FAIRCLOTH, Mr. BENNETT, Mr. HAGEL, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mrs. BOXER, Mr. REED, and Mr. DEWINE):

S. 1900. A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. ASHCROFT, Mr. REID, and Mr. WYDEN):

S. 1901. A bill to amend the Freedom of Information Act to provide electronic access to certain Internal Revenue Service information on the Internet, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1902. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. THURMOND, Mr. HELMS, Mr. HAGEL, and Mr. SMITH of Oregon):

S. 1903. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans Affairs.

By Mr. GORTON:

S. 1904. A bill to amend the Elwha River Ecosystem and Fisheries Restoration Act to provide further for the acquisition and removal of the Elwha dam and acquisition of Glines Canyon dam and the restoration of the Elwha River ecosystem and native anadromous fisheries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. BIDEN, Mr. LOTT, Mr. THURMOND, Mr. TORRICELLI, Mr. BREAUX, Mr. GRASSLEY, Mr. DEWINE, Mr. FORD, Mr. REID, Mr. GRAMM, Mr. MACK, Ms. LANDRIEU, Mr. CLELAND, Mr. COVERDELL, Mr. CRAIG, Mr. INOUYE, Mr. BRYAN, Ms. SNOWE, Mr. THOMAS, Mr. WARNER, Mr. LIEBERMAN, Mr. ALLARD, Mrs. HUTCHISON, Mr. D'AMATO, Mr. SHELBY, Mr. CAMPBELL, Mr. COATS, Mr. FAIRCLOTH, Mr. FRIST, Mr. SMITH of New Hampshire, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. SMITH of Oregon, Mr. HUTCHINSON, Mr. INHOFE, Mr. MURKOWSKI, Mr. BOND, and Mr. GRAMS):

S.J. Res. 44. A Joint Resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 1894. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to improve a warning label requirement; to the Committee on Commerce, Science, and Transportation.

ALCOHOLIC BEVERAGE LABELING ACT AMENDMENTS

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce a bill to amend the Alcoholic Beverage Labeling Act of 1988. Current law requires all containers of alcoholic beverages to display the following warning on the label:

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

For nine years this warning has made consumers aware of some of the potential dangers associated with the consumption of alcohol. While I am confident that this warning appropriately illustrates the hazards of drinking during pregnancy and drinking and driving, I am concerned that it does not adequately describe the negative health effects associated with drinking alcohol. There is no shortage of well-substantiated information about the detrimental health effects of drinking. Excessive consumption of alcohol can raise the risk of stroke, heart disease, high blood pressure, certain cancers, malnutrition, cirrhosis of the liver, inflammation of the pancreas, and damage to the brain and heart. Obviously, there are so many adverse consequences of excessive alcohol consumption that it would be impossible to include them all on the face of a label. The bill I am introducing today, however, will warn consumers of the dangers associated with moderate consumption of alcohol. I am concerned that citizens may not realize that even moderate consumption of alcohol can put their health at risk. A recent study conducted by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) indicates that there is an increased risk of breast cancer associated with moderate drinking. Specifically, there is a 40 percent increase in the risk of breast cancer associated with an average intake of one drink per day, and a doubling of the risk of breast cancer with an average consumption of three drinks per day. The NIAAA study also revealed that a moderate alcohol intake of about two drinks per day can lead to an increase in blood pressure.

Mr. President, the use of alcoholic beverages, even in moderate amounts, can have very serious health consequences that might ultimately be fatal. The government has a legitimate and important role to play in helping to assure that Americans understand these dangers. The legislation I am introducing today will supplement the current warning on labels to inform consumers of the dangers of moderate alcohol consumption. Further, this legislation will require that the warning label indicate that consumption of alcohol may lead to alcoholism. Alcohol has an addictive effect much like illegal drugs, and it is important that consumers are aware of this fact.

I urge my colleagues to join me in cosponsoring this critical legislation and look forward to its speedy passage.

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

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

S. 1894

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

SECTION 1. LABELING REQUIREMENT.

Section 204(a) of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 215(a)) is amended by striking ''may cause health problems'' and inserting ''may lead to alcoholism. (3) Moderate consumption of alcoholic beverages may cause health problems such as hypertension and breast cancer''.

By Mr. MCCONNELL:

S. 1896. A bill to transfer administrative jurisdiction over Land Between the Lakes National Recreation Area to the Secretary of Agriculture; to the Committee on Environment and Public Works.

