development programs for rural areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2121. A bill to provide for rural education assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2122. A bill to amend the Elementary and Secondary Education Act of 1965 to improve provisions relating to initial teaching experiences and alternative routes to certification; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. LOTT, Mr. BREAUX, and Mrs. FEINSTEIN):

S. 2123. A bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. ROBB, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. WELLSTONE, and Mr. DODD):

S. 2124. A bill to authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. LUGAR, Mr. DURBIN, and Mr. L. CHAFEE):

S. 2125. A bill to provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products; to the Committee on Commerce, Science, and Transportation.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 40. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 41. A joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 42. A joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MOYNIHAN, Mr. STEVENS, Mr. BYRD, and Mr. EDWARDS):

S. Res. 264. A resolution congratulating and thanking Chairman Robert F. Bennett and Vice Chairman Christopher J. Dodd for their tremendous leadership, poise, and dedication in leading the Special Committee on the Year 2000 Technology Problem and commending the members of the Committee for their fine work; considered and agreed to.

By Mr. TORRICELLI (for himself, Mr. REID, and Mr. ROBB):

S. Con. Res. 85. A concurrent resolution condemning the discriminatory practices prevalent at Bob Jones University; to the Committee on the Judiciary.

By Mr. DEWINE:

S. Con. Res. 86. A concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the 9th and 10th Horse Cavalry Units, collectively known as the Buffalo Soldiers; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 2114. A bill to exempt certain entries of titanium disks from antidumping duties retroactively applied by the United States Customs Service; to the Committee on Finance.

LEGISLATION RELATING TO A TARIFF CLASSIFICATION

Mr. WYDEN. Mr. President, I am introducing legislation to correct a technical error made by the U.S. Customs Service, and exempt Waldron Pacific from antidumping duties which were retroactively applied by Customs to three import shipments of titanium. This bill is a companion to legislation introduced by Representative DAVID WU in the House of Representatives.

Waldron Pacific, a small business located in Lake Oswego, Oregon, is a distributor of non-ferrous alloys, such as aluminum, zinc and brass, used in the die casting and foundry industries. With just two employees, Waldron Pacific has been a very successful business operation.

When a customer of Waldron Pacific needed a certain type of titanium not available in this country, the entrepreneurial Waldron Pacific found a supplier outside the U.S., in Russia. Having no import experience, but hearing of potential antidumping duties on certain titanium products, Waldron Pacific sought a binding Classification Ruling from Customs before importing the product. Customs' Classification Ruling indicated that the proper import duty was 15%, and Waldron Pacific began importing the product to fulfill the needs of its customer. After three shipments had been imported, Customs revoked its previous Classification Ruling and applied retroactively an additional 85% antidumping duty on these shipments. The three shipments had already been imported, delivered and paid for by Waldron Pacific's customer, leaving Waldron Pacific liable to pay $42,000 in unexpected duties.

Whether or not the product should be subject to the antidumping order is not at issue nor is that the matter addressed by this legislation. The key point is that Waldron Pacific exercised due diligence in obtaining a Classification Ruling prior to importing the product, and relied upon that Classification Ruling as a basis for importing and selling the product. Even the domestic producers who are protected by the antidumping order agree that Waldron Pacific should not have to pay antidumping duties on these three shipments. Ironically, the antidumping order has since been repealed entirely. Providing Waldron Pacific relief from Customs' mistake and subsequent attempt to retroactively apply a higher tariff is a question of basic fairness.

The legislation I am introducing today would correct this technical error and exempt these import shipments from the unfair, retroactive application of antidumping duties.

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. 2114

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

SECTION 1. TREATMENT OF CERTAIN ENTRIES OF TITANIUM DISKS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 15144) or any other provision of law, the United States Customs Service shall—

(1) not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entries listed in subsection (b) as exempt from antidumping duties under antidumping case number A–462–103; and

(2) not later than 90 days after such liquidation or reliquidation under paragraph (1), refund any antidumping duties paid with respect to such entries, including interest from the date of entry, if the importer of the entries files a request therefor with the Customs Service within such 90-day period.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	*Date of Entry*
EE1–0001115–8	January 26, 1995
EE1–0001313–9	June 23, 1995
EE1–0001449–1	September 25, 1995

By Mr. BAUCUS (for himself, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. AKAKA, Mr. WYDEN, and Mr. DORGAN):

S. 2115. A bill to ensure adequate monitoring of the commitments made by the People's Republic of China in its accession to the World Trade Organization and to create new procedures to ensure compliance with those commitments; to the Committee on Finance.

CHINA-WORLD TRADE ORGANIZATION COMPLIANCE ACT

Mr. BAUCUS. Mr. President, today, I am introducing the China WTO Compliance Act, along with Senators MURKOWSKI, BINGAMAN, AKAKA, WYDEN, and DORGAN.

This bill is designed to ensure continuous and rigorous monitoring of China's WTO commitments. It also provides new mechanisms in the Congress and in the Executive Branch to make sure that China complies with those commitments.

Twenty years of negotiations with our Asian partners have demonstrated that trade agreements are often not self-executing. This is just as true with China today as it has been with Japan over these last two decades. The Congress and the Administration must both be resolutely committed to monitoring and enforcement. Only then do our trade agreements succeed and bring the desired results. Inattention by the United States leads to inaction

by our trading partners. It leads to failure to achieve market opening objectives.

This bill will make sure that future Congresses and future Administrations, whether they are Democratic or Republican, will keep trade agreement compliance permanently at the top of the agenda with China. We must ensure that inattention never sets in. We must also ensure that other elements in the bilateral relationship not be allowed to prevent the United States from gaining the maximum trade and economic benefit from China's WTO promises.

Let me be clear that this bill is not designed to set conditions for the Congressional vote on granting China Permanent Normal Trade Relations status, PNTR. Rather, this bill addresses one of the major concerns that many in the Congress have. That is, China historical record in complying with bilateral trade agreements has been spotty. So, how can we be confident that compliance with this agreement will be any better? I hope that enactment of this bill will provide some reassurance to Senators and House members in this regard. I urge my Senate colleagues to join me in approving this legislation.

Let me outline the main provisions of the China WTO Compliance Act.

First, monitoring. The President must submit a detailed plan to Congress for monitoring Chinese compliance three months after China accedes to the WTO. The plan must be updated yearly and include detailed tasking responsibilities for each agency.

The General Accounting Office will be required annually to survey the top 50 American firms in each of five different categories. Companies that export non-agricultural goods to China. That export agricultural goods to China. That provide services in China. That invest in China. And that import goods from China. The purpose of the survey is to determine if China is abiding by its WTO commitments. The survey will also provide information about any problems confronted by those firms.

The International Trade Commission will report annually on United States-China bilateral export and import statistics. They will also, as best they can, seek to reconcile the different United States-source and China-source statistics.

The second element in the bill deals with compliance. USTR must submit an annual report to Congress on China's compliance with its WTO commitments. After analyzing this report, a majority vote of either the Finance Committee or the Ways and Means Committee would require USTR to initiate a Section 301 investigation of Chinese practices that do not abide by China's WTO commitments. If USTR then determines that China is violating any of those commitments, USTR shall initiate dispute settlement action at the WTO, unless there exists another more effective action. USTR shall consult with the Congress and provide an explanation of its action.

Going further, a majority vote of both the Finance Committee and the Ways and Means Committee will require USTR to initiate immediately a case under the dispute settlement mechanism of the WTO.

The bill also amends Section 301. It authorizes USTR to draw a negative inference if a country being investigated does not cooperate in providing information. This has become a serious problem with some of our trading partners. A 301 investigation can bog down when a country with a non-transparent trading regime refuses to provide detailed information. This provision provides an incentive for cooperation.

Third, the bill calls for a special WTO review of China. It is the Sense of the Congress that there should be a special multilateral process at the WTO for a thorough and comprehensive annual review of Chinese compliance. The bill directs USTR to propose that the Trade Policy Review Mechanism, the TPRM, at the WTO execute such a review of China's trade policies every year. It also directs USTR to take measures to improve the TPRM process.

Finally, institution-building in China. Coming out of half a century of communism, China does not have the institutions necessary to carry out fully its WTO obligations. This bill requires the President to submit a plan to provide assistance to China to build those institutions necessary to fulfill the obligations China has made as part of its accession to the WTO. The bill expresses the sense of the Congress that the United States should provide such assistance through bilateral mechanisms, in particular, through appropriate non-governmental organizations. It also provides for the possibility of some multilateral assistance under the auspices of the WTO.

Finally, because a primary beneficiary of the results of successful institution-building in China would be American business, efforts shall be made to develop cost-sharing with the private sector.

There has been a lot of talk about the need to ensure full Chinese compliance with its WTO commitments. This bill is an attempt to establish a system that will do just that. We need this legislation. And we need to pass PNTR as soon as possible.

Let me conclude with a few remarks about Chinese compliance with the Agricultural Cooperation Agreement, which went into effect in December. Three weeks ago, I initiated a letter signed by 53 Senators to Chinese President Jiang Zemin. In the letter, we insisted that China proceed with full and immediate implementation of that agreement. I was pleased to announce on Monday the first purchase by China under this agreement. 50,000 metric tons of Pacific Northwest wheat. This is an important step that should be followed by other agricultural purchases.

Mr. AKAKA. Mr. President, I rise in support of the legislation introduced today by the distinguished Senators from Montana (Mr. BAUCUS) and Alaska (Mr. MURKOWSKI) entitled the ''China-World Trade Organization Compliance Act.''

Last November, the United States and China announced that a bilateral agreement had been reached on China's accession to the World Trade Organization (WTO). The agreement covers all agricultural products, industrial goods, and service areas. It promises to open up the Chinese market to American exports and American investment.

Nevertheless, many Americans are hesitant at embracing this accord. Part of their concern is over the requirement that in order for the United States to benefit fully from this agreement. Congress will have to pass legislation granting permanent Normal Trade Relations (NTR) status to China. Previously known as Most-Favored-Nation (MFN) trading status, NTR has been subject to an annual renewal vote each year in the Congress. This yearly vote has allowed for a full airing of American concerns over relations with China—relations which remain contentious to this day because of the Chinese government's human rights behavior, proliferation activities, trade policy, and relations with its neighbors, most especially Taiwan.

I cannot predict the result of the vote later this year on granting China permanent NTR.

I do know that a Congressional vote against China will not necessarily prevent China from joining the WTO if it concludes successfully its accession agreements with other WTO members. China still has to resolve issues with the European Union and then have its accession approved by the WTO General Council/Ministerial Conference. But I think it is reasonable to assume that later this year China will join the WTO whether or not the United States grants permanent NTR.

In light of this possibility, the legislation proposed today by my colleagues, and which I am pleased to cosponsor, is a reasonable and prudent step to take in order to ensure that the agreements which China commits to in joining the WTO are ones which China will fulfill.

The history of Chinese compliance with international agreements has not been as good as it should be. In particular, China has not successfully implemented the commitments it made in March 1995 to protect American intellectual property rights. Intellectual piracy remains a major threat to the American music, cinema, and computer software industries. The Chinese government has demonstrated an impressive ability to arrest and intimidate massive numbers of Falun Gong followers but seems unable to locate factories mass producing thousands of counterfeit CDs, videos, and computer software. Clearly, where there is a will, there is a way for the Chinese government.

In addition, the Chinese government has proven itself very adept at protecting its domestic market from foreign goods and investment, devising formal and informal barriers to trade. The concept of transparency in Chinese trade law leaves much to be desired. An October 1992 market access agreement between the United States and China has yet to be fully implemented with China eliminating some barriers while imposing new ones.

The pattern of past Chinese behavior to international trading agreements suggest that we must be vigilant in ensuring compliance with the WTO accession agreement.

The legislation we offer today is a significant step towards ensuring that China's promises are fulfilled. The bill establishes a process within the United States government for monitoring Chinese compliance with its WTO commitments. The monitoring would occur regardless of whether or not the United States grants permanent NTR to China, although surely it would have more effect if we do grant this to China.

We have lacked a process, and an agency, within the United States government with the mandate, the expertise, institutional memory, and the resources to ensure that the promise of bilateral and multilateral trade agreements are fulfilled. This legislation is a major step in starting the debate on how to ensure that promises made are promises kept.

As ranking member of the International Security, Proliferation And Federal Services Subcommittee of the Governmental Affairs Committee, I am keenly interested in the implications of the legislation for the organization of our government's trade agencies. There are several areas where I would like to work with the legislation's authors to refine their proposal. I believe that it might be appropriate to designate the United States Trade Representative's Office as the lead agency working with other agencies to monitor compliance. I intend to study further the best means for ensuring the effectiveness of this legislation.

