not yet expired.

''(e) GUARANTEED RENEWABILITY.—The benefits and coverage made available to eligible individuals under any insurance contract under this chapter shall be guaranteed renewable (as defined by section 7A(2) of the model regulations described in section 7702B(g)(2) of the Internal Revenue Code of 1986), including the right to have insurance remain in effect so long as premiums continue to be timely made. However, the authority to revise premiums under this chapter shall be available only on a class basis and only to the extent otherwise allowable under section 9003(b).

''§ 9003. Contracting authority

''(a) IN GENERAL.—The Office of Personnel Management shall, without regard to section 5 of title 41 or any other statute requiring competitive bidding, contract with 1 or more qualified carriers for a policy or policies of long-term care insurance. The Office shall ensure that each resulting contract (hereinafter in this chapter referred to as a 'master

contract') is awarded on the basis of contractor qualifications, price, and reasonable competition.

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—Each master contract under this chapter shall contain—

''(A) a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits);

''(B) the premiums charged (including any limitations or other conditions on their subsequent adjustment);

''(C) the terms of the enrollment period; and

''(D) such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

''(2) PREMIUMS.—Premiums charged under each master contract entered into under this section shall reasonably and equitably reflect the cost of the benefits provided, as determined by the Office. The premiums shall not be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

''(3) NONRENEWABILITY.—Master contracts under this chapter may not be made automatically renewable.

''(c) PAYMENT OF REQUIRED BENEFITS; DISPUTE RESOLUTION.—

''(1) IN GENERAL.—Each master contract under this chapter shall require the carrier to agree—

''(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

''(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

''(i) to establish internal procedures designed to expeditiously resolve such disputes; and

''(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the carrier.

''(2) ELIGIBILITY.—A carrier's determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

''(3) OTHER CLAIMS.—For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

''(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

''(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

''(4) RULE OF CONSTRUCTION.—Nothing in this chapter shall be considered to grant authority for the Office or a third-party reviewer to change the terms of any contract under this chapter.

''(d) DURATION.—

''(1) IN GENERAL.—Each master contract under this chapter shall be for a term of 7 years, unless terminated earlier by the Office in accordance with the terms of such contract. However, the rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under such contract shall continue with respect to such individual until the termination of coverage of the enrolled individual or the effective date of a successor contract thereto.

''(2) EXCEPTION.—

''(A) SHORTER DURATION.—In the case of a master contract entered into before the end of the period described in subparagraph (B), paragraph (1) shall be applied by substituting 'ending on the last day of the 7-year period described in paragraph (2)(B)' for 'of 7 years'.

''(B) DEFINITION.—The period described in this subparagraph is the 7-year period beginning on the earliest date as of which any long-term care insurance coverage under this chapter becomes effective.

''(3) CONGRESSIONAL NOTIFICATION.—No later than 180 days after receiving the second report required under section 9006(c), the President (or his designee) shall submit to the Committees on Government Reform and on Armed Services of the House of Representatives and the Committees on Governmental Affairs and on Armed Services of the Senate, a written recommendation as to whether the program under this chapter should be continued without modification, terminated, or restructured. During the 180-day period following the date on which the President (or his designee) submits the recommendation required under the preceding sentence, the Office of Personnel Management may not take any steps to rebid or otherwise contract for any coverage to be available at any time following the expiration of the 7-year period described in paragraph (2)(B).

''(4) FULL PORTABILITY.—Each master contract under this chapter shall include such provisions as may be necessary to ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual pursuant to that enrollment shall not be terminated due to any change in status (such as separation from Government service or the uniformed services) or ceasing to meet the requirements for being considered a qualified relative (whether as a result of dissolution of marriage or otherwise).

''§ 9004. Financing

''(a) IN GENERAL.—Each eligible individual obtaining long-term care insurance coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

''(b) WITHHOLDINGS.—

''(1) IN GENERAL.—The amount necessary to pay the premiums for enrollment may—

''(A) in the case of an employee, be withheld from the pay of such employee;

''(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

''(C) in the case of a member of the uniformed services described in section 9001(3), be withheld from the basic pay of such member; and

''(D) in the case of a retired member of the uniformed services described in section 9001(4), be withheld from the retired pay or retainer pay payable to such member.

''(2) VOLUNTARY WITHHOLDINGS FOR QUALIFIED RELATIVES.—Withholdings to pay the premiums for enrollment of a qualified relative may, upon election of the appropriate eligible individual (described in section 9001(1)–(4)), be withheld under paragraph (1) to the same extent and in the same manner as if enrollment were for such individual.

''(c) DIRECT PAYMENTS.—All amounts withheld under this section shall be paid directly to the carrier.

''(d) OTHER FORMS OF PAYMENT.—Any enrollee who does not elect to have premiums withheld under subsection (b) or whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made, and whose premiums are not otherwise being provided for under subsection (b)(2)) shall pay an amount equal to the full amount of those charges directly to the carrier.

''(e) SEPARATE ACCOUNTING REQUIREMENT.—Each carrier participating under this chapter shall maintain records that permit it to account for all amounts received under this chapter (including investment earnings on those amounts) separate and apart from all other funds.

''(f) REIMBURSEMENTS.—

''(1) REASONABLE INITIAL COSTS.—

''(A) IN GENERAL.—The Employees' Life Insurance Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B), including reasonable implementation costs.

''(B) REIMBURSEMENT REQUIREMENT.—Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for all amounts obligated or expended under subparagraph (A) (including lost investment income). Such reimbursement shall be made by carriers, on a pro rata basis, in accordance with appropriate provisions which shall be included in master contracts under this chapter.

''(2) SUBSEQUENT COSTS.—

''(A) IN GENERAL.—There is hereby established in the Employees' Life Insurance Fund a Long-Term Care Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the 7-year period described in section 9003(d)(2)(B).

''(B) REIMBURSEMENT REQUIREMENT.—Each master contract under this chapter shall include appropriate provisions under which the carrier involved shall, during each year, make such periodic contributions to the Long-Term Care Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year (adjusted to reconcile for any earlier overestimates or underestimates under this subparagraph) are defrayed.

''§ 9005. Preemption

''The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

''§ 9006. Studies, reports, and audits

''(a) PROVISIONS RELATING TO CARRIERS.—Each master contract under this chapter shall contain provisions requiring the carrier—

''(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

''(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out the purposes of this chapter.

''(b) PROVISIONS RELATING TO FEDERAL AGENCIES.—Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with

such information and reports as the Office may require.

''(c) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years during which the program under this chapter is in effect, a written report evaluating such program. Each such report shall include an analysis of the competitiveness of the program, as compared to both group and individual coverage generally available to individuals in the private insurance market. The Office shall cooperate with the General Accounting Office to provide periodic evaluations of the program.

''§ 9007. Jurisdiction of courts

''The district courts of the United States have original jurisdiction of a civil action or claim described in paragraph (1) or (2) of section 9003(c), after such administrative remedies as required under such paragraph (1) or (2) (as applicable) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

''§ 9008. Administrative functions

''(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations necessary to carry out this chapter.

''(b) ENROLLMENT PERIODS.—The Office shall provide for periodic coordinated enrollment, promotion, and education efforts in consultation with the carriers.

''(c) CONSULTATION.—Any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual described in paragraph (3) or (4) of section 9001, or a qualified relative thereof, shall be prescribed by the Office in consultation with the appropriate Secretary.

''(d) INFORMED DECISIONMAKING.—The Office shall ensure that each eligible individual applying for long-term care insurance under this chapter is furnished the information necessary to enable that individual to evaluate the advantages and disadvantages of obtaining long-term care insurance under this chapter, including the following:

''(1) The principal long-term care benefits and coverage available under this chapter, and how those benefits and coverage compare to the range of long-term care benefits and coverage otherwise generally available.

''(2) Representative examples of the cost of long-term care, and the sufficiency of the benefits available under this chapter relative to those costs. The information under this paragraph shall also include—

''(A) the projected effect of inflation on the value of those benefits; and

''(B) a comparison of the inflation-adjusted value of those benefits to the projected future costs of long-term care.

''(3) Any rights individuals under this chapter may have to cancel coverage, and to receive a total or partial refund of premiums. The information under this paragraph shall also include—

''(A) the projected number or percentage of individuals likely to fail to maintain their coverage (determined based on lapse rates experienced under similar group long-term care insurance programs and, when available, this chapter); and

''(B)(i) a summary description of how and when premiums for long-term care insurance under this chapter may be raised;

''(ii) the premium history during the last 10 years for each qualified carrier offering long-term care insurance under this chapter; and

''(iii) if cost increases are anticipated, the projected premiums for a typical insured individual at various ages.

''(4) The advantages and disadvantages of long-term care insurance generally, relative to other means of accumulating or otherwise acquiring the assets that may be needed to meet the costs of long-term care, such as through tax-qualified retirement programs or other investment vehicles.

''§ 9009. Cost accounting standards

''The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) shall not apply with respect to a long-term care insurance contract under this chapter.''.

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

''90. Long-Term Care Insurance ... 9001.''.

SEC. 3. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this Act, may be obtained in time to take effect not later than the first day of the first applicable pay period of the first fiscal year which begins after the end of the 18-month period beginning on the date of enactment of this Act.

By Mr. CONRAD:

S. 2422. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for farm relief and economic development, and for other purposes; to the Committee on Finance.

FARM RELIEF AND ECONOMIC DEVELOPMENT ACT OF 2000

Mr. CONRAD. Mr. President, I rise today to introduce the Farm Relief and Economic Development Act of 2000. We have farmers who are in the deepest trouble they have been in in 50 years: the lowest prices in 50 years, a series of natural disasters in many parts of the country, and an economic environment in which our major competitors are outgunning us 60 to 1 in agricultural export support, by 10 to 1 in internal support. The result is tens of thousands of farm families are faced with failure unless we respond.

The Department of Agriculture has told us that farm income will drop $8 billion if we fail to act. As part of an overall response, today I am introducing legislation that I term the ''Farm Relief and Economic Development Act of 2000.'' There is no question in my mind that the best action Congress could take on farm policy would be to rewrite the farm bill. But that is unlikely to happen this year.

There are parts of the Internal Revenue Code that create unnecessary problems for farmers that we can address. The essential elements of this bill are provisions to address farm and ranch risk management accounts. This proposal would allow farmers to make contributions to tax-deferred accounts, which would be known as farm and ranch risk management accounts. Those accounts would provide farmers with a valuable new tool for managing money in a way that best benefits each farmer's own operations.

The second key element of this legislation is clarifying the self-employment tax that applies to farm lease income. A farm landlord should be treated no differently than small business operators and other commercial landlords when it comes to cash rent income.

As a result of a 1996 Tax Court decision, the IRS has now expanded the reach of the self-employment tax to include all farm landlords, whether or not they are active participants in the farming activity. My proposal would restore the pre-1996 status quo, turning back this unilateral action by the IRS. My proposal also includes language to clarify the Conservation Reserve Program payments are not subject to the self-employment tax. Again, we have an interpretation by the Internal Revenue Service that we think is badly flawed and ought to be reversed.

This legislation provides capital gains relief on the sale of farm residences and farmland. Farm families frequently cannot take full advantage of the $500,000 capital gains tax exemption that we provide nonfarm residents. That is because the IRS separates the value of a farmer's house from the contiguous land. The value of the home often turns out to be negligible because the IRS often judges homes located far out in the country to have very little value. In fact, it is often the case it has very little in the way of market value when it is detached from the land that surrounds that farmstead. My proposal would allow the exclusion of $500,000 that we currently allow homeowners to be applied to the sale of a farmer's home and up to 160 acres of surrounding farmland.

The next element of my legislation is Aggie bonds. Finding ways to encourage people to start farming is not easy. Aggie bonds are helping by reducing the cost of credit and stimulating investment in agriculture. This proposal would exclude Aggie bonds from the State volume cap. It would not change the loan limit, nor would it affect any additional limitations or qualifications imposed by the 16 States which participate in the program.

My proposal provides capital gains tax relief for farmers leaving farming. The farmer who decides to leave under enormous financial pressure today often finds the IRS waiting with its hand out. When property is sold at auction in order to satisfy debt, the farmers will often realize a very significant capital gain, even though they really have losses because the value of the property has gone up while the debt may have gone up even more dramatically. This proposal would provide a once-in-a-lifetime capital gains exclusion for farmers who decide or are pressured to leave agriculture.

Next, this proposal addresses net operating losses of farmers. My proposal would lengthen the carryback period for net operating losses for farmers to 10 years. Because of the volatility in the income of farmers, we believe it makes sense to allow them a net operating loss over an extended period.

Next, this proposal I am offering today deals with estate valuation. We

have the special use valuation, in order to help farmers keep their farms intact. The definitions that trigger the recapture, unfortunately, are too rigid. If the farm can remain a going concern by renting some portion of it to other family members, I believe the family should be able to still enjoy the benefits of special use valuation. My proposal would provide that an heir could rent the family farm to family members for the purpose of farming without triggering the recapture provisions.

Next, my proposal deals with farmer cooperatives. This proposal would provide cooperatives with the same declaratory relief procedures available to other tax-exempt entities when their tax-exempt status is denied.

Finally, my proposal deals with income averaging for farmers and the alternative minimum tax. Because of interaction between the income averaging provisions of the code and the alternative minimum tax, some farmers who elect to take advantage of income averaging are finding themselves subject to alternative minimum tax. That was never intended. This outcome should be changed so farmers receive the full benefit of income averaging. This proposal would provide that a farmer who elects income averaging would not then face an increase in AMT liability.

With that, Mr. President, I send the bill to the desk and ask for its referral. I hope colleagues will support this legislation.

By Mr. DURBIN:

S. 2423. A bill to provide Federal Perkins Loan cancellation for public defenders; to the Committee on Health, Education, Labor, and Pensions.

FEDERAL PERKINS LOAN CANCELLATION FOR PUBLIC DEFENDERS

• Mr. DURBIN. Mr. President, today I am introducing legislation with Senators FEINSTEIN, DODD, WELLSTONE, and BINGAMAN to include full-time public defense attorneys in the Federal Perkins Loan forgiveness program for law enforcement officers. This amendment will provide parity to public defense attorneys and uphold the goals set forth by the Supreme Court to equalize access to legal resources. Representative TOM CAMPBELL of California will be introducing a similar bill in the House.

Under section 465(a)(2)(F) of the Higher Education Act of 1965, a borrower with a loan made under the Federal Perkins Loan Program is eligible to have the loan canceled for serving full-time as a law enforcement officer or corrections officer in a local, State, or Federal law enforcement or corrections agency. While the rules governing borrower eligibility for law enforcement cancellation have been interpreted by the Department of Education to include prosecuting attorneys, public defenders have been excluded from the loan forgiveness program. This policy must be amended.

Like prosecutors, public defense attorneys play an integral role in our adversarial process. This judicial process is the most effective means of getting at truth and rendering justice. The United States Supreme Court in a series of cases has recognized the importance of the right to counsel in implementing the Sixth Amendment's guarantee of a fair trial and the Fourteenth Amendment's due process clause requiring counsel to be appointed for all persons accused of offenses in which there is a possibility of a jail term being imposed.

Absent adequate counsel for all parties, there is a danger that the outcome may be determined not by who has the most convincing case but by who has the most resources. The Court rightly addressed this possible miscarriage of justice by requiring counsel to be appointed for the accused. Public defenders fill this Court mandated role by representing the interests of criminally accused indigent persons. They give indigent defendants sufficient resources to present an adequate defense, so that the public goal of truth and justice will govern the outcome.

The Department of Education's interpretation of the statue to exclude public defenders from the loan forgiveness program undermines the goals set forth by the Supreme Court to equalize access to legal resources. It creates an obvious disparity of resources between public defenders and prosecutors by encouraging talented individuals to pursue public service as prosecutors but not as defenders. The criminal justice system works best when both sides are adequately represented. The public interest is served when indigent defendants have access to talented defenders. One of the ways to facilitate this goal is by granting loan cancellation benefits to defense attorneys.

Moreover, public defense attorneys meet all the eligibility requirements of the loan forgiveness program as set forth in current federal regulations. They belong to publicly funded public defender agencies and they are sworn officers of the court whose principal responsibilities are unique to the criminal justice system and are essential in the performance of the agencies' primary mission. In addition, like prosecuting attorneys, public defenders are law enforcement officers dedicated to upholding, protecting, and enforcing our laws. Without public defense attorneys, the adversarial process of our criminal justice system could not operate.

I urge my colleagues to join me, Senator FEINSTEIN, Senator DODD, Senator WELLSTONE, Senator BINGAMAN, and Representative CAMPBELL in supporting the goal of equalized access to legal resources, as set forth in the Constitution and elucidated by the Supreme Court, by providing parity to public defenders and allowing them to join prosecutors in receiving loan cancellation benefits.

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:

S. 2423

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

SECTION 1. FEDERAL PERKINS LOAN CANCELLATION FOR PUBLIC DEFENDERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Education has issued clarifications that prosecuting attorneys are among the class of law enforcement officers eligible for benefits under the Federal Perkins Loan cancellation program.

(2) Like prosecutors, public defenders also meet all the eligibility requirements of the Federal Perkins Loan cancellation program as set forth in Federal regulations.

(3) Public defenders are law enforcement officers who play an integral role in our Nation's adversarial legal process. Public defenders fill the Supreme Court mandated role requiring that counsel be appointed for the accused, by representing the interests of criminally accused indigent persons.

(4) In order to encourage highly qualified attorneys to serve as public defenders, public defenders should be included with prosecutors among the class of law enforcement officers eligible to receive benefits under the Federal Perkins Loan cancellation program.

(b) AMENDMENT.—Section 465(a)(2)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(F)) is amended by inserting ", or as a full-time public defender for service to local, State, or Federal governments (directly or by a contract with a private, nonprofit organization)" after "agencies".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) loans made under this part, whether made before, on, or after the date of enactment of this Act; and

(2) service as a public defender that is provided on or after the date of enactment of this Act.

(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.•

By Mr. JEFFORDS (for himself, Mr. MOYNIHAN, Mr. SCHUMER, Mr. DODD, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 2429. A bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons; to the Committee on Energy and Natural Resources.

WEATHERIZATION IMPROVEMENT ACT OF 2000

Mr. JEFFORDS. Mr. President, I rise today to introduce the Weatherization Improvement Act of 2000.

As this past winter has demonstrated, cold temperatures and high fuel costs can result in severe hardship for many of our low-income households, particularly those with children, elderly, and disabled members. Preventative energy efficiency measures are vital to ensure that low-income consumers spend less money keeping their families warm on cold winter nights. It is estimated that investments in Weatherization can save a typical household $193 in annual gas energy costs. While improving energy efficiency through work such as air-

sealing and insulation work is an admirable goal, the Weatherization Assistance Program also has become an important tool in addressing the health and safely of our low-income families.

The Weatherization Improvement Act of 2000 seeks to further this commitment. The legislation will amend the average per dwelling unit cost to incorporate intensive costs, such as costs of furnace or cooling replacements, reducing the administrative burden of tracking these costs separately; increase the average cost per home, beginning this year, to $2,500 (up from $2,032 for 1999); and eliminate the statutory requirement that at least 40 percent of funds be spent on materials. These changes are necessary to improve the effectiveness of the Weatherization, and are long overdue.

Lastly, the legislation repeals the 25 percent state matching requirement for the Weatherization Assistance Program set to begin in FY2001, which was included in the FY2000 Interior Appropriations legislation. While many states, utilities, and private organizations have leveraged large amounts of money in support of the Weatherization Assistance Program, not every state is in the same financial situation. There needs to be national commitment to energy efficiency for low income Americans and affordable housing. This is part of that commitment.

By Mr. LEAHY:

S. 2430. A bill to combat computer hacking through enhanced law enforcement and to protect the privacy and constitutional rights of Americans, and for other purposes; to the Committee on the Judiciary.

INTERNET SECURITY ACT OF 2000

Mr. LEAHY. Mr. President, as we head into the twenty-first century, computer-related crime is one of the greatest challenges facing law enforcement. Many of our critical infrastructures and our government depend upon the reliability and security of complex computer systems. We need to make sure that these essential systems are protected from all forms of attack. The legislation I am introducing today will help law enforcement investigate and prosecute those who jeopardize the integrity of our computer systems and the Internet.

Whether we work in the private sector or in government, we negotiate daily through a variety of security checkpoints designed to protect ourselves from being victimized by crime or targeted by terrorists. For instance, congressional buildings like this one use cement pillars placed at entrances, photo identification cards, metal detectors, x-ray scanners, and security guards to protect the physical space. These security steps and others have become ubiquitous in the private sector as well.

Yet all these physical barriers can be circumvented using the wires that run into every building to support the computers and computer networks that are the mainstay of how we communicate and do business. This plain fact was amply demonstrated by the recent hacker attacks on E-Trade, ZDNet, Datek, Yahoo, eBay, Amazon.com and other Internet sites. These attacks raise serious questions about Internet security—questions that we need to answer to ensure the long-term stability of electronic commerce. More importantly, a well-focused and more malign cyber-attack on computer networks that support telecommunications, transportation, water supply, banking, electrical power and other critical infrastructure systems could wreak havoc on our national economy or even jeopardize our national defense. We have learned that even law enforcement is not immune. Just recently we learned of a denial of service attack successfully perpetrated against a FBI web site, shutting down that site for several hours.

The cybercrime problem is growing. The reports of the CERT Coordination Center (formerly called the ''Computer Emergency Response Team''), which was established in 1988 to help the Internet community detect and resolve computer security incidents, provide chilling statistics on the vulnerabilities of the Internet and the scope of the problem. Over the last decade, the number of reported computer security incidents grew from 6 in 1988 to more than 8,000 in 1999. But that alone does not reveal the scope of the problem. According to CERT's most recent annual report, more than four million computer hosts were affected by the computer security incidents in 1999 alone by damaging computer viruses, with names like ''Melissa,'' ''Chernobyl,'' ''ExploreZip,'' and by the other ways that remote intruders have found to exploit system vulnerabilities. Even before the recent headline-grabbing ''denial-of-service'' attacks, CERT documented that such incidents ''grew at rate around 50% per year'' which was ''greater than the rate of growth of Internet hosts.''

CERT has tracked recent trends in severe hacking incidents on the Internet and made the following observations, First, hacking techniques are getting more sophisticated. That means law enforcement is going to have to get smarter too, and we need to give them the resources to do this. Second, hackers have ''become increasingly difficult to locate and identify.'' These criminals are operating in many different locations and are using techniques that allow them to operate in ''nearly total obscurity.''

We have been aware of the vulnerabilities to terrorist attacks of our computer networks for more than a decade. It became clear to me, when I chaired a series of hearings in 1988 and 1989 by the Subcommittee on Technology and the Law in the Senate Judiciary Committee on the subject of high-tech terrorism and the threat of computer viruses, that merely ''hardening'' our physical space from potential attack would only prompt committed criminals and terrorists to switch tactics and use new technologies to reach vulnerable softer targets, such as our computer systems and other critical infrastructures. The government has a responsibility to work with those in the private sector to assess those vulnerabilities and defend them. That means making sure our law enforcement agencies have the tools they need, but also that the government does not stand in the way of smart technical solutions to defend our computer systems.

Targeting cybercrime with up-to-date criminal laws and tougher law enforcement is only part of the solution. While criminal penalties may deter some computer criminals, these laws usually come into play too late, after the crime has been committed and the injury inflicted. We should keep in mind the adage that the best defense is a good offense. Americans and American firms must be encouraged to take preventive measures to protect their computer information and systems. Just recently, internet providers and companies such as Yahoo! and Amazon.com Inc., and computer hardware companies such a Cisco Systems Inc., proved successful at stemming attacks within hours thereby limiting losses.

That is why, for years, I have advocated and sponsored legislation to encourage the widespread use of strong encryption. Encryption is an important tool in our arsenal to protect the security of our computer information and networks. The Administration made enormous progress earlier this year when it issued new regulations relaxing export controls on strong encryption. Of course, encryption technology cannot be the sole source of protection for our critical computer networks and computer-based infrastructure, but we need to make sure the government is encouraging—and not restraining—the use of strong encryption and other technical solutions to protecting our computer systems.

Congress has responded again and again to help our law enforcement agencies keep up with the challenges of new crimes being executed over computer networks. In 1984, we passed the Computer Fraud and Abuse Act, and its amendments, to criminalize conduct when carried out by means of unauthorized access to a computer. In 1986, we passed the Electronic Communications Privacy Act (ECPA), which I was proud to sponsor, to criminalize tampering with electronic mail systems and remote data processing systems and to protect the privacy of computer users. In the 104th Congress, Senators KYL, GRASSLEY, and I worked together to enact the National Information Infrastructure Protection Act to increase protection under federal criminal law for both government and private computers, and to address an emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless their extortion demands are met.

In this Congress, I have introduced a bill with Senator DEWINE, the Computer Crime Enforcement Act, S. 1314, to set up a $25 million grant program within the U.S. Department of Justice for states to tap for improved education, training, enforcement and prosecution of computer crimes. All 50 states have now enacted tough computer crime control laws. These state laws establish a firm groundwork for electronic commerce and Internet security. Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of training and equipment necessary for effective enforcement of their state computer crime statutes. Our legislation, the Computer Crime Enforcement Act, would help state and local law enforcement join the fight to combat the worsening threats we face from computer crime.

Computer crime is a problem nationwide and in Vermont. I recently released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98% of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement.

My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence. According to my survey, 83% of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52% of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Proper training is critical to ensuring success in the fight against computer crime.

This bill will help our computer crime laws up to date as an important backstop and deterrent. I believe that our current computer crime laws can be enhanced and that the time to act is now. We should pass legislation designed to improve our law enforcement efforts while at the same time protecting the privacy rights of American citizens.

The bill I offer today will make it more efficient for law enforcement to use tools that are already available—such as pen registers and trap and trace devices—to track down computer criminals expeditiously. It will ensure that law enforcement can investigate and prosecute hacker attacks even when perpetrators use foreign-based computers to facilitate their crimes. It will implement criminal forfeiture provisions to ensure that cybercriminals are forced to relinquish the tools of their trade upon conviction. It will also close a current loophole in our wiretap laws that prevents a law enforcement officer from monitoring an innocent-host computer with the consent of the computer's owner and without a wiretap order to track down the source of denial-of-service attacks. Finally, this legislation will assist state and local police departments in their parallel efforts to combat cybercrime, in recognition of the fact that this fight is not just at the federal level.

The key provisions of the bill are:

Jurisdictional and Definitional Changes to the Computer Fraud and Abuse Act: The Computer Fraud and Abuse Act, 18 U.S.C. §1030, is the primary federal criminal statute prohibiting computer frauds and hacking. This bill would amend the statute to clarify the appropriate scope of federal jurisdiction. First, the bill adds a broad definition of ''loss'' to the definitional section. Calculation of loss is important both in determining whether the $5,000 jurisdictional hurdle in the statute is met, and, at sentencing, in calculating the appropriate guideline range and restitution amount.

Second, the bill amends the definition of ''protected computer,'' to expressly include qualified computers even when they are physically located outside of the United States. This clarification will preserve the ability of the United States to assist in international hacking cases. A ''Sense of Congress'' provision specifies that federal jurisdiction is justified by the ''interconnected and interdependent nature of computers used in interstate or foreign commerce.''

Finally, the bill expands the jurisdiction of the United States Secret Service to encompass investigations of all violations of 18 U.S.C. §1030. Prior to the 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate any and all violations of section 1030, pursuant to an agreement between the Secretary of Treasury and the Attorney General. The 1996 amendments, however, concentrated Secret Service jurisdiction on certain specified subsections of section 1030. The current amendment would return full jurisdiction to the Secret Service and would allow the Justice and Treasury Departments to decide on the appropriate work-sharing balance between the two.

Elimination of Mandatory Minimum Sentence for Certain Violations of Computer Fraud and Abuse Act: Currently, a directive to the Sentencing Commission requires that all violations, including misdemeanor violations, of certain provisions of the Computer Fraud and Abuse Act be punished with a term of imprisonment of at least six months. The bill would change this directive to the Sentencing Commission so that no such mandatory minimum would be required.

Additional Criminal Forfeiture Provisions: The bill adds a criminal forfeiture provision to the Computer Fraud and Abuse Act, requiring forfeiture of physical property used in or to facilitate the offense as well as property derived from proceeds of the offense. It also supplements the current forfeiture provision in 18 U.S.C. 2318, which prohibits trafficking in, among other things, counterfeit computer program documentation and packaging, to require the forfeiture of replicators and other devices used in the production of such counterfeit items.