THE LAND BETWEEN THE LAKES PROTECTION ACT OF 1998

Mr. MCCONNELL. Mr. President I have come to the floor today to introduce a bill known as the Land Between the Lakes Protection Act. Land Between the Lakes is a national treasure that must be protected. It is visited by more than 2 million tourists a year who enjoy its natural beauty, whether by camping, fishing, hunting, or just taking a long hike with the family.

That's why, after studying this issue for over a year, we have drafted a bill to ensure that the LBL, which so many Kentuckians enjoy today, will be there for them—unchanged—tomorrow.

As a member of the Senate Appropriations Committee, my top priority has been to provide LBL the money it needs to operate—including $6.9 million last year. I remain committed to providing that funding to ensure that LBL remains a national treasure just like Mammoth Cave or Daniel Boone National Forest.

But because of TVA Chairman Craven Crowell's harmful and ill-considered request last year to zero-out LBL's funding, it may be that Congress will deny funding to TVA's non-power budget this year. Because of this reality, LBL needs a safety net. That's what this bill is—a safety net.

If Congress decides to fund TVA then TVA will remain LBL's steward. If TVA is denied funding, my bill will safely and seamlessly transition LBL to a less controversial steward without interrupting the myriad of recreational activities that millions of visitors have come to enjoy every year.

There may be some who want to gamble everything on TVA receiving its appropriation. But I believe LBL is far too precious for such an all or nothing gambit. That's why our bill provides for both contingencies.

Mr. President, let me take a moment to explain some of the provisions I have included in this legislation based on the input I have received from area residents, and those who enjoy LBL. The goal of this bill is to ensure that the day to day operations of LBL remain the same for its visitors. Therefore, this bill codifies LBL's 1972 mission statement and ensures that the Forest Service continues to manage LBL for multiple use with a focus on recreation, conservation and environmental education.

This legislation also gives the U.S. Fish and Wildlife Service the authority

to assist the Forest Service in managing the wildlife populations and educating visitors on the unique species at LBL, with an emphasis on endangered species, like the American bald eagle. LBL is home to over 100 eagles.

One of the most important aspects of this bill is the creation of a 17-member citizen advisory board that will assist the Forest Service in establishing a management plan at LBL. I believe this will ensure that LBL managers are more responsive to the local concerns about development at LBL. This will ensure that proposals like the ''Five Concepts'' proposed by TVA in 1995 will never be considered again.

We have given the authority to Federal, State and local officials to appoint the members to the board. While the board will represent a variety of interests, I am confident that each will have the best intentions for LBL foremost in mind.

The Secretary will appoint 4 individuals, two from each state. The Governors from Kentucky and Tennessee will each nominate two individuals from their state. The Kentucky and Tennessee Fish and Wildlife Commissioners will each nominate 1 person. The Land Between the Lakes Association, which is a non-profit organization that operates the gift shops, planetarium and welcome stations at LBL, will nominate one individual. The County Judge Executives from each of the three counties, which make up LBL will each nominate two individuals.

This bill also protects existing TVA payments to counties, and increases federal payments in lieu of taxes. This will ensure that county schools and county services are not negatively impacted.

This bill creates a $5 million trust fund to be used for internships, education grants, and regional economic and tourism promotion.

Finally, the bill also seeks to minimize any disruption to the employees working at LBL. We have sought to ensure that all eligible benefits provided to an employee will not be diminished or lost as a result of transferring this facility. This bill also provides a generous severance package based on a previous downsizing package offered by TVA.

Mr. President, we are rapidly nearing the end of the fiscal year and we need to ensure that this safety net is available if TVA doesn't receive sufficient funding. I look forward to working with my colleagues in the House and Senate, Republican and Democrat alike, putting aside politics and doing right by all those who treasure LBL.

Finally, I want to thank the hundreds of Kentuckians who have worked so closely with us in drafting this bill. I believe the plan we have arrived at together will help secure LBL's future for a long, long time.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1896

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be referred to as ''The Land Between the Lakes Protection Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ADVISORY BOARD.—The term ''Advisory Board'' means the Land Between the Lakes Advisory Board established under section 202.

(3) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Board of Directors of the Tennessee Valley Authority.

(4) ELIGIBLE EMPLOYEE.—The term ''eligible employee'' means a person that was, on the date of enactment of this Act, a full-time employee of the Tennessee Valley Authority at the Recreation Area.

(5) ENVIRONMENTAL LAW.—

(A) IN GENERAL.—The term ''environmental law'' means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural and cultural resources, or the environment.