I believe it also important that public participation in commenting on China's compliance should not be limited to business groups but include environmental, labor, and human rights organizations. The climate affecting the world economy is not solely determined by the financial bottom line.

This legislation is an important step towards a trade environment which benefits the many, not the few, and I am pleased to cosponsor it.

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

S. 2116. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to support teacher corps programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

TEACHER CORPS

• Mr. WELLSTONE. Mr. President, if there is one thing we all can agree on in education, it is that teacher quality is absolutely critical to how well children learn. Yet, the nation confronts one of the worst teacher shortages in history. With expanding enrollment, decreasing class size and one third of the nation's teachers nearing retirement age, public schools will need to hire as many as 2.2 million teachers over the next decade.

The need is greatest in specific subject areas such as mathematics, science, special education and bilingual education, all important subjects if the nation is to have an educated work force to keep it competitive in the world marketplace.

Need is also greatest in specific geographical areas such as the inner city and rural areas. Ironically, it is the most educationally and socio-economically disadvantaged students that are under served. If there is one action we can take guaranteed to help struggling schools and children, it is to provide states and school districts the means to ensure that there is a highly qualified teacher in every classroom.

My legislation, Teacher Corps, which I am proud to introduce today with my colleagues, Senators KENNEDY and SCHUMER, who for so long have fought to bring the best possible educational opportunities to all of America's children, is designed to do just that. Its components are based on a definite need and sound research concerning effective mechanisms for meeting that need.

Teacher Corps would fund collaboratives between state education agencies, local education agencies and institutions of higher education.

The collaboratives would recruit top ranked college students and qualified mid career individuals, who have not yet been trained as teachers, to teach in the nation's poorest schools in the areas of greatest need—both geographically and academically. Districts and universities would work together to only recruit candidates who have an academic major or extensive and substantive professional experience in the subject in which they will teach.

The collaboratives would provide recruits a tuition free alternative route to certification which includes intensive study and a teaching internship. The internship would include mentoring, co-teaching and advanced course work in pedagogy, state standards, technology and other areas.

After the internship period, the collaboratives would offer individualized follow up training and mentoring in the first two years of full time teaching.

Corps members that become certified will be given priority in hiring within that district in exchange for a commitment to teach in low income schools for 3 years.

A good teacher can mean the world to any child whether it is through caring or through providing children with the skills they need to open their own doors to the future. Every time I enter schools in Minnesota, I am in awe of teachers' work.

That is why it is so tragic to think that there are so many children that do not have access to qualified teachers, at the same time that many people interested in teaching are either not entering the profession or are not staying there once they have qualified.

Teacher Corps will help meet the growing need for teachers in low income urban and rural schools, and in high need subject areas such as math, science, bilingual and special education.

It will do so because Teacher Corps is rooted in three fundamental parts. Recruitment, retention and innovative, flexible, high quality training programs for college graduates and mid-career professionals who want to teach in high need areas.

The first principle is recruitment. As I mentioned before, we may need to hire as many as 2.2 million new teachers in the next decade to ensure that there are enough teachers in our schools. But, overall quantity is not the only issue. Quality and shortages in specific geographic and curriculum areas are equally critical. While there are teacher surpluses in some areas, certain states and cities are facing acute teacher shortages. In California, 1 out of every 10 teachers lacks proper credentials. 58 percent of new hires in Los Angeles are not certified.

There are also crucial shortages in some subject areas such as math, science, bilingual and special education. In my home state of Minnesota, 90 percent of principals report a serious shortage of strong candidates in at least one curriculum area. 54 percent of the mathematics teachers in the state of Idaho and 48 percent of the science teachers in Florida and Tennessee did not major in the subject of their primary assignment.

Teacher Corps would meet this need because it would recruit and train thousands of high quality teachers into the field to meet the specific teaching needs of local school districts.

It would recruit and train top college students and mid-career professionals from around the country, who increasingly want to enter the teaching profession.

More college students want to enter teaching today than have wanted to join the profession in the past 30 years. According to a recent UCLA survey, over 10 percent of all freshman say they want to teach in elementary and secondary schools.

Second, the design of the program ensures that the needs of local school districts will be considered so that only those candidates who meet the specific needs of that district will be recruited and trained. If, for example, there is a shortage of special education, bilingual, math and science teachers in a particular district, Teacher Corps

would only train people with those skills. In setting up collaboratives in this way, teacher corps helps avoid the overproduction of candidates in areas where they are not needed.

Finally, Teacher Corps gives priority to high need rural, inner suburban and urban districts to ensure that new teachers will enter where they are needed most.

However, it does not help to recruit teachers into high need schools and train them if we cannot retain them in the profession. Teaching is one of the hardest, most important jobs there is. We ask teachers to prepare our children for adulthood. We ask them to educate our children so that they may be productive members of society. We entrust them with our children's minds and with their future. It is a disgrace how little support we give them in return. It is no surprise that one of the major causes of our teacher shortage is that teachers decide to change professions before retirement. 73 percent of Minnesota teachers who leave the profession, leave for reasons other than retirement. In urban schools, 50 percent of teachers leave the field within five years of when they start teaching.

To retain high quality teachers in the profession, we must give teachers the support they deserve. Teachers, like doctors need monitoring and support during the first years of their professional life. Teacher Corps offers new teachers the training, monitoring and support they need to meet the profession's many challenges. It includes methods of support that have proven effective in ensuring that teachers stay in schools. The key elements for effective teacher retention were laid out by the National Commission on Teaching and America's Future in 1996. Effective programs organize professional development around standards for teachers and students; provide a year long, preservice internship; include mentoring and strong evaluation of teacher skills; offer stable, high quality professional development.

Each of these criteria are included in the Teacher Corps program.

Further, Teacher Corps supports people who choose teaching by paying for their training. Through this financial and professional support, Teacher Corps will go a long way toward keeping recruits in teaching.

But, it is still not enough to recruit and retain teachers. Quality must be of primary importance. Research shows that the most important predictor of student success is not income, but the quality of the teacher. Despite this need, studies show that as the level of students of color and students from low-income families increases in schools, the test scores of teachers declines.

This is wrong. We are denying children from low-income areas, from racial minorities, with limited English proficiency, access to what we know works. Several studies have shown that if poor and minority students are taught by high quality teachers at the same rate as other students, a large part of the gap between poor and minority students and their more affluent white counterparts would disappear. For example, one Alabama study shows that an increase of one standard deviation in teacher test scores leads to a two-thirds reduction in the gap between black/white tests scores.

We can not turn our back on this knowledge. We must act on it. We must give low income, minority and limited English proficiency children the same opportunities that all children have and we must do it now.

The very essence of Teacher Corps is to funnel high quality teachers where they are needed most. Teacher Corps would help ensure quality by using a selective, competitive recruitment process. It would provide high quality training, professional development, monitoring and evaluations of corps member performance, all of which have been proven to increase the quality of the teaching force and the achievement of the students they teach.

Further, by creating strong connections between universities and districts and by implementing effective professional development projects within districts, we are setting up powerful structures to benefit all teachers and students.

Mr. President, we have an opportunity to do what we know works to help children who need our help most. Good teachers have an extraordinary impact on children's lives and learning. We need to be sure that all children have access to such teachers and all children have the opportunity to learn so that all children may take advantage of the many opportunities this country provides.●

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 2117. A bill to amend title 9, United States Code, with respect to consumer credit transaction; to the Committee on the Judiciary.

● Mr. FEINGOLD. Mr. President, today I introduce the Consumer Credit Fair Dispute Resolution Act of 2000, a bill that will protect and preserve American consumers' right to take their disputes with creditors to court. This bill is identical to an amendment that I offered recently to the bankruptcy reform bill.

In recent years, credit card companies and consumer credit lenders are increasingly requiring their customers to use binding arbitration when a dispute arises. Consumers are barred by contract from taking a dispute to court, even small claims court. While arbitration can be an efficient tool to settle claims, it is credible and effective only when consumers enter into it knowingly, intelligently and voluntarily. Unfortunately, that's not happening in the credit card and consumer credit lending arenas.

One of the most fundamental principles of our justice system is the constitutional right to take a dispute to court. Indeed, all Americans have the right in civil and criminal cases to a trial by jury. The right to a jury trial in criminal cases is contained in the Sixth Amendment to the Constitution. The right to a jury trial in civil cases is contained in the Seventh Amendment, which provides ''In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. . . .''

Some argue that Americans are overusing the courts. Court dockets across the country are congested with civil cases. In part as a response to these concerns, various ways to resolve disputes have been developed, short of going to court. Alternatives to court litigation are collectively known as alternative dispute resolution, or ADR. ADR includes mediation and arbitration. Mediation and arbitration are often efficient ways to resolve disputes because the parties can have their case heard well before they would have received a trial date in court.

Mediation is conducted by a neutral third party—the mediator—who meets with the opposing parties to help them find a mutually satisfactory solution. Unlike a judge in a courtroom, the mediator has no power to impose a solution. No formal rules of evidence or procedure control mediation; the mediator and the parties mutually agree on the best way to proceed.

Arbitration also involves a third party—an arbitrator or arbitration panel. Unlike mediation but similar to a court proceeding, the arbitrator issues a decision after reviewing the arguments by all parties. Arbitration uses rules of evidence and procedure, although it may use rules that are simpler or more flexible than the evidentiary and procedural rules that the parties would follow in a court proceeding.

Arbitration can be either binding or non-binding. Non-binding arbitration means that the decision issued by the arbitrator or arbitration panel takes effect only if the parties agree to it after they know what the decision is. In binding arbitration, parties agree in advance to accept and abide by the decision, whatever it is.

Some contracts contain clauses that require arbitration to be used to resolve disputes that arise after the contract is signed. This is called ''mandatory arbitration.'' This means that if there is a dispute, the complaining party cannot file suit in court and instead is required to pursue arbitration. ''Mandatory, binding arbitration'' therefore means that under the contract, the parties must use arbitration to resolve a future disagreement and the decision of the arbitrator or arbitration panel is final. The parties have no ability to seek relief in court or through mediation. In fact, if they are not satisfied with the arbitration outcome, they are probably stuck with the decision.

Under mandatory, binding arbitration, even if a party believes that the arbitrator did not consider all the facts or follow the law, the party cannot file a suit in court. The only basis for challenging a binding arbitration decision is if there is reason to believe that the arbitrator committed actual fraud. In contrast, if a dispute is resolved by a court, the parties can potentially pursue an appeal of the lower court's decision.

Mr. President, because mandatory, binding arbitration is so conclusive, it can be a credible means of dispute resolution only when all parties understand the full ramifications of agreeing to it.

But that's not what's happening in a variety of contexts—from motor vehicle franchise agreements, to employment agreements, to credit card agreements. I'm proud to have sponsored legislation addressing employment agreements and motor vehicle franchise agreements. In fact, I am the original cosponsor with my distinguished colleague from Iowa, Senator GRASSLEY, of S. 1020, which would prohibit the unilateral imposition of mandatory, binding arbitration in motor vehicle dealership agreements with manufacturers. Many of our colleagues have joined us as cosponsors.

Similar to the problem in the motor vehicle dealership franchise context, there is a growing, menacing trend of credit card companies and consumer credit lenders inserting mandatory, binding arbitration clauses in agreements with consumers. Companies like First USA Bank, American Express and Green Tree Discount Company unilaterally insert mandatory, binding arbitration clauses in their agreements with consumers, often without the consumer's knowledge or consent.

The most common way credit card companies have done this is through the use of a ''bill stuffer.'' Bill stuffers are the advertisements and other materials that credit card companies insert into envelopes with their customers' monthly statements. Some credit card issuers like American Express have placed fine print mandatory arbitration clauses in bill stuffers. The arbitration provision is usually buried in fine print in a mailing that includes a bill and various advertising materials. It is often described in a lengthy legal document that most consumers probably don't even skim, much less read carefully.

American Express issued its mandatory arbitration provision last year. It took effect on June 1st. So, if you're an American Express cardholder and you have a dispute with American Express, as of June 1999, you can't take your claim to court, even small claims court. You are bound to use arbitration, and you are bound to the final arbitration decision. In this case, you are also bound to use an arbitration organization selected by American Express, the National Arbitration Forum.

American Express isn't the only credit card company imposing mandatory arbitration on its customers. First USA Bank, the largest issuer of Visa cards, with 58 million customers, has been doing the same thing since 1997. First USA also alerted its cardholders with a bill stuffer, containing a condensed set of terms and conditions in fine print. The cardholder, by virtue of continuing to use the First USA card, gave up the right to go to court, even small claims court, to resolve a dispute.