Pen Registers and Trap and Trace Devices: The bill makes it easier for law enforcement to use these investigative techniques in the area of cybercrime, and institutes corresponding privacy protections. On the law enforcement side, the bill gives nationwide effect to pen register and trap and trace orders obtained by Government attorneys, thus obviating the need to obtain identical orders in multiple federal jurisdictions. It also clarifies that such devices can be used on all electronic communication lines, not just telephone lines. On the privacy side, the bill provides for greater judicial review of applications for pen registers and trap and trace devices and institutes a minimization requirement for the use of such devices. The bill also amends the reporting requirements for applications for such devices by specifying the information to be reported.

Denial of Service Investigations: Currently, a person whose computer is accessed by a hacker as a means for the hacker to reach a third computer cannot simply consent to law enforcement monitoring of his computer. Instead, because this person is not technically a party to the communication, law enforcement needs wiretap authorization under Title III to conduct such monitoring. The bill will close this loophole by explicitly permitting such monitoring without a wiretap if prior consent is obtained from the person whose computer is being hacked through and used to send ''harmful interference to a lawfully operating computer system.''

Encryption Reporting: The bill directs the Attorney General to report the number of wiretap orders in which encryption was encountered and whether such encryption precluded law enforcement from obtaining the plaintext of intercepted communications.

State and Local Computer Crime Enforcement: The bill directs the Office of Federal Programs to make grants to assist State and local law enforcement in the investigation and prosecution of computer crime.

Legislation must be balanced to protect our privacy and other constitutional rights. I am a strong proponent

of the Internet and a defender of our constitutional rights to speak freely and to keep private our confidential affairs from either private sector snoops or unreasonable government searches. These principles can be respected at the same time we hold accountable those malicious mischief makers and digital graffiti sprayers, who use computers to damage or destroy the property of others. I have seen Congress react reflexively in the past to address concerns over anti-social behavior on the Internet with legislative proposals that would do more harm than good. A good example of this is the Communications Decency Act, which the Supreme Court declared unconstitutional. We must make sure that our legislative efforts are precisely targeted on stopping destructive acts and that we avoid scattershot proposals that would threaten, rather than foster, electronic commerce and sacrifice, rather than promote, our constitutional rights.

Technology has ushered in a new age filled with unlimited potential for commerce and communications. But the Internet age has also ushered in new challenges for federal, state and local law enforcement officials. Congress and the Administration need to work together to meet these new challenges while preserving the benefits of our new era. The legislation I offer today is a step in that direction.

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:

S. 2430

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 ''Internet Security Act of 2000''.

SEC. 2. AMENDMENTS TO THE COMPUTER FRAUD AND ABUSE ACT.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)—

(i) by inserting ''(i)'' after ''(A)'' and redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(ii) in subparagraph (A)(iii), as redesignated, by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(B) the conduct described in clause (i), (ii), or (iii) of subparagraph (A)—

''(i) caused loss aggregating at least $5,000 in value during a 1-year period to 1 or more individuals;

''(ii) modified or impaired, or potentially modified or impaired, the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) caused physical injury to any person; or

''(iv) threatened public health or safety;''; and

(B) in paragraph (6), by adding ''or'' at the end;

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end; and

(ii) in subparagraph (B), by inserting ''or an attempted offense'' after ''in the case of an offense''; and

(B) by adding at the end the following:

''(4) forfeiture to the United States in accordance with subsection (i) of the interest of the offender in—

''(A) any personal property used or intended to be used to commit or to facilitate the commission of the offense; and

''(B) any property, real or personal, that constitutes or that is derived from proceeds traceable to any violation of this section.'';

(3) in subsection (d)—

(A) by striking ''subsections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of''; and

(B) by striking ''which shall be entered into by'' and inserting ''between'';

(4) in subsection (e)—

(A) in paragraph (2)(B), by inserting '', including computers located outside the United States'' before the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon;

(C) in paragraph (7), by striking ''and'' at the end;

(D) in paragraph (8), by striking '', that'' and all that follows through ''; and'' and inserting a semicolon;

(E) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(10) the term 'loss' includes—

''(A) the reasonable costs to any victim of—

''(i) responding to the offense;

''(ii) conducting a damage assessment; and

''(iii) restoring the system and data to their condition prior to the offense; and

''(B) any lost revenue or costs incurred by the victim as a result of interruption of service.'';

(5) in subsection (g), by striking ''Damages for violations involving damage as defined in subsection (c)(8)(A)'' and inserting ''losses specified in subsection (a)(5)(B)(i)''; and

(6) by adding at the end the following:

''(i) PROVISIONS GOVERNING FORFEITURE.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsection (c) and subsections (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).''.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) acts that damage or attempt to damage computers used in the delivery of critical infrastructure services such as telecommunications, energy, transportation, banking and financial services, and emergency and government services pose a serious threat to public health and safety and cause or have the potential to cause losses to victims that include costs of responding to offenses, conducting damage assessments, and restoring systems and data to their condition prior to the offense, as well as lost revenue and costs incurred as a result of interruptions of service; and

(2) the Federal Government should have jurisdiction to investigate acts affecting protected computers, as defined in section 1030(e)(2)(B) of title 18, United States Code, as amended by this Act, even if the effects of such acts occur wholly outside the United States, as in such instances a sufficient Federal nexus is conferred through the interconnected and interdependent nature of computers used in interstate or foreign commerce or communication.

SEC. 4. MODIFICATION OF SENTENCING COMMISSION DIRECTIVE.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of paragraph (4) or (5) of section 1030(a) of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 5. FORFEITURE OF DEVICES USED IN COMPUTER SOFTWARE COUNTERFEITING.

Section 2318(d) of title 18, United States Code, is amended by—

(1) inserting ''(1)'' before ''When'';

(2) inserting '', and any replicator or other device or thing used to copy or produce the computer program or other item to which the counterfeit label was affixed, or was intended to be affixed'' before the period; and

(3) by adding at the end the following:

''(2) The forfeiture of property under this section, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).''.

SEC. 6. CONFORMING AMENDMENT.

Section 492 of title 18, United States Code, is amended by striking ''or 1720,'' and inserting '', 1720, or 2318''.

SEC. 7. PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3123 of title 18, United States Code is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ISSUANCE OF ORDER.—

''(1) REQUESTS FROM ATTORNEYS FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court may enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device if the court finds, based on the certification by the attorney for the Government, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. Such order shall apply to any entity providing wire or electronic communication service in the United States whose assistance is necessary to effectuate the order.

''(2) REQUESTS FROM STATE INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS.—Upon an application made under section 3122(a)(2), the court may enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court, if the court finds, based on the certification by the State law enforcement or investigative officer, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by inserting ''authorized under subsection (a)(2)'' after ''in the case of a trap and trace device''; and

(ii) in subparagraph (D), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) shall direct that the use of the pen register or trap and trace device be conducted in such a way as to minimize the recording or decoding of any electronic or other impulses that are not related to the dialing and signaling information utilized in processing by the service provider upon whom the order is served.''.

SEC. 8. TECHNICAL AMENDMENTS TO PEN REGISTER AND TRAP AND TRACE PROVISIONS.

(a) ISSUANCE OF AN ORDER.—Section 3123 of title 18, United States Code, is amended—

(1) by inserting ''or other facility'' after ''line'' each place that term appears;

(2) by inserting ''or applied'' after ''attached'' each place that term appears;

(3) in subsection (b)(1)(C), by inserting ''or other identifier'' after ''the number''; and

(4) in subsection (d)(2), by striking ''who has been ordered by the court'' and inserting ''who is obligated by the order''.

(b) DEFINITIONS.—Section 3127 of title 18, United States Code is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) the term 'pen register'—

''(A) means a device or process that records or decodes electronic or other impulses that identify the telephone numbers or electronic address dialed or otherwise transmitted by an instrument or facility from which a wire or electronic communication is transmitted and used for purposes of identifying the destination or termination of such communication by the service provider upon which the order is served; and

''(B) does not include any device or process used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device or process by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;''; and

(2) in paragraph (4)—

(A) by inserting ''or process'' after ''means a device'';

(B) by inserting ''or other identifier'' after ''number''; and

(C) by striking ''or device'' and inserting ''or other facility''.

SEC. 9. PEN REGISTER AND TRAP AND TRACE REPORTS.

Section 3126 of title 18, United States Code, is amended by inserting before the period at the end the following: '', which report shall include information concerning—

''(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

''(2) the offense specified in the order or application, or extension of an order;

''(3) the number of investigations involved;

''(4) the number and nature of the facilities affected; and

''(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order''.

SEC. 10. ENHANCED DENIAL OF SERVICE INVESTIGATIONS.

Section 2511(2)(c) of title 18, United States Code, is amended to read as follows:

''(c)(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire, oral, or electronic communication, if such person is a party to the communication or 1 of the parties to the communication has given prior consent to such interception.

''(ii) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or electronic communication, if—

''(I) the transmission of the wire or electronic communication is causing harmful interference to a lawfully operating computer system;

''(II) any person who is not a provider of service to the public and who is authorized to use the facility from which the wire or electronic communication is to be intercepted has given prior consent to the interception; and

''(III) the interception is conducted only to the extent necessary to identify the source of the harmful interference described in subclause (I).''.

SEC. 11. ENCRYPTION REPORTING REQUIREMENTS.

Section 2519(2)(b) of title 18, United States Code, is amended by striking ''and (iv)'' and inserting ''(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)''.

SEC. 12. STATE AND LOCAL COMPUTER CRIME ENFORCEMENT.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) assist in educating and training State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as penal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading ''Violent Crime Reduction Programs, State and Local Law Enforcement Assistance'' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the total cost of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2000 through 2003.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or units of local government within a State for a grant under this section have been funded, the State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

By Mr. SANTORUM:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Finance.

TELEWORK TAX INCENTIVE ACT

● Mr. SANTORUM. Mr. President, today, I rise to introduce legislation that would help people who ''telework'' or work from home, to receive a tax credit. Teleworkers are people who work a few days a week on-line from home by using computers and other information technology tools. Nearly 20 million Americans telework today, and according to experts, 40 percent of the nation's jobs are compatible with telework. At one national telecommunications company, nearly 25 percent of its workforce works from home at least one day a week. The company found positive results in the way of fewer days of sick leave, better retention, and higher productivity.

I am introducing the Telework Tax Incentive Act to provide a $500 tax credit for telework. The purpose of my legislation is to provide an incentive to encourage more employers to consider telework for their employees. Telework should be a regular part of the 21st century workplace. The best part of

telework is that it improves the quality of life for all. Telework also reduces traffic congestion and air pollution. It reduces gas consumption and our dependency on foreign oil. Telework is good for families—working parents have flexibility to meet everyday demands. Telework provides people with disabilities greater job opportunities. Telework helps fill our nation's labor market shortage. It can also be a good option for retirees choosing to work part-time.

Last fall, a task force on telework initiated by Governor James Gilmore of Virginia made a number of recommendations to increase and promote telework. One recommendation was to establish a tax credit toward the purchase and installation of electronic and computer equipment that allow an employee to telework. For example, the cost of a computer, fax machine, modem, phone, printer, software, copier, and other expenses necessary to enable telework could count toward a tax credit, provided the person worked at home a minimum number of days per year.

My legislation would provide a $500 tax credit ''for expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework.'' An employee must telework a minimum of 75 days per year to qualify for the tax credit. Both the employer and employee are eligible for the tax credit, but the tax credit goes to whomever absorbs the expense for setting up the at-home worksite.

I am pleased to work with Congressman FRANK WOLF who has introduced identical legislation in the House of Representatives, H.R. 3819. A number of groups have already endorsed the Telework Tax Incentive Act including the International Telework Association and Council (ITAC), Covad Communications, National Town Builders Association, Litton Industries, Orbital Sciences Corporation, Consumer Electronic Association, Capnet, BTG Corporation, Electonic Industries Alliance, Telecommunications Industry Association, American Automobile Association Mid-Atlantic, Dimensions International Inc., Capunet, TManage, Science Applications International Corporation, AT&T, Northern Virginia Technology Council, Computer Associates Incorporated, and Dyn Corp.

On October 9, 1999, legislation which I introduced last year in coordination with Representative FRANK WOLF from Virginia was signed into law by the President as part of the annual Department of Transportation appropriations bill for Fiscal Year 2000. S. 1521, the National Telecommuting and Air Quality Act, created a pilot program to study the feasibility of providing incentives for companies to allow their employees to telework in five major metropolitan areas including Philadelphia, Washington, D.C., and Los Angeles. Houston and Chicago have been added as well. I am pleased that the Philadelphia Area Design Team has been progressing well with its responsibility of examining the application of these incentives to the greater Philadelphia metropolitan area. I am excited that this opportunity continues to help to get the word out about the benefits of telecommuting for many employees and employers.

Telecommuting improves air quality by reducing pollutants, provides employees and families flexibility, reduces traffic congestion, and increases productivity and retention rates for businesses while reducing their overhead costs. It's a growing opportunity and option which we should all include in our effort to maintain and improve quality of life issues in Pennsylvania and around the nation. According to statistics available from 1996, the Greater Philadelphia area ranked number 10 in the country for annual person-hours of delay due to traffic congestion. Because of this reality, all options including telecommuting should be pursued to address this challenge.

The 1999 Telework America National Telework Survey, conducted by Joan H. Pratt Associates, found that today's 19.6 million teleworkers typically work 9 days per month at home at home with an average of 3 hours per week during normal business hours. In this study, teleworkers or telecommuters are defined overall as employees or independent contractors who work at least one day per month at home. These research findings impact the bottom line for employers and employees. Teleworkers seek a blend of job-related and personal benefits to enable them to better handle their work and life responsibilities. For employers, savings just from less absenteeism and increased employee retention total more than $10,000 per teleworker per year. Thus an organization with 100 employees, 20 of whom telework, could potentially realize a savings of $200,000 annually, or more, when productivity gains are added.

Work is something you do, not someplace you go. There is nothing magical about strapping ourselves into a car and driving sometimes up to an hour and a half, arriving at a workplace and sitting before a computer, when we can access the same information from a computer in our homes. Wouldn't it be great if we could replace the evening rush hour commute with time spent with the family, or coaching little league or other important quality of life matters?

Mr. President, I urge my colleagues to consider cosponsoring this legislation which promotes telework and helps encourage additional employee choices for the workplace.●

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2432. A bill to permit the catcher vessel *Hazel Lorraine* to conduct commercial fishing activities; to the Committee on Commerce, Science, and Transportation.

ELIGIBILITY OF THE FISHING VESSEL HAZEL LORRAINE UNDER THE AMERICAN FISHERIES ACT

● Mr. SMITH of Oregon. Mr. President, today I am introducing, with my colleague from Oregon, legislation which will correct an oversight in the American Fisheries Act of 1998. Some of my colleagues will recall that the American Fisheries Act was passed as part of the Omnibus Appropriations Act in the closing days of the 105th Congress.

Let me speak briefly first to the American Fisheries Act, or AFA, itself. The AFA was a major revision of management policies for the valuable Bering Sea pollock fishery, raising domestic vessel ownership standards, while bringing greater stability to the pollock fishery by allowing fishers and processors to engage in limited cooperatives. Months of intense negotiations between interested congressional offices and a number of Alaskan and West Coast fishing interests resulted in the compromise that was passed into law.

Oregon certainly does not have as great an interest in the Bering Sea pollock fishery as other states do. Nevertheless, Oregon-based vessels do participate in this and other distant-water fisheries. Many of these vessel owner-operators pioneered the development of the Alaskan pollock fishery during the Americanization of the Exclusive Economic Zone in the 1980s. The American Fisheries Act was supposed to allow these, and other fishing vessels with substantial history, to stay in the fishery while excluding new or speculative entrants. The language used in the AFA to achieve this purpose requires that qualified vessels must have delivered at least 250 metric tons of pollock in 1996, 1997, or an eight month period in 1998, to the shore-based processing plants that compose the ''inshore sector'' of the Bering Sea pollock fishery. Alternatively, the AFA requires vessels to have delivered at least 250 metric tons of pollock in 1997 and have had at least 75 percent of their catch delivered to the ''offshore sector'' of factory trawlers in order to qualify for that sector of the Bering Sea pollock fishery.

While it was thought that this qualification language in the American Fisheries Act would carry over all vessels with a substantial history in the fishery, this has turned out not to be the case. An Oregon-based vessel named the *Hazel Lorraine*—a vessel with years of Bering Sea pollock landings on record—has found itself locked out of both the inshore and offshore sectors of the Bering Sea pollock fishery due to the way the qualifications are worded in the AFA. On the one hand, the *Hazel Lorraine* does not qualify for the inshore sector. The fact that the then-Tyson Seafood plant in Kodiak was destroyed by a fire in 1997 also impacted the *Hazel Lorraine*'s deliveries during this period. On the other hand, the *Hazel Lorraine* does not qualify for the offshore sector either—also as a direct result of the Tyson fire.

In short, the *Hazel Lorraine* does not meet the AFA requirements for either the inshore or offshore sector for Bering Sea pollock despite a substantial record of deliveries in the fishery that stretches back more than fifteen years.

Ironically, the owners of the *Hazel Lorraine* actively supported the American Fisheries Act as it had first been introduced in the 105th Congress. However the bill changed dramatically during a series of backroom negotiations before being tucked into an omnibus appropriations package. The AFA that actually passed the Congress differed substantially from the drafts that had been widely circulated in the fishing industry earlier that year.

Nevertheless, the fact remains that the *Hazel Lorraine* is recognized in the North Pacific as a vessel that can legitimately claim a long history in the Bering Sea pollock fishery. It would be a terrible mistake if the Congress were to allow this vessel to continue to be shut out of its historic fishery. A number of industry leaders and associations, such as United Catcher Boats and the Midwater Trawlers Cooperative, have also recognized this and have stated their support for restoring the right of the *Hazel Lorraine* to fish in this pollock fishery.

Over the course of the past year, Senator WYDEN and I have discussed this issue with our colleagues, and have come to the conclusion that the best course of action is to introduce authorizing legislation that would clearly place the *Hazel Lorraine* among those vessels eligible to participate in the inshore sector of the Bering Sea pollock fishery. This legislation will do just that. I think my colleagues will find that those in the North Pacific fisheries who know the circumstances surrounding the *Hazel Lorraine* will be supportive of this legislation. I look forward to working with members of the Commerce Committee to bring this issue to a resolution during this session of the Congress.

Mr. President, I ask unanimous consent that the full 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. 2432

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

SECTION 1. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.

Notwithstanding paragraphs (1) through (3) of section 208(a) of the American Fisheries Act (title II of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–624)), the catcher vessel HAZEL LORRAINE (United States Official Number 592211) shall be considered to be a vessel that is eligible to harvest the directed fishing allowance under section 206(b)(1) of that Act pursuant to a Federal fishing permit in the same manner as, and subject to the same requirements and limitations on that harvesting as apply to, catcher vessels that are eligible to harvest that directed fishing allowance under section 208(a) of that Act.●

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 2433. A bill to establish the Red River National Wildlife Refuge; to the Committee on Environment and Public Works.

RED RIVER NATIONAL WILDLIFE REFUGE ACT

● Ms. LANDRIEU. Mr. President, today I rise, along with the senior Senator from Louisiana, to introduce legislation which would establish the Red River National Wildlife Refuge. Congressman MCCREARY is introducing identical legislation in the House of Representatives. Mr. President, the Red River Valley located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches and Desoto parishes in Louisiana is of critical importance to over 350 species of birds, aquatic life and a wide array of other species associated with river basin ecosystems. It represents a historic migration corridor for migratory birds funneling through the mid-continent from as far north as the Arctic Circle and as far south as South America. The Red River Valley also represents the most degraded watershed in Louisiana. The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State or private wildlife sanctuaries along the Red River north from Alexandria, Louisiana to the Arkansas-Louisiana state boundary. The Red River Valley offers extraordinary recreational, research and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers and nature photographers.

The bill Senator BREAUX and I are introducing today would: restore and preserve native Red River ecosystems; provide habitat for migratory birds; maximize fisheries on the Red River and its tributaries, natural lakes and man-made reservoirs; provide habitat for and population management of native plants and resident animals including restoration of extirpated species; provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife and provide the public with opportunities for hunting, angling, trapping, photographing wildlife, hiking, bird watching and other outdoor recreational and educational activities.

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:

S. 2433

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 ''Red River National Wildlife Refuge Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The area of Louisiana known as the Red River Valley, located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches, and DeSoto Parishes, is of critical importance to over 350 species of birds (including migratory and resident waterfowl, shore birds, and neotropical migratory birds), aquatic life, and a wide array of other species associated with river basin ecosystems.

(2) The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

(3) The Red River Valley is part of a major continental migration corridor for migratory birds funneling through the mid continent from as far north as the Arctic Circle and as far south as South America.

(4) There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State, or private wildlife sanctuaries along the Red River north of Alexandria, Louisiana.

(5) Completion of the lock and dam system associated with the Red River Waterway project up to Shreveport, Louisiana, has enhanced opportunities for management of fish and wildlife.

(6) The Red River Valley offers extraordinary recreational, research, and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers, and nature photographers.

(7) The Red River Valley is an internationally significant environmental resource that has been neglected and requires active restoration and management to protect and enhance the value of the region as a habitat for fish and wildlife.

SEC. 3. ESTABLISHMENT AND PURPOSES OF REFUGE.

(a) ESTABLISHMENT.—The Secretary shall establish as a national wildlife refuge the lands, waters, and interests therein acquired under section 5, at such time as the Secretary determines that sufficient property has been acquired under that section to constitute an area that can be effectively managed as a national wildlife refuge for the purposes set forth in subsection (b) of this section. The national wildlife refuge so established shall be known as the ''Red River National Wildlife Refuge''.

(b) PURPOSES.—The purposes of the Refuge are the following:

(1) To restore and preserve native Red River ecosystems.

(2) To provide habitat for migratory birds.

(3) To maximize fisheries on the Red River and its tributaries, natural lakes, and manmade reservoirs.

(4) To provide habitat for and population management of native plants and resident animals (including restoration of extirpated species).

(5) To provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife.

(6) To provide the public with opportunities for hunting, angling, trapping, photographing wildlife, hiking, bird watching, and other outdoor recreational and educational activities.

(7) To achieve the purposes under this subsection without violating section 6.

(c) NOTICE OF ESTABLISHMENT.—The Secretary shall publish a notice of the establishment of the Refuge—

(1) in the Federal Register; and

(2) in publications of local circulation in the vicinity of the Refuge.

SEC. 4. ADMINISTRATION OF REFUGE.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under section 5 in accordance with—

(1) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq) and the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k et seq; commonly known as the Refuge Recreation Act);

(2) the purposes of the Refuge set forth in section 3(b); and

(3) the management plan issued under subsection (b).

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall issue a management plan for the Refuge.

(2) CONTENTS.—The management plan shall include provisions that provide for the following:

(A) Planning and design of trails and access points.

(B) Planning of wildlife and habitat restoration, including reforestation.

(C) Permanent exhibits and facilities and regular educational programs throughout the Refuge.

(3) PUBLIC PARTICIPATION.—

(A) IN GENERAL.—The Secretary shall provide an opportunity for public participation in developing the management plan.

(B) LOCAL VIEWS.—The Secretary shall give special consideration to views by local public and private entities and individuals in developing the management plan.

(c) WILDLIFE INTERPRETATION AND EDUCATION CENTER.—

(1) IN GENERAL.—The Secretary shall construct, administer, and maintain, at an appropriate site within the Refuge, a wildlife interpretation and education center.

(2) PURPOSES.—The center shall be designed and operated—

(A) to promote environmental education; and

(B) to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

SEC. 5. ACQUISITION OF LANDS, WATERS, AND INTERESTS THEREIN.

(a) IN GENERAL.—The Secretary shall seek to acquire up to 50,000 acres of land, water, or interests therein (including permanent conservation easements or servitudes) within the boundaries designated under subsection (c). All lands, waters, and interests acquired under this subsection shall be part of the Refuge.

(b) METHOD OF ACQUISITION.—The Secretary may acquire an interest in land or water for inclusion in the Refuge only by donation, exchange, or purchase from a willing seller.

(c) DESIGNATION OF BOUNDARIES.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall—

(A) consult with appropriate State and local officials, private conservation organizations, and other interested parties (including the Louisiana Department of Wildlife and Fisheries, the Louisiana Department of Transportation and Development, the Red River Waterway Commission, and the Northwest Louisiana Council of Governments), regarding the designation of appropriate boundaries for the Refuge within the selection area;

(B) designate boundaries of the Refuge that are within the selection area and adequate for fulfilling the purposes of the Refuge set forth in section 3(b); and

(C) prepare a detailed map entitled ''Red River National Wildlife Refuge'' depicting the boundaries of the Refuge designated under subparagraph (B).

(2) SELECTION AREA.—For purposes of this subsection, the selection area consists of Caddo, Bossier, Red River, DeSoto, and Natchitoches Parishes, Louisiana.

(3) AVAILABILITY OF MAP; NOTICE.—The Secretary shall—

(A) keep the map prepared under paragraph (1) on file and available for public inspection at offices of the United States Fish and Wildlife Service of the District of Columbia and Louisiana; and

(B) publish in the Federal Register a notice of that availability.

(d) BOUNDARY REVISIONS.—The Secretary may make such minor revisions in the boundaries designated under subsection (c) as may be appropriate to achieve the purposes of the Refuge under section 3(b) or to facilitate the acquisition of property for the Refuge.

SEC. 6. CONTINUED PUBLIC SERVICES.

Nothing in this Act shall be construed as prohibiting or preventing, and the Secretary shall not for purposes of the Refuge prohibit or prevent—

(1) the continuation or development of commercial or recreational navigation on the Red River Waterway;

(2) necessary construction, operation, or maintenance activities associated with the Red River Waterway project;

(3) the construction, improvement, or expansion of public port or recreational facilities on the Red River Waterway; or

(4) the construction, improvement, or replacement of railroads or interstate highways within the selection area (designated in section 5(c)(2)), or bridges that cross the Red River.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) REFUGE.—The term ''Refuge'' means the Red River National Wildlife Refuge established under section 3.

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

By Mr. L. CHAFEE (for himself, Mr. BRYAN, Mr. THOMPSON, and Mr. SARBANES):

S. 2434. A bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002; to the Committee on Finance.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP) PRESERVATION ACT OF 2000

● Mr. L. CHAFEE. Mr. President, I am pleased to be joined today by Senators BRYAN, THOMPSON, and SARBANES in introducing the State Children's Health Insurance Program (SCHIP) Preservation Act of 2000.

This legislation addresses what I believe to be an unintended consequence of the Balanced Budget Act of 1997 (BBA), which created the State Children's Health Insurance Program (SCHIP) to provide health insurance coverage to millions of our nation's uninsured children. Specifically, the BBA called for states to enroll 2.5 million uninsured children in SCHIP within three years of enactment of the bill. According to the Health Care Financing Administration, states enrolled 1.98 million children in SCHIP in 1999. While this represents an increase in states' enrollment efforts, we need to ensure that the federal government is financially committed to this program, and thus to providing health insurance to our nation's children.

SCHIP was designed to allow states to spend each year's allotment over a three-year period; if a state began its program in 1998, it has until the end of 2000 to spend its 1998 allotment. The legislation we are introducing today will extend this year's looming deadline through the end of Fiscal Year 2002, thus allowing states to keep their unexpended SCHIP allotments for up to a total of five years. Many states have had difficulties conducting outreach and enrolling SCHIP-eligible children. We must not penalize states that need more time to identify and enroll children in this important program.

Without this bill, the result—whether intended or unintended—would be a potential reduction of up to $4 billion for children's health programs throughout the country. A reduction of this magnitude would undermine many critical programs that provide quality health coverage to needy children. It may also inhibit the ability of states to provide services for children already enrolled in SCHIP, as well as encouraging some states to scale back on outreach and enrollment efforts. For example, under current statute, Rhode Island will lose approximately $8 million annually starting in Fiscal Year 2001. This loss will undermine the efforts of the state to target and enroll every child who is eligible for SCHIP in Rhode Island. Reductions in SCHIP allotments to states will mean that SCHIP-eligible children who are not yet enrolled in the program may continue to go without health insurance.