(B) INCLUSIONS.—The term ''environmental law'' includes—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iv) the Clean Air Act (42 U.S.C. 7401 et seq.);

(v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(6) FOREST HIGHWAY.—The term ''forest highway'' has the meaning given the term in section 101(a) of title 23, United States Code.

(7) GOVERNMENTAL UNIT.—The term ''governmental unit'' means an agency of the Federal Government or a State or local government, local governmental unit, public or municipal corporation, or unit of a State university system.

(8) HAZARDOUS SUBSTANCE.—The term ''hazardous substance'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(9) PERSON.—The term ''person'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(10) POLLUTANT OR CONTAMINANT.—The term ''pollutant or contaminant'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(11) RECREATION AREA.—The term ''Recreation Area'' means the Land Between the Lakes National Recreation Area.

(12) RELEASE.—The term ''release'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(13) RESPONSE ACTION.—The term ''response action'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(15) STATE.—The term ''State'' means the State of Kentucky and the State of Tennessee.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to transfer without consideration administrative jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary so that the Recreation Area may be managed as a unit of the National Forest System;

(2) to protect and manage the resources of the Recreation Area for optimum yield of outdoor recreation and environmental education through multiple use management by the Forest Service;

(3) to authorize, research, test, and demonstrate innovative programs and cost-effective management of the Recreation Area;

(4) to authorize the Secretary to cooperate between and among the States, Federal agencies, private organizations, and corporations, and individuals, as appropriate, in the management of the Recreation Area and to help stimulate the development of the surrounding region and extend the beneficial results as widely as practicable; and

(5) to provide for the smooth and equitable transfer of jurisdiction from the Tennessee Valley Authority to the Secretary.

TITLE I—ESTABLISHMENT, ADMINISTRATION, AND JURISDICTION

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—On the transfer of administrative jurisdiction under section 301, the Land Between the Lakes National Recreation Area in the States of Kentucky and Tennessee is established as a unit of the National Forest System.

(b) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Recreation Area for multiple use as a unit of the National Forest System.

(2) EMPHASES.—The emphases in the management of the Recreation Area shall be—

(A) to provide public recreational opportunities;

(B) to conserve fish and wildlife and their habitat; and

(C) to provide for diversity of native and desirable non-native plants, animals, opportunities for hunting and fishing, and environmental education.

(3) STATUS OF UNIT.—The Secretary may administer the Recreation Area as a separate unit of the National Forest System or in conjunction with an existing national forest.

(c) AREA INCLUDED.—

(1) IN GENERAL.—The Recreation Area shall comprise the federally owned land, water, and interests in the land and water lying between Kentucky Lake and Lake Barkley in the States of Kentucky and Tennessee, as generally depicted on the map entitled ''Land Between the Lakes National Recreation Area—January, 1998''.

(2) MAP.—The map described in paragraph (1) shall be available for public inspection in the Office of the Chief of the Forest Service, Washington, D.C.

(d) WATERS.—

(1) WATER LEVELS AND NAVIGATION.—Nothing in this Act affects the jurisdiction of the Tennessee Valley Authority or the Army Corps of Engineers to manage and regulate water levels and navigation of Kentucky Lake and Lake Barkley and areas subject to flood easements.

(2) OCCUPANCY AND USE.—Subject to the jurisdiction of the Tennessee Valley Authority and the Army Corps of Engineers, the Secretary shall have jurisdiction to regulate the occupancy and use of the surface waters of the lakes for recreational purposes.

SEC. 102. CIVIL AND CRIMINAL JURISDICTION.

(a) ADMINISTRATION.—The Secretary, acting through the Chief of the Forest Service, shall administer the Recreation Area in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System.

(b) STATUS.—Land within the Recreation Area shall have the status of land acquired under the Act of March 1, 1911 (commonly known as the ''Weeks Act'') (16 U.S.C. 515 et seq.).

SEC. 103. PAYMENTS TO STATES AND COUNTIES.

(a) PAYMENTS IN LIEU OF TAXES.—Land within the Recreation Area shall be subject to the provisions for payments in lieu of taxes under chapter 69 of title 31, United States Code.

(b) DISTRIBUTION.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall not be subject to distribution to States under the Act of May 23, 1908 (16 U.S.C. 500).

(c) PAYMENTS BY THE TENNESSEE VALLEY AUTHORITY.—After the transfer of administrative jurisdiction is made under section 301—

(1) the Tennessee Valley Authority shall continue to calculate the amount of payments to be made to States and counties under section 13 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831*l*); and

(2) each State (including, for the purposes of this subsection, the State of Kentucky, the State of Tennessee, and any other State) that receives a payment under that section shall continue to calculate the amounts to be distributed to the State and local governments, as though the transfer had not been made.