Mr. President, this growing practice extends beyond credit cards into the consumer loan industry. Consumer credit lenders like Green Tree Consumer Discount Company are inserting mandatory, binding arbitration clauses in their loan agreements. The problem is that these loan agreements are usually adhesion contracts, which means that consumers must either sign the agreement as is, or forego a loan. In other words, consumers lack the bargaining power to have the clause removed. More importantly, when signing on the dotted line of the loan agreement, consumers may not even understand what mandatory arbitration means. In all likelihood, they do not understand that they have just signed away a right to go to court to resolve a dispute with the lender.

It might be argued that if consumers are not pleased with being subjected to a mandatory arbitration clause, they can cancel their credit card, or not execute on their loan agreement, and take their business elsewhere. Unfortunately, that's easier said than done. As I mentioned, First USA Bank, the nation's largest Visa card issuer, is part of this questionable practice. In fact, the practice is becoming so pervasive that consumers may soon no longer have an alternative, unless they forego use of a credit card or a consumer loan entirely. Consumers should not be forced to make that choice.

Companies like First USA, American Express and Green Tree argue that they rely on mandatory arbitration to resolve disputes faster and cheaper than court litigation. The claim may be resolved faster but is it really cheaper? Is it as fair as a court of law? I don't think so. Arbitration organizations often charge exorbitant fees to the consumer who brings a dispute—often an initial filing fee plus hourly fees to the arbitrator or arbitrators involved in the case. These costs can be much higher than bringing the matter to small claims court and paying a court filing fee.

For example, the National Arbitration Forum, the arbitration entity of choice for American Express and First USA charges fees that are likely greater than if the consumer brought a dispute in small claims court. For a claim of less than $1,000, the National Arbitration Forum charges the consumer a $49 filing fee. In contrast, a consumer can bring the same claim to small claims court here in the District of Columbia for a filing fee of no more than $10. In other words, the consumer pays a fee to the National Arbitration Forum that is nearly five times more than the fee for filing a case in small claims court.

That's bad enough, but some other arbitration firms are even more expensive. The American Arbitration Association charges a $500 filing fee for claims of less than $10,000, or more if the claim exceeds $10,000, and a minimum filing fee of $2,000 if the case involves three or more arbitrators. In addition to the filing fee, it also charges a hearing fee for holding hearings other than the initial hearing—$150 to be paid by each party for each day of hearings before a single arbitrator, or $250 if the hearing is held before an arbitration panel. The International Chamber of Commerce requires a $2,500 administrative fee plus an arbitrator's fee of at least $2,500, if the claim is less than $50,000. These fees are greater if the claim exceeds $50,000. The fees could very well be greater than the consumer's claim. So, as you can see, a consumer's claim is not necessarily resolved more efficiently with arbitration. It is resolved either at greater cost to the consumer or not at all, if the consumer cannot afford the costs, or the costs outweigh the amount in dispute.

Another significant problem with mandatory, binding arbitration is that the lender gets to decide in advance who the arbitrator will be. In the case of American Express and First USA, they have chosen the National Arbitration Forum. All credit card disputes with consumers involving American Express or First USA are handled by that entity. There would seem to be a significant danger that this would result in an advantage for the lenders who are ''repeat players.'' After all, if the National Arbitration Forum develops a pattern of reaching decisions that favor cardholders, American Express or First USA may very well decide to take their arbitration business elsewhere. A system where the arbitrator has a financial interest in reaching an outcome that favors the credit card company is not a fair alternative dispute resolution system.

There has been one important court decision on the enforceability of mandatory arbitration provisions in credit card agreements. The case arose out of a mandatory arbitration provision announced in mailings to Bank of America credit card and deposit account holders. In 1998, the California Court of Appeals ruled that the mandatory arbitration clauses unilaterally imposed on the Bank's customers were invalid and unenforceable. The California Supreme Court refused to review the decision of the lower court. As a result, credit card companies in California cannot invoke mandatory arbitration in their disputes with customers. In fact, the American Express bill stuffer notes that the mandatory, binding arbitration provision will not apply to California residents until further notice from the company. The California appellate court decision was wise and

well-reasoned, but consumers in other states cannot be sure that all courts will reach the same conclusion.

My bill extends the wisdom of the California appellate decision to every credit cardholder and consumer loan borrower. It amends the Federal Arbitration Act to invalidate mandatory, binding arbitration provisions in consumer credit agreements. Now, let me be clear. I believe that arbitration can be a fair and efficient way to settle disputes. I agree we ought to encourage alternative dispute resolution. But I also believe that arbitration is a fair way to settle disputes between consumers and lenders only when it is entered into knowingly and voluntarily by both parties to the dispute after the dispute has arisen. Pre-dispute agreements to take disputes to arbitration cannot be voluntary and knowing in the consumer lending context because the bargaining power of the parties is so unequal. My bill does not prohibit arbitration of consumer credit transactions. It merely prohibits mandatory, binding arbitration provisions in consumer credit agreements.

Credit card companies and consumer credit lenders are increasingly slamming the courthouse doors shut on consumers, often unbeknownst to them. This is grossly unjust. We need to restore fairness to the resolution of consumer credit disputes. I urge my colleagues to support the Consumer Credit Fair Dispute Resolution Act.

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

The bill follows:

S. 2117

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 ''Consumer Credit Fair Dispute Resolution Act of 2000''.

SEC. 2. CONSUMER CREDIT TRANSACTIONS.

(a) DEFINITION.—Section 1 of title 9, United States Code, is amended—

(1) in the section heading, by striking ''**and 'commerce' defined**'' and inserting ''**, 'commerce', 'consumer credit transaction', and 'consumer credit contract' defined**''; and

(2) by inserting before the period at the end the following: ''; 'consumer credit transaction', as herein defined, means the right granted to a natural person to incur debt and defer its payment, where the credit is intended primarily for personal, family, or household purposes; and 'consumer credit contract', as herein defined, means any contract between the parties to a consumer credit transaction.''.

(b) AGREEMENTS TO ARBITRATE.—Section 2 of title 9, United States Code, is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a written provision in any consumer credit contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of the contract, or the refusal to perform the whole or any part thereof, shall not be valid or enforceable. Nothing in this section shall prohibit the enforcement of any written agreement to settle by arbitration a controversy arising out of a consumer credit contract, if such written agreement has been entered into by the parties to the consumer credit contract after the controversy has arisen.''.●

By Mr. CRAPO (for himself and Mr. MCCONNELL):

S. 2118. A bill to amend Title VIII of the Elementary and Secondary Education Act of 1964 to modify the computation of certain weighted student units; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 2119. A bill to amend the Elementary and Secondary Education Act of 1965 to improve training for teachers in the use of technology; to the Committee on Health, Education, Labor, and Pensions.

S. 2120. A bill to amend the Elementary and Secondary Education Act of 1965 to establish teacher recruitment and professional development programs for rural areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2121. A bill to provide for rural education assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2122. A bill to amend the Elementary and Secondary Education Act of 1965 to improve provisions relating to initial teaching experiences and alternative routes to certification; to the Committee on Health, Education, Labor, and Pensions.

IMPACT AID LEGISLATION

Mr. CRAPO. Mr. President, I rise today in support of the reauthorization of the Elementary and Secondary Education Act (ESEA) and am pleased to be introducing five bills that will benefit teachers and students all across this Nation. Collectively, these measures create a package of fundamental reform to the ESEA bill. These pieces of legislation complement existing programs that have proven to work successfully in schools and they provide assistance and support in areas where educators have expressed the greatest need. And these measures represent my commitment to improving the quality of education so that all of our children can achieve their greatest potential.

First, I am introducing a measure to strengthen the Federal Impact Aid program. Specifically, my bill, which is supported by the National Association of Federally Impacted Schools, recommends increasing the weighted Federal student units for off-base military children and for civilian dependent children. Knowing that Impact Aid funds help 1.6 million federally-connected children, as well as 1,600 school districts serving over 17 million students, I am confident that my colleagues in the Senate support increases in funding for the Impact Aid program. But some of them may not be familiar with the formulas by which these funds are distributed to schools. Changing the computation of repayment will assure that funds will be distributed in a more equitable manner, reflecting the composition of local education agencies.

The simple changes, which I am proposing, will benefit children in schools where the loss of local property taxes due to a large Federal presence has placed an extra burden on local taxpayers. We must make up the difference for all the children in the Impact Aid program, not just a select few.

The second bill that I am proposing would build on the strong educational technology infrastructure already in place in school districts in nearly every state. As you know, education technology can significantly improve student achievement. Congress has recognized this fact by continually voting to dramatically increase funding for education technology. In fact, in just the programs under ESEA, federal support has grown from $52.6 million in Fiscal Year 1995, to $698 million just four years later.

But we need to do more than simply place computers in classrooms. We need to provide our educators with the skills they need to incorporate evolving educational technology in the classroom. My bill does exactly that. It will encourage states to develop and implement professional development programs that train teachers in the use of technology in the classroom. Effective teaching strategies must incorporate educational technology if we are to ensure that all children have the skills they need to compete in a high-tech workplace. An investment in professional development for our teachers is an investment in our children and our future.

Third, continuing on the lines of professional development, I am introducing a bill that outlines the essential components of mentoring programs that would improve the experience of new teachers and reduce the high turnover currently seen among beginning teachers. My legislation will ensure program quality and accountability by providing that teachers mentor their peers who teach the same subject. The mentoring programs that are created in this legislation must comply with state standards. Additionally, the bill will provide incentives, and grant states the flexibility to create alternative teacher certification and licensure programs, to recruit well-educated and talented people into the teacher profession.

The recruitment and retention of good teachers is paramount to improving our national education system. Mentor programs provide teachers with the support of a senior colleague. And under the supervision and guidance of a colleague, teachers are able to develop skills and achieve a higher level of proficiency. The confidence and experience gained during this time will improve the quality of instruction, which in turn will improve overall student achievement.

Fourth, attracting and retaining quality teachers is a difficult task, especially in rural impoverished areas. As a result, teacher shortages and high turnover are commonplace in rural

communities in almost every state in the nation. The fourth education bill I am introducing today would allow the Secretary of Education to direct a portion of the general funds in ESEA to rural impoverished areas. Under this proposal, a needy rural school district could prevent the exodus of qualified teachers by first creating incentive programs to retain teachers; second, improve the quality of the teacher through enhanced professional development; and, third, hire new teachers. This bill recognizes the unique challenges facing rural school districts and allows them the option of addressing these challenges.

The final bill, is the only one being introduced today with an authorization for appropriation. It makes Federal grant programs more flexible in order to help school districts in rural communities. Under this provision, districts would be able to combine the funds from specified programs and use the money to support local or statewide education reform efforts intended to improve the achievement of elementary school and secondary school students and the quality of instruction provided. This measure asks for an authorization of $125 million for small rural and poor rural schools—a small price that could produce large results.

The goal of these bills, which I have briefly outlined, are threehold: 1) to provide teachers with the tools to grow as professionals; 2) to assist rural school districts so that they may compete competitively with other school districts that oftentimes have more money and resources; and, (3) to provide every child with unsurpassed education opportunities. Together, these are the keys to our children's success.

In reauthorizing ESEA, Congress has an extraordinary opportunity to change the course of education. We must embrace this opportunity by supporting creative and innovative reform proposals, like the ones that I have introduced here today. I am committed to working in the best interest of our children to develop an education system that is the best in the world. These bills move us in the right direction and I hope my colleagues will join me in supporting these measures. I urge the Senate Health, Education, Labor, and Pensions Committee to incorporate these provisions into the upcoming ESEA bill.

By Ms. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. LOTT, Mr. BREAUX, and Mrs. FEINSTEIN):

S. 2123. A bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Energy and Natural Resources.

CONSERVATION AND REINVESTMENT ACT OF 1999

Ms. LANDRIEU. Mr. President, on Thursday February 17th, the House Resources Committee filed their report on a historic piece of legislation, the Conservation and Reinvestment Act, H.R. 701 which would reinvest a portion of offshore oil and gas revenues in coastal conservation and impact assistance programs,the Land and Water Conservation Fund, wildlife conservation, historic treasures and outdoor recreation. This remarkable compromise was developed by Congressmen DON YOUNG, GEORGE MILLER, BILLY TAUZIN, JOHN DINGELL, CHRIS JOHN, BRUCE VENTO, and TOM UDALL and was passed by the House Resources Committee by a vote of 37–12 on November 10, 1999. To date, the bill has accumulated over 300 co-sponsors. Hopefully, this legislation will be considered by the full House sometime this Spring.