Data from the U.S. Census Bureau shows that the number of children without health insurance increased from 9.8 million children in 1995 to 11.1 million children in 1998. This increase in the uninsured rate occurred in spite of the enactment of SCHIP in 1997. We must not allow this trend to continue. States need to be able to tap into their unexpended SCHIP funds to continue their outreach and enrollment efforts. At a time when our nation's uninsured rate continues to climb above 44 million, it makes little sense to be reducing these much needed SCHIP payments to states that are desperately trying to reach out to and enroll these vulnerable and needy children.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the legislation be printed in the RECORD.

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

S. 2434

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 ''State Children's Health Insurance Program (SCHIP) Preservation Act of 2000''.

SEC. 2. AVAILABILITY OF FISCAL YEAR 1998 AND FISCAL YEAR 1999 ALLOTMENTS UNDER SCHIP.

Notwithstanding subsection (e) of section 2104 of the Social Security Act (42 U.S.C. 1397dd), amounts allotted to a State under that section for each of fiscal years 1998 and 1999 shall remain available through September 30, 2002.●

● Mr. BRYAN. Mr. President, I am very pleased to join Senators LINCOLN CHAFEE, PAUL SARBANES, and FRED THOMPSON as an original cosponsor of the State Children's Health Insurance Program Preservation Act of 2000, and I thank Senator CHAFEE for his leadership on this bill.

This important legislation provides that Federal funds allotted to States under the state children's health insurance program for each of fiscal years 1998 and 1999 will remain available to the states through fiscal year 2002.

The enactment of the 1997 Balanced Budget Act's state children's health insurance program (CHIP was a seminal event in addressing the problem of uninsured children in this nation. The $24 billion funding reflected the seriousness of the national commitment to ensuring children will have access to health care services. It provided my state of Nevada and the nation with an incredible opportunity to address a most stubborn problem—the increasing number of children who have no health care insurance.

States were provided three options to provide child health care services through the federal funding allotments: to expand Medicaid coverage under enhanced Medicaid matching rates; to create or expand separate child health insurance programs; or to use a combination of the two. All options, rightly I believe, require the States to spend some of their own funds as a condition of participating in the program.

The choices states face under the CHIP program reflect the flexibility they wanted to tailor these programs, within federal guidelines, to the specific needs of each state to reduce the number of uninsured children.

Nevada's CHIP program—''Nevada CheckUp''—was approved by HCFA in August 1998 and began operating in October 1998. The program is separate from the Medicaid program, but the two are coordinated in the application process to ensure those children eligible for Medicaid are enrolled in that program. The Nevada CheckUp program covers applicants up to 200% of the federal poverty level, and children up to age 18.

Since its October 1998 beginning, Nevada CheckUp has enrolled over 9,000 children, representing almost 60% of the anticipated total eligible children. But there are approximately 6,000 children in Nevada who thus remain uninsured, who need health care coverage, and who must be found and covered. We can and must do better.

It took the state some time to develop its program, create a state plan, get state and federal approval, hire and train the staff and begin the marketing outreach and enrollment activities. In the one and one-half years the program has been operating, the state has learned what has worked successfully, and what has not worked. They are in the process of developing a new marketing plan, which will allow us to reach more uninsured Nevada children. The new proposal will use more media and broadcast tools to target the low income population.

The CHIP program is still in its infancy, and states are still learning how best to develop programs to provide children with much-needed health insurance. I am hopeful as this program matures, we will see a most successful effort to cover our nation's children, and ensure their health care needs are met into the next century.

Allow the states to keep their federal allotment for an additional two years should provide Nevada, and other States, the opportunity to reach the total number of eligible children, and increase the number of children with health insurance.

I sincerely hope Nevada will find the means to make its full match, so our state can draw 100 percent of its available federal funds. Wise use of these Federal funds, with a continued commitment to our children, and with a 100-percent effort by our state will get the job done. Our children simply deserve no less than a fully-funded effort.●

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, and Mr. DODD):

S. 2435. A bill to amend part B of title IV of the Social Security Act to crate a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Finance.

CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP ACT

Ms. SNOWE. Mr. President, I rise today to introduce the ''Child Protection/Alcohol and Drug Partnership Act.'' I am pleased to be joined by my good friends, Senators ROCKEFELLER, DEWINE, and DODD on this exciting new proposal. Mr. President, this bill is an enormously important piece of legislation. It provides the means for states to support some of our most vulnerable families—families who are struggling with alcohol and drug abuse, and the children who are being raised in these abusive homes.

It is obvious, both anecdotally and statistically, that child welfare is significantly impacted by parental substance abuse. And it makes a lot of sense to fund state programs to address these two issues in tandem. The real question in designing and supporting child welfare programs is how can we—public policy makers, government officials, welfare agencies—honestly expect to improve child welfare without appropriately and adequately addressing the root problems affecting these children's lives?

We know that substance abuse is the primary ingredient in child abuse and neglect. Most studies find that between one-third and two-thirds—and some say as high as 80 percent to 90 percent—of children in the child welfare system come from families where parental substance abuse is a contributing factor.

The Child Protection/Alcohol and Drug Partnership Act of 2000 creates a new five-year $1.9 billion state block grant program to address the connection between substance abuse and child welfare. Payments would be made to promote joint activities among federal, state, and local public child welfare and alcohol and drug prevention and treatment agencies. Our underlying belief, and the point of this bill, is to encourage existing agencies to work together to keep children safe.

HHS will award grants to States and Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. These grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies in States so they will work together to provide services for this unique population. The program is designed to increase the capacity of both the child welfare and alcohol and drug systems to comprehensively address the needs of these families to improve child safety, family stability, and permanence, and to promote recovery from alcohol and drug problems.

Statistics paint an unhappy picture for children of substance abusing parents: a 1998 report by the National Committee to Prevent Child Abuse found that 36 states reported that parental substance abuse and poverty are the top two problems exhibited by families reported for child maltreatment. And a 1997 survey conducted by the Child Welfare League of America found that at least 52 percent of placements into out-of-home care were due in part to parental substance abuse.

Children whose parents abuse alcohol and other drugs are almost three times likelier to be abused and more than four times likelier to be neglected than children of parents who are not substance abusers. Children in alcohol-abusing families were nearly four times more likely to be maltreated overall, almost five times more likely to be physically neglected, and 10 times more likely to be emotionally neglected than children in families without alcohol problems.

A 1994 study published in the American Journal of Public Health found that children prenatally exposed to substances have been found to be two to three times more likely to be abused than non-exposed children. And as many as 80 percent of prenatally drug exposed infants will come to the attention of child welfare before their first

birthday. Abused and neglected children under age six face the risk of more severe damage than older children because their brains and neurological systems are still developing.

Unfortunately, child welfare agencies estimate that only a third of the 67 percent of the parents who need drug or alcohol prevention and treatment services actually get help today.

Mr. President, this bill is about preventing problems. Senators ROCKEFELLER, DEWINE, DODD, and I know that what is most important here is the safety and well-being of America's children. We expect much of our youth because they are the future of our nation. In turn, we must be willing to give them the support they need to learn and grow, so that they can lead healthy and productive lives.

In 1997 Congress passed the Adoption and Safe Families Act, authored by the late Senator John CHAFEE. The 1997 Adoption law promotes safety, stability, and permanence for all abused and neglected children and requires timely decision-making in all proceedings to determine whether children can safely return home, or whether they should be moved to permanent, adoptive homes. Specifically, the law requires a State to ensure that services are provided to the families of children who are at risk, so that children can remain safely with their families or return home after being in foster care.

The bill we are introducing today identifies a very specific area in which families and children need services—substance abuse. And it will ensure that states have the funding necessary to provide services as required under the Adoption and Safe Families Act.

I encourage my colleagues to take a serious look at our bill, to think seriously about the future for kids in their states, and to work with us in passing this very important piece of legislation. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2435

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 ''Child Protection/Alcohol and Drug Partnership Act of 2000''.

SEC. 2. CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIPS FOR CHILDREN.

Part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) is amended by adding at the end the following:

''Subpart 3—Child Protection/Alcohol and Drug Partnerships For Children

''SEC. 440. DEFINITIONS.

''In this subpart:

''(1) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native Organization' means any organized group of Alaska Natives eligible to operate a Federal program under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or such group's designee.

''(2) ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—The term 'administrative costs' means the costs for the general administration of administrative activities, including contract costs and all overhead costs.

''(B) EXCLUSION.—Such term does not include the direct costs of providing services and costs related to case management, training, technical assistance, evaluation, establishment, and operation of information systems, and such other similar costs that are also an integral part of service delivery.

''(3) ELIGIBLE STATE.—The term 'eligible State' means a State that submits a joint application from the State agencies that—

''(A) includes a plan that meets the requirements of section 442; and

''(B) is approved by the Secretary for a 5-year period after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration.

''(4) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, Nation or other organized group or community of Indians, including any Alaska Native Organization, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(5) STATE.—

''(A) IN GENERAL.—The term 'State' means each of the 50 States, the District of Columbia, and the territories described in subparagraph (B).

''(B) TERRITORIES.—

''(i) IN GENERAL.—The territories described in this subparagraph are Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

''(ii) AUTHORITY TO MODIFY REQUIREMENTS.—The Secretary may modify the requirements of this subpart with respect to a territory described in clause (i) to the extent necessary to allow such a territory to conduct activities through funds provided under a grant made under this subpart.

''(6) STATE AGENCIES.—The term 'State agencies' means the State child welfare agency and the unit of State government responsible for the administration of the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.).

''(7) TRIBAL ORGANIZATION.—The term 'tribal organization' means the recognized governing body of an Indian tribe.

''SEC. 441. GRANTS TO PROMOTE CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIPS FOR CHILDREN.

''(a) AUTHORITY TO AWARD GRANTS.—The Secretary may award grants to eligible States and directly to Indian tribes in accordance with the requirements of this subpart for the purpose of promoting joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies (and among child welfare and alcohol and drug abuse prevention and treatment agencies that are providing services to children in Indian tribes) that focus on families with alcohol or drug abuse problems who come to the attention of the child welfare system and are designed to—

''(1) increase the capacity of both the child welfare system and the alcohol and drug abuse prevention and treatment system to address comprehensively and in a timely manner the needs of such families to improve child safety, family stability, and permanence; and

''(2) promote recovery from alcohol and drug abuse problems.

''(b) NOTIFICATION.—Not later than 60 days after the date a joint application is submitted by the State agencies or an application is submitted by an Indian tribe, the Secretary shall notify a State or Indian tribe that the application has been approved or disapproved.

''SEC. 442. PLAN REQUIREMENTS.

''(a) CONTENTS.—Subject to subsection (c), the plan shall contain the following:

''(1) A detailed description of how the State agencies will work jointly to implement a range of activities to meet the alcohol and drug abuse prevention and treatment needs of families who come to the attention of the child welfare system and to promote child safety, permanence, and family stability.

''(2) An assurance that the heads of the State agencies shall jointly administer the grant program funded under this subpart and a description of how they will do so.

''(3) A description of the nature and extent of the problem of alcohol and drug abuse among families who come to the attention of the child welfare system in the State, and of any plans being implemented to further identify and assess the extent of the problem.

''(4) A description of any joint activities already being undertaken by the State agencies in the State on behalf of families with alcohol and drug abuse problems who come to the attention of the child welfare system (including any existing data on the impact of such joint activities) such as activities relating to—

''(A) the appropriate screening and assessment of cases;

''(B) consultation on cases involving alcohol and drug abuse;

''(C) arrangements for addressing confidentiality and sharing of information;

''(D) cross training of staff;

''(E) co-location of services;

''(F) support for comprehensive treatment programs for parents and their children; and

''(G) establishing priority of child welfare families for assessment or treatment.

''(5)(A) A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the 5-year funding cycle and the goals to be achieved during such funding cycle. The activities and goals shall be designed to improve the capacity of the State agencies to work jointly to improve child safety, family stability, and permanence for children whose families come to the attention of the child welfare system and to promote their parents' recovery from alcohol and drug abuse.

''(B) The description shall include a statement as to why the State agencies chose the specified activities and goals.

''(6) A description as to whether and how the joint activities described in paragraph (5), and other related activities funded with Federal funds, will address some or all of the following practices and procedures:

''(A) Practices and procedures designed to appropriately—

''(i) identify alcohol and drug treatment needs;

''(ii) assess such needs;

''(iii) assess risks to the safety of a child and the need for permanency with respect to the placement of a child;

''(iv) enroll families in appropriate services and treatment in their communities; and

''(v) regularly assess the progress of families receiving such treatment.

''(B) Practices and procedures designed to provide comprehensive and timely individualized alcohol and drug abuse prevention and treatment services for families who come to the attention of the child welfare system that include a range of options that are available, accessible, and appropriate, and that may include the following components:

''(i) Preventive and early intervention services for children of parents with alcohol and drug abuse problems that integrate alcohol and drug abuse prevention services with mental health and domestic violence services, and that recognize the mental, emotional, and developmental problems the children may experience.

''(ii) Prevention and early intervention services for parents at risk for alcohol and drug abuse problems.

''(iii) Comprehensive home-based, outpatient, and residential treatment options.

''(iv) After-care support (both formal and informal) for families in recovery that promotes child safety and family stability.

''(v) Services and supports that focus on parents, parents with their children, parents' children, other family members, and parent-child interaction.

''(C) Elimination of existing barriers to treatment and to child safety and permanence, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies.

''(D) Effective engagement and retention strategies.

''(E) Pre-service and in-service joint training of management and staff of child welfare and alcohol and drug abuse prevention and treatment agencies, and, where appropriate, judges and other court staff, to—

''(i) increase such individuals' awareness and understanding of alcohol and drug abuse and related child abuse and neglect;

''(ii) more accurately identify and screen alcohol and drug abuse and child abuse in families;

''(iii) improve assessment skills of both child abuse and alcohol and drug abuse staff, including skills to assess risk to children's safety;

''(iv) increase staff knowledge of the services and resources that are available in such individuals' communities and appropriate for such families; and

''(v) increase awareness of the importance of permanence for children and the timelines for decisionmaking regarding permanence in the child welfare system.

''(F) Progress in enhancing the abilities of the State agencies to improve the data systems of such agencies in order to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches and activities are most effective.

''(G) Evaluation strategies to demonstrate the effectiveness of treatment and identify the aspects of treatment that have the greatest impact on families in different circumstances.

''(H) Training and technical assistance to increase the capacity within the State to carry out 1 or more of the activities described in this paragraph or related activities that are designed to expand prevention and treatment services for, and staff training to assist families with alcohol and drug abuse problems who come to the attention of the child welfare system.

''(7) A description of the jurisdictions in the State (including whether such jurisdictions are urban, suburban, or rural) where the joint activities will be provided, and the plans for expanding such activities to other parts of the State during the 5-year funding cycle.

''(8) A description of the methods to be used in measuring progress toward the goals identified under paragraph (5), including how the State agencies will jointly measure their performance in accordance with section 445, and how remaining barriers to meeting the needs of families with alcohol or drug abuse problems who come to the attention of the child welfare system will be assessed.

''(9) A description of what input was obtained in the development of the plan and the joint application from each of the following groups of individuals, and the manner in which each will continue to be involved in the proposed joint activities:

''(A) Staff who provide alcohol and drug abuse prevention and treatment and related services to families who come to the attention of the child welfare system.

''(B) Advocates for children and parents who come to the attention of the child welfare and alcohol and drug abuse prevention and treatment systems.

''(C) Consumers of both child welfare and alcohol and drug abuse prevention and treatment services.

''(D) Direct service staff and supervisors from public and private child welfare and alcohol and drug abuse prevention and treatment agencies.

''(E) Judges and court staff.

''(F) Representatives of the State agencies and private providers providing health, mental health, domestic violence, housing, education, and employment services.

''(G) A representative of the State agency in charge of administering the temporary assistance to needy families program funded under part A of this title.

''(10) An assurance of the coordination, to the extent feasible and appropriate, of the activities funded under a grant made under this subpart with the services or benefits provided under other Federal or federally assisted programs that serve families with alcohol and drug abuse problems who come to the attention of the child welfare system, including health, mental health, domestic violence, housing, and employment programs, the temporary assistance to needy families program funded under part A of this title, other child welfare and alcohol and drug abuse prevention and treatment programs, and the courts.

''(11) An assurance that not more than 10 percent of expenditures under the plan for any fiscal year shall be for administrative costs.

''(12) An assurance that alcohol and drug treatment services provided at least in part with funds provided under a grant made under this subpart shall be licensed, certified, or otherwise approved by the appropriate State alcohol and drug abuse agencies, or in the case of an Indian tribe, by a State alcohol and drug abuse agency, the Indian Health Service, or other designated licensing agency.

''(13) An assurance that Federal funds provided to the State under a grant made under this subpart will not be used to supplant Federal or non-Federal funds for services and activities provided as of the date of the submission of the plan that assist families with alcohol and drug abuse problems who come to the attention of the child welfare system.

''(b) AMENDMENTS.—

''(1) IN GENERAL.—An eligible State or Indian tribe may amend, in whole or in part, its plan at any time through transmittal of a plan amendment.

''(2) 60-DAY APPROVAL DEADLINE.—A plan amendment is considered approved unless the Secretary notifies an eligible State or Indian tribe in writing, within 60 days after receipt of the amendment, that the amendment is disapproved (and the reasons for disapproval) or that specified additional information is needed.

''(c) REQUIREMENTS FOR APPLICATIONS BY INDIAN TRIBES.—

''(1) IN GENERAL.—In order to be eligible for a grant made under this subpart, an Indian tribe shall—

''(A) submit a plan to the Secretary that describes—

''(i) the activities the tribe will undertake with both child welfare and alcohol and drug agencies that serve the tribe's children to address the needs of families who come to the attention of the child welfare agencies and have alcohol and drug problems; and

''(ii) whether and how such activities address any of the practice and policy areas in subsection (a)(6); and

''(B) subject to paragraph (2), meet the other requirements of subsection (a) unless, with respect to a specific requirement of such subsection, the Secretary determines that it would be inappropriate to apply such requirement to an Indian tribe, taking into account the resources, needs, and other circumstances of the Indian tribe.

''(2) ADMINISTRATIVE COSTS; USE OF FEDERAL FUNDS.—Paragraphs (11) and (13) of subsection (a) shall not apply to a plan submitted by an Indian tribe. The indirect cost rate agreement in effect for an Indian tribe shall apply with respect to administrative costs under the tribe's plan.

''(3) AUTHORITY FOR INTERTRIBAL CONSORTIUM.—The participating Indian tribes of an intertribal consortium may develop and submit a single plan that meets the applicable requirements of subsection (a) (as so determined by the Secretary) and paragraph (1) of this subsection.

''SEC. 443. APPROPRIATION OF FUNDS.

''(a) APPROPRIATIONS.—For the purpose of providing allotments to eligible States and Indian tribes under this subpart and research and training under subsection (b)(3), there is appropriated out of any money in the Treasury not otherwise appropriated—

''(1) for fiscal year 2001, $200,000,000;

''(2) for fiscal year 2002, $275,000,000;

''(3) for fiscal year 2003, $375,000,000;

''(4) for fiscal year 2004, $475,000,000; and

''(5) for fiscal year 2005, $575,000,000.

''(b) RESERVATION OF FUNDS.—With respect to a fiscal year:

''(1) TERRITORIES.—The Secretary shall reserve 2 percent of the amount appropriated under subsection (a) for such fiscal year for payments to Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands.

''(2) INDIAN TRIBES.—The Secretary shall reserve not less than 3 nor more than 5 percent of the amount appropriated under subsection (a) for such fiscal year for direct payments to Indian tribes and Indian tribal organizations for activities intended to increase the capacity of the Indian tribes and tribal organizations to expand treatment, services, and training to assist families with alcohol and drug abuse problems who come to the attention of the child welfare agencies.

''(3) RESEARCH AND TRAINING.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall reserve 1 percent of the amount appropriated under subsection (a) for such fiscal year for practice-based research on the effectiveness of various approaches for the screening, assessment, engagement, treatment, retention, and monitoring of families with alcohol and drug abuse problems who come to the attention of the child welfare system, and for training of staff in such areas and shall ensure that a portion of such amount is used for research on the effectiveness of these approaches for Indian children and for the training of staff serving children from the Indian tribes.

''(B) DETERMINATION OF USE OF FUNDS.—Funds reserved under subparagraph (A) may only be used to carry out a research agenda that addresses the areas described in such subparagraph and that is established by the Secretary, together with the Assistant Secretary for the Administration for Children and Families and the Administrator of Substance Abuse and Mental Health Services

Administration, with input from public and private nonprofit providers, consumers, representatives of Indian tribes, and advocates, as well as others with expertise in research in such areas.

"SEC. 444. PAYMENTS TO ELIGIBLE STATES AND INDIAN TRIBES.

''(a) AMOUNT OF GRANT.—

''(1) ELIGIBLE STATES OTHER THAN TERRITORIES.—

''(A) IN GENERAL.—From the amount appropriated under subsection (a) of section 443 for a fiscal year, after the reservation of funds required under subsection (b) of that section for the fiscal year and subject to subparagraphs (B) and (C), the Secretary shall pay to each eligible State (after the Secretary has determined that the State has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such amount for such fiscal year as the number of children under the age of 18 that reside in the eligible State bears to the total number of children under the age of 18 who reside in all such eligible States for such fiscal year.

''(B) MINIMUM ALLOTMENT.—In no case shall the amount of a payment to an eligible State for a fiscal year be less than an amount equal to 0.5 percent of the amount appropriated under subsection (a) of section 443 for the fiscal year, after the reservation of funds required under subsection (b) of that section.

''(C) PRO RATA REDUCTIONS.—The Secretary shall make pro rata reductions in the amounts of the allotments determined under subparagraph (A) for a fiscal year to the extent necessary to comply with subparagraph (B).

''(2) TERRITORIES.—From the amounts reserved under section 443(b)(1) for a fiscal year, the Secretary shall pay to each territory described in section 440(5)(B) with an approved plan that meets the requirements of section 442 (after the Secretary has determined that the territory has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such amount for such fiscal year as the number of children under the age of 18 that reside in the territory bears to the total number of children under the age of 18 who reside in all such territories for such fiscal year.

''(3) INDIAN TRIBES OR TRIBAL ORGANIZATIONS.—From the amount reserved under section 443(b)(2) for a fiscal year, the Secretary shall pay to each Indian tribe with an approved plan that meets the requirements of section 442(c) (after the Secretary has determined that the Indian tribe has satisfied the matching requirement under subsection (b)) an amount that bears the same ratio to such reserved amount for such fiscal year as the number of children under the age of 18 in the Indian tribe bears to the total number of children under the age of 18 in all Indian tribes with plans so approved for such fiscal year, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary. For purposes of making the allocations required under the preceding sentence, an Indian tribe may submit data and other information that it has on the number of Indian children under the age of 18 for consideration by the Secretary.

''(b) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—In order to receive a grant under this subpart for a fiscal year, an eligible State or Indian tribe shall provide through non-Federal contributions the applicable percentage determined under paragraph (2) for such fiscal year of the costs of conducting activities funded in whole or in part with funds provided under the grant. Such contributions shall be paid jointly by the State agencies, in the case of an eligible State, or by an Indian tribe.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage for an eligible State or Indian tribe for a fiscal year is—

''(A) 15 percent, in the case of fiscal years 2001 and 2002;

''(B) 20 percent, in the case of fiscal years 2003 and 2004; and

''(C) 25 percent, in the case of fiscal year 2005.

''(3) SOURCE OF MATCH.—

''(A) ELIGIBLE STATES.—The non-Federal contributions required of an eligible State under this subsection may be in cash or in kind, fairly evaluated, including plant, equipment, or services. The contributions may be made directly or through donations from public or private entities. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining whether an eligible State has provided the applicable percentage of such contributions for a fiscal year.

''(B) INDIAN TRIBES.—With respect to an Indian tribe, such contributions may be made in cash, through donated funds, through nonpublic third party in kind contributions, or from Federal funds received under any of the following provisions of law:

''(i) The Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

''(ii) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

''(iii) Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(4) WAIVER.—

''(A) ELIGIBLE STATES.—In the case of an eligible State, the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration, may modify the applicable percentage determined under paragraph (2) for matching funds if the Secretary determines that economic conditions in the eligible State justify making such modification.

''(B) INDIAN TRIBES.—In the case of an Indian tribe, the Secretary may modify the applicable percentage determined under such paragraph if the Secretary determines that it would be inappropriate to apply to the Indian tribe, taking into the resources and needs of the tribe and the amount of funds the tribe would receive under a grant made under this section.

''(c) USE OF FUNDS.—Funds provided under a grant made under this subpart may only be used to carry out activities specified in the plan, as approved by the Secretary.

''(d) DEADLINE FOR REQUEST FOR PAYMENT.—An eligible State or Indian tribe shall apply to be paid funds under a grant made under this subpart not later than the beginning of the fourth quarter of a fiscal year or such funds shall be reallotted under subsection (f).

''(e) CARRYOVER OF FUNDS.—Funds paid to an eligible State or Indian tribe under a grant made under this subpart for a fiscal year may be expended in that fiscal year or the succeeding fiscal year.

''(f) REALLOTMENT OF FUNDS.—

''(1) ELIGIBLE STATES.—In the case of an eligible State that does not apply for funds allotted to the eligible State under a grant made under this subpart for a fiscal year within the time provided under subsection (d), or that does not expend such funds during the time provided under subsection (e), the funds which the eligible State would have been entitled to for such fiscal year shall be reallotted to 1 or more other eligible States on the basis of each such State's relative need for additional payments, as determined by the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration.

''(2) INDIAN TRIBES.—In the case of an Indian tribe that does not expend funds allotted to the tribe during the time provided under subsection (e), the funds to which the Indian tribe would have been entitled to for such fiscal year shall be reallotted to the remaining Indian tribes that are implementing approved plans in amounts that are proportional to the percentage of Indian children under the age of 18 in each such tribe.

"SEC. 445. PERFORMANCE ACCOUNTABILITY; REPORTS AND EVALUATIONS.

''(a) PERFORMANCE MEASUREMENT.—

''(1) ESTABLISHMENT OF INDICATORS.—The Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration, Chief Executive Officers of a State or Territory, State legislators, State and local public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of the services, and advocates for children and parents who come to the attention of the child welfare system, shall, within 12 months of the date of enactment of the Child Protection/Alcohol and Drug Partnership Act of 2000, establish indicators that will be used to assess periodically the performance of eligible States and Indian tribes in using grant funds provided under this subpart to promote child safety, permanence, and well-being and recovery in families who come to the attention of the child welfare system.

''(2) COORDINATION.—The indicators established under paragraph (1) shall be based on and coordinated with the performance outcomes established for the child welfare system pursuant to section 203(b) of the Adoption and Safe Families Act of 1997 and the performance measures developed under subpart II of part B of title XIX of the Public Health Service Act (relating to the substance abuse prevention and treatment block grant).

''(3) PURPOSE.—The indicators will be used to measure periodically the progress made by the State agencies and by child welfare and alcohol and drug abuse prevention and treatment agencies serving children in Indian tribes in the activities that such agencies jointly engage in with such grant funds. An eligible State or Indian tribe will be measured against itself, assessing progress over time against a baseline established at the time the grant activities were undertaken.

''(4) ILLUSTRATIVE EXAMPLES.—The indicators developed should address the range of activities that eligible States and Indian tribes have the option of engaging in with such grant funds. Examples of the types of progress to be measured in the different areas of activity include the following:

''(A) Improving the screening and assessment of families who come to the attention of the child welfare system with alcohol and drug problems, so such families can be promptly referred for appropriate treatment when necessary.

''(B) Increasing the availability of comprehensive and timely individualized treatment for families with alcohol and drug problems who come to the attention of the child welfare system.

''(C) Increasing the number or proportion of families who, when they come to the attention of the child welfare system with alcohol and drug problems, promptly enter appropriate treatment.

''(D) Increasing the engagement and retention in treatment of families with alcohol and drug problems who come to the attention of the child welfare system.

''(E) Decreasing the number of children who re-enter foster care after being returned to families who had alcohol or drug problems when the children entered foster care.

''(F) Increasing the number or proportion of staff in both the public child welfare and alcohol and drug abuse prevention and treatment agencies who have received training on the needs of families that come to the attention of the child welfare and alcohol and drug abuse prevention and treatment systems for help, and the help that can be provided to such families.