SEC. 104. FOREST HIGHWAYS.

(a) IN GENERAL.—For purposes of section 204 of title 23, United States Code, the road known as ''The Trace'' and every other paved road within the Recreation Area (including any road constructed to secondary standards) shall be considered to be a forest highway.

(b) STATE RESPONSIBILITY.—

(1) IN GENERAL.—The States shall be responsible for the maintenance of forest highways within the Recreation Area.

(2) REIMBURSEMENT.—To the maximum extent provided by law, from funds appropriated to the Department of Transportation and available for purposes of highway construction and maintenance, the Secretary of Transportation shall reimburse the States for all or a portion of the costs of maintenance of forest highways in the Recreation Area.

TITLE II—MANAGEMENT PROVISIONS

SEC. 201. LAND AND RESOURCE MANAGEMENT PLAN.

(a) IN GENERAL.—As soon as practicable after the effective date of the transfer of jurisdiction under section 301, the Secretary shall prepare a land and resource management plan for the Recreation Area in conformity with the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.) and other applicable law.

(b) INTERIM PROVISION.—Until adoption of the land and resource management plan, the Secretary may use, as appropriate, the existing Tennessee Valley Authority management plan to provide interim management direction. Use of all or a portion of the management plan by the Secretary shall not be considered to be a major Federal action significantly affecting the quality of the human environment.

SEC. 202. ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish the Land Between the Lakes Advisory Board.

(b) MEMBERSHIP.—The Advisory Board shall be composed of 17 members appointed as follows:

(1) 4 individuals appointed by the Secretary, including—

(A) 2 residents of the State of Kentucky; and

(B) 2 residents of the State of Tennessee.

(2) 2 individuals, including—

(A) 1 individual appointed by the Kentucky Fish and Wildlife Commissioner or designee; and

(B) 1 individual appointed by the Tennessee Fish and Wildlife Commission or designee.

(3) 1 individual appointed by the Land Between the Lakes Association.

(4) 4 individuals, including—

(A) 2 individuals appointed by the Governor of the State of Tennessee; and

(B) 2 individuals appointed by the Governor of the State of Kentucky.

(5) 6 individuals, including 2 individuals appointed by each of the counties containing the Recreation Area.

(c) TERM.—

(1) IN GENERAL.—The term of a member of the Advisory Board shall be 5 years.

(2) SUCCESSION.—Members of the Advisory Board may not succeed themselves.

(d) CHAIRPERSON.—The Regional Forester shall serve as chairperson of the Advisory Board.

(e) RULES OF PROCEDURE.—The Secretary shall prescribe the rules of procedure for the Advisory Board.

(f) FUNCTIONS.—The Advisory Board may advise the Secretary on—

(1) means of promoting public participation for the land and resource management plan for the Recreation Area; and

(2) environmental education.

(g) MEETINGS.—

(1) FREQUENCY.—The Advisory Board shall meet at least biannually.

(2) PUBLIC MEETING.—A meeting of the Advisory Board shall be open to the general public.

(3) NOTICE OF MEETINGS.—The chairperson, through the placement of notices in local news media and by other appropriate means shall give 2 weeks' public notice of each meeting of the Advisory Board.

(h) TERMINATION.—The Secretary may terminate the Advisory Board on or after the date as of which the Secretary determines that implementation of the initial land and resource management plan for the Recreation Area under section 201 has begun.

SEC. 203. FEES.

(a) AUTHORITY.—The Secretary may charge reasonable fees for admission to and the use of the designated sites, or for activities, within the Recreation Area.

(b) FACTORS.—In determining whether to charge fees, the Secretary may consider the costs of collection weighed against potential income.

(c) LIMITATION.—No general entrance fees shall be charged within the Recreation Area.

SEC. 204. DISPOSITION OF RECEIPTS.

(a) IN GENERAL.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall be deposited in a special fund in the Treasury of the United States to be known as the ''Land Between the Lakes Management Fund''.

(b) USE.—Amounts in the Fund shall be available to the Secretary until expended, without further Act of appropriation, for the management of the Recreation Area, including payment of salaries and expenses.

SEC. 205. SPECIAL USE AUTHORIZATIONS.