The H.R. 701 compromise is a companion to the Senate version of the Conservation and Reinvestment Act, S. 25. Today I would like to acknowledge the remarkable work done by Mr. YOUNG, Mr. MILLER, Mr. TAUZIN, Mr. DINGELL, Mr. JOHN, Mr. VENTO, and Mr. UDALL as I, along with Senators MURKOWSKI, LOTT, BREAUX and FEINSTEIN introduce the H.R. 701 compromise in the Senate. While I would like to take a moment to note that there are some provisions of S. 25 that I along with several other co-sponsors strongly believe need to be incorporated into H.R. 701, today I am introducing the exact version that the House Resources Committee reported out on February 17th.

This compelling and balanced bi-partisan proposal: will provide a fair share of funding to all coastal states, including producing states; is free of harmful environmental impacts to coastal and ocean resources; does not unduly hinder land acquisition yet acknowledges Congress' role in making these decisions; reflects a true partnership among federal, state and local governments and reinvests in the renewable resource of wildlife conservation through the currently authorized Pittman-Robertson program by nearly doubling the Federal funds available for wildlife conservation and education programs.

This legislation provides $2.8 billion for seven district reinvestment programs. Title I authorizes $1 billion for Impact Assistance and Coastal Conservation by creating a revenue sharing and coastal conservation fund for coastal states and eligible local governments to mitigate the various impacts of OCS activities while providing funds for the conservation of our coastal ecosystems. In addition, the funds of Title I will support sustainable development of nonrenewable resources without providing incentives for new oil and gas development. All coastal states and territories will benefit from coastal impact assistance under this legislation, not just those states that host federal OCS oil and gas development. Title II guarantees stable and annual funding for the state and federal sides of the Land and Water Conservation Fund (LWCF) at its authorized $900 million level while protecting the rights of private property rights owners. The bill will restore Congressional intent with respect to the LWCF, the goal of which is to share a significant portion of revenues from offshore development with the states to provide for protection and public use of the natural environment. Title III establishes a Wildlife Conservation and Restoration Fund at $350 million through the successful program of Pittman-Robertson by reinvesting the development of nonrenewable resources into a renewable resource of wildlife conservation and education. This new source of funding will nearly double the Federal funds available for wildlife conservation. This program enjoys a great deal of support and would be enhanced without imposing new taxes. Title IV provides $125 million for the Urban Parks and Recreation Recovery program through matching grants to local governments to rehabilitate and develop recreation programs, sites and facilities. The Urban Parks and Recreation program would enable cities and towns to focus on the needs of its populations within our more densely inhabited areas with fewer greenspaces, playgrounds and soccer fields for our youth. Stable funding will provide greater revenue certainty to state and local planning authorities. Title V provides $100 million for a Historic Preservation Fund through the programs of the Historic Preservation Act, including grants to the States, maintaining the National Register of Historic Places and administering numerous historic preservation programs. Title VI provides $200 million for Federal and Indian Lands Restoration through a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation and protect public health and safety. Title VII provides $150 million for Conservation Easements and Species Recovery through annual and dedicated funding for conservation easements and funding for landowner incentives to aid in the recovery of endangered and threatened species. Finally, there is up to $200 million available for the Payment In-Lieu of Taxes (PILT) program through the annual interest generated from the CARA fund.

The time has come to take the proceeds from a non-renewable resource for the purpose of reinvesting a portion of these revenues in the conservation and enhancement of our renewable resources. To continue to do otherwise, as we have over the last fifty years, is fiscally irresponsible. I want to thank the chairman of the Senate Energy Committee, Senator MURKOWSKI, the majority leader, Senator LOTT, my colleague from Louisiana, Senator BREAUX as well as the other co-sponsors of S. 25 for all their continued

support and efforts in attempting to enact what may well be the most significant conservation effort of the century. I look forward to continue working with the other members of the Energy Committee on this legislation this year so that we may reach a compromise and give the country a true legacy for generations to come.

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. 2123

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 ''Conservation and Reinvestment Act of 1999''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''coastal population'' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 and following).

(2) The term ''coastal political subdivision'' means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(3) The term ''coastal State'' has the same meaning as provided by section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(4) The term ''coastline'' has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 and following).

(5) The term ''distance'' means minimum great circle distance, measured in statute miles.

(6) The term ''fiscal year'' means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(7) The term ''Governor'' means the highest elected official of a State or of any other political entity that is defined as, or treated as, a State under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note).

(8) The term ''leased tract'' means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(9) The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of the area of ''lands beneath navigable waters'' as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(10) The term ''political subdivision'' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(11) The term ''producing State'' means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999).

(12) The term ''qualified Outer Continental Shelf revenues'' means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(13) The term ''Secretary'' means the Secretary of the Interior or the Secretary's designee, except as otherwise specifically provided.

(14) The term ''Fund'' means the Conservation and Reinvestment Act Fund established under section 5.

SEC. 4. ANNUAL REPORTS.

(a) STATE REPORTS.—On June 15 of each year, each Governor receiving moneys from

the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary concerned by the Governor regarding any portion of such moneys.

(b) REPORT TO CONGRESS.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior and the Secretary of Agriculture from the Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund which shall be known as the ''Conservation and Reinvestment Act Fund''. In each fiscal year after the fiscal year 2000, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS REVENUES.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between $2,825,000,000 and the amounts deposited in the Fund under paragraph (2), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(2) AMOUNTS NOT DISBURSED.—All allocated but undisbursed amounts returned to the Fund under section 101(a)(2).

(3) INTEREST.—All interest earned under subsection (d) that is not made available under paragraph (2) or (4) of that subsection.

(b) TRANSFER FOR EXPENDITURE.—In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) $1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6(a)) such amounts as are necessary to make the income of the fund $900,000,000 in each such fiscal year.

(3) $350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(4) $125,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

(5) $100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

(6) $200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) $150,000,000 to the Secretary of the Interior to carry out title VII of this Act with (A) $100,000,000 of such amount transferred to the Secretary of the Interior for purposes of subtitle A of title VII and (B) $50,000,000 of such amount transferred to the Secretary of the Interior for purposes of subtitle B of title VII.

(c) SHORTFALL.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than $2,825,000,000, the amounts transferred under paragraphs (1) through (7) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) INTEREST.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest moneys in the Fund in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(2) USE OF INTEREST.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under—

(A) chapter 69 of title 31 of the United States Code (relating to PILT), and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing).

In each fiscal year such interest shall be allocated between the programs referred to in subparagraph (A) and (B) in proportion to the amounts authorized and appropriated for that fiscal year under other provisions of law for purposes of such programs.

(3) CEILING ON EXPENDITURES OF INTEREST.—Amounts made available under paragraph (2) in each fiscal year shall not exceed the lesser of the following:

(A) $200,000,000.

(B) The total amount authorized and appropriated for that fiscal year under other provisions of law for purposes of the programs referred to in subparagraphs (A) and (B) of paragraph (2).

(4) TITLE III INTEREST.—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, without further appropriation, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following)

(e) REFUNDS.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, such refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this Act).

SEC. 7. BUDGETARY TREATMENT OF RECEIPTS AND DISBURSEMENTS.

Notwithstanding any other provision of law, the receipts and disbursements of funds under this Act and the amendments made by this Act—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget (including allocations of budget authority and outlays provided therein); or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 8. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. 9. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) IN GENERAL.—Except as provided in subsection (b), no State or local government shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its expenditures were for such programs during the preceding fiscal year. No State or local government shall receive any funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program. In order for the Secretary to provide funding under this Act in a timely manner each fiscal year, the Secretary shall compare a State or local government's prospective expenditure level to that of its second preceding fiscal year.

(b) EXCEPTION.—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the State or local government.

(c) USE OF FUND TO MEET MATCHING REQUIREMENTS.—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

SEC. 10. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2015.

SEC. 11. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) SAVINGS CLAUSE.—Nothing in the Act shall authorize that private property be taken for public use, without just compensation as provided by the Fifth and Fourteenth amendments to the United States Constitution.

(b) REGULATION.—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands until the lands or water, or an interest therein, is acquired, unless authorized to do so by another Act of Congress.

SEC. 12. SIGNS.

(a) IN GENERAL.—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

(b) STANDARDS.—The Secretary shall provide for the design of standardized signs for purposes of subsection (a), and shall prescribe standards and guidelines for such signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

(1) GRANT PROGRAM.—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, without further appropriation, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) FAILURE TO HAVE PLAN APPROVED.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State that has appealed the disapproval of a plan submitted under this title.

(b) ALLOCATION AMONG COASTAL STATES.—

(1) ALLOCABLE SHARE FOR EACH STATE.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues transferred from the Fund under section 5(b)(1) for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary for the 5-year period concerned. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of any leased tract.

(d) TIME OF PAYMENT.—Payments to coastal States and coastal political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding fiscal year.

SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.

(a) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this title.

(B) A program for the implementation of the plan which, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(C) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(D) Measures for taking into account other relevant Federal resources and programs. The plan shall be correlated so far as practicable with other State, regional, and local plans.

(2) PROCEDURE AND TIMING; REVISIONS.—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) AMENDMENT OR REVISION.—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—The funds provided under this title to a coastal State and for coastal political subdivisions are authorized to be used only for one or more of the following purposes:

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with university and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

(2) The conservation, restoration, enhancement, or creation of coastal habitats.

(3) Cooperative Federal or State enforcement of marine resources management statutes.

(4) Fishery observer coverage programs in State or Federal waters.

(5) Invasive, exotic, and nonindigenous species identification and control.

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

(8) Coastal and ocean observations necessary to develop and implement real time tide and current measurement systems.

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

(10) Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure.

(11) Projects that promote research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources.

(d) COMPLIANCE WITH AUTHORIZED USES.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 8, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 and following).

SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 2(c) is amended to read as follows:

''(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 1999.''.

SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 4601–6) is amended to read as follows:

''APPROPRIATIONS

''SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000,000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001 without further appropriation to carry out this Act.

''(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.''.

SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 4601–7) is amended to read as follows:

''ALLOCATION OF FUNDS

''SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

''(1) 50 percent shall be available for Federal purposes (in this Act referred to as the 'Federal portion'); and

''(2) 50 percent shall be available for grants to States.''.

SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 4601–9) is amended by adding at the end the following:

''(d) USE OF FEDERAL PORTION.—

''(1) APPROVAL BY CONGRESS REQUIRED.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

''(2) WILLING SELLER REQUIREMENT.—The Federal portion may not be used to acquire any property unless—

''(A) the owner of the property concurs in the acquisition; or

''(B) acquisition of that property is specifically approved by an Act of Congress.

''(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

''(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress. This list shall include an inventory of surplus lands under the administrative jurisdiction of the Secretary of the Interior and the Secretary of Agriculture for which there is no demonstrated compelling program need.

''(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

''(B) In preparing each list, the Secretary shall—

''(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

''(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

''(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

''(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

''(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

''(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list shall include, for each proposed acquisition included in the list—

''(A) citation of the statutory authority for the acquisition, if such authority exists; and

''(B) an explanation of why the particular interest proposed to be acquired was selected.

''(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e) for the fiscal year, provides notice of the proposed acquisition—

''(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

''(A) the land; or

''(B) any part of any federally designated unit that includes the land;

''(2) in writing to the Governor of the State in which the land is located;

''(3) in writing to each State political subdivision having jurisdiction over the land; and

''(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

''(g) COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—

''(1) IN GENERAL.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

''(A) All actions required under Federal law with respect to the acquisition have been complied with.

''(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

''(C) A notice of the availability of such statement or assessment and of such summary is provided to—

''(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

''(ii) the Governor of the State in which the land is located; and

''(iii) each State political subdivision having jurisdiction over the land.

''(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.''.

SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(a) IN GENERAL.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended to read as follows:

''(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

''(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

''(A) 30 percent shall be apportioned equally among the several States; and

''(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

''(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

''(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal

years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

''(5)(A) For the purposes of paragraph (2)(A)—

''(i) the District of Columbia shall be treated as a State; and

''(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

''(I) shall be treated collectively as one State; and

''(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

''(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.''.

(b) TRIBES AND ALASKA NATIVE CORPORATIONS.—Section 6(b)(5) (16 U.S.C. 4601–8(b)(5)) is further amended by adding at the end the following new subparagraph:

''(C) For the purposes of paragraph (1), all federally recognized Indian tribes and Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes and Native Corporations shall be equivalent to the amount available to a single State. No single tribe or Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe or Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).''.