''(G) Increasing the proportion of parents who complete treatment for alcohol or drug abuse and show improvement in their preemployment or employment status.

''(5) DETERMINATION OF PROGRESS.—

''(A) INITIAL REPORT.—Not later than the end of the first fiscal year in which funds are received under a grant made under this subpart, the State agencies in each eligible State that receives such funds, and the Indian tribes that receive such funds, shall submit to the Secretary a report on the activities carried out during the fiscal year with such funds. The report shall contain such information as the Secretary determines is necessary to provide an accurate description of the activities conducted with such funds and of any changes in the use of such funds that are planned for the succeeding fiscal year.

''(B) USE OF INDICATORS.—As soon as possible after the establishment of indicators under paragraph (1), the State agencies and Indian tribes shall conduct evaluations, directly or under contract, of their progress with respect to such indicators that are directly related to activities the eligible State or Indian tribe is engaging in with such grant funds and include information on the evaluation in the reports to the Secretary required under subparagraphs (C) and (D). After the third year in which such activities are conducted, an eligible State or Indian tribe shall include in the evaluation at least some indicators that address improvements in treatment for families with alcohol and drug problems who come to the attention of the child welfare system.

''(C) SUBSEQUENT REPORTS.—After the initial report is submitted under subparagraph (A), an eligible State or Indian tribe shall submit to the Secretary, not later than June 30 of each fiscal year thereafter in which the State or tribe carries out activities with grant funds provided under this subpart, a report on the application of the indicators established under paragraph (1) to such activities. The reports shall include an explanation regarding why the specific indicators used were chosen, how such indicators are expected to impact a child's safety, permanence, well-being, and parental recovery, and the results (as of the date of submission of the report) of the evaluation conducted under subparagraph (B).

''(D) FINAL REPORT.—Not later than September 30, 2005, each eligible State and Indian tribe with an approved plan under this part shall submit a final report on the evaluations conducted under subparagraph (B) and the progress made in achieving the goals specified in the plan of the State or Indian tribe.

''(E) FAILURE TO REPORT.—

''(i) IN GENERAL.—Subject to clause (ii), an eligible State or Indian tribe that fails to submit the reports required under this paragraph or to conduct the evaluation required under subparagraph (B) shall not be eligible to receive grant funds provided under this subpart for the fiscal year following the fiscal year in which such State or Indian tribe failed to submit such report or conduct such evaluation.

''(ii) CORRECTIVE ACTION.—An eligible State or Indian tribe to which clause (i) applies may, notwithstanding such clause, receive grant funds under this subpart for a succeeding fiscal year if prior to September 30 of the fiscal year in which such failure occurred, the State agencies of the eligible State, or the Indian tribe, submit to the Secretary a plan to monitor and evaluate in a timely manner the activities conducted with such funds, and such plan is approved in a timely manner by the Secretary, after consultation with the Administration for Children and Families and the Substance Abuse and Mental Health Services Administration.

''(b) SECRETARIAL REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORTS.—On the basis of reports submitted under subsection (a), the Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration, shall report annually, beginning on October 1, 2002, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the joint activities conducted with funds provided under grants made under this subpart, the indicators that have been established, and the progress that has been made in addressing the needs of families with alcohol and drug abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.

''(2) EVALUATIONS.—Not later than 6 months after the end of each 5-year funding cycle under this subpart, the Secretary shall submit a report to the committees described in paragraph (1) that summarizes the results of the evaluations conducted by eligible States and Indian tribes under subsection (a)(5)(B), as reported by such States and Indian tribes in accordance with subparagraphs (C) and (D) of subsection (a)(5). The Secretary shall include in the report required under this paragraph recommendations for further legislative or administrative actions that are designed to assist children and families with alcohol and drug abuse problems who come to the attention of the child welfare system.''.

Mr. ROCKEFELLER. Mr. President, today I am here to talk about our Nation's most vulnerable children—those innocent kids who are in the child protection system because they have been abused or neglected by parents, many of whom have drug or alcohol problems. Over 500,000 children are in foster care nationwide and 3,000 children are in West Virginia. Each one deserves a safe, permanent home according to the fundamental guidelines set by the 1997 Adoption and Safe Families Act.

National statistics range between 40 percent and 80 percent of families in the child welfare system struggling with alcohol or drug abuse, or both. One recent survey noted that 67 percent of the parents involved in child abuse or neglect cases needed alcohol or drug treatment, but only one-third of those parents got the appropriate treatment or services to deal with their addiction. In my own state of West Virginia, over half of the children placed in foster care have families with alcohol or drug abuse problems, and we know even more children are at risk of neglect, but are not in foster care yet because of their parent's substance abuse problems.

Another sad, stunning statistic is that children with open child welfare cases whose parents have substance abuse problems are younger than other children in foster care, and they are more likely to be the victims of severe and chronic neglect. Once such children are placed in foster care, they tend to stay in care longer than other children.

I believe the only way to achieve the critical goals of a safe, healthy, and permanent home for every child is to tackle the problem of alcohol and drug abuse among parents. What happens to parents who abuse alcohol or drugs ultimately will decide that child's fate. To help the child, we must address the addiction of their parents.

The issue of alcohol and drug abuse is difficult. Part of the 1997 Adoption and Safe Families Act required the Department of Health and Human Services (HHS) to study this problem within the child welfare system. This important report, Blending Perspectives and Building Common Ground, outlines our challenges. There is a lack of appropriate treatment and services, especially services designed to meet the needs of parents in the child protection system. Unfortunately, there is poor communication and collaboration between alcohol and drug abuse agencies and child protection agencies. Issues such as confidentiality, different definitions of who ''the client'' is, and different time frames for decisions make collaboration harder. For example, under the 1997 Adoption and Safe Families Act, state agencies and courts are expected to consider termination of parental rights if a child has been in foster care for 15 of 22 months. Treatment programs designed for single clients have different time frames.

To address the challenge, we must find new ways to encourage these two independent systems to work together on behalf of parents with an alcohol or drug problem and their children. In addition to treating the patient's addiction, we must also provide for the needs of their child.

Therefore, we need to create incentives for both agencies to consider the total picture—What are the child's needs? What are the parent's needs? How can we effectively serve both, and meet the fundamental goals of the Adoption Law that every child deserves a safe, healthy, permanent home.

The HHS report sets five priorities. First, it calls for building collaborative working relationships among agencies. It stresses that addiction is a treatable disease, but access to timely, comprehensive substance abuse treatment services is key. Keeping clients in treatment is crucial, but serving parents is harder because services must also be available to their children. As mentioned, children of abusing parents need special services. The final priority

in the HHS study is for research and more information on the interaction between substance abuse and child maltreatment.

Today, I am proud to join with my colleagues, Senator SNOWE, DEWINE, and DODD to introduce legislation to address this troubling issue. We have worked for months with state officials, child advocates and officials in the substance abuse community to develop the Child Protection/Alcohol and Drug Partnership Act of 2000. This bill builds on the foundation of the Adoption and Safe Families Act of 1997—fundamental goals of making a child's safety, health, and permanency paramount.

To accomplish these bold goals, we need to be bold by investing in partnerships that will respond to the needs and priorities outlined in the comprehensive HHS study. I believe a new program and a new approach are essential. A new system is needed to address the special concerns of this unique population—parents with alcohol and drug problems who neglect their children. A program designed to serve a single male with drug problems doesn't respond to the needs of a mother and her child.

To be effective, we must link child protection workers with those involved in alcohol and drug treatment programs. Forging new partnerships takes time—and it takes money. That is why our legislation invests $1.9 billion over 5 years to combat the problems of drugs and alcohol abuse in families in the child welfare system.

I understand this is a large sum, but alcohol and drug abuse is a huge problem. Before reacting to the cost of the bill, consider what the costs are if we do nothing.

If we do not invest in alcohol and drug abuse prevention and treatment for such families, children will be neglected or abused. Young children will be placed in foster care, at a wide range of costs, and they will linger there longer than other children without family substance abuse problems.

In 1997, the House Ways and Means Subcommittee received testimony from Professor Richard Barth who noted that many newborns in substance abuse cases already had siblings placed in foster care. Barth estimated that if only one-third of the mothers with substance abuse problems got successful, early treatment upon the birth of their first child, instead of waiting until later, many years of foster care placements could be prevented and millions of dollars could be saved.

Our bill is designed to tackle this tough issue so agencies do not wait too long to help vulnerable children. Our bill will promote innovative approaches that serve both parents and children. It will offer funding for screening and assessment to enhance prevention. It will support outreach to families and retention so that parents stay in treatment. It can support joint training, and educate alcohol and drug counselors about the special needs of children and the importance of a safe, permanent home. It can support outpatient services or residential treatment. It allows investments in aftercare to keep families and children safe.

If we do invest in such specialized alcohol and drug treatment programs for families, we can achieve two things. For many families, I hope, treatment will be successful and children will return to a safe and stable home. But for others, we will have tried, and learned the important lesson that some children need an alternate place—some children need adoption. Under the Adoption and Safe Families Act, courts cannot move forward on adoption until appropriate services have been provided to families. That is the law, and we must follow it. Therefore, to move some children towards adoption, services must be tried for their families.

We want a responsible approach that will include accountability. It requires annual reports to assess how much progress is made each and every year. Reports should measure success in treating parents, but equally important will be measures of children's safety and family stability.

Over the years, we have worked on child welfare issues in a positive, bipartisan manner. I am proud to continue the bipartisan approach as we grapple with such tough controversial issues as alcohol and drug abuse among parents in the child welfare system.

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

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

SECTION-BY-SECTION—CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP ACT OF 2000

(A bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies)

GRANTS TO PROMOTE CHILD PROTECTION/ALCOHOL AND DRUG PARTNERSHIP FOR CHILDREN

In an effort to improve child safety, family stability, and permanence, as well as promote recovery from alcohol and drug abuse problems, the Secretary may award grants to eligible States and Indian tribes to foster programs for families who are known to the child welfare system to have alcohol and drug abuse problems. The Secretary shall notify States and Indian tribes of approval or denial not later than 60 days after submission.

STATE PLAN REQUIREMENTS

In order to meet the prevention and treatment needs of families with alcohol and drug abuse problems in the child welfare system and to promote child safety, permanence, and family stability, State agencies will jointly work together, creating a plan to identify the extent of the drug and alcohol abuse problem.

Creation of plan.—State agencies will provide data on appropriate screening and assessment of cases, consultation on cases involving alcohol and drug abuse, arrangements for addressing confidentiality and sharing of information, cross training of staff, co-location of services, support for comprehensive treatment for parents and their children, and priority of child welfare families for assessment or treatment.

Identify activities.—A description of the activities and goals to be implemented under the five-year funding cycle should be identified, such as: identify and assess alcohol and drug treatment needs, identify risks to children's safety and the need for permanency, enroll families in appropriate services and treatment in their communities, and regularly assess the progress of families receiving such treatment.

Implement prevention and treatment services.—States and Indian tribes should implement individualized alcohol and drug abuse prevention and treatment services that are available, accessible, and appropriate that include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug abuse problems that integrate alcohol and drug abuse prevention services with mental health and domestic violence services, as well as recognizing the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for parents at risk for alcohol and drug abuse problems.

(C) Comprehensive home-based, our-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery.

(E) Services and programs that promote parent-child interaction.

Sharing information among agencies.—Agencies should eliminate existing barriers to treatment and to child safety and permanence by sharing information among agencies and learning from the various treatment protocols of other agencies such as:

(A) Creating effective engagement and retention strategies.

(B) Encouraging joint training of child welfare staff and alcohol and drug abuse prevention agencies, and judges and court staff to increase awareness and understanding of drug abuse and related child abuse and neglect and more accurately identify abuse in families, increase staff knowledge of the services and resources that are available in the communities, and increase awareness of permanence for children and the urgency for time lines in making these decisions.

(C) Improving data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(D) Evaluation strategies to identify the effectiveness of treatment that has the greatest impact on families in different circumstances.

(E) Training and technical assistance to increase the State's capacity to perform the above activities.

Plan descriptions and assurances.—States and Indian tribes should create a plan that includes the following descriptions and assurances:

(A) A description of the jurisdictions in the State whether urban, suburban, or rural, and the State's plan to expand activities over the 5-year funding cycle to other parts of the State.

(B) A description of the way in which the State agency will measure progress, including how the agency will jointly conduct an evaluation of the results of the activities.

(C) A description of the input obtained from staff of State agencies, advocates, consumers of prevention and treatment services, line staff from public and private child welfare and drug abuse agencies, judges and court staff, representatives of health, mental health, domestic violence, housing and employment services, as well as a representative of the State agency in charge of administering the temporary assistance to needy families program (TANF).

(D) An assurance of coordination with other services provided under other Federal or federally assisted programs including health, mental health, domestic violence, housing, employment programs, TANF, and other child welfare and alcohol and drug abuse programs and the courts.

(E) An assurance that not more than 10% of expenditures under the State plan for any fiscal year shall be for administrative costs. However, Indian tribes will be exempt from this limitation and instead may use the indirect cost rate agreement in effect for the tribe.

(F) An assurance from States that Federal funds provided will not be used to supplant Federal or non-Federal funds for services and activities provided as of the date of the submission of the plan. However, Indian tribes will be exempt from this provision.

Amendments.—A State or Indian tribe may amend its plan, in whole or in part at any time through a plan amendment. The amendment should be submitted to the Secretary not later than 30 days after the date of any changes of activities. Approval from the Secretary shall be presumed unless, the State has been notified of disapproval within 60 days after receipt.

Special Application to Indian tribes.—The Indian tribe must submit a plan to the Secretary that describes the activities it will undertake with both the child welfare and alcohol and drug agencies that serve its children to address the needs of families who come to the attention of the child welfare agency who have alcohol and drug problems. The Indian tribe must also meet other applicable requirements, unless the Secretary determines that it would be inappropriate based on the tribe's resources, needs, and other circumstances.

APPROPRIATION OF FUNDS

Appropriations.—A total of 1.9 billion dollars will be appropriated to eligible States and Indian tribes at the progression rate of:

(1) for fiscal year 2001, $200,000,000;
(2) for fiscal year 2002, $275,000,000;
(3) for fiscal year 2003, $375,000,000;
(4) for fiscal year 2004, $475,000,000; and
(5) for fiscal year 2005, $575,000,000.

Territories.—The Secretary of HHS shall reserve 2% of the amount appropriated each fiscal year for payments to Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands. In addition, the Secretary shall reserve from 3 to 5 percent of the amount appropriated for direct payment to Indian tribes.

Research and Training.—The Secretary shall reserve 1% of the appropriated amount for each fiscal year for practice-based research on the effectiveness of various approaches for screening, assessment, engagement, treatment, retention, and monitoring of families and training of staff in such areas. In addition, the Secretary will also ensure that a portion of these funds are used for research on the effectiveness of these approaches for Indian children and the training of staff.

Determination of use of funds.—Funds may only be used to carry out a specific research agenda established by the Secretary, together with the Assistant Secretary of the Administration for Children and Families and the Administrator of Substance Abuse and Mental Health Services Administration with input from public and private nonprofit providers, consumers, representatives of the Indian tribes and advocates.

PAYMENTS TO STATES

Amount of grant to State and territories.—Each eligible State will receive an amount based on the number of children under the age of 18 that reside in that State. There will be a small state minimum of .05% to ensure that all States are eligible for sufficient funding to establish a program.

Amount of grant to Indian tribes or tribal organizations.—Indian tribes shall be eligible for a set aside of 3% to 5%. This amount will be distributed based on the population of children under 18 in the tribe.

State matching requirement.—States shall provide, through non-Federal contributions, the following applicable percentages for a given fiscal year:

(A) for fiscal years 2001 and 2002, 15% match;
(B) for fiscal years 2003 and 2004, 20% match; and
(C) for fiscal year 2005, 25% match.

Source of match.—The non-Federal contributions required of States may be in cash or in-kind, including plant equipment or services made directly from donations from public or private entities. Amounts received from the Federal Government may not be included in the applicable percentage of contributions for a given fiscal year. However, Indian tribes may use three Federal sources of matching funds: Indian Child Welfare Act funds, Indian Self-Determination and Education Assistance Act funds, and Community Block Grant funds.

Waiver.—The Secretary may modify matching funds if it is determined that extraordinary economic conditions in the State justify the waiver. Indians tribes' matching funds may also be modified if the Secretary determines that it would be inappropriate based on the resources and needs of the tribe.

Use of Funds and Deadline for Request of Payment.—Funds may only be used to carry out activities specified in the plan, as approved by the Secretary. Each State or Indian tribe shall apply to be paid funds not later than the beginning of the fourth quarter of a fiscal year or they will be reallotted.

Carryover and Reallotment of funds.—Funds paid to an eligible State or Indian tribe may be used in that fiscal year or the succeeding fiscal year. If a State does not apply for funds allotted within the time provided, the funds will be reallocated to one or more eligible States on the basis of the needs of that individual state. In the cases of Indian tribes, funds will be reallotted to remaining tribes that are implementing approved plans.

PERFORMANCE MEASUREMENT

Establishment of Indicators.—The Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration within HHS, and with state and local government, public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of the services, and advocates for these children and parents will establish indicators within 12 months of the enactment of this law which will be used to assess the performance of States and Indian tribes. A State or Indian tribe will be measured against itself, assessing progress over time against a baseline established at the time the grant activities were undertaken.

Illustrative Examples.—Indicators of activities to be measured include:

(A) Improve screening and assessment of families;
(B) Increase availability of comprehensive individualized treatment;
(C) Increase the number/proportion of families who enter treatment promptly;
(D) Increase engagement and retention;
(E) Decrease the number of children who re-enter foster care after being returned to families who had alcohol or drug problems;
(F) Increase number/proportion of staff trained; and
(G) Increase the proportion of parents who complete treatment and show improvement in their employment status.

Reports.—The child welfare and alcohol and drug abuse and treatment agencies in each eligible state, and the Indian tribes that receive funds shall submit no later than the end of the first fiscal year, a report to the Secretary describing activities carried out, and any changes in the use of the funds planned for the succeeding fiscal year. After the first report is submitted, a State or Indian tribe must submit to the Secretary annually, by the end of the third quarter in the fiscal year, a report on the application of the indicators to its activities, an explanation of why these indicators were chosen, and the results of the evaluation to date. After the third year of the grant all of the States must include indicators that address improvements in treatment. A final report on evaluation and the progress made must be submitted to the Secretary not later than the end of each five year funding cycle of the grant.

Penalty.—States or Indian tribes that fail to report on the indicators will not be eligible for grant funds for the fiscal year following the one in which it failed to report, unless a plan for improving their ability to monitor and evaluate their activities is submitted to the Secretary and then approved in a timely manner.

Secretarial reports and evaluations.—Beginning October 1, 2002, the Secretary, in consultation with the Assistant Secretary for the Administration for Children and Families, and the Administrator of the Substance Abuse and Mental Health Services Administration, shall report annually, to the Committee on Ways and Means of the House of the Representatives and the Committee on Finance of the Senate on the joint activities, indicators, and progress made with families.

Evaluations.—Not later than six months after the end of each 5 year funding cycle, the Secretary shall submit a report to the above committees, the results of the evaluations as well as recommendations for further legislative actions.

FACT SHEET

The Child Protection/Alcohol and Drug Partnership Act of 2000 is a bill to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies to improve child safety, family stability, and permanence for children in families with drug and alcohol problems, as well as promote recovery from drug and alcohol problems.

Child welfare agencies estimate that only a third of the 67% of the parents who need drug or alcohol prevention and treatment services actually get help today. This bill builds on the foundation of the Adoption and Safe Families Act of 1997 which requires States to focus on a child's need for safety, health and permanence. The bill creates new funding for alcohol and drug treatment and other activities that will serve the special needs of these families to either provide treatment for parents with alcohol and drug abuse problems so that a child can safely return to their family or to promote timely decisions and fulfill the requirement of the 1997 Adoption Act to provide services prior to adoption.

GRANTS TO PROMOTE CHILD PROTECTION/ ALCOHOL AND DRUG PARTNERSHIPS

In an effort to improve child safety, family stability, and permanence as well as promote recovery from alcohol and drug abuse problems, HHS will award grants to States and

Indian tribes to encourage programs for families who are known to the child welfare system and have alcohol and drug abuse problems. Such grants will forge new and necessary partnerships between the child protection agencies and the alcohol and drug prevention and treatment agencies in States so they can together provide necessary services for this unique population.

These grants will help build new partnerships to provide alcohol and drug abuse prevention and treatment services that are timely, available, accessible, and appropriate and include the following components:

(A) Preventive and early intervention services for the children of families with alcohol and drug problems that combine alcohol and drug prevention services with mental health and domestic violence services, and recognize the mental, emotional, and developmental problems the children may experience.

(B) Prevention and early intervention services for families at risk of alcohol and drug problems.

(C) Comprehensive home-based, out-patient and residential treatment options.

(D) Formal and informal after-care support for families in recovery that promote child safety and family stability.

(E) Services and supports that promote positive parent-child interaction.

FORGING NEW PARTNERSHIPS

GAO and HHS studies indicate that the existing programs for alcohol and drug treatment do not effectively service families in the child protection system. Therefore, this new grant program will help eliminate barriers to treatment and to child safety and permanence by encouraging agencies build partnerships and conduct joint activities including:

(A) Promote appropriate screening and assessment of alcohol and drug problems.

(B) Create effective engagement and retention strategies that get families into timely treatment.

(C) Encourage joint training for staff of child welfare and alcohol and drug abuse prevention and treatment agencies, and judges and other court personnel to increase understanding of alcohol and drug problems related to child abuse and neglect and to more accurately identify alcohol and drug abuse in families. Such training increases staff knowledge of the appropriate resources that are available in the communities, and increases awareness of the importance of permanence for children and the urgency for expedited time lines in making these decisions.

(D) Improve data systems to monitor the progress of families, evaluate service and treatment outcomes, and determine which approaches are most effective.

(E) Evaluate strategies to identify the effectiveness of treatment and those parts of the treatment that have the greatest impact on families in different circumstances.

NEW, TARGETED INVESTMENTS

A total of $1.9 billion will be available to eligible States with funding of $200 million in the first year expanding to $575 million by the last year. The amount of funding will be based on the State's number of children under 18, with a small State minimum to ensure that every State gets a fair share. Indian tribes will have a 3%-5% set aside. State child welfare and alcohol and drug agencies shall have a modest matching requirement for funding beginning with a 15% match and gradually increasing to 25%. The Secretary has discretion to waive the State match in cases of hardship.

ACCOUNTABILITY AND PERFORMANCE MEASUREMENT

To ensure accountability, HHS and the related State agencies must establish indicators within 12 months of the enactment of this law which will be used to assess the State's progress under this program. Annual reports by the States must be submitted to HHS. Any state hat fails to submit its report will lose its funding for the next year, until it comes into compliance. HHS must issue an annual report to Congress on the progress of the Child Protection/Alcohol and Drug Partnership grants.

By Mr. ABRAHAM:

S. 2436. A bill to amend the Internal Revenue Code of 1986 to repeal the targeted area limitation on the expense deduction for environmental remediation costs and to extend the termination date of such deduction; to the Committee on Finance.

BROWNFIELD CLEANUP COST RECOVERY ACT

● Mr. ABRAHAM. Mr. President, I rise today to introduce the Brownfield Cleanup Cost Recovery Act. This legislation would repeal the targeted area limitation on the expense deduction for environmental remediation costs and extend the termination date of such deduction to 2004.

Mr. President, the Environmental Protection Agency's brownfields program is designed to help communities restore less seriously contaminated sites that have the potential for economic development. Brownfields are defined as abandoned, idled, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

In general, costs incurred for new buildings or for permanent improvements to increase the value of a property must be capitalized—the cost must be deducted over a period of years. Some expenses, such as repairs, are currently deductible—deductible in the year in which the cost is incurred. This is also called expensing. It is a considerable financial advantage to be able to fully deduct an expense in one year rather than over many. The brownfields tax provision would include environmental remediation costs as allowable costs for expensing. This would create the financial incentive needed to bring companies in to remediate brownfields.

Prior to the passage of the Taxpayer Relief Act of 1997, the tax code discouraged the remediation of environmentally damaged property. In 1996, I introduced legislation to eliminate this bias. This legislation ultimately was included as part of the Taxpayer Relief Act of 1997, which is now law. However, the incentive expires at the end of this year. As part of the Taxpayer Refund and Relief Act of 1999, Congress passed provisions expanding upon this important community development legislation. This bill contains the same provisions that were included in the Taxpayer Refund and Relief Act of 1999, which Congress passed, but President Clinton vetoed.

In addition, Mr. President, current law limits expensing of brownfield sites to those sites within ''targeted'' areas—defined as being a renewal community under section 198. This bill would eliminate the ''targeted area'' limitation, allowing for increased remediation in all areas, not just federal designated zones.

Mr. President, encouraging community renewal has long been a very important issue to me. In 1995, my first year as a Senator, I joined with Senators LIEBERMAN, SANTORUM, DEWINE and Moseley-Braun, to introduce the Enhanced Enterprise Zones Act, to stimulate job creation and residential growth in America's most distressed rural and urban communities. More recently, Senator LIEBERMAN and I introduced the American Community Renewal Act. The ACRA would provide benefits to 100 distressed communities around the country, including tax benefits designed to attract businesses and employers to Renewal Zones. It is my hope that this bill will become law this year.

In my opinion, Mr. President, brownfield remediation is a crucial component of any policy for community renewal if that policy is to be successful. The provisions provided in this legislation will make such remediation more likely and more common. Therefore, I urge my colleagues to give it their strong support.●

By Mr. SMITH of New Hampshire (for himself and Mr. BAUCUS):

S. 2437. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT OF 2000

● Mr. SMITH of New Hampshire. 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:

S. 2437

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.—

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2000''.

(b) TABLE OF CONTENTS.—

SEC. 2. DEFINITION OF SECRETARY.

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

SEC. 3. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), any modification to the project authorized by law, or modified by the Comprehensive Everglades Restoration Plan.

(2) SOUTH FLORIDA ECOSYSTEM.—The term ''South Florida ecosystem'' means the area consisting of the lands and waters within the boundary, existing on July 1, 1999, of the South Florida Water Management District, including the Everglades ecosystem, the Florida Keys, Biscayne Bay, Florida Bay, and other contiguous near-shore coastal waters of South Florida.

(3) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—The term ''Comprehensive Everglades Restoration Plan'' means the plan contained in the ''Final Feasibility Report and Programmatic Environmental Impact Statement,'' April 1999, as transmitted to the Congress by the July 1, 1999, letter of the Assistant Secretary of the Army for Civil Works pursuant to Section 528 of the Water Resources Development Act of 1996 (110 Stat. 3767).

(4) NATURAL SYSTEM.—The term ''natural system'' means all Federally or state managed lands and waters within the South Florida ecosystem, including the water conservation areas, Everglades National Park, Big Cypress National Preserve, and other federally or state designated conservation lands, and other lands that create or contribute to habitat supporting native flora and fauna.

(b) FINDINGS.—The Congress finds that:

(1) The Everglades is an American treasure. In its natural state, the South Florida ecosystem was connected by the flow of fresh water from the Kissimmee River to Lake Okeechobee—south through vast freshwater marshes known as the Everglades—to Florida Bay, and on to the coral reefs of the Florida Keys. The South Florida ecosystem covers approximately 18,000 square miles and once included a unique and biologically productive region, supporting vast colonies of wading birds, a mixture of temperate and tropical plant and animal species, and teeming coastal fisheries and North America's only barrier coral reef. The South Florida ecosystem is endangered as a result of adverse changes in the quantity, distribution, and timing of flows and degradation of water quality. The Everglades alone has been reduced in size by approximately 50 percent. Restoration of this nationally and internationally recognized ecosystem, including America's Everglades, is in the Nation's interest.

(2) The Central and Southern Florida Project plays an important role in the economy of south Florida by providing flood protection and water supply to agriculture and the residents of south Florida and providing water to the water conservation areas, Everglades National Park and other natural areas for the purpose of preserving fish and wildlife resources. The population of the region is expected to continue to grow, further straining the ability of the existing Central and Southern Florida Project to meet the needs of the natural system and the people of south Florida.