(a) IN GENERAL.—In addition to other authorities for the authorization of special uses within the National Forest System, within the Recreation Area, the Secretary may, on such terms and conditions as the Secretary may prescribe—

(1) convey for no consideration perpetual easements to governmental units for public roads over U.S. Route 68 and the Trace, and such other rights-of-way as the Secretary and a governmental unit may agree;

(2) transfer or lease to governmental units developed recreation sites or other facilities to be managed for public purposes; and

(3) lease or authorize developed recreational sites or other facilities, consistent with sections 3(2) and 101(b)(2), to for-profit and not-for-profit corporations and organizations for renewable periods not to exceed 30 years.

(b) CONSIDERATION.—

(1) IN GENERAL.—Consideration for a lease or other special use authorization within the Recreation Area shall be based on fair market value.

(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive a fee to a governmental unit or nonprofit organization commensurate with other consideration provided to the United States, as determined by the Secretary.

(c) PROCEDURE.—The Secretary may use any fair and equitable method for authorizing special uses within the Recreation Area, including public solicitation of proposals.

(d) EXISTING AUTHORIZATIONS.—

(1) IN GENERAL.—A permit or other authorization granted by the Tennessee Valley Authority that is in effect on the date of enactment of this Act may continue on transfer of administration of the Recreation Area to the Secretary.

(2) REISSUANCE.—A permit or authorization described in paragraph (1) may be reissued on termination under terms and conditions prescribed by the Secretary.

(3) EXERCISE OF RIGHTS.—The Secretary may exercise any of the rights of the Tennessee Valley Authority contained in any

permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

SEC. 206. COOPERATIVE AUTHORITIES AND GIFTS.

(a) FISH AND WILDLIFE SERVICE.—

(1) MANAGEMENT.—

(A) IN GENERAL.—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may issue a special use authorization to the United States Fish and Wildlife Service for the management by the Service of facilities and land agreed on by the Secretary and the Secretary of the Interior.

(B) FEES.—

(i) IN GENERAL.—Reasonable admission and use fees may be charged for all areas administered by the United States Fish and Wildlife Service.

(ii) DEPOSIT.—The fees shall be deposited in accordance with section 204.

(2) COOPERATION.—The Secretary and the Secretary of the Interior may cooperate or act jointly on activities such as population monitoring and inventory of fish and wildlife with emphasis on migratory birds and endangered and threatened species, environmental education, visitor services, conservation demonstration projects and scientific research.

(3) SUBORDINATION OF FISH AND WILDLIFE ACTIVITIES TO OVERALL MANAGEMENT.—The management and use of areas and facilities under permit to the United States Fish and Wildlife Service as authorized pursuant to this section shall be subordinate to the overall management of the Recreation Area as directed by the Secretary.

(b) AUTHORITIES.—For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may—

(1) make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals; and

(2) accept gifts under Public Law 95–442 (7 U.S.C. 2269) notwithstanding that the donor conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

SEC. 207. DESIGNATION OF NATIONAL RECREATION TRAIL.

Effective on the date of enactment of this Act, the North-South Trail is designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243).

SEC. 208. CEMETERIES.

The Secretary shall conduct an inventory of and ensure access to all cemeteries within the Recreation Area for purposes of visitation and maintenance.

SEC. 209. RESOURCE MANAGEMENT.

(a) MINERALS.—

(1) WITHDRAWAL.—The land within the Recreation Area is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(2) USE OF MINERAL MATERIALS.—The Secretary may permit the use of common varieties of mineral materials for the development and maintenance of the Recreation Area.

(b) HUNTING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting and fishing on land and water under the jurisdiction of the Secretary within the boundaries of the Recreation Area in accordance with applicable laws of the United States and of each State, respectively.

(2) PROHIBITION.—

(A) IN GENERAL.—The Secretary may designate areas where, and establish periods when, hunting or fishing is prohibited for reasons of public safety, administration, or public use and enjoyment.

(B) CONSULTATION.—Except in emergencies, a prohibition under subparagraph (A) shall become effective only after consultation with the appropriate fish and game departments of the States.

(3) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction or responsibilities of the States with respect to wildlife and fish on national forests.

SEC. 210. DAMS AND IMPOUNDMENTS.

(a) IN GENERAL.—The Tennessee Valley Authority and the Army Corps of Engineers, as appropriate, shall be responsible for the maintenance of all dams, dikes, causeways, impoundments, subimpoundments, and other water resources facilities, including appurtenant roads and boat ramps, existing within the Recreation Area on the date of enactment of this Act.