(c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended by adding at the end the following:

''(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.''.

SEC. 207. STATE PLANNING.

(a) STATE ACTION AGENDA REQUIRED.—

(1) IN GENERAL.—Section 6(d) (16 U.S.C. 4601–8(d)) is amended to read as follows:

''(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act so long as it provides for public involvement in this process and publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the 'State Action Agenda') indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 1999, a State Action Agenda that meets the following requirements:

''(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 4 years.

''(B) The agenda must be updated at least once every 4 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

''(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.''.

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460*l*–8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking ''State comprehensive plan'' and inserting ''State Action Agenda''.

(2) In paragraph (1) by striking ''comprehensive plan'' and inserting ''State Action Agenda''.

SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 4601–8(e)) is amended—

(1) in subsection (e)(1) by striking '', but not including incidental costs relating to acquisition''; and

(2) in subsection (e)(2) by inserting before the period at the end the following: ''or to enhance public safety within a designated park or recreation area''.

SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 4601–8(f)(3)) is amended—

(1) by inserting ''(A)'' before ''No property''; and

(2) by striking the second sentence and inserting the following:

''(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.''.

SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

''WATER RIGHTS

''SEC. 14. Nothing in this title—

''(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

''(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

''(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

''(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.''.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 302. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term ''Federal Aid in Wildlife Restoration Act'' means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after ''shall be construed'' the first place it appears the following: ''to include the wildlife conservation and restoration program and''.

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting ''or State fish and wildlife department'' after ''State fish and game department''.

(d) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: ''the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department

and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.''.

SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting ''(1)'' after ''(a)'', and by adding at the end the following:

''(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'wildlife conservation and restoration account'. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 1999 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.''; and

(2) by adding at the end the following:

''(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

''(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

''(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 1999; or

''(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

''(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.''.

SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) IN GENERAL.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

''(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

''(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof.

''(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅙ of 1 percent thereof.

''(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

''(i) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

''(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

''(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

''(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

''(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

''(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

''(B) provisions for the development and implementation of—

''(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

''(ii) wildlife-associated recreation projects; and

''(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

''(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

''(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

''(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

''(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

''(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

''(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: ''Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.''.

SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

SEC. 402. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

''TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

''SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

''(b) LIMITATIONS ON ANNUAL GRANTS.—Of the amounts available in a fiscal year under subsection (a)—

''(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

''(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

''(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

''(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.''.

SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting ''development of new recreation areas and facilities, including the acquisition of lands for such development,'' after ''rehabilitation of critically needed recreation areas, facilities,''.

SEC. 405. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

(1) In paragraph (j) by striking ''and'' after the semicolon.

(2) In paragraph (k) by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

''(l) 'development grants'—

''(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

''(2) does not include routine maintenance, and upkeep activities; and

''(m) 'Secretary' means the Secretary of the Interior.''.

SEC. 406. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

''(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

''(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

''(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

''(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.''.

SEC. 407. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended—

(1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and

(2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

''GRANTS

''SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

''(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

''(A) such transfer is consistent with the approved application for the grant; and

''(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities owned or managed by the applicant in accordance with section 1010.

''(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.''.

SEC. 408. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting ''development,'' after ''commitments to ongoing planning,''; and

(2) in subsection (a)(2) by inserting ''development and'' after ''adequate planning for''.

SEC. 409. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

''(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

''(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.''.

SEC. 410. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

''CONVERSION OF RECREATION PROPERTY

''SEC. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

''(2) Paragraph (1) shall apply to—

''(A) property developed with amounts provided under this title; and

''(B) the park, recreation, or conservation area of which the property is a part.

''(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

''(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

''(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

''(1) of at least equal fair market value, or reasonably equivalent usefulness and location; and

''(2) in accord with the current recreation recovery action plan of the grantee.''.

SEC. 411. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

TITLE V—HISTORIC PRESERVATION FUND

SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting ''(a)'' before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and

(3) by adding at the end the following:

''(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be deposited into the Fund and shall be available without further appropriation, in that fiscal year, to carry out this Act.

''(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.''.

SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

Title I of the National Historic Preservation Act (16 U.S.C. 470a and following) is amended by adding at the end the following:

''SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

''In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.''.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(6) of

this Act in a fiscal year shall be available without further appropriation, in that fiscal year, to carry out this title.

(b) ALLOCATION.—Amounts referred to in subsection (a) year shall be allocated and available as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, giving priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this subsection.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term ''Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

TITLE VII—CONSERVATION EASEMENTS AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Conservation Easements

SEC. 701. PURPOSE.

The purpose of this subtitle is to provide a dedicated source of funding to the Secretary of the Interior for programs to provide matching grants to certain eligible entities to facilitate the purchase of permanent conservation easements in order to—

(1) protect the ability of these lands to maintain their traditional uses; and

(2) prevent the loss of their value to the public because of development that is inconsistent with their traditional uses.

SEC. 702. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(7)(A) in a fiscal year shall be available to the Secretary of the Interior without further appropriation, in that fiscal year, to carry out this subtitle.

SEC. 703. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

The Secretary of the Interior may use the amounts available under section 702 for the Conservation Easement Program established by section 704.

SEC. 704. CONSERVATION EASEMENT PROGRAM.

(a) GRANTS AUTHORIZED; PURPOSE.—The Secretary the Interior shall establish and carry out a program, to be known as the ''Conservation Easement Program'', under which the Secretary shall provide grants to eligible entities described in subsection (c) to provide the Federal share of the cost of purchasing permanent conservation easements in land with prime, unique, or other productive uses.

(b) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a) may not exceed 50 percent of the total cost of purchasing the easement.

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means any of the following:

(1) An agency of a State or local government.

(2) A federally recognized Indian tribe.

(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

(A) is described in section 501(c)(3) of the Code;

(B) is exempt from taxation under section 501(a) of the Code; and

(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

(d) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement described in subsection (a) and enforce the conservation requirements of the easement.

(e) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the conservation purpose of the Conservation Easement Program and the terms and conditions of the grant.

(f) CONSERVATION PLAN.—Any land for which a conservation easement is purchased under this section shall be subject to the requirements of a conservation plan to the extent that the plan does not negate or adversely affect the restrictions contained in the easement.

(g) TECHNICAL ASSISTANCE.—The Secretary of the Interior may not use more than 10 percent of the amount that is made available for any fiscal year under this program to provide technical assistance to carry out this section.

Subtitle B—Endangered and Threatened Species Recovery

SEC. 711. PURPOSES.

The purposes of this subtitle are the following:

(1) To provide a dedicated source of funding to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(7)(B) of this Act in a fiscal year shall be available to the Secretary of the Interior without further appropriation, in that fiscal year, to carry out this subtitle.

SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts made available under section 712 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 714.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance—

(A) on land owned by a small landowner; or

(B) on a family farm by the owner or operator of the family farm.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 and following), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial or management obligations

by the person in addition to any such obligations of the person under such programs.

SEC. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 715. DEFINITIONS.

In this subtitle:

(1) ENDANGERED OR THREATENED SPECIES.—The term ''endangered or threatened species'' means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) FAMILY FARM.—The term ''family farm'' means a farm that—

(A) produces agricultural commodities for sale in such quantities so as to be recognized in the community as a farm and not as a rural residence;

(B) produces enough income, including off-farm employment, to pay family and farm operating expenses, pay debts, and maintain the property;

(C) is managed by the operator;

(D) has a substantial amount of labor provided by the operator and the operator's family; and

(E) uses seasonal labor only during peak periods, and uses no more than a reasonable amount of full-time hired labor.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(4) SMALL LANDOWNER.—The term ''small landowner'' means an individual who owns 50 acres or fewer of land.

(5) SPECIES RECOVERY AGREEMENT.—The term ''species recovery agreement'' means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 714.

● Mr. MURKOWSKI. Mr. President. I rise today with my colleagues from Louisiana, Mississippi and California to introduce the Conservation and Reinvestment Act of 2000. This legislation remedies a tremendous inequity in the distribution of revenues generated by offshore oil and gas production from the Federal Outer Continental Shelf (OCS). It directs that a portion of those moneys be allocated to coastal States and communities who shoulder the responsibility for energy development off their coastlines. It also provides secure funding for a number of conservation programs.

This bill is similar to S. 25 which I cosponsored a little more than a year ago with Senators LANDRIEU and LOTT, along with a number of other Senators from both sides of the aisle. S. 25 and other proposals to spend OCS revenues are pending before the Senate Energy and Natural Resources Committee and a series of legislative hearings were held on these bills in the first session. The Committee continues to strive to reach an agreement on legislation which can be reported favorably to the floor.

Today, I am cosponsoring this bill in an effort to continue to move the process forward in the Senate. This bill is identical to the bipartisan bill reported by the House Resources Committee and which presently has 302 sponsors. At the same time, the Administration has proposed its Lands Legacy Initiative which would provide $1.4 billion annually in dedicated funding for a number of the programs funded in this bill. Given the Administration's action and anticipated passage by the House of Representatives of OCS legislation, I believe it is crucial that the Senate pass its own OCS bill.

This bill is not perfect and I have serious reservations about some of the provisions in Title 1. Title 1 provides $1 billion a year to coastal States and communities to mitigate the impacts of OCS activities off their shores. Offshore oil and gas production generates $3 to $4 billion in revenues annually for the U.S. Treasury. Yet, unlike mineral receipts from onshore Federal lands, very little of OCS oil and gas revenues are shared with coastal States. This bill remedies that disparity.

As Americans confront increasing oil and gas prices caused by this nation's reliance on foreign petroleum products, we should all recognize the importance of the OCS to this nation's energy independence. According to the Energy Information Administration, the OCS accounts for 27 to 28 percent of total U.S. oil and gas production. This production is authorized to occur off the coast of six States: parts of Alaska, parts of California; Texas, Mississippi, Alabama; and Louisiana. All Americans benefit from OCS production yet the States which produce this oil and gas off their coasts bear the burden.

It is in the long-term best interest of this country to support responsible and sustainable development of nonrenewable resources. We now import more than 55 percent of our domestic petroleum requirements and it is predicted that America will be at least 65 percent dependent on foreign energy sources by 2020. OCS development will play an important role in offsetting even greater dependence on foreign energy.

I do, however, have concerns about some of the provisions in Title 1. Title 1 places unreasonable restrictions on the use of coastal impact assistance funds by States and local governments. Like onshore mineral revenue sharing payments, the decision as to how to spend this money should be made by State and local government officials after a public process. There is no need for the Federal government to mandate that these funds be used for only certain, specific programs. Coastal impact assistance funds are just that—funds coastal States can use to offset the unavoidable impacts of OCS development. These impacts can range from shoreline erosion to the need for new schools to educate the children of oil and gas workers. And, these impacts can vary from year-to-year. It is important that the Federal government give States the flexibility they need to determine their needs and for Washington not to mandate a one-size fits all solution.

I also am concerned that Title 1 allows coastal States—without any OCS production—to receive more coastal impact assistance funds than States with OCS production. We cannot forget where this money comes from: it is generated by OCS oil and gas development. Nor can we forget the purpose of sharing these revenues with coastal

States: to offset the unavoidable impacts of this OCS development. It is unfair to allow States which do not bear the burdens of this development to benefit at the expense of States off whose shores development occurs. This provision must be added to this bill.

I do want to note a few other provisions in this bill which I believe are critical. Title 2 provides $900 million a year for the Land and Water Conservation Fund (LWCF). These LWCF monies are split between Federal land acquisition and the state-side LWCF matching grant program. As to the Federal land acquisition funds, a number of sensible limitations are placed on the expenditure of this money to ensure that Federal funds are spent to address Americans' concerns about the loss of private property in many States.

Each year the Administration must submit a list to Congress of each tract of land it proposes to acquire with LWCF monies and Congress must specifically approve each project through the appropriations process. Within 30 days of the submission of this list, Congressional representatives, the Governors and local government officials must be notified of relevant purchase requests. At the same time, the local public must be notified in a newspaper that is widely distributed in the area in which the proposed acquisition is to take place.

The Administration must seek to consolidate Federal land holdings in States with checkerboard Federal land ownership patterns. It also must seek to use exchanges and conservation easements as an alternative to fee title acquisition. If the Administration identifies tracts from non-willing sellers, it must notify Congress and, unless specifically authorized by Congress, the bill prohibits adverse condemnation. The Administration must identify to Congress its authority to carry out Federal acquisitions. No purchases can occur until all actions under Federal law are completed and a copy of the final NEPA document must be sent to Congress and the Governor and local government officials must be notified that the NEPA document is available.