(3) Modifications to the Central and Southern Florida Project are needed to restore, preserve, and protect the South Florida ecosystem, including the Everglades, while continuing to provide for the water related needs of the region, including flood protection and other objectives served by the Project.

(4) The Comprehensive Everglades Restoration Plan is a scientifically and economically sound plan that modifies the Central and Southern Florida Project to restore, preserve and protect the South Florida ecosystem. By storing most of the water currently discharged to the Atlantic Ocean and Gulf of Mexico, ensuring the quality of water discharged into the South Florida ecosystem from project features, and removing internal levees and canals in the Everglades, the Comprehensive Everglades Restoration Plan provides the roadmap for the recovery of a healthy, sustainable ecosystem as well as providing for the other water-related needs of the region, including flood protection, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(5) The comprehensive, system-wide nature of the Comprehensive Everglades Restoration Plan and the linkage of the elements of the plan to each other must be preserved not only during the over 25-year period that will be necessary for its implementation, but for as long as the project remains authorized. Implementation must proceed in a programmatic manner using the principles of adaptive assessment as outlined in the Comprehensive Everglades Restoration Plan.

(6) The Comprehensive Everglades Restoration Plan contains a number of components that will benefit Everglades National Park, Biscayne National Park, Florida Keys National Marine Sanctuary, Big Cypress National Preserve, Ten Thousand Islands National Wildlife Refuge, and Loxahatchee National Wildlife Refuge by significantly improving the quantity, quality, timing, and distribution of waste delivered to these Federal areas. Improved water deliveries will also provide benefits to federally-listed threatened and endangered species.

(7) The Congress, the Federal government, and the State of Florida have, in prior legislation, recognized the need to restore, preserve, and protect the South Florida ecosystem, These on-going efforts are important to the success of the Comprehensive Everglades Restoration Plan. Since the creation of the South Florida Ecosystem Restoration Task Force in 1993, the Federal government has been working in partnership with tribal, state, and local governments, the private sector, and individual citizens to accomplish restoration of the South Florida ecosystem. It is important for the long-term restoration of this ecosystem that these efforts, including the South Florida Ecosystem Restoration Task Force, be continued and strengthened. The state, with its financial responsibilities for project implementation and capabilities in the planning, design, construction, and operation of the Comprehensive Everglades Restoration Plan, must be a full partner with the Federal government.

(c) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) IN GENERAL.—Congress hereby approves the Comprehensive Everglades Restoration Plan to modify the Central and Southern Florida Project to restore, preserve, and protect the South Florida ecosystem. These changes are necessary in order to ensure that the Central and Southern Florida Project as amended provides for the improvement and protection of water quality in, and the reduction of the loss of fresh water from, the South Florida ecosystem, as well as providing for the water related needs of the region, including flood protection, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—Those projects included in the Comprehensive Everglades Restoration Plan and specified in paragraphs (B) and (C) are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions described in the Central and Southern Florida Project: Comprehensive Review Study Report of the Chief of Engineers dated June 22, 1999.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(1) Caloosahatchee River (C–43) Basin ASR ($6,000,000);

(2) Lake Belt In-Ground Reservoir Technology ($23,000,000);

(3) L–31N Seepage Management (10,000,000); and,

(4) Wastewater Reuse Technology ($30,000,000).

(C) OTHER PROJECTS.—The following projects are authorized at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000. Prior to implementation of projects (1) through (10), the Secretary shall review and approve a Project Implementation Report prepared in accordance with subsection (g).

(1) C–44 Basin Storage Reservoir ($112,562,000);

(2) Everglades Agricultural Area Storage Reservoirs—Phase I ($233,408,000);

(3) Site 1 Impoundment ($38,535,000);

(4) Water Conservation Areas 3A/3B Levee Seepage Management ($100,335,000);

(5) C–11 Impoundment and Stormwater Treatment Area ($124,837,000);

(6) C–9 Impoundment and Stormwater Treatment Area ($89,146,000);

(7) Taylor Creek/Nubbin Slough Storage and Treatment Area ($104,027,000);

(8) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3 ($26,946,000);

(9) North New River Improvements ($77,087,000);

(10) C–111 Spreader Canal ($94,035,000); and

(11) Adaptive Assessment and Monitoring Program (10 years) ($100,000,000).

(d) ADDITIONAL PROGRAM AUTHORITY.—In order to expedite implementation of the Comprehensive Everglades Restoration Plan, the Secretary is authorized to implement modifications to the Central and Southern Florida Project that are consistent with the Comprehensive Everglades Restoration Plan and that will produce independent and substantial restoration, preservation, or protection benefits to the South Florida ecosystem; provided that the total Federal cost of each project accomplished under this authority shall not exceed $35,000,000; and provided further that the total Federal cost of all the projects accomplished under this authority shall not exceed $250,000,000. Prior to implementation of any project authorized under this subsection, the Secretary shall review and approve a Project Implementation

Report prepared in accordance with subsection (g).

(e) AUTHORIZATION OF FUTURE PROJECT FEATURES.—Except for those projects authorized in subsections (c) and (d), all future projects included in the Comprehensive Everglades Restoration Plan shall require a specific authorization of Congress. Prior to authorization, the Secretary shall transmit such projects to Congress along with a Project Implementation Report prepared in accordance with subsection (g). Further, such projects, if authorized, shall be implemented pursuant to subsection (i) of this section.

(f) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of implementing projects authorized under subsections (c), (d), and (e) shall be 50 percent. The non-Federal sponsor shall be responsible for all lands, easements, rights-of-way, and relocations and shall be afforded credit toward the non-Federal share in accordance with paragraph (3)(A). The non-Federal sponsor may accept Federal funding for the purchase of the necessary lands, easements, rights-of-way or relocations, provided that such assistance is credited toward the Federal share of the cost of the project.

(2) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996, the non-Federal sponsor shall be responsible for sixty percent of the operation, maintenance, repair, replacement, and rehabilitation cost of activities authorized under this section.

(3) CREDIT AND REIMBURSEMENT.—

(A) LANDS.—Regardless of the date of acquisition, the value of lands or interests in land acquired by non-Federal interests for any activity required in this section shall be included in the total cost of the activity and credited against the non-Federal share of the cost of the activity. Such value shall be determined by the Secretary.

(B) WORK.—The Secretary may provide credit, including in-kind credit, to or reimburse the non-Federal project sponsor for the reasonable cost of any work performed in connection with a study or activity necessary for the implementation of the Comprehensive Everglades Restoration Plan if the Secretary determines that the work is necessary and the credit or reimbursement is granted for work completed during the period of design or implementation pursuant to an agreement between the Secretary and the non-Federal sponsor that prescribes the terms and conditions of the credit or reimbursement.

(C) AUDITS.—Credit or reimbursement for land or work granted under this subsection shall be subject to audit by the Secretary.

(g) EVALUATION OF PROJECT FEATURES.—

(1) IN GENERAL.—Prior to implementation of project features authorized in subsection (c)(2)(C)(1) through (c)(2)(C)(10) and subsection (d), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment, complete Project Implementation Reports to address the project(s) cost effectiveness, engineering feasibility, and potential environmental impacts, including National Environmental Policy Act compliance. The Secretary shall coordinate with appropriate Federal, tribal, state and local governments during the development of such reports and shall identify any additional water that will be made available for the natural system, existing legal users, and other water related needs of the region. Further, such reports shall ensure that each project feature is consistent with the programmatic regulations issued pursuant to subsection (i).

(2) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law regarding economic justification, in carrying out activities authorized in accordance with subsections (c), (d), and (e), the Secretary may determine that activities are justified by the environmental benefits derived by the South Florida ecosystem in general and the Everglades and Florida Bay in particular; and shall not need further economic justification if the Secretary determines that the activities are cost effective.

(h) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—

(1) IN GENERAL.—Socially and economically disadvantaged individuals and communities make up a large portion of the South Florida ecosystem and have legitimate interests in the implementation of the Comprehensive Everglades Restoration Plan. Further, such groups have not, in some cases, been given the opportunity to understand and participate fully in the development of water resources projects. As provided in this subsection, the Secretary shall ensure that impacts on socially and economically disadvantaged individuals are considered during the implementation of the Comprehensive Everglades Restoration Plan and that such individuals have opportunities to review and comment on its implementation.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632).

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

(3) PROGRAM FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The Secretary shall establish a program to ensure that socially and economically disadvantaged individuals within the South Florida ecosystem are informed of the Comprehensive Everglades Restoration Plan, given the opportunity to review and comment on each project feature, provided opportunities to participate as a small business concern contractor, and given opportunities for employment or internships in emerging industry sectors.

(4) CONTRACTS TO BUSINESSES OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The Secretary shall establish a goal that not less than 10 percent of the amounts made available for construction of projects authorized pursuant to subsections (c), (d) and (e), shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals within the South Florida ecosystem.

(i) ASSURING PROJECT BENEFITS.—

(1) IN GENERAL.—The primary and overarching purpose of the Comprehensive Everglades Restoration Plan is to restore, preserve and protect the natural system within the South Florida ecosystem. The Comprehensive Everglades Restoration Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem, while providing for other water-related needs of the region, including water supply and flood protection. The Central and Southern Florida Project, as amended by the Comprehensive Everglades Restoration Plan, shall be implemented in a manner that ensures that the benefits to the natural system and the human environment, including the proper quantity, quality, timing and distribution of water, are achieved and maintained for as long as the Central and Southern Florida Project remains authorized. When implemented fully, the approximately 68 features of the Comprehensive Everglades Restoration Plan will result in modifications to the existing Central and Southern Florida Project works that shall provide the water necessary to restore, preserve and protect the natural system while providing for other water related needs of the region. The Secretary shall ensure that both the natural system and the human environment receive the benefits intended when such modifications to the Central and Southern Florida project are made pursuant to the Comprehensive Everglades Restoration Plan and previous Acts of Congress.

(2) DEDICATION AND MANAGEMENT OF WATER—

(A) IN GENERAL.—Consistent with subsection (i)(2)(B), the Secretary shall dedicate and manage the water made available from the Central and Southern Florida Project features authorized, constructed, and operated in accordance with previous Acts of Congress and this Act authorizing the implementation of features of the Comprehensive Everglades Restoration Plan, for the temporal and spatial needs of the natural system. The needs of the natural system and the human environment shall be defined in terms of quality, quantity, timing and distribution of water. In developing the regulations that provide for the dedication and management of water for the natural system in accordance with this subsection, the Secretary shall incorporate rainfall driven operational criteria and annual fluctuations in rainfall.

(B) PROGRAMMATIC REGULATIONS.—The Secretary shall, after notice and opportunity for public comment and with the concurrence of the Secretary of the Interior, and in consultation with the Secretary of Commerce, the Administrator of the Environmental Protection Agency and the Governor of the State of Florida, issue programmatic regulations identifying the amount of water to be dedicated and managed for the natural system from the Central and Southern Florida Project features authorized, constructed, and operated in accordance with previous acts of Congress and this Act through the implementation of the Comprehensive Everglades Restoration Plan features. Such regulations shall be completed within two years of the date of enactment of this Act. These regulations shall ensure that the natural system and the human environment receive the benefits intended, including benefits for the restoration, preservation, and protection of the natural system, as the Comprehensive Everglades Restoration Plan is implemented and incorporated into the Central and Southern Florida Project for as long as the project remains authorized. Nothing in this Act shall prevent the State of Florida from reserving water for environmental uses under the 1972 Florida Water Resources Act to the extent consistent with this section.

(C) PROJECT SPECIFIC REGULATIONS.—The Secretary, after notice and opportunity for public comment, and in consultation with the Secretary of the Interior, Secretary of Commerce, the Administrator of the Environmental Protection Agency, other Federal agencies, and the State of Florida shall develop project feature specific regulations to ensure that the benefits anticipated from each feature of the Comprehensive Everglades Restoration Plan are achieved and maintained as long as the project remains authorized. Each such regulation shall be consistent with the programmatic regulations issued pursuant to subsection (i)(2)(B), be based on the best available science, and ensure that the quantity, quality, timing, and distribution of water for the natural system and the human environment anticipated

in the Comprehensive Plan for each project feature is achieved and maintained.

(3) EXISTING WATER USES.—The Secretary shall ensure that the implementation of the Comprehensive Everglades Restoration Plan, including physical or operational modifications to the Central and Southern Florida Project, does not cause substantial adverse impacts on existing legal water uses, including annual water deliveries to Everglades National Park, water for the preservation of fish and wildlife in the natural system, and other legal uses as of the date of enactment of this Act. The Secretary shall not eliminate existing legal sources of water supply, including those for agricultural water supply, water for Everglades National Park and the preservation of fish and wildlife, until new sources of water supply of comparable quantity and quality are available to replace the water to be lost from existing sources. Existing authorized levels of flood protection will be maintained.

(j) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Department of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce and the State of Florida, shall jointly submit to Congress a report on the implementation of the Comprehensive Everglades Restoration Plan. Such reports shall be completed no less than every five years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report, and the work anticipated over the next five-year period. In addition, each report shall include the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed features of the Comprehensive Everglades Restoration Plan are being operated in a manner that is consistent with the programmatic regulations established under subsection (i)(2)(B).

SEC. 4. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of Public Law 99–662 [100 stat. 4164] is amended by—

(a) striking ''**STUDY OF WATER RESOURCES NEEDS OF RIVER BASINS AND REGIONS.**'' and all that follows, and

(b) inserting in lieu thereof:

''WATERSHED AND RIVER BASIN ASSESSMENTS.

''(a) IN GENERAL.—The Secretary is authorized to assess the water resources needs of river basins and watersheds of the United States. Such assessments shall be undertaken in cooperation and coordination with the Departments of the Interior, Agriculture and Commerce, the Environmental Protection Agency, and other appropriate agencies, and may include an evaluation of ecosystem protection and restoration, flood damage reduction, navigation and port needs, watersheds protection, water supply, and drought preparedness.

''(b) CONSULTATION.—The Secretary shall consult with Federal, Tribal, State, interstate, and local governmental entities in carrying out the assessments authorized by this section. In conducting such assessments, the Secretary may accept contributions of services, materials, supplies and cash from Federal, Tribal, State, interstate, and local governmental entities where the Secretary determines that such contributions will facilitate completion of the assessments.

''(c) COST SHARING REQUIREMENTS.—The non-Federal share of the cost of an assessment conducted under this section shall be 25 percent of the cost of such assessment. The non-Federal sponsor may provide the non-Federal cost-sharing requirement through the provision cash or services, materials, supplies, or other in-kind services. In no event shall such credit exceed the non-Federal required share of costs for the assessment.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''

SEC. 5. BROWNFIELDS REVITALIZATION PROGRAM

(a) GENERAL.—The Secretary shall, in consultation with the Environmental Protection Agency and other appropriate agencies, carry out a program to provide assistance to non-Federal interests in the remediation and restoration of abandoned or idled industrial and commercial sites where such assistance will improve the quality, conservation, and sustainable use of the Nation's streams, rivers, lakes, wetlands, and floodplains. Assistance may be in the form of site characterizations, planning, design, and construction projects. To the maximum extent practicable, projects implemented by the Secretary under this section will be done in cooperation and coordination with other Federal, Tribal, State, and local efforts to maximize resources available for the remediation, restoration, and redevelopment of brownfield sites.

(b) JUSTIFICATION FOR ASSISTANCE.—Notwithstanding any economic justification provision or requirement of section 209 of the Flood Control Act of 1970 [42 U.S.C. 1962–2] or economic justification provision of any other law, the Secretary may determine that the assistance projects authorized by subsection (a),

(1) is justified by the public health and safety, and environmental benefits; and

(2) shall not need further economic justification if the Secretary determines that the assistance is cost effective.

(c) COST SHARING.—

(1) IN GENERAL.—Prior to implementing any assistance project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest, which shall require the non-Federal interest to: (a) pay 50 percent of the total costs of the assistance project; (b) acquire and place in public ownership for so long as is necessary to implement and complete the assistance project any lands, easements, rights-of-way, and relocations necessary for implementation and completion of the assistance project; (c) pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the assistance project; and (d) hold and save harmless the United States free from claims or damages due to implementation of the assistance project, except for the negligence of the Government or its contractors.

(2) CREDIT.—The non-Federal interest shall receive credit for the value of any lands, easements, rights-of-way, and relocations provided for implementation and completion of such assistance project. The Secretary also may afford credit to a non-Federal interest for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other in-kind consideration will facilitate completion of the assistance project. In no event shall such credit exceed the 50 percent non-Federal cost-sharing requirement.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law.

(e) PROJECT COST LIMITATION.—Not more than $5,000,000 in Army Civil Works Appropriations funds may be allotted under this section at any single site.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriate to carry out this section $25,000,000 for each fiscal year from 2002 through 2005.

(g) PROGRAM EVALUATION.—Not later than December 31, 2005, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that discusses the program's performance objectives and evaluates is effectiveness in achieving them, along with any recommendations concerning continuation of the program.

SEC. 6. TRIBAL PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary is authorized, in cooperation with Federally recognized Indian tribes and other Federal agencies, to study and determine the feasibility of implementing water resources development projects that will substantially benefit Indian tribes, and are located primarily within Indian country, as defined in 18 U.S.C. 1151, or in proximity to Alaska native villages. Studies conducted under this authority may address, but are not limited to, projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources.

(b) CONSULTATION AND COORDINATION.—the Secretary shall consult with the Secretary of the Interior on studies conducted under this section in recognition of the unique role of the Secretary of the Interior regarding trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities. the Secretary shall integrate Army Civil Works activities with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects to Indian tribes, and shall consider existing authorities and programs of the Department of the Interior and other Federal agencies in any recommendations regarding implementation of project studied under this section.

(c) ABILITY TO PAY.—Any cost-sharing agreement for a study under this section shall be subject to the ability of a non-Federal interest to pay. The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(d) CREDITS.—For such studies conducted under this section, the Secretary may afford credit to the tribe for services, studies, supplies, and other in-kind consideration where the Secretary determines that such services, studies, supplies, and other-in-kind consideration will facilitate completion of the project. In no event shall such credit exceed the tribe's required share of costs for the study.

(e) AUTHRORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) of this section $5,000,000 for each fiscal year, for fiscal years 2002 through 2006. Not more than $1,000,000 in Army Civil Works appropriations may be allotted under this section for any one tribe.

(f) DEFINITION.—For the purposes of this section the term ''Indian tribes'' means any tribe, band, nation, or other organized group of community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 et seq.] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 7. ABILITY TO PAY.

Section 103(m) of Public Law 99–662 (33 U.S.C. 2213(m), as amended) is amended by:

(1) Deleting subsection ''(1)'' in its entirety and inserting in lieu thereof the following language:

''(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study or for construction of an environmental protection and restoration or flood control project, or for construction of an agricultural water supply project, shall be subject to the ability of a non-Federal interest to pay.''

(2) Deleting subsection ''(2)'' in its entirety and inserting in lieu thereof the following language:

''(2) CRITERIA AND PROCEDURES.—the ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures be developed, within 18 months after such date of enactment to reflect the requirements of paragraph (3) of section 202(b) of the Water Resources Development Act of 1996 [110 STAT. 3674].''

(3) adding the word ''and'' at the end of subsection (3)(A)(ii)

(4) Deleting subsection (3)(B) in its entirety.

(5) Deleting subsection (3)(C) in its entirety and inserting in lieu thereof the following language:

''(B) may consider additional criteria relating to the non-Federal interest's financial ability to carry out is cost-sharing responsibilities, or relating to additional assistance that may be available for other Federal or State sources.''

SEC. 8. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to implement a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army. In carrying out the program the Secretary may provide rewards to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property, including the payment of cash rewards.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000 annually to carry out this section.

SEC. 9. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding Section 611 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L. 105–277), the Secretary may participate in the National Recreation Reservation Service on an interagency basis and-fund the Department of the Army's share of those activities required for implementing, operating, and maintaining the Service.

SEC. 10. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of Public Law 101–640 (33 U.S.C. 2321) is amended by inserting the following language immediately after the phrase ''commercial activities'': ''where such activities require specialized training related to hydroelectric power generation. These activities would be subject to the labor standards provisions in the Service Contract Act, 41. U.S.C. 351, and to the extent applicable, the Davis-Bacon Act, 40 U.S.C., Sections 276(a)–7.''

SEC. 11. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234 of Public Law 104–303 (33 U.S.C. 2323a) is amended—

(1) in subsection (d) by deleting ''$1,000,000'' and inserting $2,000,000.

SEC. 12. REBURIAL AND TRANSFER AUTHORITY.

(a) IN GENERAL.—

(1) REBURIAL.—The Secretary is authorized, in consultation with the appropriate Indian tribes, to identify and set aside areas at civil works projects managed by the Secretary that may be used to reinter Native American remains that have been discovered on project lands, and which have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law. The Secretary, in consultation and in consent with the lineal descendant or the respective Indian tribe, is authorized to recover and rebury the remains at such sites at full Federal expense.

(2) TRANSFER AUTHORITY.—Notwithstanding any provision of law, the Secretary is authorized to transfer to the Indian tribe the land identified by the Secretary in subsection (1) for use as a cemetery. The Secretary shall retain any necessary rights-of-way, easements, or other property interests that the Secretary of the Army determines is necessary to carry out the authorized project purpose.

(b) DEFINITION.—For the purposes of this section the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 et seq.] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 13. AMENDMENT TO RIVERS AND HARBORS ACT.

33 U.S.C. 401 is amended by adding the following language at the end of the last sentence: ''The approval required by this section of the location and plans, or any modification of plans, for any dam or dike, applies only to any dam or dike that would completely span a waterway currently used to transport interstate or foreign commerce, in a manner that actual, existing interstate or foreign commerce could be adversely affected. Any other dam or dike proposed to be built in any other navigable water of the United States shall be regulated as a structure under 33 U.S.C. 403, and shall not require approval under this section.''

SEC. 14. STRUCTURAL FLOOD CONTROL COST-SHARING.

(a) Section 103(a) of the Water Resources Development Act of 1986 [100 Stat. 4084–4085] is amended by—

(1) striking ''35'' whenever it appears in paragraph (2) and inserting ''50 in lieu thereof;

(2) deleting the word ''MINIMUM'' in paragraph (2);

(3) adding the following language to paragraph (2) immediately after the last sentence in that paragraph: The non-Federal share under paragraph (1) shall not exceed 50 percent of the cost of the project assigned to flood control. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.'', and

(4) deleting paragraph (3) and (4) in their entirety.

(b) APPLICABILITY.—The amendment made by this section shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of enactment of this Act.

SEC. 15. CALFED BAY-DELTA PROGRAM ASSISTANCE.

(a) IN GENERAL.—The Secretary is authorized to participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay Delta Program, and shall, to the maximum extent practicable and in accordance with all applicable laws, integrate the activities of the Army Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay Delta Program as provided for in subsection (a) of this section, the Secretary is authorized to accept and expend funds from other Federal agencies and from non-Federal public, private and non-profit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay Delta Program and may enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and non-profit entities in carrying out these projects and activities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army to carry out activities under this section $5,000,000 for fiscal years from 2002 through 2005.

(d) DEFINITION.—For purposes of this section, the area covered by the CALFED Bay Delta Program is defined as the San Francisco Bay, Sacramento-San Joaquin Delta Estuary and its watershed (Bay-Delta Estuary) as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate (Club Fed).

SEC. 16. PROJECT DE-AUTHORIZATIONS.

Section 33 U.S.C. 579a is deleted in its entirety and the following language inserted in lieu thereof:

''PROJECT DE-AUTHORIZATIONS

''(a) PROJECTS NEVER UNDER CONSTRUCTION.—

''(1) The Secretary shall transmit annually to Congress a list of projects and separable elements of projects that have been authorized for construction, but for which no appropriations have been obligated for construction of the project or separable element during the four consecutive fiscal years preceding the transmittal of such list.

''(2) Any water resources project authorized for construction, and any separable element of such a project, shall be de-authorized after the last day of the 7-year period beginning on the date of the project or separable element's most recent authorization or reauthorization unless funds have been obligated for construction of the project or separable element.

''(b) PROJECTS WHERE CONSTRUCTION HAS BEEN SUSPENDED.—

''(1) The Secretary shall transmit annually to Congress a list of projects and separable elements of projects that have been authorized for construction, and for which funds have been obligated in the past for construction of the project or separable element, but for which no appropriations have been obligated for construction of the project or separable element during the two consecutive fiscal years preceding the transmittal of such list.

''(2) Any water resources project, and any separable element of such a project, for which funds have been obligated in the past for construction of the project or separable element, shall be de-authorized if appropriations specifically identified for construction of the project or separable element (either in Statute or in the accompanying legislative report language) have not been obligated for construction of the project or separable element during any five subsequent consecutive fiscal years.

''(c) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (a) and (b), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element would be located.

''(d) FINAL DE-AUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects or separable elements de-authorized under subsections (a) and (b).

''(e) DEFINITIONS.—For purposes of this section, for non-structural flood control projects, the phrase 'construction of the project or separable element' means the acquisition of lands, easements and rights-of-way primarily to relocate structures, or the performance of physical work under a construction contract for other non-structural measures. For environmental protection and restoration projects, it means the acquisition of lands, easements and rights-of-way primarily to facilitate the restoration of wetlands or similar habitats, or the performance of physical work under a construction contract to modify existing project facilities or to construct new environmental protection and restoration measures. For all other water resources projects, it means the performance of physical work under a construction contract. In no case shall the term ''physical work under a construction contract'', as used in this subsection, include activities related to project planning, engineering and design, relocation, or the acquisition of lands, easements, and rights-of-way.

''(f) EFFECTIVE DATE OF PROVISIONS.—Subsections (a)(2) and (b)(2) shall become effective three years after the date of enactment of this Act.''

SEC. 17. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) Section 402 of the Water Resources Development Act of 1986 [100 Stat. 4133] is amended by—

(1) in subsection (c)(1) by deleting ''Within 6 months after the date of the enactment of this subsection, the'' and inserting ''The'';

(2) by inserting ''that non-Federal interests shall adopt and enforce'' after the word ''policies'' in the second sentence in subsection (c)(1); and

(3) by inserting at the end of subsection (c)(1) ''Such guidelines shall also require non-Federal interests to take measures to preserve the level of flood protection provided by the project for which subsection (a) applies.''

(b) APPLICABILITY.—The amendment made by this section shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of enactment of this Act.

SEC. 18. STUDY OF TRANSFER OF PROJECT LANDS.

''(a) IN GENERAL.—

''(1) STUDY OF TRANSFER.—The Secretary is authorized to conduct a feasibility study in cooperation with the Secretary of the Interior, the state of * * * and with the affected Indian tribes, for the transfer to the Secretary of Interior the land described in subsection (b) to be held in trust for the benefit of the respective Indian tribes.

''(b) LANDS TO BE STUDIED.—The land authorized to be studied for transfer is land that—

(1) was acquired by the Secretary for the implementation of the Pick-Sloan Missouri River Basin program; and

(2) is located within the external boundaries of the reservations of the Three Affiliated Tribes of the Fort Berthold Reservation, N.D., the Standing Rock Sioux Tribe of North and South Dakota, the Crow Creek Sioux Tribe of the Crow Creek Reservation, SD, the Yankton Sioux Tribe of South Dakota, and the Flandreau Santee Sioux Tribe of South Dakota.

''(c) DEFINITION.—For the purposes of this section the term ''Indian tribe'' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C.A. §1601 *et seq.*] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 19. PUGET SOUND AND ADJACENT WATERS RESTORATION.

''(a) IN GENERAL.—The Secretary is authorized to participate in Critical Restoration Projects in the area of the Puget Sound and its adjacent waters, including the watersheds that drain directly into Puget Sound, Admiralty Inlet, Hood Canal, Rosario Strait, and the eastern portion of the Strait of Juan de Fuca.

''(b) DEFINITION.—''Critical Restoration Projects'' are those projects that will produce, consistent with existing Federal programs, projects and activities, immediate and substantial restoration, preservation and ecosystem protection benefits.

''(c) PROJECT SELECTION.—The Secretary, with the concurrence of the Secretaries of the Interior and Commerce, and in consultation with other appropriate Federal, Tribal, State, and local agencies, may identify critical restoration projects and may implement those projects after entering into an agreement with an appropriate non-Federal interest in accordance with the requirements of section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d–5b) and this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under this section $10,000,000.

''(e) PROJECT COST LIMITATION.—Not more than $2,500,000 in Army Civil Works appropriations Federal funds may be allocated to carrying out any one project under this section.