(b) REMOVAL.—A facility described in subsection (a) may be removed and the associated land and water area restored to a natural condition only with the approval of the Secretary.

SEC. 211. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a special interest-bearing fund known as the ''Land Between the Lakes Trust Fund''.

(b) AVAILABILITY.—Amounts in the Fund shall be available to the Secretary, until expended, for—

(1) public education, grants, and internships related to recreation, conservation, and multiple use land management in the Recreation Area; and

(2) regional promotion in the Recreation Area, in cooperation with development districts, chambers of commerce, and State and local governments.

(c) DEPOSITS.—From revenues available to the Tennessee Valley Authority from any source, the Tennessee Valley Authority shall deposit into the Fund $1,000,000 annually for each of 5 fiscal years that begin after the date of enactment of this Act.

SEC. 212. ELECTRICITY.

The Tennessee Valley Authority shall compensate distributors in providing the Secretary, at no charge, continued electrical service, including maintenance of all lines, poles, and other facilities necessary for the distribution and use of electric power.

TITLE III—TRANSFER PROVISIONS

SEC. 301. EFFECTIVE DATE OF TRANSFER.

Effective on October 1 of the first fiscal year for which Congress does not appropriate to the Tennessee Valley Authority at least $6,000,000 for the Recreation Area, administrative jurisdiction over the Recreation Area is transferred from the Tennessee Valley Authority to the Secretary.

SEC. 302. STATEMENT OF POLICY.

It is the policy of the United States that, to the maximum extent practicable—

(1) the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary should be effected in an efficient and cost-effective manner; and

(2) due consideration should be given to minimizing—

(A) disruption of the personal lives of the Tennessee Valley Authority and Forest Service employees; and

(B) adverse impacts on permittees, contractees, and others owning or operating businesses affected by the transfer.

SEC. 303. MEMORANDUM OF AGREEMENT.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of agreement concerning implementation of this Act.

(b) PROVISIONS.—The memorandum of understanding shall provide procedures for—

(1) the orderly withdrawal of officers and employees of the Tennessee Valley Authority;

(2) the transfer of property, fixtures, and facilities;

(3) the interagency transfer of officers and employees;

(4) the transfer of records; and

(5) other transfer issues.

(c) TRANSITION TEAM.—

(1) IN GENERAL.—The memorandum of understanding may provide for a transition team consisting of the Tennessee Valley Authority and Forest Service employees.

(2) DURATION.—The team may continue in existence after the date of transfer.

(3) PERSONNEL COSTS.—The Tennessee Valley Authority and the Forest Service shall pay personnel costs of their respective team members.

SEC. 304. RECORDS.

(a) RECREATION AREA RECORDS.—The Secretary shall have access to all records of the Tennessee Valley Authority pertaining to the management of the Recreation Area.

(b) PERSONNEL RECORDS.—The Tennessee Valley Authority personnel records shall be made available to the Secretary, on request, to the extent the records are relevant to Forest Service administration.

(c) CONFIDENTIALITY.—The Tennessee Valley Authority may prescribe terms and conditions on the availability of records to protect the confidentiality of private or proprietary information.

(d) LAND TITLE RECORDS.—The Tennessee Valley Authority shall provide to the Secretary original records pertaining to land titles, surveys, and other records pertaining to transferred personal property and facilities.

SEC. 305. TRANSFER OF PERSONAL PROPERTY.

(a) SUBJECT PROPERTY.—

(1) INVENTORY.—Not later than 60 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide the Secretary with an inventory of all property and facilities at the Recreation Area.

(2) AVAILABILITY FOR TRANSFER.—

(A) IN GENERAL.—All Tennessee Valley Authority property associated with the administration of the Recreation Area as of January 1, 1998, including any property purchased with Federal funds appropriated for the management of the Tennessee Valley Authority land, shall be available for transfer to the Secretary.

(B) PROPERTY INCLUDED.—Property under subparagraph (A) includes buildings, office furniture and supplies, computers, office equipment, buildings, vehicles, tools, equipment, maintenance supplies, boats, engines, and publications.

(3) EXCLUSION OF PROPERTY.—At the request of the authorized representative of the Tennessee Valley Authority, the Secretary may exclude movable property from transfer based on a showing by the Tennessee Valley Authority that the property is vital to the mission of the Tennessee Valley Authority and cannot be replaced in a cost-effective manner, if the Secretary determines that the property is not needed for management of the Recreation Area.

(b) DESIGNATION.—Pursuant to such procedures as may be prescribed in the memorandum of agreement entered into under section 303, the Secretary shall identify and designate, in writing, all Tennessee Valley Authority property to be transferred to the Secretary.