The bill has a number of other provisions of interest to Westerners where the vast majority of Federal land is located. The bill requires just compensation for the taking of private property and protects State water rights. It provides $200 million annually for the maintenance of Federal lands managed by the Department of the Interior or the Forest Service. It also provides up to $200 million in additional funding for the Payment in-lieu-of Taxes and Refugee Revenue Sharing programs. The bill provides the necessary funds to reduce the $10 billion backlog of willing sellers located within the boundaries of Federal land management units. Finally, the bill restricts the Federal government's regulatory ability over private lands.

This bill is not perfect but it does reflect a bipartisan consensus. It provides a starting point for Senate discussions of conflicting OCS revenue-sharing proposals. With the anticipated action of the House and the Administration's Lands Legacy Initiative, it is imperative that the Senate put forth its own proposal to distribute OCS revenues. I remain committed to working with all Senators on such a proposal.●

By Mr. LAUTENBERG (for himself, Mr. LUGAR, Mr. DURBIN, and Mr. L. CHAFEE):

S. 2125. A bill to provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products; to the Committee on Commerce, Science, and Transportation.

SMOKER'S RIGHT TO KNOW AND TRUTH IN TOBACCO LABELING ACT

● Mr. LAUTENBERG. Mr. President, today I introduce the Smoker's Right to Know and Truth in Tobacco Labeling Act. I am joined by my colleagues, Senator LUGAR, Senator DURBIN, and Senator CHAFEE.

Mr. President, the Smoker's Right to Know and Truth in Tobacco Labeling Act has two common-sense objectives.

First, the bill will require tobacco manufacturers to disclose the ingredients of their products to the public—including toxic and cancer-causing ingredients.

Second, our bill will replace the small health warnings on the side of a cigarette pack with larger warnings on the front and back that are simple and direct: ''Cigarettes Cause Cancer.'' ''Cigarettes are Addictive.'' ''Smoking Can Kill You.''

Of the hundreds of products for sale in America that go into the human body, tobacco products are the only ones—the only ones—for which manufacturers do not have to disclose ingredients. Even Coca-Cola, with a proud tradition of keeping its formula secret, has to list Coke's ingredients on every can.

Mr. President, manufacturers of every food product and every over-the-counter drug disclose their contents. Cigarette manufacturers do not. Yet, of any consumable product for sale in the United States, cigarettes are by far the most deadly.

One in three smokers will die from a smoking-related disease. That is more than 400,000 Americans every year. We should disclose information on cigarette ingredients to the public and provide realistic warnings about the health risks cigarettes cause.

Mr. President, how much do smokers really know about the chemicals they are inhaling with every puff of cigarette smoke? When a smoker lights a cigarette, the burning ingredients create other chemicals. Some of these are carcinogenic.

A Surgeon General's report in 1989 reported that cigarettes contain 43 carcinogens. Forty-three. The public has a right to know.

Do most smokers realize that one of these chemicals is arsenic? Yes, arsenic. I do not think most smokers know that.

Our bill will disclose that, as well as the other chemical carcinogens in cigarette smoke.

Mr. President, with all these known dangers about smoking, we should not hide the health warning labels in small type on the side of a cigarette pack. Other countries, such as Canada, Australia and Thailand, put large labels on the front of each pack. The United States should provide equal protection to consumers. The warnings should be stark, clear, and easily seen.

When cigarettes get in the hands of children, and with 3,000 children becoming regular smokers every day, we have a duty to give them the facts: ''Cigarettes Cause Cancer.'' ''Smoking is Addictive.'' ''Smoking Can Kill You.''

That is a lot more graphic and descriptive than the small print that appears today. Large and forthright warnings are more likely to be seen, read, understood, and recalled. More children—and adults—will get the message, and put down the pack rather than lighting up.

In a recent study of Canadian cigarette pack messages—similar to those required by this legislation—half of all smokers who were smoking less, or trying to quit, cited cigarette pack messages as contributing to their decisions. Larger, bolder warnings can make a difference.

Mr. President, the 106th Congress should enact this legislation. This is a bipartisan bill, and I want to thank my cosponsors, Senators LUGAR, DURBIN and CHAFEE for joining me in this effort. In the coming weeks, I expect that this bill will attract more cosponsors from both sides of the aisle.

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

The bill follows:

S. 2125

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 ''Smoker's Right to Know and Truth in Tobacco Labeling Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVERTISEMENT.—The term ''advertisement'' means all newspapers and magazine advertisements and advertising inserts, billboards, posters, signs, decals, banners, matchbook advertising, point-of-purchase display material and all other written or other material used for promoting the sale or consumption of tobacco products to consumers, and advertising at an Internet site.

(2) BRAND.—The term ''brand'' means a variety of tobacco products distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the tobacco product, filtration, or packaging.

(3) BRAND STYLE.—The term ''brand style'' means a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

(4) CARCINOGEN.—The term ''carcinogen'' means any agent that is determined to be tumorigenic according to the National Toxicology Program or the International Agency

for Research on Cancer, or that is otherwise known by the manufacturer to be tumorigenic.

(5) CIGAR.—The term ''cigar'' means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, that weighs 3 pounds or more per thousand, and is not a cigarette or little cigar.

(6) CIGARETTE.—The term ''cigarette'' means—

(A) any roll of tobacco wrapped in paper or tobacco leaf or in any substance not containing tobacco which is to be burned,

(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging or labeling is likely to be offered to, or purchased by consumers as a cigarette described in subparagraph (A),

(C) little cigars which are any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subparagraph (A)) and as to which 1,000 units weigh not more than 3 pounds, and

(D) loose rolling tobacco that, because of its appearance, type, packaging, or labeling, is likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

(7) COMMERCE.—The term ''commerce'' means—

(A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof;

(B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or

(C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

(8) CONSTITUENT.—The term ''constituent'' means any element of tobacco or cigarette mainstream or sidestream smoke, including tar, the components of the tar, nicotine, and carbon monoxide or any other component designated by the Secretary.

(9) DISTRIBUTOR.—The term ''distributor'' does not include a retailer and the term ''distribute'' does not include retail distribution.

(10) INGREDIENT.—The term ''ingredient'' means any substance the use of which results, or may reasonably be expected to result, directly or indirectly, in its becoming a component of any tobacco product, including any component of the paper or filter of such product.

(11) PACKAGE.—The term ''package'' means a pack, box, carton, or other container of any kind in which cigarettes or other tobacco products are offered for sale, sold, or otherwise distributed to customers.

(12) PERSON.—The term ''person'' means an individual, partnership, corporation, or any other business or legal entity.

(13) PIPE TOBACCO.—The term ''pipe tobacco'' means any loose tobacco that, because of its appearance, type, packaging, or labeling, is likely to be offered to, or purchased by, consumers as a tobacco product to be smoked in a pipe.

(14) SALE OR DISTRIBUTION.—The term ''sale or distribution'' includes sampling or any other distribution not for sale.

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(16) SMOKELESS TOBACCO.—The term ''smokeless tobacco'' means any product that includes cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral or nasal cavity.

(17) STATE.—The term ''State'' includes, in addition to the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(18) TAR.—The term ''tar'' means the particulate matter from tobacco smoke minus water and nicotine.

(19) TOBACCO PRODUCT.—The term ''tobacco product'' means any product made of or derived from tobacco leaf for human consumption, including cigarettes, cigars, little cigars, loose tobacco, smokeless tobacco, and pipe tobacco.

(20) TRADEMARK.—The term ''trademark'' means any word, name, symbol, logo, or device or any combination thereof used by a person to identify or distinguish such person's goods from those manufactured or sold by another person and to indicate the source of the goods.

(21) UNITED STATES.—The term ''United States'' includes the States and installations of the Armed Forces of the United States located outside a State.

SEC. 3. CIGARETTE PRODUCT PACKAGE LABELING; ADVERTISING WARNINGS.

(a) WARNING LABELS.—

(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following label statements:

WARNING: Cigarettes are addictive

WARNING: Tobacco smoke can harm your children

WARNING: Cigarettes cause fatal lung disease

WARNING: Cigarettes cause cancer

WARNING: Cigarettes cause strokes and heart disease

WARNING: Smoking during pregnancy can harm your baby

WARNING: Smoking can kill you

WARNING: Tobacco smoke causes fatal lung disease in non-smokers

WARNING: Quitting smoking now greatly reduces serious risks to your health

WARNING: Smoking causes sexual dysfunction.

(2) LIST OF CARCINOGENS.—

(A) IN GENERAL.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution in the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, a statement that lists in the manner and order as required by subparagraph (B) certain carcinogens present in that cigarette brand's ingredients or constituents.

(B) STATEMENT REQUIRED.—The statement required under subparagraph (A) shall—

(i) be listed as follows:

''CANCER-CAUSING AGENTS: The following cancer-causing agents are inhaled in this product's smoke: [list of carcinogens]'';

(ii) in the bracketed area in the statement described in clause (i), list carcinogens in the following categories that are present in that cigarette brand's ingredients or constituents in the following descending order—

(I) inorganic compounds;

(II) miscellaneous organic compounds;

(III) aldehydes;

(IV) carcinogenic tobacco-specific nitrosamines (TSNAs).

(V) volatile nitrosamines; and

(VI) if any other carcinogens are present, state the following: ''and other carcinogens''; and

(iii) display, in bold print, the percentage of any carcinogen listed in clause (ii) relative to the average of such concentration of such carcinogen in the sales weighted average of all cigarettes marketed in the United States.

(3) PLACEMENT; TYPOGRAPHY.—

(A) WARNING LABELS.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise at least the top 33 percent of the front and rear panels of the package. The word ''WARNING'' shall appear in capital letters and all text shall be in conspicuous and legible 17-point bold, uncondensed, sans serif type. Notwithstanding the preceding sentence, the point size may be reduced when the longest line of text exceeds 16 typographic characters (letters and space), except that such reduced point size may never be smaller than 15-point and at least 60 percent of the area involved shall be occupied by the required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c)(4).

(B) LIST OF CARCINOGENS.—Each statement required by paragraph (2) shall be located in the same place that label statements were placed on cigarette packages as of October 12, 1984. The text of the statement shall be in conspicuous and legible 9-point uncondensed, sans serif type and shall appear in a conspicuous and prominent format on 1 side of the package. The Secretary may revise type sizes for the text in such an area and in such a manner as the Secretary determines to be appropriate. The term ''CANCER-CAUSING AGENTS'' shall appear in bold capital letters, and the text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, except the label statement required under paragraph (1).

(4) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

(b) PACKAGE INSERT.—

(1) IN GENERAL.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any cigarettes unless the cigarette package includes a package insert, prepared in accordance with guidelines established by the Secretary by regulation, on carcinogens, toxins, and other substances posing a risk to human health that are contained in the ingredients and constituents of the cigarettes in such package. The Secretary shall include in such guidelines information on the health impact of smoking and smoking cessation as determined to be necessary by the Secretary to advance public health.

(2) REGULATIONS.—The Secretary shall issue regulations requiring the package insert required by paragraph (1) to provide the information required by such paragraph (including carcinogens and other dangerous substances) in a prominent, clear fashion and a detailed list of the ingredients and constituents.

(c) ADVERTISING REQUIREMENTS.—

(1) IN GENERAL.—It shall be unlawful for any manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette, or any similar tobacco product, unless its advertising bears, in accordance with the requirements of this section—

(A) one of the label statements specified in paragraph (1) of subsection (a); and

(B) a list of carcinogens specified in paragraph (2) of subsection (a).

(2) TYPOGRAPHY.—

(A) WARNINGS.—

(i) IN GENERAL.—Each cigarette advertisement shall include a label statement required by subsection (a)(1) as set forth in this subparagraph.

(ii) ADVERTISEMENTS.—For press (including magazine and newspaper), poster and billboard advertisements, each such label statement shall comprise at least 30 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the printing safety area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate to advance public health.

(iii) TEXT.—The word ''WARNING'' shall appear in capital letters, and each label statement shall appear in conspicuous, uncondensed, bold, sans serif type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under paragraph (4). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is twice the width of the vertical stroke of the letter ''I'' in the word ''WARNING'' in the label statements.

(iv) POINT TYPE.—The text of such label statements shall be in a bold typeface pro rata to the following requirements:

(I) 45-point type for a whole-page broadsheet newspaper advertisement.

(II) 39-point type for a half-page broadsheet newspaper advertisement.