''(c) COST SHARING.—

''(1) IN GENERAL.—Prior to implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest, which shall require the non-Federal interest to: (a) pay 35 percent of the total costs of the project; (b) acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project; (c) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and (d) hold and save harmless the United States free from claims or damages due to implementation of the assistance project, except for the negligence of the Government or its contractors.

(2) CREDIT.—The non-Federal interest shall receive credit for the value of any lands, easements, rights-of-way, relocations, and dredged material disposal areas provided for implementation and completion of such assistance project. The non-Federal interest may provide up to 50 percent of the non-Federal cost-sharing requirement through the provision of services, materials, supplies, or other in-kind services.●

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

S. 2438. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE KING AND TSIORVAS PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. MCCAIN. Mr. President, today I am introducing the King and Tsiorvas Pipeline Safety Improvement Act of 2000. This bill proposes to reauthorize the Pipeline Safety Act, which expires at the end of this fiscal year (FY), through fiscal year 2003. It is intended to strengthen and improve both federal and state pipeline safety efforts and heighten public awareness of pipeline safety. I am pleased to be joined in sponsoring this bill by Senator MURRAY and Senator GORTON.

Many of these issues came to the forefront as a result of a tragic accident that occurred in Bellingham, Washington, last June 10, 1999. An underground hazardous liquid pipeline ruptured and 277,000 gallons of gasoline leaked into a creek. Two 10-year-old boys, Wade King and Stephen Tsiorvas, had been playing by the creek into which the gasoline flowed. The gasoline was accidently ignited and a massive fire ensued. Both boys died as a result of their injuries. Another young man, Liam Wood, was fishing at the creek the same day. He was overcome by the gasoline fumes, slipped into unconsciousness, and subsequently drowned.

Mr. President, in addition to these needless deaths, the pipeline accident caused destructive fires and environmental damage for miles. Since the June accident, many concerned individuals have come forward and dedicated themselves to finding ways to improve and strengthen the Department of Transportation pipeline safety program. The Senators from Washington State have introduced one bill. Other pipeline safety measures have been introduced in the House. Yesterday, the Administration submitted its own pipeline safety reauthorization proposal. These bills contain many provisions I believe merit Congressional consideration and some of those provisions are included in the legislation I am introducing today.

It is my intention, as Chairman of the Senate Committee on Commerce, Science, and Transportation, to chair a full Committee hearing on Pipeline Safety in the near future. I hope to report a reauthorization measure to the full Senate before the Memorial Day Recess. In that effort, I will be seeking input from public safety advocates, the National Transportation Safety Board, the DOT-Inspector General, the Department of Transportation, industry and others interested in promoting pipeline safety.

Mr. President, currently the Office of Pipeline Safety (OPS) within the Research and Special Programs Administration (RSPA) oversees the transportation of about 65 percent of the petroleum and most of the natural gas transported in the United States. OPS regulates the day-to-day safety of 2,000 gas pipeline operators with more than 1.9 million miles of pipeline, as well as more than 200 hazardous liquid operators and 165,000 miles of pipelines. Given the immense array of pipelines that traverse our nation, reauthorization of the pipeline safety program is, quite simply, critical to public safety.

The safety record of pipeline transportation is generally quite good. However, accidents do occur and when they occur, they can be devastating, as was the case last June.

Last month, the Senate Commerce Committee held a field hearing on this accident in Bellingham, Washington, and the Committee, as I mentioned, is committed to moving a reauthorization bill through the legislative process as soon as possible. We must act to help improve pipeline safety and prevent tragedies like that which occurred in Bellingham.

The bill I am introducing includes a number of provisions intended to strengthen and improve pipeline safety. It also is designed to increase State oversight authority and facilitate greater public information sharing at the local community level.

Two areas that warrant DOT's immediate attention, in my view, concern safety recommendations that have already been issued by the National Transportation Safety Board (NTSB) and the Inspector General (IG). The Department's responsiveness to NTSB pipeline safety recommendations for years has been poor at best. While current law requires the Secretary to respond to NTSB recommendations within 90 days from receipt, there are no similar requirements at RSPA. The problem is serious, Mr. President. I am aware of one case in particular where a NTSB recommendation sat at DOT's pipeline office for more than 900 days before even a letter so much as acknowledging receipt was sent. Such blatant disregard for the important work of the NTSB is intolerable. Therefore, this legislation statutorily requires RSPA and OPS to respond to each pipeline safety recommendation it receives from the NTSB and to provide a detailed report on what action it plans to initiate to adopt the recommendation.

In addition, the bill would require the Department to implement the recommendations made last month by the IG to further improve pipeline safety. The DOT IG found several glaring safety gaps at OPS and it is incumbent upon us all to do all we can to insure that the Department affirmatively acts on these critical problems.

The bill would also address the issue of training of pipeline operators. A number of safety interests, including the NTSB, have long emphasized the need to improve operator training. In recognition that a one-size-fits-all approach on this issue is not feasible due to the far different operating and maintenance requirements governing pipeline operations, this bill would require each operator to submit a training plan to the Secretary keyed to his or her particular operation. The Secretary would be expected to review the plans and work with operators to ensure a consistent safety level is maintained. The bill also directs the Secretary to issue regulations to ensure periodic inspections of pipelines and provides authority to the Secretary to shut down operations which are determined to pose an imminent hazard.

Another critical component of this reauthorization bill focuses on increased public education efforts, enhanced emergency response preparedness, and community right to know. It also includes provisions to increase state oversight of pipeline safety concerns. While some may prefer to reduce the federal role over pipeline safety and substantially increase the authority of State regulation, I believe such an approach would be short-sighted. While the concept of preemption by states may seem an attractive solution for some pipeline safety concerns, it is not the best approach. After all, pipelines play a vital role in both interstate and international commerce. A mishmash of state laws regarding the construction, maintenance, training, and operation of pipelines would certainly hamper commerce and would likely not improve safety. In fact, accident records show that more than 70 percent of pipeline transportation injuries and fatalities have occurred on intrastate lines, pipelines under the direct responsibility of the States.

Recently, the U.S. Courts have upheld the need for consistent standards in interstate and international commerce. However, in the Courts ruling, they did not restrict the right of the states to take action altogether. In fact, states already have considerable power to regulate pipelines and promote safety through the Federal/State Partnership program. Additionally, the states ability to promulgate laws regarding ''one call'' can do more to prevent accidents than any other action. States already play an important role and my bill would build on that role and permit the states to join the Secretary in efforts to oversee interstate pipeline transportation and promote emergency preparedness and accident prevention.

The bill also addresses the need to improve data collection and analysis. For more than 25 years, the NTSB has identified major deficiencies and recommended changes to RSPA's pipeline accident data collection process. This bill would ensure RSPA take the action necessary to address these identified problems and improve its data collection and use.

In addition, the bill calls attention to the critical role of innovative technology in promoting safety. Specifically, the bill directs the Secretary to focus the department's research and development programs to address technology that can detect pipe material defects and alternative pipeline inspection and monitory technologies that cannot accommodate current technologies. Finally, the bill would increase funding to carry out pipeline safety and state grant programs through fiscal year 2003.

Mr. President, I urge my colleagues attention to this important safety issue and look forward to bringing a reauthorization bill to the full Senate for consideration in the near future.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2439. A bill to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes; to the Committee on Energy and Natural Resources.

SOUTHEASTERN ALASKA INTERTIE SYSTEM

• Mr. MURKOWSKI. Mr. President, today I am introducing a bill with my colleague, Senator TED STEVENS, to provide a tremendously important authorization for an electrical intertie for an isolated region of my State of Alaska. As many of my colleagues know, Alaska has many unique problems. We are over twice the size of Texas, with fewer miles of paved roads than the District of Columbia. Most of our communities are unconnected. The results of this are stark for those in unconnected communities, and have significant impacts on their lives. Energy costs and reliance upon fossil fuels for power generation are just some of these impacts.

The vast majority of these towns and villages pay very high energy costs. In some instances, these costs exceed 38 cents per kilowatt hour. This makes the cost of living almost unbearable for many local residents. For example, the village of Kake, Alaska pays 38 cents per kilowatt hour and has 38 percent unemployment. Unlike in the rest of the country, when unemployment strikes a particular unconnected community in Alaska, the option to drive to employment in a neighboring community does not exist. One either stays in a devastated community or sells one's home in a market of sellers under duress. With electrical rates running three times and above those in most of the U.S., few will invest in these communities.

Mr. President, I refer Members to the latest study of economic situation in Southeast Alaska. The report deals with the economic impact of declining timber harvests in Southeast Alaska. This is not intended to restart the debate over that issue. That is for another forum. However, what the report vividly describes is the drastic decline in the economy of this region. In the last decade, known by most of the country as the greatest boom in the century, Southeast Alaska has lost 2900 jobs and over $100 million in payroll. Many of these communities have suffered losses in population. For example, the Wrangell/Petersburg area has suffered a 13 percent loss in wage and salary income; my hometown of Ketchikan suffered a similar 12 percent loss. Personal income is down from 5 to 11 percent in the region generally. The problem for Southeast Alaska is that it has no viable option for a replacement industry.

In other areas of the country, such as the Pacific Northwest, alternative employment such as high tech companies

in Oregon and Washington have replaced honorable livelihoods in resource-based industries. There has been no comparable replacement industry for Southeast Alaska. There are a number of reasons, but the biggest reason is lack of affordable power for most communities.

Mr. President, in the Pacific Northwest, power costs are reasonable and the Bonneville Power Administration has an efficient and modern distribution system. In the lower 48 generally, every village and town is connected by power grid to the rest of the nation. That is not the case in Southeast Alaska. This lack of connection exacerbates the situation.

However, what can be done is to interconnect the region. By doing this, the existing and potential clean energy sources can be maximized and the power can be managed between communities and other users. Right now, one hydroelectric facility, Lake Tyee has tremendous excess capacity to bring clean and cheaper energy to many villages. This has been proven in a study conducted by the Southeast Conference. The Southeast Conference is the group of Mayors representing communities throughout Southeast Alaska. This study, entitled the Southeast Alaska Electrical Intertie System Plan, outlines the regional grid which this bill authorizes.

Mr. President, let me be clear, this is only an authorization. The bill provides no obligation to the Federal government to be involved in the construction of this intertie system whatsoever.

The bill also does not authorize nor does it contemplate that the federal government will exercise any ownership or management responsibility over this system. In fact, the Southeast communities which have asked me to introduce this bill seek to manage this project themselves.

It simply provides an authorization for the Congress to assist the communities in assemblying funding for the project. There is ample precedent for this. In fact, this very process was used successfully in Arizona and Utah with the Central Arizona and Central Utah projects. The era of the federal government constructing, owning and operating new power generation facilities has passed. However, the federal government can provide valuable assistance to a group of communities which seek to get their region back on the road to economic recovery. This is a good bill because it encourages local self reliance.

Mr. President, an intertie can do so much to assist this region. Right now, we have a series of isolated communities which cannot even work with each other on power issues. Each must provide its own generation and transmission facilities. And almost all of these facilities use diesel oil-fired generation because that is the only type of self-contained transmission facility which these communities can afford. Instead with an intertie, these generators can be put in mothballs and used only for isolated emergency backup. The intertie will provide reliable and clean sources of energy for all these communities.

I am informed by the communities that they intend to form a state chartered regional power authority to manage this Intertie. It will have no federal budgetary obligation. Additionally, the intertie will help the environment by shifting these small villages from their diesel generation and pointing them towards clean, renewable fuel sources. All of these facilities will be subject to all federal, state, and local laws including environmental laws. Just to make sure that this is clear, I have included a specific provision in the bill that reaffirms that this simple authorization will not affect, change, or alter any obligations under federal laws such as the National Environmental Policy Act (NEPA). All of the facilities will be subject to normal permitting.

There will undoubtedly be environmental studies required for the different components. For example, part of phase 1 of the Intertie includes the Swan Lake-Lake Tyee project which will connect my hometown of Ketchikan to its neighbors to the north, Wrangell and Petersburg. The permits for this project are already in place and were issued by the Forest Service as a result of a laborious 2 year NEPA study. The Forest Service issued a full Environmental Impact Statement which resulted in a favorable record of decision. No corners were cut and the project was approved by the Forest Service and permits issued. This bill will have no effect on that process. Any other phases will have to undergo close scrutiny, although I am convinced that connecting communities together using renewable hydropower will be much better environmentally than continued reliance on transporting, storing and burning high-priced diesel.

Mr. President, Alaska was not even a state when the major transmission systems were built in this country in the 1930's, 1940's and 1950's. Until World War II compelled the heroic construction of the Alcan Highway. Alaska was not even connected by road to the rest of the country. Alaska was never even considered as a candidate for the construction of a transmission system. Alaska's economic development is in its infancy even today. A project like the Southeast Regional Intertie is necessary to give that region of Alaska the opportunity to recover from the economic disaster outlined in the McDowell report. It is my intention to have this bill considered by my committee soon and I hope to report it favorably to the Senate floor in the near future.

By Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. GORTON, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. BRYAN):

S. 2440. A bill to amend title 49, United States Code, to improve airport security; to the Committee on Commerce, Science, and Transportation.

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mrs. HUTCHISON. Mr. President, I rise today to introduce the Aviation Security Improvement Act of 2000. I would like to recognize the efforts of Commerce Committee Chairman MCCAIN and Aviation Subcommittee Chairman GORTON who have agreed to cosponsor this legislation. I am also joined by Senators INOUYE, ROCKEFELLER, and BRYAN in this effort to improve the security of the flying public.

Approximately 500 million passengers will pass through U.S. airports this year. Protecting their safety in an incredible challenge to the men and women of the aviation industry. The Federal Government, through the Federal Aviation Administration and Industry together, must do everything within our power to protect the public from the menace of terrorism and other security threats.

In 1996, soon after the tragedy of TWA flight 800, I proposed new requirements to improve security at the nation's airports. Congress adopted these requirements as part of the Federal Aviation Reauthorization Act of 1996. This legislation tried to improve the hiring process and enhance the professionalism of airport security screeners. The act also directed the FAA to upgrade security technology with regard to baggage screening and explosive detection.

In my view, the FAA has been slow to implement these vital security improvements. The FAA does not plan to finalize the regulation to improve training requirements for screeners and certification for screening companies until May 2001. Five years is too long to wait. Technology upgrades have also been slow in coming, even though the upgraded technology is readily available. The traveling public should not have to wait yet another year before these improvements are implemented.

The FAA must modernize its procedure for background checks of prospective security-related employees. An FAA background check currently takes 90 days. That is too long. Under current procedures, the FAA is required to perform these checks only when an applicant has a gap in employment history of 12 months or longer, or if preliminary investigation reveals discrepancies in an applicant's resume. But 43% of violent felons serve an average of only seven months. This gap should be closed.

My legislation, the Airport Security Improvement Act, would direct FAA to require criminal background checks for all applicants for positions with security responsibilities, including security screeners. The bill will also require that these checks be performed expeditiously.

My legislation also directs FAA to improve training requirements for security screeners by September 30 of

this year. FAA should require a minimum of 40 hours of classroom instruction and 40 hours of practical on-the-job training before an individual is deemed qualified to provide security screening services. This standard would be a substantial increase over the 8 hours of classroom training currently required for most screening positions in the U.S. The 40 hour requirement is the prevailing standard in most of the industrialized world.

Finally, my bill would require FAA to work with air carriers and airport operators to strengthen procedures to eliminate unauthorized access to aircraft. Employees who fail to follow access procedures should be suspended or terminated. I understand that FAA is currently working on improving access standards. I hope this bill will encourage them to do so in a timely fashion.

We are privileged to have with us today a distinguished panel of witnesses who are well-versed in the area of airport security. I want to welcome them to the hearing and I am looking forward to their testimony.

Mr. MCCAIN. Mr. President, I am an original cosponsor of Senator HUTCHISON's bill to improve aviation security. Our colleague from Texas brings unique expertise to this issue as a former member of the National Transportation Safety Board. I want to thank her for her diligence in this area over the past several years as a member of the Commerce Committee Aviation Subcommittee.

Among other things, the Airport Security Improvement Act of 2000 would make pre-employment criminal background checks mandatory for all baggage screeners at airports, not just those who have significant gaps in their employment histories. It would require screeners to undergo extensive training requirements, since U.S. training standards fall far short of European standards. The legislation would also seek tighter enforcement against unauthorized access to airport secure areas.

I cannot overemphasize the importance of adequate training and competency checks for the folks who check airline baggage for weapons and bombs. The turnover rate among this workforce is as high as 400 percent at one of the busiest airports in the country! The work is hard, and the pay is low. Obviously, this legislation does not establish minimum pay for security screeners. By asking their employers to invest more substantially in training, however, we hope that they will also work to ensure a more stable and competent workforce.

Several aviation security experts appeared before the Aviation Subcommittee at a hearing last week. They raised additional areas of concern that I expect to address as this bill proceeds through the legislative process. For instance, government and industry officials alike agree that the list of ''disqualifying'' crimes that are uncovered in background checks needs to be expanded. Most of us find it surprising that an individual convicted of assault with a deadly weapon, burglary, larceny, or possession of drugs would not be disqualified from employment as an airport baggage screener.

Fortunately, this bill is not drafted in response to loss of life resulting from a terrorist incident. Even so, it is clear that even our most elementary security safeguards may be inadequate, as evidenced by the loaded gun that a passenger recently discovered in an airplane lavatory during flight.

I look forward to working with Senator HUTCHISON, as well as experts in both government and industry circles, to make sure that any legislative proposal targets resources in the most effective manner. By and large, security at U.S. airports is good, and airport and airline efforts clearly have a deterrent effect. What is also clear, however, is that we cannot relax our efforts as airline travel grows, and weapons technologies become more sophisticated.

By Mr. BOND (for himself and Mrs. LINCOLN):

S. 2441. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Environment and Public Works.

FISHABLE WATERS ACT

• Mr. BOND. Mr. President, I rise today to introduce the Fishable Waters Act with my colleague from Arkansas, Senator LINCOLN. This is consensus legislation from a uniquely diverse spectrum of interests to establish a comprehensive, voluntary, incentive-based, locally-led program to improve and restore our fisheries.

Put simply, this legislation enables local stakeholders to get together to design water quality projects in their own areas that will be eligible for some $350 million federal assistance to implement for the benefit of our fisheries and water quality. It does not change any existing provisions, regulatory or otherwise, of the Clean Water Act.

The Fishable Waters Act compliments existing clean water programs that are designed to encourage, rather than coerce the participation of landowners. This legislation will work because it will empower people at the local level who have a stake in its success and who will have hands-on involvement in its implementation.

It is supported by members of the Fishable Waters Coalition which includes the American Sportfishing Association, Trout Unlimited, the Izaak Walton League of America, the National Corn Growers Association, the National Council of Farmer Cooperatives, the Bass Anglers Sportsman Society, the American Fisheries Society, the International Association of Fish and Wildlife Agencies, and the Pacific Rivers Council. These groups have labored quietly but with great determination for several years to produce this consensus proposal to build on the success of the Clean Water Act.

As my colleagues understand, it is at great peril that anyone in this town undertakes to address clean water-related issues but the need is too great and this approach too practical to not embrace it, introduce it, and work to achieve the wide-spread support it merits.

A companion bill is being introduced by Congressman JOHN TANNER in the House. That measure is being cosponsored by Representatives ROY BLUNT, JOHN DINGELL, NANCY JOHNSON, CHARLES STENHOLM, SHERWOOD BOEHLERT, WAYNE GILCHREST, PAT DANNER, PHIL ENGLISH, CHRISTOPHER JOHN and JIM SAXTON.

Joining us yesterday for the kickoff were representatives of the Fisable Waters Coalition and a special guest, a fishing enthusiast who some may know otherwise as a top-ranked U.S. golfer, David Duval. ''Why am I here? I like to fish. I've done it as long as I can remember,'' Duval said. ''I want my kids to be able to have healthy habitats for fish. I want my grandkids and my great-grandkids to be able to do what I enjoy so much, and I think this could make a big difference.''

This bipartisan and consensus legislation is intended to capture opportunities to build on the success of the Clean Water Act. It enables local stakeholders to get together with farmers who own 70 percent of our nation's land to design local water quality projects that will be eligible for some $350 million in federal assistance for the benefit of our fisheries and water quality.

Instead of Washington saying, ''you do this and you pay for it'' and instead of Washington saying, ''you do this but we'll help you pay for it'', this legislation lets local citizens design projects that can be eligible for federal assistance. For farmers, the idea of protecting land for future generations is not an abstract notion because the farmers in my State know that good stewardship is good for them and their families. Their challenge is that while they feed this nation and provide some $50 billion in exports, they do not have the ability to pass additional costs onto consumers like corporations do. For the 2 million people who farm to provide environmental benefits for themselves and the rest of the nation's 270 million people, they need partners because they cannot afford to do it by themselves. This legislation recognizes that reality.

While one can expect a great deal of controversy surrounding any comprehensive Clean Water effort, the consensus that has built around this approach is cause for great optimism that this legislation will be the vehicle to make significant additional progress in improving water quality.

I congratulate members of the Coalition for producing and supporting this consensus legislation and I look forward to working with Senator LINCOLN

and my other Senate colleagues to move this legislation forward.

I ask unanimous consent to have printed in the RECORD a one-page summary of the bill.

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

FISHABLE WATERS ACT BILL SUMMARY IN BRIEF

PURPOSE

This legislation begins with the premise that while great progress has been made in improving water quality under the Clean Water Act, more opportunities remain. The particular emphasis on this legislation is on opportunities to address fisheries habitat and water quality needs.

The findings include that it shall be the policy of the United States to protect, restore, and enhance fisheries habitat and related uses through voluntary watershed planning at the state and local level that leads to sound fisheries conservation on an overall watershed basis.

To carry out this objective, a new section is added to the Clean Water Act.

PROGRAM

The legislation authorizes the establishment of voluntary and local Watershed Councils to consider the best available science to plan and implement a program to protect and restore fisheries habitat with the consent of affected landowners.

Each comprehensive plan must consider the following elements: characterization of the watershed in terms of fisheries habitat; objectives both near- and long-term; ongoing factors affecting habitat and access; specific projects that need to be undertaken to improve fisheries habitat; and any necessary incentives, financial or otherwise, to facilitate implementation of best management practices to better deal with non-point source pollution including sediments impairing waterways.

Projects and measures that can be implemented or strengthened with the consent of affected landowners to improve fisheries habitat including stream side vegetation, instream modifications and structures, modifications to flood control measures and structures that would improve the connection of rivers to low-lying backwaters, oxbows, and tributary mouths.

With the consent of affected landowners, those projects, initiatives, and restoration measures identified in the approved plan become eligible for funding through a Fisheries Habitat Account.

Funds from the Fisheries Habitat Account may be used to provide up to 15 percent for the non-federal matching requirement under including the following conservation programs: The Wetlands Reserve Program; The Environmental Quality Incentives Program; The National Estuary Program; The Emergency Conservation Program; The Farmland Protection Program; The Conservation Reserve Program; The Wildlife Habitat Incentives Program; The North American Wetlands Conservation Program; The Federal Aid in Sportfish Restoration Program; The Flood Hazard Mitigation and Riverine Ecosystem Restoration Program; The Environmental Management Program; and The Missouri and Middle Mississippi Enhancement Project.

The Secretary of the Interior is authorized to develop an urban waters revitalization program ($25m/yr) to improve fisheries and related recreational activities in urban waters with priority given to funding projects located in and benefitting low-income or economically depressed areas.

$250 million is authorized annually through Agriculture for the planning and implementation of projects contained in approved plans.

States with approved programs may, if they choose, transfer up to 20 percent of the funds provided to each state through the Clean Water Act's $200 million Section 319 non-point source program to implement planned projects.

Up to $25 million is authorized annually through Interior for measures to restrict livestock assess to streams and provide alternative watering opportunities and $50 million is authorized annually to provide, with the cooperation of landowners, minimum instream flows and water quantities.●

Mrs. LINCOLN. Mr. President, I rise today to join my colleague from Missouri, KIT BOND, in introducing the Fishable Waters Act. This bill is aimed at restoring and maintaining clean water in our Nation's rivers, lakes, and streams. This bill will provide funding for programs with a proven track record of conserving land, cleaning up the environment, and promoting clean and fishable waters. This legislation takes the right approach to reducing non-point source pollution. It's voluntary. It's incentive-based. And if encourages public-private partnerships.

Our State Motto, ''The Natural State,'' reflects our dedication to preserving the unique natural landscape that is Arkansas. We have towering mountains, rolling foothills, an expansive Delta, countless pristine rivers and lakes, and a multitude of timber varieties across our state. From expansive evergreen forests in the South, to the nation's largest bottomland hardwood forest in the East, as well as one of this nation's largest remaining hardwood forests across the Northern one-half of the state, Arkansas has one of the most diverse ecosystems in the United States. Most streams and rivers in Arkansas originate or run through our timberlands and are sources for water supplies, prime recreation, and countless other uses. We also have numerous outdoor recreational opportunities and it is vital that we take steps to protect the environment.

This bill utilizes current programs within the U.S. Department of Agriculture that have a proven track record of reducing non-point sources of pollution and promoting clean and fishable water through voluntary conservation measures. Existing USDA programs like the Wetlands Reserve Program, the Environmental Quality Incentives Program, Conservation Reserve Program, and Wildlife Habitat Incentives Program, assist farmers in taking steps towards preserving a quality environment.

CRP and WRP are so popular with farmers, that they will likely reach their authorized enrollment cap by the end of 2001. Mr. President, farmers wouldn't flock to these programs unless there was an inherent desire to ensure that they conserved and preserved our Nation's water resources.

Arkansas ranks third in the number of enrolled acres in USDA's Wetlands Reserve Program because our farmers have recognized the vital role that wetlands play in preserving a sound ecology.

WRP is so popular in AR that we have over 200 currently pending applications that we cannot fill because of lack of funding. That's over 200 farmers that want to voluntarily conserve wetland areas around rivers, lakes, and streams. We need to fill that void in funding for these beneficial programs. This bill will help farmers in Arkansas and across the nation to voluntarily conserve sensitive land areas and provide buffer strips for runoff areas.

Farmers make their living from the soil and water. They have a vested interest in ensuring that these resources are protected. I don't believe that our nation's farmers have been given enough credit for their efforts to preserve a sound environment.

As many of you know, farming has a special place in my heart because I was raised in a seventh generation farm family. I know first hand that farmers want to protect the viability of their land so they can pass it on to the next generation. This bill is about more than agriculture though. It strikes the right balance between our agricultural industry and another pastime that I feel very strongly about, hunting and fishing.

Over the years many people have been surprised when they learn that I am an avid outdoorsman. I grew up in the South where hunting and fishing are not just hobbies, they're a way of life. My father never differentiated between taking his son or daughters hunting or fishing, it was just assumed that we would all take part. For this, I will be forever grateful because I truly enjoy the outdoors, and the time I spent hunting and fishing is a big part of who I am today.

We are blessed in Arkansas to have such bountiful outdoor opportunities. For these opportunities to continue to exist we must take steps to ensure that our nation's waters are protected. Trout in Arkansas' Little Red River and mallards in the riverbottoms of the Mississippi Delta both share a common need of clean water. And that is what we are ultimately striving for with this legislation: an effective, voluntary, incentive based plan to provide funding for programs that promote clean water.

Mr. President, I want to again stress the importance of voluntary programs.

We cannot expect to have success by using a heavy-handed approach to regulate our farmers, ranchers, and foresters into environmental compliance. Trying to force people into a permitting program to reduce the potential for non-profit runoff may actually discourage responsible environmental practices.

I agree with the EPA's objective of cleaning up our nation's impaired rivers, lakes, and streams, but firmly believe that a permitting program is not the best solution to the problem of maintaining clean water. Placing another unnecessary layer of regulation

upon our nation's local foresters will only slow down the process of responsible farming and forestry and the implementation of voluntary Best Management Practices.

Mr. President, this legislation takes the right approach to clean and fishable waters. It's voluntary. It's incentive-based. And it encourages public-private partnerships to clean up our Nation's rivers, lakes, and streams.

I encourage my colleagues to join us in the fight for clean and fishable waters.

By Mrs. MURRAY:

S. 2442. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide long-term, low-interest loans to apple growers; to the Committee on Agriculture, Nutrition, and Forestry.