(c) FACILITATION OF TRANSFER.—The Tennessee Valley Authority shall, to the maximum extent practicable, use existing appropriated and unappropriated funds and current personnel to facilitate the transfer of

necessary property and facilities to the Secretary, including replacement of signs and insignia, repainting of vehicles, printing of public information, and training of new personnel.

(d) SURPLUS PROPERTY.—

(1) DISPOSITION.—Any personal property, including structures and facilities, that the Secretary determines cannot be efficiently managed and maintained either by the Forest Service or by lease or permit to other persons may be declared excess by the Secretary and—

(A) sold by the Secretary on such terms and conditions as the Secretary may prescribe to achieve the maximum benefit to the Federal Government; or

(B) disposed of under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(2) DEPOSIT OF PROCEEDS.—All net proceeds from the disposal of any property shall be deposited into the Fund established by section 211.

SEC. 306. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) DOCUMENTATION OF EXISTING CONDITIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Chairman and the Administrator shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the Recreation Area property.

(2) ADDITIONAL DOCUMENTATION.—The Chairman and the Administrator shall provide the Secretary with any additional documentation and information regarding the environmental condition of the Recreation Area property as such documentation and information becomes available.

(b) ACTION REQUIRED.—

(1) ASSESSMENT.—Not later than 120 days from the date of enactment of this Act, the Chairman shall provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on Recreation Area property.

(2) MEMORANDUM OF UNDERSTANDING.—If the assessment concludes action is required under any environmental law with respect to any portion of the Recreation Area property, the Secretary and the Chairman shall enter into a memorandum of understanding that—

(A) provides for the performance by the Chairman of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(c) DOCUMENTATION DEMONSTRATING ACTION.—On the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary, the Chairman shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on Recreation Area property.

(d) CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.—

(1) IN GENERAL.—The transfer of the Recreation Area property under this Act, and the requirements of this section, shall not in any way affect the responsibilities and liabilities of the Tennessee Valley Authority at the Recreation Area under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or any other environmental law.

(2) ACCESS.—After transfer of the Recreation Area property, the Chairman shall be accorded any access to the property that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) NO LIABILITY.—The Secretary shall not be liable under any environmental law for matters that are related directly or indirectly to present or past activities of the Tennessee Valley Authority on the Recreation Area property, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at or related to the Recreation Area; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Recreation Area or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Recreation Area, including contamination resulting from migration.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Except as provided in paragraph (3), nothing in this Act affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under any environmental law of any person with respect to the Secretary.

(e) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Recreation Area resulting in the release or threatened release of a hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product for which that agency would be liable under any environmental law shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or their derivatives.

SEC. 307. PERSONNEL.

(a) IN GENERAL.—

(1) HIRING.—Notwithstanding section 3503 of title 5, United States Code, and subject to paragraph (2), the Secretary may—

(A) appoint, hire, and discharge officers and employees to administer the Recreation Area; and

(B) pay the officers and employees at levels that are commensurate with levels at other units of the National Forest System.

(2) INTERIM RETENTION OF ELIGIBLE EMPLOYEES.—

(A) IN GENERAL.—For a period of not less than 5 months after the effective date of transfer to the Forest Service—

(i) all eligible employees shall be retained in the employment of the Tennessee Valley Authority;

(ii) those eligible employees shall be considered to be placed on detail to the Secretary and shall be subject to the direction of the Secretary; and

(iii) the Secretary shall reimburse the Tennessee Valley Authority for the amount of the basic pay of those eligible employees, and the Tennessee Valley Authority shall remain responsible for all other compensation of those employees.

(B) NOTICE TO EMPLOYEES.—The Secretary shall provide eligible employees a written notice of not less than 30 days before termination.

(C) TERMINATION FOR CAUSE.—Subparagraph (A) does not preclude a termination for cause during the 5-month period.

(b) APPLICATIONS FOR TRANSFER AND APPOINTMENT.—An eligible employee shall have the right to apply for employment by the Secretary under procedures for transfer and appointment of Federal employees outside the Department of Agriculture.

(c) HIRING BY THE SECRETARY.—

(1) IN GENERAL.—Subject to subsection (b), in filling personnel positions within the Recreation Area, the Secretary shall follow all laws (including regulations) and policies applicable to the Department of Agriculture.