(III) 39-point type for a whole-page tabloid newspaper advertisement.

(IV) 27-point type for a half-page tabloid newspaper advertisement.

(V) 31.5-point type for a double page spread magazine or whole-page magazine advertisement.

(VI) 22.5-point type for a 28 centimeter by 3 column advertisement.

(VII) 15-point type for a 20 centimeter by 2 column advertisement.

(v) BILLBOARDS.—For billboard advertisements, the typeface shall be adjusted so that the text occupies 60-70 percent of the label area. The warning label on billboards that use artificial lighting shall not be less visible than other printed matter on the billboard when the lighting is in use.

(vi) ALL LABEL STATEMENTS.—The label statements shall be in English, except that in the case of—

(I) an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

(II) in the case of any other advertisement that is not in English, the label statements shall appear in the same language as that principally used in the advertisement.

(B) LIST OF CARCINOGENS.—Each statement required by subsection (a)(2) in cigarette advertising shall comply with the standards set forth in this subparagraph. For press, poster and billboard advertisements, each such statement shall appear in a conspicuous and prominent format and be located at the bottom of each advertisement within the printing safety area. Each such statement shall comprise not less than 15 percent of the area of the advertisement, with the text of the statement comprising not less than 60 percent and not more than 70 percent of such an area. The Secretary may designate required type sizes in such an area in such a manner as the Secretary determines appropriate to advance public health. The text of such a statement shall be black if the background is white, and white if the background is black, and shall be in type that is otherwise in contrast in typography, layout, or color with all other printed material in the advertisement.

(3) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes and content for the label statements required by this section or the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures, or to establish the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et. seq.). The text of any such label statements or disclosures shall be required to appear only within the 30 percent area of cigarette advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

(4) MARKETING REQUIREMENTS.—

(A) IN GENERAL.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand and brand style of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the cigarette manufacturer, importer, distributor, or retailer, and approved by the Secretary.

(B) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand and brand style of cigarettes in accordance with a plan submitted by the cigarette manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

(C) REVIEW OF PLAN.—The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

(ii) assures that all of the label statements required under this section will be displayed by the cigarette manufacturer, importer, distributor, or retailer at the same time.

(d) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise cigarettes on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.

SEC. 4. LABELS AND ADVERTISING WARNINGS FOR SMOKELESS TOBACCO, CIGARS, AND PIPE TOBACCO.

(a) WARNING LABELS.—

(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product, cigar product, or pipe tobacco product, or any similar tobacco product, unless the product package bears, in accordance with the requirements of this Act, one of the following label statements:

(A) Any smokeless tobacco product shall bear one of the following label statements:

WARNING: Smokeless tobacco causes mouth cancer

WARNING: Smokeless tobacco causes gum disease and tooth loss

WARNING: Smokeless tobacco is not a safe alternative to cigarettes

WARNING: Smokeless tobacco is addictive

(B) Any cigar product shall bear one of the following label statements:

WARNING: Cigar smoke causes mouth cancer

WARNING: Cigar smoke causes throat cancer

WARNING: Cigar smoke causes lung cancer

WARNING: Cigars are not a safe alternative to cigarettes

WARNING: Cigar smoke can harm your children

(C) Any pipe tobacco product shall bear one of the following label statements:

WARNING: Pipe smoking causes mouth cancer

WARNING: Pipe smoking causes throat cancer

WARNING: Pipe smoking is not a safe alternative to cigarettes

WARNING: Pipe smoking can harm your children

(2) REQUIREMENTS.—

(A) LOCATION OF LABEL STATEMENT.—Each label statement required by paragraph (1) shall—

(i) for any smokeless tobacco or pipe tobacco product, be located on the 2 principal display panels of the product package, and comprise at least 25 percent of each such display panel; and

(ii) for any cigar product, be located on a band around each cigar that is packaged for individual sale, and for each package of cigars, be located in the upper portion of the front and rear panels of the package and comprise at least the top 33 percent of the front and rear panels of the package.

(B) SIZE AND TEXT OF LABEL STATEMENT.—Each label statement required by paragraph (1) shall be in 17-point bold, uncondensed, sans serif type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package or band, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

(3) INTRODUCTION.—The label statements required by paragraph (1) shall be introduced by each manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products, cigar products, and pipe tobacco products concurrently into the distribution chain of such products.

(4) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a manufacturer or distributor of any smokeless tobacco product, cigar product, or pipe tobacco product that does not manufacture, package, or import such products for sale or distribution within the United States.

(b) ADVERTISEMENTS.—

(1) IN GENERAL.—It shall be unlawful for any manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products, cigar products, or pipe tobacco products to advertise or cause to be advertised within the United States any such product unless its advertising bears, in accordance with the requirements of this section, one of the label statements specified in subsection (a) that is applicable to such product.

(2) REQUIREMENTS.—Each label statement required by paragraph (1) shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall—

(A) comprise at least 20 percent of the area of the advertisement, and the warning area shall be delineated by a dividing line of contrasting color from the advertisement; and

(B) the word ''WARNING'' shall appear in capital letters and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

(3) DISPLAY.—

(A) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the manufacturer, importer, distributor, or retailer of smokeless tobacco products, cigar products, or pipe tobacco products and approved by the Secretary.

(B) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product, cigar product, and pipe tobacco product, in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

(C) REVIEW OF PLAN.—The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

(ii) assures that all of the label statements required under this section will be displayed by the manufacturer, importer, distributor, or retailer of smokeless tobacco products, cigar products, or pipe tobacco products, at the same time.

(c) PACKAGE INSERT.—

(1) IN GENERAL.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any smokeless tobacco product, cigar product, or pipe tobacco product unless such product, not including a cigar that is sold individually, includes a package insert, prepared in accordance with guidelines established by the Secretary by regulation, on carcinogens, toxins, and other substances posing a risk to human health that are contained in the ingredients and constituents of such product. The Secretary shall include in such guidelines information on the health impact of smoking and smoking cessation as the Secretary determines to be necessary to advance public health.

(2) REGULATIONS.—The Secretary shall issue regulations requiring the package insert required by paragraph (1) to provide the information required by such paragraph (including carcinogens and other dangerous substances) in a prominent, clear fashion and a detailed list of the ingredients and constituents.

(d) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco product, cigar product, or pipe tobacco product on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.

SEC. 5. AUTHORITY TO REVISE WARNING LABEL STATEMENTS.

The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, content, and text of any of the warning label statements required by this Act, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or alter the list of carcinogens disclosed on label statements, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco.

SEC. 6. TOBACCO PRODUCT INGREDIENTS AND CONSTITUENTS.

(a) GENERAL RULE.—Each person that manufactures, packages, or imports into the United States any tobacco product shall annually report, in a form and at a time specified by the Secretary by regulation—

(1) the identity of any added ingredient or constituent of the product other than tobacco, water, or reconstituted tobacco sheet made wholly from tobacco; and

(2) the nicotine, tar, and carbon monoxide yield ratings which shall accurately predict the nicotine, tar, and carbon monoxide intake from such product for average consumers based on standards established by the Secretary by regulation;

if such information is not information which the Secretary determines to be trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code. The ingredients and constituents identified under paragraph (1) shall be listed in descending order according to weight, measure, or numerical count. If any of such constituents are carcinogens, or otherwise poses a risk to human health as determined by the Secretary, such information shall be included in the report.

(b) PUBLIC DISSEMINATION.—The Secretary shall review the information contained in each report submitted under subsection (a) and if the Secretary determines that such information directly affects the public health, the Secretary shall require that such information be included in a label under sections 3 and 4.

(c) OTHER SOURCES OF INFORMATION.—The Secretary shall establish a toll-free telephone number and a site on the Internet which shall make available additional information on the ingredients of such tobacco products, except information which the Secretary determines to be trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code.

SEC. 7. ENFORCEMENT.

(a) IN GENERAL.—

(1) REGULATIONS.—The Secretary shall issue such regulations as may be appropriate for the implementation of this Act. The Secretary shall issue proposed regulations for such implementation within 180 days of the date of the enactment of this Act. Not later than 180 days after the date of the publication of such proposed regulations, the Secretary shall issue final regulations for such implementation. If the Secretary does not issue such final regulations before the expiration of such 180 days, the proposed regulations shall become final and the Secretary shall publish a notice in the Federal Register about the new status of the proposed regulations.

(2) CONSULTATION.—In carrying out the Secretary's duties under this Act, the Secretary shall, as appropriate, consult with such experts as may have appropriate training and experience in the matters subject to such duties.

(3) MONITORING OF COMPLIANCE.—The Secretary shall monitor compliance with the requirements of this Act.

(4) RECOMMENDATION FOR ENFORCEMENT.—The Secretary shall recommend to the Attorney General such enforcement actions as may be appropriate under this Act.

(b) INJUNCTION.—

(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over civil actions brought to restrain violations of this Act. Such a civil action may be brought in the United States district court for the judicial district in which any substantial portion of the violation occurred or in which the defendant is found or transacts business. In such a civil action, process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpoenas requiring attendance of witnesses in any such action may be served in any judicial district.

(2) ACTIONS BY INTERESTED PARTIES.—Any interested organization may bring a civil action described in paragraph (1). If such an organization substantially prevails in such an action, the court may award it reasonable attorney's fees and expenses. For purposes of this paragraph, the term 'interested organization' means any nonprofit organization one of whose purposes, and a substantial part of its activities, include the promotion of public health through reduction in the use of tobacco products.

(c) CIVIL PENALTY.—Any person who manufactures, packages, distributes, or advertises a tobacco product in violation of this Act shall be subject to a civil penalty of not more than $100,000 for each violation per day.

SEC. 8. REPORT TO CONGRESS BY THE SECRETARY.

Not later than 36 months after the date of enactment of this Act and biannually thereafter, the Secretary shall transmit to the Congress a report describing actions taken pursuant to this Act, current practices and methods of tobacco advertising and promotion, and recommendations if any for legislation.

SEC. 9. EFFECTIVE DATES AND CONFORMING AMENDMENTS.

(a) EFFECTIVE DATE.—This Act shall take effect on the date of the enactment of this Act, except that section 3, 4, 5 and 6 shall take effect 1 year after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—Effective on the date that is 1 year from the date of the enactment of this Act, the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.) and the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401) are repealed.●

● Mr. LUGAR. Mr. President, I wish to say a few words, and perhaps echo some of those of my colleague. I am proud to sponsor this important piece of legislation with Senator LAUTENBERG. I was a co-sponsor of a similar bill in the last Congress, and am glad to join him again in this effort. I also thank my colleagues Senator DURBIN and Senator CHAFEE for their co-sponsorship of this good policy initiative.

Let me start by saying that this bill is about health education and responsible individual decision-making. As Mayor of Indianapolis and in the U.S. Senate, I have advocated good health and fitness. I have integrated running into my daily routine and encourage my staff to do the same. In 1977, I founded the annual Dick Lugar Fitness festival in Indiana, which is an event I look forward to every year.

A good health and fitness regimen requires an assumption of personal responsibility and an active role on the part of the individual, but it also requires a knowledge of two essential components of good health—proper diet and exercise. I speak on a regular basis on the exercise component, but would like to make a couple of basic points about proper diet that are well within

the scope of the federal government's responsibilities.

We have taken great strides in the area of food packaging and labeling, pointing out to consumers vitamin and fat content; caloric and cholesterol facts. We require data on tests done on artificial sweeteners. But, in a product that threatens the life of one out of three regular users, we ignore those basic principles.

Mr. President, we all know that in a food product, the discovery of even a single carcinogen can trigger media attack, consumer outrage and FDA regulation. However, under current law, a cigarette package is not even required to list its ingredients despite the presence of dozens of carcinogens. Applying a simple content labeling standard to tobacco in the interest of consistency and public health is overdue considering the massive health problems inflicted by tobacco.

As Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, which has jurisdiction over some aspects of tobacco, I believe that our government must speak consistently and clearly about tobacco's risks. That has not always been the case. In the past, our government has sent mixed messages, for example, subsidizing the cultivation of tobacco and including cigarettes in military rations, even as it warned against tobacco's dangers. If public health warnings are to be trusted, they should not be ambiguous. The small, side-panel warnings currently in use on tobacco packages are not adequate in reflecting the risks of tobacco use as we now know them. We can and we should speak the truth with a clearer voice.

Prominent labels on cigarette packages in plain English would be a steady reminder of the risks smokers face when they light up. True, almost every smoker understands that cigarettes are bad for health, but fewer know the degree of risk.