APPLE ORCHARD DIVERSIFICATION ACT

• Mrs. MURRAY. Mr. President, I rise today to introduce the Apple Orchard Diversification Act of 2000.

Mr. President, I am proud that Washington state produces more apples than any other state in the nation. The apple industry is an independent group. It has made Washington state and U.S. apples and apple products popular in many corners of the world. In the mid-1990s, growers were doing well, markets were opening and expanding, and the future looked bright.

But in 1998 and 1999, the bottom fell out from under them. Low prices and weather-related disasters devastated apple producers, and growers of hundreds of other commodities nationwide. In northeastern and mid-Atlantic states, fruit and vegetable growers were hit hard by freezing temperatures and drought. In the Pacific Northwest, some growers were hurt by bad weather.

But the biggest problem is low prices. These low prices are caused by the Asian financial crisis; by market access problems; by below-cost apple juice concentrate dumping by China; by record world-wide production and oversupply; and other factors.

The results are devastating, especially in my home state of Washington. Nationwide, the industry lost an estimated $300 million on the 1998 crop. In Okanogan County in Washington state, some organizations have estimated that 90 percent of apple growers will not recover their 1999 expenses. Okanogan County already experiences high unemployment. It cannot afford a long-term, depressed farm economy. The county declared an economic disaster and urged the state to do the same. Meanwhile, other counties, especially in north central Washington, are trying to respond to this disaster. Many growers will go out of business. Others will not be able to get commercial lending this year.

The Administration and members of this Congress are working to resolve some of the issues facing the industry and rural communities.

Last year, Congress passed a large disaster relief package for agriculture. I supported this package because it kept many producers above water for another year. However, like many of my colleagues, I was frustrated this package did not do more for specialty crop producers. Congress provided $1.2 billion in crop loss assistance. Specialty crop producers, including apple growers, were eligible to receive assistance to address weather-related disasters, and some growers did. But, in states like Washington, the aid package did too little.

Fortunately, action is occurring on the most important issue facing the apple industry. Earlier this month, the U.S. Department of Commerce levied anti-dumping duties of 51.74 percent on the majority of imports of below-cost apple juice concentrate from China. The Administration's preliminary anti-dumping duty ruling in November 1999 helped our producers by raising the price of both juice apples and concentrate. By May 22, the U.S. International Trade Commission will make its final injury ruling. If an injury determination is made, the Administration will implement anti-dumping duties at the levels prescribed by the Commerce Department.

Our second victory was to address pest control in abandoned orchards. During my trip to central Washington last August, I heard from community leaders that this was a real problem.

Low prices have caused many producers to abandon their orchards, and some of these orchards became infested. Infested orchards impact the operations of other producers and create potential trade problems. In response, counties tore out trees and sprayed orchards. But last year, funds in many counties were running low.

USDA holds defaulted loans on some of these abandoned orchards. Last year, I urged the agency to take responsibility for pest control on those properties. The Farm Service Agency in Washington state created a strategy for reimbursing counties for pest control In October 1999, I wrote to Secretary Glickman to urge him to approve FSA's reimbursement strategy. Shortly thereafter, USDA implemented this initiative so counties could continue to control pests.

The third victory for apple and specialty crop producers may come soon, when President Clinton signs risk management reform legislation into law. The bill passed by the Senate would make major changes to federal crop insurance policy to ensure that all producers, including specialty crop growers, will have access to more viable risk management products.

But more needs to be done. My highest priorities for agriculture remain investing in research, expanding trade, and providing a safety net when economic and natural disasters strike.

Last November, I introduced S. 1983, the Agricultural Market Access and Development Act. My bill would authorize the Secretary of Agriculture to spend up to $200 million—but not less than the current $90 million—for the Market Access Program. And it would set a floor of $35 million for spending on the Foreign Market Development ''Cooperator'' Program. Senators CRAIG, BOXER, FEINSTEIN, GORDON SMITH, GORTON, WYDEN, CLELAND, and COVERDELL have all cosponsored this legislation, and I appreciate their support.

The USDA Foreign Agricultural Service has reported that in 1999 we experienced our first agricultural trade deficit with the European Union. We imported $7.7 billion of EU agricultural products and exported $6.8 billion. Our competitors have increased market promotion spending by 35 percent, or $1 billion, over the past three years. Our spending, however, has decreased one percent.

Agricultural exports are key to maintaining a reasonable trade balance. Other nations have invested in market development, and it's worked. We need to enhance our trade programs to give our producers a more level playing field and a fighting chance.

Besides expanding trade, we must strengthen the safety net for producers. We should not go back to our old Federal farm policies. Our program commodity growers do not want that, and our specialty crop producers do not want a new, permanent relationship with the federal government.

But I believe this farm crisis has taught us that we need flexible tools available for all producers when economic or natural disasters strike. For some commodities this may mean counter-cyclical payments. Or it may mean a variety of flexible loans that meet the needs of all producers or specific commodities. As we debate the next farm bill, we should give USDA flexibility, within fiscally-responsible guidelines, to respond to crises in agriculture.

Today, I am introducing legislation to create a one-time Apple Orchard Diversification Program. I have heard from growers that they could very much use a loan program to diversify their orchards into more commercially-viable varieties. Many of our producers invested heavily in Red and Golden Delicious apples, which are the varieties hardest hit by the economic crisis. We need a mechanism to allow these growers to diversify their orchards.

My bill would do just that. It would authorize USDA to provide up to $75 million in long-term, low-interest loans to apple producers. The loans could be used by producers to purchase trees for converting existing apply orchards into more profitable apple varieties.

My bill waives much of the regulatory process. USDA has been overwhelmed with managing disaster programs, and that has delayed relief. Instead, my bill bill requires USDA to conduct a stakeholder process, which

would include three hearings around the country. The industry would help develop the program, and address issues such as income and acreage qualifications for growers who receive loans, and parameters on payments, acreage and varietal stock quality.

The concept of orchard diversification was born when Under Secretary Gus Schumacher visited Quincy, Washington, in July 1999. The Under Secretary has spent a great deal of time in apply producing regions around the country. Mr. Schumacher has been criticized by some elected officials and individuals for holding the listening session in Washington state. But I appreciate, and I know many of our family farmers appreciate, his interest in these issues.

In conclusion, my grandfather moved to the Tri-Cities in the early 1990s to work for Welch's. As a young child, I remember many trips to central Washington at harvest time to visit my grandmother, who remained in the area after my grandfather's death. To this day, the smell of fresh picked peaches and apples remind me of my childhood. To my Dad, it meant much more; it meant how his family put food on the table and paid the mortgage. We grew up understanding how important family-run orchards were to our state's economy.

As I raised my own family, I always made sure we had a fruit tree in our yard. I wanted to remind myself of my years growing up and also to show my kids what a resource we have in our state. I could not imagine discussing Washington's economy without a box of apples being part of the picture. I want to make sure it stays that way for many generations to come.

Mr. President, I urge my colleagues to cosponsor and help pass this important legislation.●

By Mr. DURBIN (for himself, Mr. REED, and Mrs. MURRAY):

S. 2443. A bill to increase immunization funding and provide for immunization infrastructure and delivery activities; to the Committee on Health, Education, Labor, and Pensions.

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

S. 2444. A bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

THE STATE IMMUNIZATION FUNDING AND INFRASTRUCTURE ACT OF 2000 AND COMPREHENSIVE INSURANCE COVERAGE OF CHILDHOOD IMMUNIZATION ACT OF 2000

Mr. DURBIN. Mr. President, as National Immunization Week approaches, I rise today to introduce legislation addressing childhood immunizations. National Immunization Week (April 17–21) recognizes one of the most powerful health care and public health achievements in this century. Remarkable advances in the science of vaccine development and widespread immunization efforts have led to a substantial reduction in the incidence of infectious disease. Today, vaccination coverage is at record high levels. Smallpox has been eradicated; polio has been eliminated from the Western Hemisphere; and measles and Hib invasive disease, the leading cause of childhood meningitis and postnatal retardation, have been reduced to record lows.

The two bills I introduce today build on these successes. One proposal, ''The State Immunization Funding and Infrastructure Act of 2000,'' ensures that state and local health departments are adequately funded to continue successful efforts to immunize children and improve their ability to reach pockets of underimmunized populations. The other, ''The Comprehensive Insurance Coverage of Childhood Immunization Act of 2000,'' requires all health plans to cover recommended childhood and adolescent immunizations.

In spite of our successes, we must remain vigilant. Every day, nearly 11,000 infants are born and each baby will need up to 19 doses of vaccine by age two. New vaccines continue to enter the market. Although a significant proportion of the general population may be fully immunized at a given time, coverage rates in the United States are uneven and life-threatening disease outbreaks do occur. In fact, in many of the Nation's urban and rural areas, rates are unacceptably low and are actually declining.

Unfortunately, one of the areas most in need of attention is in my own home State of Illinois. Childhood immunization coverage rates in Chicago have dropped each year since 1996 when they peaked at 76 percent. The most recent National Immunization Survey indicates that Chicago's coverage rate is now 66.7 percent—one of the lowest rates in the United States. Coverage rates for African American children in Chicago are the worst in the Nation.

It is notable, however, that during this same period when Chicago has struggled to improve vaccination rates, Federal financial assistance to state and local health departments for immunization outreach activities has been significantly reduced. In 1999, Chicago received a 38 percent reduction in Federal funds for the operation of their immunization program. In 2000, Chicago suffered another 37.5 percent reduction. The State of Illinois suffered a 58 percent reduction in 1999 and a further 16 percent reduction in the year 2000. And the story in my State is not that different from other areas of the country. Federal support for vaccine delivery activities has declined by more than 30 percent since 1995.

Purchasing vaccines is not enough. The Section 317 immunization program administered by the Centers for Disease Control and Prevention provides grants to state and local public health departments for ''operations and infrastructure'' activities. These grants are a critical source of support, indeed the sole source of Federal support, for essential efforts to get children immunized. They fund immunization registries, provider education programs, outreach initiatives to parents, outbreak control, and linkages with other public health and welfare services. These grants get the vaccine from the warehouse to our children.

The State Immunization Funding And Infrastructure Act of 2000 authorizes an increase in Federal support for Section 317 grants to states by $75 million for a total of $214 in FY2001. This restores funding to the levels States and localities received in the mid-1990's and will help to stabilize many of the key functions that have been cut back in the face of steep funding reductions. In the past few years, many states have already had to reduce clinic hours, cancel contracts with providers, suspend registry development and implementation, limit outreach efforts and discontinue performance monitoring. The bill also provides a $20 million increase over last year's funding level ($10 million over the President's budget) for vaccine purchase. This will ensure that States are able to purchase adequate amounts of all currently licensed and recommended vaccines.

The other proposal I am introducing today, The Comprehensive Insurance Coverage of Childhood Immunization Act of 2000, will require that all health plans cover all immunizations in accordance with the most recent version of the Recommended Childhood Immunization Schedule issued by the Centers for Disease Control and Prevention. These vaccinations must be provided without deductibles, coinsurance or other cost-sharing for all children and adolescents under the age of 19.

I was shocked to learn that, according to a recent survey of employer-sponsored health plans conducted by William M. Mercer, Inc. and Partnership for Prevention, one out of five employer-sponsored plans do not cover childhood immunizations and one out of four fail to cover adolescent immunizations. Not only is this a significant gap in our health system, but it is simply financially illogical. Childhood and adolescent immunizations have been proven to save money. They decrease the direct medical costs due to vaccine-preventable illnesses and reduce the time parents spend off the job, tending sick children.

I invite my colleagues to join me in these efforts to maintain and improve our nation's national immunization record and to ensure that all areas of the country and all populations benefit from the advances we have made over the last century. Despite remarkable progress, many challenges still face the U.S. vaccine delivery system. Approximately one million children are still not adequately immunized. Our infrastructure must be capable of successfully implementing an increasingly complex vaccination schedule. Pockets

of underserved children still leave us vulnerable to deadly disease outbreaks.

By Mr. ROBB (for himself, Mr. EDWARDS, and Ms. LANDRIEU):

S. 2445. A bill to provide community-based economic development assistance for trade-affected communities; to the Committee on Finance.

ASSISTANCE DEVELOPMENT FOR COMMUNITIES ACT

Mr. ROBB. Mr. President, I'm pleased to introduce the Assistance in Development to Communities Act. This bill addressed the importance—and need—for community-based, economic development to assist areas in trade-related, economic transitions.

Despite the increased globalization of our economy, many communities nationwide are still one-company or one-industry towns. If that company or industry is adversely affected by trade, the entire community faces economic strain. When these communities lose a major employer or industry, they sadly also lose something far more valuable—they lose their way of life, and too often their strong sense of community.

Currently, when an individual loses a job because of the effects of trade, the federal government provides Trade Adjustment Assistance or NAFTA-Trade Adjustment Assistance to help with income support and worker retraining. But what good is that training without jobs?

While we continue to open new avenues of free trade, the federal government has an obligation to help trade affected communities attract good jobs. Unfortunately, prospective employers don't automatically appear on the community's doorstep. Workers have mortgages, car payments, health concerns, family obligations and ties to the community, so relocation isn't always feasible. Local officials must find a way to lure industries to the area. Yet, they are caught in vicious cycle—employers are reluctant to move to economically depressed areas, but without jobs, communities will never recover.

This is an on-going reality in the Martinsville/Henry County region of Virginia. In January, I spoke with local officials about the steady stream of job losses they've endured, including the loss of the number two employer in Martinsville. They've faced double-digit unemployment—something that's virtually unheard of in this strong economy. They told me they need help.

This legislation is borne from their ideas. The AID to Communities bill give local communities the resources they need to implement their own ideas for attracting new employers—quickly and easily. It does this by providing an automatic, one-time grant to help affected communities formulate an economic development plan. This grant, up to $100,000, gives communities the resources they need to develop a long-term plan to readjust their economic base. Once that plan has been developed, the AID to Communities bill establishes a second, competitive grant program to help affected areas implement their plans. These grants can be used in a variety of ways, from expanding commercial infrastructure to establishing small business incubators.

My bill also offers two incentives to attract prospective employers. The first incentive would expand the Work Opportunity Tax Credit (WOTC) to provide employers with a tax credit if they hire someone who lives in an affected community and has lost a job due to trade. My bill would also make explicit that the New Markets Tax Credit, which provides incentives for private sector investment and capital access in certain areas, is available for trade-affected communities.

Finally, the bill makes the federal government a better partner be creating a one-stop, easily accessible clearinghouse of economic development information. This clearinghouse would provide access to cross-agency economic development tools, such as grants or low-interest loans, for affected communities so local officials don't have to hunt through each federal agency for the information they need.

Our neighbors in places like Martinsville/Henry County, Virginia are eager to enjoy the economic prosperity that the rest of the country enjoys, yet has so far eluded them. The AID to Communities bill is one way to help. I look forward to working with my colleagues to ensure that this bill becomes law and that the people of Martinsville/Henry County, and in so many other small towns across America, get the help we owe them.

By Ms. LANDRIEU:

S. 2446. A bill to amend the Internal Revenue Code of 1986 to provide assistance to homeowners and small businesses to repair Formosan termite damage; to the Committee on Finance.

FORMOSAN TERMITE TAX CREDIT

Ms. LANDRIEU. Mr. President, I rise today to bring to the attention of the Senate a plague that has been afflicted upon our country—formosan termites. Clearly, any termite is bad news for home and building owners, but the formosan termite is especially a problem. This aggressive termite species is becoming even more prevalent than native termite species in some areas. While native species generally feed on dead trees and processed wood, formosan termites have an unbelievably horrific appetite with a diet that consists of anything that contains wood fiber including homes, buildings and live trees as well as crops and plants. Believe it or not, formosan termites can even penetrate plaster, plastic and asphalt to get to a new food source.

Coptotermes formosanus (otherwise known as the formosan termite), have invaded port cities in the United States and are spreading rapidly across the rest of the country. Right now this exotic species is wrecking their special brand of havoc in 14 states including California, Arizona, New Mexico, Texas, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, and Hawaii with their map of destruction growing wider daily. Experts have estimated that it costs Americans an astonishing $1 billion each year to repair the harm, with each new case costing homeowners an average of $20,000.

Since the formosan termites was first brought to the United States it has spread like a plague through the Southeast. The infestation is most severe in New Orleans, where these pests have caused more damage than, ''tornadoes, hurricanes, and floods combined'' and the total annual cost of termite damage and treatment is estimated at $217,000,000. In areas like the famed historic French Quarter, where close-packed houses share common walls, entire city blocks must be treated—a procedure that is costly and complicated. Outside the Quarter, officials fear that infestation may have hit as many as one-third of the beloved live oaks that shade historic thoroughfares such as St. Charles Avenue. A voracious blind creature that eats history—it sounds like something from a science-fiction nightmare, but it's real.

Unfortunately, the only explanation for how this pest came to exist in the United States is that it was introduced from east Asia in the 1940s through the mishandling of U.S. military cargo and troops returning home from World War II—I believe that since the government caused the damage, the government should do something to relieve the burden.

The bill I am introducing today seeks to provide the victims of Formosan Termites with some much needed relief. Under current law, small business owners are allowed to deduct the cost to repair Formosan Termite damage as a capital loss under IRS code Section 165. For some reason, individual homeowners have been denied this same right, although they can deduct the cost to repair damages caused by disasters which are defined as casualty losses, such as flood and fire. My bill simply changes the definition of casualty loss to include Formosan Termites so that homeowners are allowed the same deduction that business owners are already getting.

This measure also seeks to make low interest loans financed by the issuance of ''qualified'' private activity tax exempt bonds more accessible for homeowners and small businesses seeking to repair the expensive damage which was inflicted upon their homes by formosan termite damage. It does this by expanding current mortgage revenue bond provisions to permit homeowners to receive up to a $25,000 home improvement loan to repair this damage and also allows small businesses and landlords to use issue revenue bonds to finance loans for this same purpose. As

an added incentive, as long as the proceeds are used to purchase tax exempt bonds to finance the repair of Formosan Termite damage, banks will be allowed to deduct the interest payments on these loans.

Obviously this legislation will not solve all of the problems formosan termites have caused. However, I do believe it is a good first step towards alleviating the burden these pests bring upon homeowners across the country. I urge everyone to join with me and give the victims of this plague a little relief. Thank you.

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

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

S. 2446

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

SECTION 1. DEDUCTION FOR INDIVIDUALS FOR LOSSES CAUSED BY FORMOSAN TERMITE DAMAGE.

(a) INCLUSION OF FORMOSAN TERMITE DAMAGE AS CASUALTY LOSS.—Section 165(c)(3) of the Internal Revenue Code of 1986 (relating to limitation of deduction of losses of individuals) is amended by inserting ''Formosan termite damage,'' after ''shipwreck,''.

(b) CONFORMING AMENDMENT.—Section 165(h)(3) of the Internal Revenue Code of 1986 (defining personal casualty gain) is amended by inserting ''Formosan termite damage,'' after ''shipwreck,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 2. PROCEEDS OF MORTGAGE REVENUE BONDS ALLOWED FOR LOANS TO HOMEOWNERS TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) EXCEPTION FROM INCOME REQUIREMENTS.—Section 143(f) of the Internal Revenue Code of 1986 (relating to income requirements) is amended by adding at the end the following new paragraph:

''(7) EXCEPTION FOR QUALIFIED HOME IMPROVEMENT LOANS.—Paragraph (1) shall not apply with respect to any qualified home improvement loan used for the repair of Formosan termite damage.''.

(b) AMOUNTS UP TO $10,000 USED FOR TERMITE REPAIR NOT INCLUDED IN CALCULATING LIMIT FOR HOME IMPROVEMENT LOAN.—Paragraph (4) of section 143(k) of the Internal Revenue Code of 1986 (defining qualified home improvement loan) is amended by adding at the end the following flush sentence: ''In calculating the $15,000 amount, any amount up to $10,000 used for the repair of Formosan termite damage shall not be taken into account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 3. PROCEEDS OF SMALL ISSUE BONDS ALLOWED FOR LOANS TO LANDLORDS AND SMALL BUSINESSES TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) IN GENERAL.—Subparagraph (B) of section 144(a)(12) of the Internal Revenue Code of 1986 (relating to bonds to finance manufacturing facilities and farm property) is amended by striking ''or'' at the end of clause (i), by striking the period and inserting '', or'' at the end of clause (ii), and by adding at the end the following new clause:

''(iii) any Formosan termite damage repair loan.''.

(b) DEFINITION OF FORMOSAN TERMITE DAMAGE REPAIR LOAN.—Section 144(a)(12) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) FORMOSAN TERMITE DAMAGE REPAIR LOAN.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'Formosan termite damage repair loan' means the financing of repairs on or in connection with residential rental property or property used by a small business by the owner thereof, for damage caused by Formosan termites.

''(ii) SMALL BUSINESSES COVERED.—The term 'small business' means, for any taxable year, any corporation or partnership if the entity meets the $5,000,000 gross receipts test of section 448(c) for the prior taxable year.''.

(c) AMOUNTS USED IN FORMOSAN TERMITE REPAIR NOT INCLUDED IN CALCULATING LIMIT ON AMOUNT OF BOND.—Clause (i) of section 144(a)(4)(C) of the Internal Revenue Code of 1986 (relating to certain capital expenditures not taken into account) is amended by inserting ''Formosan termite damage,'' after ''storm,''.

(d) CONFORMING AMENDMENT.—The heading in section 144(a)(12)(B) of the Internal Revenue Code of 1986 is amended by striking ''AND FARM PROPERTY'' and inserting ''FARM PROPERTY, AND FORMOSAN TERMITE REPAIR''.

(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

SEC. 4. EXCEPTION FROM VOLUME CAP FOR PRIVATE ACTIVITY BONDS USED TO REPAIR FORMOSAN TERMITE DAMAGE.

(a) EXCEPTION FROM VOLUME CAP.—Section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a comma, and by adding after paragraph (4) the following new paragraphs:

''(5) any qualified mortgage bond if 95 percent or more of the net proceeds of the bond are to be used to provide home improvement loans for the repair of Formosan termite damage, and

''(6) any qualified small issue bond if 95 percent or more of the net proceeds of the bond are to be used to provide Formosan termite damage repair loans (as defined in section 144(a)(12)(D)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

SEC. 5. EXEMPTION OF CERTAIN BONDS USED TO REPAIR FORMOSAN TERMITE DAMAGE FROM RESTRICTIONS ON DEDUCTION BY FINANCIAL INSTITUTIONS FOR INTEREST.

(a) IN GENERAL.—Clause (ii) of section 265(b)(3)(B) of the Internal Revenue Code of 1986 (defining qualified tax-exempt obligations) is amended by striking ''or'' at the end of subclause (I), by redesignating subclause (II) as subclause (IV), and by inserting after subclause (I) the following new subclauses:

''(II) any qualified mortgage bond if 95 percent or more of the net proceeds of the bond are to be used to provide home improvement loans for the repair of Formosan termite damage,

''(III) any qualified small issue bond if 95 percent or more of the net proceeds of the bond are to be used to provide Formosan termite damage repair loans (as defined in section 144(a)(12)(D)), or''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

By Mr. WELLSTONE (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 2447. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields; to the Committee on Agriculture, Nutrition, and Forestry.

TELEWORK ACT OF 2000

Mr. WELLSTONE. Mr. President, I rise today on behalf of myself and Senators DASCHLE and BAUCUS to introduce the Rural Telework Act of 2000, a bill that is designed to make information technology (IT) industries a part of diverse, sustainable rural economies while helping IT employers find skilled workers. The goal of this bill is to link unemployed and underemployed individuals in rural areas and on Indian reservations with jobs in the IT industry through telework.

We are in the midst of an information revolution which has the potential to be every bit as significant to our society and economy as the industrial revolution two hundred years ago. But in recent months there has been much discussion of the ''digital divide,'' the idea that one America is not able to take advantage of the promise of new technologies to change the way we learn, live, and work while the other America speeds forward into the 21st Century. As advanced telecommunications and informaiton technology become the new engines of our economy, it is critical that all no communities are left behind.

Many rural communities and Indian reservations are already facing severe unemployment underemployment, and population loss due to a lack of economic opportunities. A study last year by the Center for Rural Affairs reports that widespread poverty exists in agriculturally based counties in a six-state region including Minnesota. Over one-third of households in farm counties have annual income less than $15,000 and, in every year from 1988 to 1997, earnings in farm counties significantly trailed other counties. Unemployment on many Indian reservations exceed 50% and remote locations make traditional industries uncertain agents for economic development.

There are troubles ahead for the new economy as well: the information technology industry reports that it faces a dramatic shortage of skilled workers. The Minnesota Department of Economic Security projects that over the next decade, almost 8,800 workers will be needed each year to fill position openings in specific IT occupations. Approximately 1,000 students graduate each year from IT-related post-secondary programs in Minnesota, not anywhere near enough to fill the demand, according to this same state agency. This shortage is reflected nation wide, with industry projecting

shortfalls of several hundred of thousand IT workers per year in coming years.

Rural workers need jobs. High tech employers need workers. This legislation would create models of how to bring these communities together to find a common solution to these separate challenges.

The Rural Telework Act of 2000 would authorize the Department of Agriculture to make competitive grants to qualified organizations to implement five year projects to train, connect, and broker employment in the private sector, through telework, a population of rural workers in their community. A grant recipient would be desgnated as a National Center for Distance Working. The National Centers for Distance Working, located in rural areas, are intended to be locally developed and implemented national models of how telework relationships can meet the needs of rural communities for new economic opportunities and the need of IT intensive industries for new workers.

Mr. President, telework is a new term that may be unfamiliar to colleagues so I want to take a moment to explain what it is. According to the International Telework Association and Council (ITAC), telework is defined as using information and communications technologies to perform work away from the traditional work site typically used by the employer. For example, a person who works at home and transmits his or her work product back to the office via a modern is a teleworker, also known as a telecommuter; as is someone who works from a telework center, which is a place where many teleworkers work from—often for different companies.

The nature of IT jobs allow them to be performed away from a traditional work site. As long as workers have the required training, and a means of performing work activities over a distance—through the use of advanced telecommunications—there is no reason that skilled IT jobs cannot be filled from rural communities.

Because it essentially allows distance to be erased, telework is a promising tool for rural development and for making rural and reservation economies sustainable. Very soon, a firm located in another city, another state or even another country need not be viewed as a distant opportunity for rural residents, but as a potential employer only as far away as a home computer or telework center. Likewise, telework arrangements allow employers to draw from a national labor pool without the hassles and cost associated with relocation.

Many businesses and organizations are already using telework or telecommuting as a tool to reduce travel and commuting times and to accommodate the needs and schedules of employees. Many metropolitan communities with high concentrations of IT industries are already looking to telework as a means of addressing urban and suburban ills such as housing shortages, traffic congestion, and pollution.

However, the IT industry does not currently view rural America as a potential source of skilled employees. Nor do many rural communities know how to turn IT industries into a viable source of good jobs to revitalize local economies. Moreover, many rural community leaders fear that providing IT job skills to rural residents—when there are no opportunities for using those skills in the community—will lead to further population losses as retrained workers seek opportunities in metropolitan areas. At the same time, management of off-site employees requires new practices to be developed by employers and in some cases, dramatic paradigm shifts. Rural areas and Indian reservations are in danger of being left behind by a revolution which actually holds the most promise for those communities which are the most distant. IT employers risk missing a pool of potential employees with a strong work ethic.

Establishment of a National Center for Distance Working in a rural community or Indian reservation will give that community access to federal resources to implement a locally designed proposal to employ rural residents in IT jobs through telework relationships, linking prospective employers with rural residents. Successful National Centers for Distance Work would be locally developed and implemented national models for how telework can be used as a tool for rural development.

The Department of Agriculture's Rural Utility Service (RUS) would administer the program which would have a $11 million annual authorization level. At least $10 million of authorized funds would be used for the purpose of making competitive grants to establish National Centers for Distance Working.

Grant money made available under the program would be highly flexible, and would need to be leveraged with private, local and state resources. For example, they could be used to provide or enhance the quality of: IT skills training and education, technology and telecommunications, promotion of teleworking, brokering employment for rural IT workers, and other necessary elements to establish IT work opportunities in that rural community.

The funds are not intended to duplicate existing federal training and connectivity programs. Nor is it intended that Centers use these funds to supplant existing telecommunications providers who offer appropriate services to make telework a reality in rural communities. Rather, the federal investment is targeted to augment these existing sources of funding and allow rural communities to fill in the gaps in existing public and private resources and services. Prospective grant recipients would need to form partnerships with local, state, and private entities, including potential employers.