Many smokers have tried to quit, some more than once. These labels will encourage them in this endeavor and remind them why they should try again.

Most importantly, Mr. President, as Senator LAUTENBERG stated, the warnings will be prominent and readily understood by young Americans, thousands of whom light up for the first time every day.

This bill does not interfere with an adult's freedom to choose to smoke, it does not raise tobacco prices, and it does not expand government regulatory authority beyond the labeling requirement. It is a modest and conservative step, but a decisive and important step in good public policy.●

● Mr. L. CHAFEE. Mr. President, I am pleased to join Senators LUGAR, LAUTENBERG, and DURBIN today in introducing the Smoker's Right to Know and Truth in Labeling Act, which would require comprehensive and prominent labeling of cigarettes. This legislation is a commonsense and bipartisan approach to give every American a chance to make an informed decision about tobacco use.

According to the Centers for Disease Control, nearly one in five deaths annually are attributed to tobacco use, making it the single most preventable cause of premature death, disease and disability facing our nation. In fact, more Americans die each year from tobacco use than from AIDS, alcohol, drug abuse, car accidents, murders, suicides, and fires combined.

America's children are most at risk. Despite all we know about the effects of tobacco, each day, 3,000 kids become regular smokers. Of these, 1,000 will eventually die from tobacco-related illnesses. Almost 90 percent of current adult smokers began at or before age 18.

Rhode Island—which already has one of the highest rates of teen smoking in the nation—has recently seen another increase in teen smoking. Today, over 37 percent of Rhode Island's high school kids smoke cigarettes. Over 23,000 Rhode Island kids under age 18 will die prematurely from tobacco-related illnesses.

Tobacco manufacturers say that tobacco use is a matter of choice. They argue that adults, with the full knowledge of the consequences, have the right to choose to smoke. I agree. But I also believe that individuals who choose to smoke should be making informed decisions.

The Smoker's Right to Know and Truth in Tobacco Labelling Act would ensure that tobacco users understand the consequences of the choice they are making. With comprehensive labelling of cigarette packs, adults and especially minors, will know the dangers that cigarettes pose to their health and the health of their loved ones.

This legislation follows on the recent example set by Canada, which passed tough labelling guidelines that have worked as a strong disincentive to beginning this deadly habit. Under the legislation we are introducing today, there will be no mistake about the life-threatening health effects of tobacco products.

As the father of three young children, I have a personal stake in helping to pass legislation to ensure that our kids do not develop this deadly habit. I hope our colleagues in the Senate will join us in passing this important, common-sense legislation.●

By Mr. HARKIN (for himself, Mr. ROBB, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. WELLSTONE, and Mr. DODD):

S. 2124. A bill to authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas; to the Committee on Health, Education, Labor, and Pensions.

THE PUBLIC SCHOOL REPAIR AND RENOVATION ACT

Mr. HARKIN. Mr. President, today we will be introducing the Public School Repair and Renovation Act. This legislation will authorize $1.3 billion in grants and no interest loans to enable school districts to make urgent repairs at our nation's public schools. I am pleased to be joined by Senators ROBB, BINGAMAN, FEINSTEIN, KENNEDY, WELLSTONE, and DODD in cosponsoring this legislation in the Senate.

The facts about the condition of our nation's schools are well known. The average age of the schools in this country is 42 years. 14 million children attend classes in buildings that are unsafe or inadequate. The General Accounting Office reports we need $112 billion to just bring our schools up to overall good condition. How can kids prepare for the 21st century in schools that didn't even make the grade in the 20th century?

It is a national disgrace that the nicest thing our kids see are shopping malls, sports arenas, and movie theaters, and the most rundown place they see is their school. What signal are we sending them about the value we place on them, their education and future?

I was disturbed by the comments of Tunisia, a Washington, D.C. 5th grader in Jonathan Kozol's book, ''Savage Inequalities.'' This is what she said.

It's like this. The school is dirty. There isn't any playground. There's a hole in the wall behind the principal's desk. What we need to do is first rebuild the school. Build a playground. Plant a lot of flowers. Paint the classrooms. Fix the hole in the principal's office. Buy doors for the toilet stalls in the girl's bathroom. Make it a beautiful clean building. Make it pretty. Way it is, I feel ashamed.

The legislation we are introducing would make it possible to fix the holes in the walls of Tunisia's school, put doors on the bathroom stalls and paint the classrooms. These repairs would make Tunisia feel a little less ashamed of herself and of her school.

This legislation is part of a comprehensive two-prong strategy to modernize our nation's schools. This bill complements our continuing effort to provide tax credits for new construction and modernization projects. We have advocated school modernization tax credits that would finance $25 billion in new construction or major renovations. The Public School Repair and Renovation Act will complement that effort and I urge my colleagues to support it.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 40. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 41. A joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 42. A joint resolution providing for the reappointment of Manuel

L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

THE SMITHSONIAN INSTITUTION BOARD OF REGENTS

Mr. COCHRAN. Mr. President, today I am introducing three Senate joint resolutions reappointing citizen regents of the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regents, the Senator from New York (Mr. MOYNIHAN) and the Senator from Tennessee (Mr. FRIST), are cosponsors.

At its meeting on January 24, 2000, the Smithsonian Institution Board of Regents recommended the following distinguished individuals for appointment to the Smithsonian Institution Board of Regents: Mr. Manuel L. Ibáñez of Texas; Mr. Alan G. Spoon of Maryland; and Ms. Sheila E. Widnall of Massachusetts.

I ask unanimous consent that the biographies of the nominees and the text of the joint resolutions be printed in the RECORD.

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

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of resignation of Louis Gerstner of New York, is filled by the appointment of Alan G. Spoon of Maryland. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

S.J. RES. 41

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of resignation of Louis Gerstner of New York, is filled by the appointment of Alan G. Spoon of Maryland. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

S.J. RES. 42

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Manuel L. Ibáñez of Texas on May 4, 2000, is filled by the reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on May 5, 2000.

MANUEL LUIS IBÁÑEZ

(President of Texas A&I University and Professor of Microbiology)

B.S.—1957: Wilmington College, Wilmington, Ohio (*cum laude*).

M.S.—1959: Pennsylvania State University, University Park, Pennsylvania.

Ph.D.—1961: Pennsylvania State University, University Park, Pennsylvania.

National Science Foundation Cooperative Fellowship, 1959–1961 (2 year Full Fellowship).

Postdoctoral training, 1962—University of California at Los Angeles, Nuclear Medicine.

Field of Specialization: Bacterial Physiology.

PROFESSIONAL EXPERIENCE

1961–1962: Bucknell University, Assistant Professor of Bacteriology.

5/62–11/62: UCLA, Postdoctoral trainee.

1962–1965: Interamerican Institute of Agricultural Science of the O.A.S. (Costa Rica), Senior Biochemist.

1965–1970: LSU in New Orleans, Associate Professor and Chairman, Biology.

1970–1075: LSU in New Orleans, Associate Professor of Biology.

1973: Sabbatical Leave, University of California, San Diego and Scripps Institute of Oceanography.

1975–1978: University of New Orleans, Associate Professor and Coordinator Allied Health Sciences.

1977: University of New Orleans, Professor, Biological Sciences.

1978–1982: University of New Orleans, Professor, Biological Sciences and Associate Dean of the Graduate School.

1/1/82–6/30/83: University of New Orleans, Professor, Biological Sciences and Associate Vice Chancellor for Academic Affairs.

7/1/83–3/31/85: University of New Orleans, Professor, Biological Sciences and Acting Vice Chancellor for Academic Affairs.

4/1/85–7/31/89: University of New Orleans, Professor, Biological Sciences and Vice Chancellor for Academic Affairs and Provost.

8/89: University of New Orleans, Professor Emeritus.

8/1/89–Present: Texas A&I University, Professor of Microbiology and President.

8/1/90–Present: Texas A&M University, Visiting Professor of Biochemistry.

Professional Society Memberships Past and Present: American Society for Microbiology; American Association for the Advancement of Science; Fitotecnia Latinoamericana; Society of Sigma Xi (Science); American Association of University Administrators; American Association of State Colleges and Universities; Hispanic Association of Colleges and Universities.

ALAN GARY SPOON

Communications and publishing executive; b. Detroit, June 4, 1951; s. Harry and Mildred (Rudman) S.; m. Terri Alper, June 3, 1975; children: Ryan, Leigh, Randi, B.S., MIT, 1973, M.S. 1973; J.D., Harvard U., 1976. Cons. The Boston Cons. Group, 1976–79, mgr., 1979–81, v.p., 1981; v.p., The Washington Post Co., 1984–85; v.p., contr. Washington Post, 1985–86, v.p. mktg., 1986–87; v.p. fin., CFO The Washington Post Co., 1987–89; pres. Newsweek mag., 1989–91; COO, The Washington Post Co., 1991—, pres., 1993—; dir. Info, Industry Assn., Washington, 1982–83, 88–89; bd. dirs., trustee WETA-Pub. Broadcasting. 1986–92; bd. dirs. The Riggs Nat. Bank of Washington, 1991–93, dir. Genome Scis., Inc. (HGSI), (Rockville, MD), 1998. Dir. Norwood Sch., 1989–93, chmn., 1993–95; dir Internat. Herald Tribune, 1991—, Smithsonian Nat. Mus. Natural History, Wash. D.C. 1994—, Am. Mgmt. Sys., Inc., Fairfax. VA, 1996—, Human Genome Scis. Inc., Rockville, MD. 1998—. Recipient award for scholarship and athletics Eastern Coll. Athletic Conf., and MIT, 1973. Home: 7300 Loch Edin Ct, Potomac MD 20854–4835; Office: The Washington Post Co, 1150 15th St. NW, Washington, DC 20071–0002.

SHEILA EVANS WIDNALL

Aeronautical educator, former secretary of the airforce, aeronautical educator, former university official; b. Tacoma, July 13, 1938; d. Rolland John and Genievieve Alice (Krause) Evans; m. William Soule Widnall, June 11, 1960; children: William, Ann. BS in Aero. and Astronautics, MIT, 1960, MS in Aero. and Astronautics, 1961, DSc, 1964; PhD (hon.), New Eng. Coll., 1975, Lawrence U., 1987, Cedar Crest Coll., 1988, Smith Coll., 1990, Mt. Holyoke, Coll., 1991, Ill. Inst. Tech., 1991, Columbia U., 1994, Simmons Coll., 1994, Suffolk U., 1994, Princeton U., 1994. Asst. prof. aeros. and astronautics MIT, Cambridge, 1964–70, assoc. prof., 1970–74, prof., 1974–93, head divsn. fluid mechanics, 1975–79; dir. Fluid Dynamics Rsch. Lab., MIT, Cambridge, 1979–90; chmn. faculty MIT, Cambridge, 1979–80, chairperson com. on acad. responsibility, 1991–92, assoc. provost, 1992–93; sec. USAF, 1993–97; prof. MIT, Cambridge, 1997—; trustee Sloan Found., 1998—; bd. dirs. Chemfab Inc., Bennington, VT., Aerospace Corp., L.A., Draper Labs., Cambridge; past trustee Carnegie Corp., 1984–92, Charles Stark Draper Lab. Inc.; mem. Carnegie Commn. Sci., Tech. and Govt. Contbr. articles to profl. jours.; patentee in field; assoc. editor AIAA Jour. Aircraft, 1972–75, Physics of Fluids, 1981–88, Jour. Applied Mechanics, 1983–87; emm. editorial bd. Sci., 1984–86. Bd. visitors USAF Acad., Colorado Springs, Colo., 1978–84, bed. chairperson, 1980–82; trustee Boston Mus. Scie., 1989—. Recipient Washburn award Boston Mus. Sci., 1987. Fellow AAAS (bd. dirs. 1982–89, pres. 1987–88, chmn. 1988–89), AIAA (bd. dirs. 1975–77, Lawrence Sperry award 1972, Durand Lectureship for Pub. Svc. award 1996, pres.-elect 1999—), Am. Phys. Soc. (exec. com. 1979–82); mem. ASME (Applied Mechs. award 1995, Pres. award 1999), NAE (coun. 1992–93, v.p. 1998—), NAS (panel on sci. responsibility), Am. Acad. Arts and Scis., Soc. Women Engrs. (Outstanding Achievement award 1975), Internat. Acad. Astronautics, Seattle Mountaineers. Office: MIT Bldg 33–411 77 Massachusetts Ave Cambridge MA 02139.

ADDITIONAL COSPONSORS

S/ 345

At the request of Mr. ALLARD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 374

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 374, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 542, a bill to amend the