The grants made available under this program would not be sufficient to cover the full cost of training, connecting, and employing rural workers, but are intended to be ''seed money'' leveraged with dollars from other sources. Grant recipients would be required to match the funds provided under this program with funds from non-federal sources.

Finally, up to $1 million of the $11 million could be used by RUS to make grants for the purpose of promoting the development of teleworking in rural areas by making grants to entities to conduct research on economics, operational, social, and policy issues related to teleworking in rural areas, including the development of best practices for businesses that employ teleworkers.

The necessary vision of how to make telework a reality already exists in some employers and in some rural communities. In Sebeka, Minnesota—a town with a population of little more than 600 people—a small firm called Cross Consulting was founded. That company employs over 20 people through a contract with Northwest Airlines to provide do programming on Northwest's mainframe computers. These people are rural teleworkers. The new economy is not leaving Sebeka behind and we need to incubate that kind of innovation in rural areas and Indian reservations across the country.

Mr. President, for many jobs, in many industries, telework may be the future of work. It may also be the future of diverse, sustainable rural economies. This legislation offers an early opportunity to invest in local innovation to harness this potential.

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

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

S. 2447

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 ''Rural Telework Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) many rural communities and Indian reservations have not benefited from the historic economic expansion in recent years, and high levels of unemployment and underemployment persist in the rural communities and reservations;

(2) many economic opportunities, especially in information technology fields, are located away from many rural communities and reservations;

(3) the United States has a significant and growing need for skilled information technology workers;

(4) unemployed and underemployed rural employees represent a potential workforce to fill information technology jobs;

(5) teleworking allows rural employees to perform skill intensive information technology jobs from their communities for firms located outside rural communities; and

(6) employing a rural teleworkforce in information technology fields will require—

(A) employers that are willing to hire rural residents or contract for work to be performed in rural communities;

(B) recruitment and training of rural residents appropriate for work in information technology fields;

(C) means of connecting employers with employees through advanced telecommunications services; and

(D) innovative approaches and collaborative models to create rural technology business opportunities and facilitate the employment of rural individuals.

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

(1) to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working in rural areas to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields;

(2) to promote teleworking arrangements, small electronic business development, and creation of information technology jobs in rural areas for the purpose of creating sustainable economic opportunities in rural communities;

(3) to promote the practice of teleworking to information technology jobs among rural, urban, and suburban residents, Indian tribes, job training and workforce development providers, educators, and employers;

(4) to meet the needs of information technology and other industries for skilled employees by accelerating the training and hiring of rural employees to fill existing and future jobs from rural communities and Indian reservations;

(5) to promote teleworking and small electronic business as sustainable income sources for rural communities and Indian tribes; and

(6) to study, collect information, and develop best practices for rural teleworking employment practices.

SEC. 3. NATIONAL CENTERS FOR DISTANCE WORKING PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

"SEC. 376. NATIONAL CENTERS FOR DISTANCE WORKING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CENTER.—The term 'Center' means a National Center for Distance Working established under subsection (b) that receives a grant under this section.

''(2) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means a nonprofit entity, an educational institution, a tribal government, or any other organization that meets the requirements of this section and such other requirements as are established by the Secretary.

''(3) INFORMATION TECHNOLOGY.—The term 'information technology' means any equipment, or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

''(4) RURAL AREA.—The terms 'rural' and 'rural area' have the meaning given the terms in section 381A.

''(5) SECRETARY.—The term 'Secretary' means the Secretary, acting through the Administrator of the Rural Utility Service.

''(6) TELEWORKING.—The term 'teleworking' means the use of telecommunications to perform work functions over a distance and to reduce or eliminate the need to perform work at a traditional worksite.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a National Centers for Distance Working Program under which the Secretary shall make competitive grants to eligible organizations to pay the Federal share of the cost of establishing National Centers for Distance Working in rural areas to conduct projects in accordance with subsection (c).

''(2) ELIGIBLE ORGANIZATION.—The Secretary shall establish criteria that an organization must meet to be eligible to receive a grant under this section.

''(c) PROJECTS.—A Center shall use a grant received under this section to conduct a 5-year project—

''(1) to provide training, referral, assessment, and employment-related services and assistance to individuals in rural communities and Indian tribes to support the use of teleworking in information technology fields, including services and assistance related to high technology training, telecommunications infrastructure, capital equipment, job placement services, and other means of promoting teleworking;

''(2) to identify skills that are needed by the business community and that will enable trainees to secure employment after the completion of training;

''(3) to recruit employers for rural individuals and residents of Indian reservations;

''(4) to provide for high-speed communications between the individuals in the targeted rural community or reservation and employers that carry out information technology work that is suitable for teleworking;

''(5) to provide for access to or ownership of the facilities, hardware, software, and other equipment necessary to perform information technology jobs; and

''(6) to perform such other functions as the Secretary considers appropriate.

''(d) ELIGIBILITY CRITERIA.—

''(1) APPLICATION AND PLAN.—As a condition of receiving a grant under this section for use with respect to a rural area, an organization shall submit to the Secretary, and obtain the approval of the Secretary of, an application and 5-year plan for the use of the grant to carry out a project described in subsection (c), including a description of—

''(A) the businesses and employers that will provide employment opportunities in the rural area;

''(B) fundraising strategies;

''(C) training and training delivery methods to be employed;

''(D) the rural community of individuals to be targeted to receive assistance;

''(E) any support from State and local governments and other non-Federal sources; and

''(F) outreach activities to be carried out to reach potential information technology employers.

''(2) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—As a condition of receiving a grant under this section, an organization shall agree to obtain, after the application of the organization has been approved and notice of award has been issued, contributions from non-Federal sources that are equal to—

''(i) during each of the first, second, and third years of a project, 1 non-Federal dollar for each 2 Federal dollars provided under the grant; and

''(ii) during each of the fourth and fifth years of the project, 1 non-Federal dollar for each Federal dollar provided under the grant.

''(B) INDIAN TRIBES.—Notwithstanding subparagraph (A), an Indian tribe may use Federal funds made available to the tribe for self-governance to pay the non-Federal contributions required under subparagraph (A).

''(C) FORM.—The non-Federal contributions required under subparagraph (A) may be in the form of in-kind contributions, including office equipment, office space, and services.

''(e) SELECTION CRITERIA.—

''(1) IN GENERAL.—The Secretary shall—

''(A) establish criteria for the selection of eligible organizations to receive grants under this section; and

''(B) evaluate, rank, and select eligible organizations on the basis of the selection criteria.

''(2) FACTORS.—The selection criteria established under paragraph (1) shall include—

''(A) the experience of the eligible organization in conducting programs or ongoing efforts designed to improve or upgrade the skills of rural employees or members of Indian tribes;

''(B) the ability of the eligible organization to initiate a project within a minimum period of time;

''(C) the ability and experience of the eligible organization in providing training to rural individuals who are economically disadvantaged or who face significant barriers to employment;

''(D) the ability and experience of the eligible organization in conducting information technology skill training;

''(E) the degree to which the eligible organization has entered into partnerships or contracts with local, tribal, and State governments, community-based organizations, and prospective employers to provide training, employment, and supportive services;

''(F) the ability and experience of the eligible organization in providing job placement for rural employees with employers that are suitable for teleworking;

''(G) the computer and telecommunications equipment that the eligible organization has or expects to possess or use under contract on initiation of the project; and

''(H) the means the applicant proposes, such as high-speed Internet access, to allow communication between rural employees and employers.

''(3) PUBLICATION.—The Secretary shall—

''(A) publish the selection criteria established under this subsection in the Federal Register; and

''(B) include a description of the selection criteria in any solicitation for applications for grants made by the Secretary.

''(f) STUDIES OF TELEWORKING.—

''(1) IN GENERAL.—To promote the development of teleworking in rural areas, the Secretary may make grants to entities to conduct research on economic, operational, social, and policy issues relating to teleworking in rural areas, including the development of best practices for businesses that employ teleworkers.

''(2) LIMITATION.—The Secretary shall use not more than $1,000,000 of funds made available for a fiscal year under subsection (g) to carry out this subsection.

''(g) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $11,000,000 for each fiscal year.''.

By Mr. BROWNBACK:

S. 2449. A bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, prosecution, and enforcement against traffickers, and through protection and assistance to victims of trafficking; to the Committee on Foreign Relations.

THE INTERNATIONAL ANTI-TRAFFICKING ACT OF 2000

Mr. BROWNBACK. Mr. President, today, I am introducing legislation entitled the International Anti-Trafficking Act of 2000 which combats the insidious practice of trafficking of persons worldwide.

As we begin the 21st Century, the degrading institution of slavery continues throughout the world. Sex trafficking is a modern day form of slavery, and it is the largest manifestation of slavery in the world today.

Every year, approximately 1 million women and children are forced into the sex trade against their will, internationally. They are usually transported across international borders so as to ''shake'' local authorities, leaving the victims defenseless in a foreign country, virtually held hostage in a strange land. It is estimated that at least 50,000 women and children are brought into the United States annually, for this purpose. The numbers are staggering, and growing rapidly. Some report that over 30 million women and children have been enslaved in this manner since the 1970's. I believe this is one of the most shocking and rampant human rights abuses worldwide.

One of two methods, fraud or force, is used to obtain victims. The most common method, ''fraud,'' is used with villagers in under-developed areas. Typically the ''buyer'' promises the parents that he is taking their young daughter to the city to become a nanny or domestic servant, giving the parents a few hundred dollars as a ''down payment'' for the future money she will earn for the family. Then the girl is transported across international borders, deposited in a brothel and forced into the trade, until she is no longer useful (becoming sick with AIDS). She is held against her will under the rationale that she must ''work off'' her debt which was paid to the parents, which typically takes several years. The second method used for obtaining victims is ''force'' which is used in the cities, where a girl is physically abducted, beaten, and held against her will, sometimes in chains. The routes are specific and definable, and include Burma to Thailand, Eastern Europe to the Middle East, and Nepal to India, among numerous other routes, through which victims of this practice are channeled.

Presently, no comprehensive legislation has been adopted, yet, which holistically challenges the practice of trafficking and assists the victims. I am introducing this legislation, the International Anti-Trafficking Act of 2000, today as a companion to the legislation introduced by Congressman CHRIS SMITH and Congressman SAM GEJDENSON, known as the Trafficking Victims Protection Act of 2000 (H.R. 3244). Senator WELLSTONE has also introduced legislation which closely mirrors the Smith-Gejdenson bill. Our primary difference is the methods for enforcement. Unless the President implements one of the broad waivers granted to him in this legislation, non-humanitarian, non-trade foreign assistance (listed under the Foreign Assistance Act of 1961) to countries will be suspended if countries fail to meet the minimum standard to stop the flow of traffickers in their own countries. Please note that there is an extremely broad national interest waiver provision granted to the President which allows him to exempt any and all programs, as well as an additional waiver which allows the President to guard against any adverse effect on vulnerable victims of trafficking, including women and children.

This bill presents a comprehensive scheme to ''penalize the full range of offenses'' involved in elaborate trafficking networks. It also provides a doorway of freedom for those who are presently enslaved throughout the world and promotes their recovery in civil society. Some of the provisions include: establishment of an Interagency Task Force to Monitor and Combat Trafficking, enhanced reporting by the State Department on this practice, protection and assistance for victims of trafficking, changes in immigration status allowing victims to stay to testify in prosecutions, strengthens prosecution and punishment of traffickers, among other provisions.

In short, we believe it's time to challenge this evil slavery practice known as trafficking, and I believe this legislation is a first step to gaining freedom for those who are presently bound.

By Mr. COVERDELL:

S. 2452. A bill to reduce the reading deficit in the United States by applying the findings of scientific research in reading instruction to all students who are learning to read the English language and to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

READING DEFICIT ELIMINATION ACT OF 2000

Mr. COVERDELL. Mr. President, America has a reading deficit! According to the National Adult Literacy Survey (NALS), 41 million adults are unable to perform even the simplest literacy tasks. The most recent National Assessment of Educational Progress (NAEP) conducted in 1998 continues to show that almost 70 percent of 4th grade students cannot read at a proficient level. Even worse, 40 percent of those 4th graders could not read at even a basic level for their grade.

In short, Mr. President, unless we treat this situation as the national emergency that it is—and soon—the next decade will see an astonishing 70 percent of our 4th grade students joining the ranks of those 41 million American adults who are unable to perform simple literacy tasks.

The ability to read the English language with fluency and comprehension is essential if individuals, old and young, are to reach their full potential in any field of endeavor. As the saying goes, ''reading is fundamental.''

And the statistics bear that out as well. Workers who lack a high school diploma earn a mean monthly income of $452, compared to $1,829 for those with a bachelor's degree. Forty three percent of people with the lowest literacy skills live in poverty, 17 percent receive food stamps, and 70 percent have no job or a part-time job.

And make no mistake that the nation itself and not just individuals will suffer. If our children are not taught to read, who will man our high tech defenses or fill the high tech jobs in America's future?

Compounding these astounding statistics, Mr. President, the 1998 NAEP also found that minority students on average continue to lag far behind in reading proficiency, even though many of them are in Title I programs of the Elementary and Secondary Education Act or participated in Head Start programs.

Clearly, throwing taxpayer money at the problem does not work. Our children's reading scores continue to decline or remain stagnant, even though Congress has spent more than $120 million over the past 30 years for academic enrichment programs under Title I and other federal efforts ostensibly with the primary purpose of improving reading skills among disadvantaged children.

It should also be pointed out that more than half of the students being placed in the special learning disabilities category of our Special Education programs are there in large part because they have not learned to read. The national cost of special education at the federal, state, and local levels now exceeds $60 billion each year. The National Institute for Child Health and Human Development says that 90–95 percent of these students could learn to read and be returned to their regular classrooms if they were given instruction using scientifically based reading principles. This would result in over $12 billion in savings nationwide every year by eliminating the need for special education for these children.

In response to these disturbing national statistics concerning the inability of so many children to read, I worked with Representative BILL GOODLING—Chairman of the Education Committee in the House of Representatives—to develop the Reading Deficit Elimination Act of 2000, which I am introducing today.

By providing funds for teacher training, textbook and curriculum purchases, student assessments, teacher bonuses, and tuition assistance grants to parents, this legislation offers the States a helping hand in teaching students nationwide to read. Unlike the unfunded mandates that have failed in the past, this legislation will give states and communities funds to institute reading instruction based on years

of federally sponsored research, giving them the ability and the flexibility to help our children succeed.

The National Reading Panel—requested by Congress and created by the National Institute of Child Health and Human Development—released its report just this morning on scientifically-based reading instruction and research in a hearing of the Senate's Labor/HHS Appropriations Subcommittee chaired by Senator COCHRAN.

The report clearly articulates the most effective approaches to teaching children to read, the status of the research on reading, reading instruction practices that are ready to be used by teachers in classrooms around the country, and a plan to rapidly disseminate the findings to teachers and parents. The report also constitutes the most comprehensive review of existing reading research to be undertaken in American education history. Panel members identified more than 100,000 research studies completed since 1966, developed and submitted them to rigorous criteria for their review.

A major finding of the report was that systematic phonics instruction is one of the necessary components of a total reading program. Similarly, the NRP also found that the sequence of reading instruction that obtains maximum benefits for students should include instruction in phonemic awareness, systematic phonics, reading fluency, spelling, writing and reading comprehension strategies. We must use the knowledge of reading skills and the principles for teaching reading skills gained from these studies from the government and the private sector to reduce the number of individuals and students who cannot read.

The programs and provisions in the Reading Deficit Elimination Act of 2000 are based on these finding by the National Reading Panel.

Mr. President, Frederick Douglass, arguably the most influential African American of the nineteenth century said, ''Once you learn to read, you will be forever free.'' Douglass knew the importance of freedom, and he knew the importance of literacy. The ability to read the English language with fluency and comprehension is essential if individuals are to reach their full potential in any endeavor. Again, as the saying goes: ''Reading is fundamental.'' No one should be left behind because they can't read. We must not limit the success of the next generation by allowing them to continue down the path of illiteracy. We must teach them to read and give them this fundamental tool they need to succeed in life as well as in school.

By Mr. BURNS (for himself and Mr. BREAUX):

S. 2454. A bill to amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. 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:

S. 2454

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

SECTION 1. PROVISION OF DIGITAL DATA SERVICES BY LOW-POWER TELEVISION STATIONS.

Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) LPTV PROVISION OF DIGITAL DATA SERVICES.—

''(1) IN GENERAL.—A low-power television station may utilize its authorized spectrum to provide digital data services to the public by subscription.

''(2) NOTICE REQUIRED.—Before providing such services under paragraph (1), a low-power television station shall provide notice to the Commission in such form and at such time as the Commission may require.

''(3) PROTECTION FROM INTERFERENCE.—The Commission may not authorize any new service, television broadcast station, or modification of any existing authority that would result in the displacement of, or predicted interference with, a low-power television station providing such services.

''(4) PROTECTION OF TELEVISION SIGNALS.—The Commission shall prevent interference with television signal reception from low-power television stations providing such services.

''(5) DIGITAL DATA SERVICE DEFINED.—In this subsection, the term 'digital data service' includes—

''(A) digitally-based interactive broadcast service; and

''(B) wireless Internet access, without regard to whether such access is—

''(i) provided on a one-way or a two-way basis;

''(ii) portable or fixed; or

''(iii) connected to the Internet via a band allocated to Interactive Video and Data Service, and

without regard to the technology employed in delivering such service, including the delivery of such service via multiple transmitters at multiple locations.''.

By Mr. BROWNBACK (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BINGAMAN, Mr. BREAUX, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DURBIN, Mr. DODD, Mr. DOMENICI, Mr. EDWARDS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRIST, Mr. FITZGERALD, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. TORRICELLI, Mr. VOINOVICH, and Mr. WARNER):

S. 2453. A bill to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL FOR POPE JOHN PAUL II

Mr. BROWNBACK. Mr. President, I rise today to introduce legislation awarding the Congressional Gold Medal to Pope John Paul II.

Mr. President, Pope John Paul II is the most recognized person in the world, having personally visited tens of millions, in almost every continent and country. He has been one of the greatest pastoral leaders of this century, fearlessly guiding the Catholic Church into the new millennium. Due to his tremendous faith and leadership he was elected bishop at a very early age, and elected to the papacy on October 16, 1978, at the age of 58.

Though many people see the Pope as an important statesman, diplomat, and political figure, Pope John Paul II is much more than that. As spiritual leader to the world's 1 billion Catholics, the Pope has commenced a great dialog with modern culture, one that transcends the boundaries of political or economic ideology.

As have his predecessors of happy memory, he stands boldly as an ever vigilant sign of contradiction to a culture that is darkened by the clouds of death. In the face of this mounting storm, he has tirelessly proclaimed the need for a culture of life.

In what is now one of the Pope's most famous encyclicals, and the one which he regards to be the most significant of this pontificate, Evangelium Vitae (the Gospel of Life), the argues powerfully for an increased respect for all human life:

Thirty years later, taking up the words of the Council and with the same forcefulness I repeat that condemnation in the name of the whole Church, certain that I am interpreting the genuine sentiment of every upright conscience: ''Whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia, or willful self-destruction, whatever violates the integrity of the human person, such as mutilation, torments inflicted on body or mind, attempts to coerce the will itself; whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where people are treated as mere instruments of gain rather than as free and responsible persons; all these things and others like them are infamies indeed. They poison human society, and they do more harm to those who practice them than to those who

suffer from the injury. Moreover, they are a supreme dishonor to the Creator.''

That is from the Pope's Evangelium.

Mr. President, the urgency of this message—the Pope's message—becomes more acute by the day; particularly at the beginning of the new millennium.

The Pope, having witnessed firsthand the brutal inhumanity of Nazi and Communist regimes, understands, in a way few of us can appreciate, the true dignity of each and every human being. He is a crusader against the offenses against human dignity that have transpired in the 20th century. More than any other single person this century, Pope John Paul II has worked to protect the rights of each individual.

As well, John Paul II has addressed almost every major question posed by the modern mind at the turn of the millennium.

As noted by the biographer of the Pope, George Weigel, the Pope has provided answers to the questions and desires facing today's world: The human yearning for the sacred, the meaning of freedom, the quest for a new world order, the nature of good and evil, the moral challenge of prosperity, and the imperative of human solidarity in the emerging global civilization. Through his teaching, the Pope has brought the timeless principles of truth contained in the gospel into active conversation with contemporary life and thought. The Pope has started a peaceful dialogue between ideas of the modern world and the age-old truths contained in the Gospel message.

One of the gospel messages emphasized by the Pope is the need for forgiveness and reconciliation with God, and with our sisters and brothers. A week before his historic personal pilgrimage to the Holy Land the Pope asked forgiveness from God on behalf of Christians who were inactive, or who were not active enough in opposing the forces of evil that have ravaged humanity during the past century.

This apology preceded his recent personal pilgrimage to the Holy Land; a pilgrimage in which the Pope opened up yet another dialog—this time with the people of the Middle East—a region ripped apart by centuries old conflict, bitterness, and war. Again, in the Holy Land, he empathized with those who suffered under the tyranny of the Nazi regime. The Pope highlighted during his trip, and he has on other occasions, his deep compassion for those who suffered under the brutality of Hitler's Germany and their genocidal war.

In the midst of the conflict in the Holy Land, the Pope again shone through as a beacon of light and peace as he proclaimed yet again to the people of the Middle East and the World, the universal calls to holiness.

As the New York Times so eloquently noted after the Pope's visit to Jerusalem's Yad Vashem:

John Paul has done more than any modern pope to end the estrangement between Catholics and Jews. He was the first pope to pray in a synagogue, the first to acknowledge the failure of individual Catholics to deter the Holocaust and the first to call anti-Semitism a sin ''against God and man.''

There is a valedictory quality to the Pope's actions and travels as the church approaches its third millennium. He seems determined to trace the birth of Christianity in this epochal year, to right the wrongs of the church and to bring a spirit of conciliation to the Middle East. Not long ago he went to Egypt and visited Mount Sinai, where Moses received God's law. This week he stood atop Mount Nebo in Jordan and looked across the Promised Land. He prayed in silence near the places where Jesus was born and baptized. Most people as infirm as John Paul would not dare make such strenuous trips. But he seems to be a man on a mission, and the world is better for it.

That was from the New York Times.

He is indeed a man on a mission. His message was peacefully conveyed in the Middle East to peoples with whom he has obvious deep religious differences. His serenity in the midst of such turmoil, as well as his obvious love for all people should be a model for us all as we encounter people in our daily life with whom we radically disagree, or with whom we have had a difficult relationship.

His epoch journey to the Holy Land will be remembered by history. And, I have no doubt that his presence there will leave a lasting impression, and I hope that it will work to bring about true peace as well.

His trip to the Middle East is just one particular example. The Pope's dialog with the modern era has taken him across the world, and has brought the Church into active conversation with people that many in the modern world have chosen to either forget or to ignore. It is a dialog that is ultimately a challenge to the people of the United States as well.

For example, his trip to Cuba initiated a dialog between politically opposed forces both here in America and in Cuba.

Also, Pope John Paul II's recent call to forgive the debt incurred by Third World countries during the past century, was and is, a challenge to the industrialized nations of the world to join hands in an effort to begin lifting the forgotten people of heavily indebted countries into the next millennium by providing some of the economic relief that they need. This is the challenge presented to those in industrialized countries, to remember and to help those who are less fortunate.

The legislation I just introduced has been cosponsored by 66 of my Senate colleagues, and I am hopeful that we can pass this legislation quickly in order to honor so great a man who has done such great things.

By Mr. ASHCROFT:

S.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States to allow the States to limit the period of time United States Senators and Representatives may serve; to the Committee on the Judiciary.

AMENDMENT TO CONSTITUTION OF THE UNITED STATES TO ALLOW STATES TO LIMIT THE PERIOD OF TIME UNITED STATES SENATORS AND REPRESENTATIVES MAY SERVE

Mr. ASHCROFT. Mr. President, I rise today to introduce a joint resolution proposing a constitutional amendment regarding Congressional term limits and the ability of States to set term limits for members of the United States Congress. Mr. President, I would like to summarize the history of this proposed constitutional amendment.

On November 29, 1994, the Clinton administration argued before the Supreme Court of the United States that States should not have the right to limit congressional terms. Thus, the executive branch has spoken against the right of the states and of the people to limit the number of terms individuals may serve in the U.S. Congress.

On May 23rd, 1995, in *U.S. Term Limits* v. *Thorton* (514 U.S. 779), the Supreme Court denied the people the right to limit congressional terms. Before the court ruling, 23 states, including my home state of Missouri, had some limit on the number of terms members of Congress could serve.

In a 5–4 decision, the Court invalidated measures which represented over five years of work and were supported by 25 million voters. These voters wanted nothing more than to rein in congressional power, restore competitive elections, and create a Congress that looked, and legislated, like America.

Both the executive branch, through the Clinton administration, and the judicial branch, have spoken against the right of States and of the people to limit the terms of individuals who represent them in Congress.

There has been limited debate on terms limits in this Congress. In 1995, the House of Representatives fell well short of the two-thirds majority required to forward to the people a constitutional amendment on term limits. Of the 290-vote margin required for a constitutional amendment, they mustered only 227 votes. What would normally be a significant majority vote in the House, was clearly not enough to ensure that States would have the opportunity to vote on a constitutional amendment permitting term limits.

One hope for the overwhelming number of people in this country who endorse term limits is for Congress to extend them the opportunity to amend the Constitution in a way that would allow individual States to limit the terms members of Congress may serve. More than 3 out of 4 people in the United States endorse the concept of term limits. They have watched individuals come to Washington and spend time here, captivated by the Beltway logic, the spending habits and the power that exists in this city. The people of America know that the talent pool in America is substantial and there are many who ought to have the opportunity to serve in Congress. Furthermore, they know that term limits

would ensure that individuals who go to Washington return someday to live under the very laws that they enact.

In January of 1995, Senator THOMPSON and I introduced a constitutional amendment that would have limited members of Congress to three terms in the House and two terms in the Senate. As a result of its defeat and of the administration's refusal to recognize the will of the people, in May of 1995, I introduced S.J. Res. 36, a different kind of constitutional amendment. This amendment simply would give States the explicit right to limit congressional terms. It would not mandate that any State limit the nature or extent of the terms of the individuals who represent it in the Congress. Instead, it would give the States, if they chose to do so, the right to limit the members' terms who represent that State. I am reintroducing that amendment today.

In the Thornton case, Justice Thomas wrote, ''Where the Constitution is silent it raises no bar to action by the States or the people.'' I believe he is correct. This is the concept embodied in the often forgotten Tenth Amendment that would not cede all power to the federal government, only to have it doled back to us where the federal government thinks it appropriate. This proposed amendment is offered to rectify that situation.

The people of this Republic should have the opportunity to limit the terms of those who serve them in Congress. In light of the fact that the administration has argued against term limits, the executive branch is not going to support term limits, and because the judicial branch has ruled conclusively now that the States have no constitutional authority to act in this area, it is up to those of us in Congress to give the people the opportunity to be heard on this issue.

We must, at least, give them the opportunity to vote on that right by sending to them this joint resolution on the right of States and individuals to limit members' terms who serve the States and the districts of those States in the U.S. Congress.

It is a profoundly important expression of our confidence in the people of this country to extend to them the right to be involved in making this judgment. I submit this joint resolution today in the hopes that democracy will continue to flourish as people have greater opportunities to be involved.

ADDITIONAL COSPONSORS

S. 311

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 386

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities.

S. 577

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) 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. 866

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1519

At the request of Mr. BAYH, the names of the Senator from Illinois (Mr. DURBIN), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1519, a bill to amend the Internal Revenue Code of 1986 to provide that certain educational benefits provided by an employer to children of employees shall be from gross income as a scholarship.

S. 1600

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1600, a bill to amend the Employee Retirement Income Security Act of 1974 to prevent the wearing away of an employee's accrued benefit under a defined benefit plan by the adoption of a plan amendment reducing future accruals under the plan.

S. 1691

At the request of Mr. INHOFE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1691, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1880

At the request of Mr. KENNEDY, the names of the Senator from Georgia (Mr. CLELAND), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1880, a bill to amend the Public Health Service Act to improve the health of minority individuals.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of