(2) NOTIFICATION AND HIRING.—Notwithstanding paragraph (1), the Secretary—

(A) shall notify all eligible employees of all openings for positions with the Forest Service at the Recreation Area before notifying other individuals or considering applications by other individuals for the positions; and

(B) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(3) NONCOMPETITIVE APPOINTMENTS.—Notwithstanding any other placement of career transition programs authorized by the Office of Personnel Management of the United States Department of Agriculture, the Secretary may noncompetitively appoint eligible employees to positions in the Recreation Area.

(4) PERIOD OF SERVICE.—Except to the extent that an eligible employee that is appointed by the Secretary may be otherwise compensated for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the Secretary for the purposes of probation, career tenure, time-in-grade, and leave.

(d) TRANSFER TO POSITIONS IN OTHER UNITS OF THE TENNESSEE VALLEY AUTHORITY.—The Tennessee Valley Authority—

(1) shall notify all eligible employees of all openings for positions in other units of the Tennessee Valley Authority before notifying other individuals or considering applications by other individuals for the positions; and

(2) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(e) EMPLOYEE BENEFIT TRANSITION.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The Secretary and the heads of the Office of Personnel Management and the Tennessee Valley Authority Retirement System shall enter into a memorandum of understanding providing for the transition for all eligible employees of compensation made available through the Tennessee Valley Authority Retirement System.

(B) EMPLOYEE PARTICIPATION.—In deciding on the terms of the memorandum of understanding, the Secretary and the heads of the Office of Personnel Management and the Tennessee Valley Authority Retirement System shall meet and consult with and give full consideration to the views of employees and representatives of the employees of the Tennessee Valley Authority.

(2) ELIGIBLE EMPLOYEES THAT ARE TRANSFERRED TO OTHER UNITS OF TVA.—An eligible employee that is transferred to another unit of the Tennessee Valley Authority shall experience no interruption in coverage for or reduction of any retirement, health, leave, or other employee benefit.

(3) ELIGIBLE EMPLOYEES THAT ARE HIRED BY THE SECRETARY.—

(A) LEVEL OF BENEFITS.—The Secretary shall provide to an eligible employee that is hired by the Forest Service a level of retirement and health benefits that is equivalent to the level to which the eligible employee would have been entitled if the eligible employee had remained an employee of the Tennessee Valley Authority.

(B) TRANSFER OF RETIREMENT BENEFITS.—

(i) IN GENERAL.—All retirement benefits accrued by an eligible employee that is hired by the Forest Service shall be transferred into the Federal Retirement System of the Forest Service.

(ii) FUNDING SHORTFALL.—

(I) IN GENERAL.—For all eligible employees that are not part of the Civil Service Retirement System, the Tennessee Valley Authority shall meet any funding shortfall resulting from the transfer of retirement benefits.

(II) NOTIFICATION.—The Secretary shall notify the Tennessee Valley Authority Board of the cost associated with the transfer of retirement benefits.

(III) PAYMENT.—Not later than 60 days after notification under subclause (II), the Tennessee Valley Authority, using nonappropriated funds, shall fully compensate the Secretary for the costs associated with the transfer of retirement benefits.

(IV) NO INTERRUPTION.—An eligible employee that is hired by the Forest Service and is eligible for Civil Service Retirement shall not experience any interruption in retirement benefits.

(B) NO INTERRUPTION.—An eligible employee that is hired by the Secretary—

(i) shall experience no interruption in coverage for any health, leave, or other employee benefit; and

(ii) shall be entitled to carry over any leave time accumulated during employment by the Tennessee Valley Authority.

(C) PERIOD OF SERVICE.—Notwithstanding section 8411(b)(3) of title 5, United States Code, except to the extent that an eligible employee may be otherwise compensated (including the provision of retirement benefits in accordance with the memorandum of understanding) for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the Secretary for all purposes relating to the Federal employment of the eligible employee.

(4) ELIGIBLE EMPLOYEES THAT ARE DISCHARGED NOT FOR CAUSE.—

(A) LEVEL OF BENEFITS.—The parties to the memorandum of understanding shall have authority to deem any applicable requirement to be met, to make payments to an employee, or take any other action necessary to provide to an eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause and that does not accept an offer of employment from the Secretary, an optimum level of retirement and health benefits that is equivalent to the level that has been afforded employees discharged in previous reductions in force by the Tennessee Valley Authority.

(B) MINIMUM BENEFITS.—An eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause shall, at a minimum, be entitled to—

(i) at the option of the eligible employee—

(I) a lump-sum equal to $1,000, multiplied by the number of years of service of the eligible employee (but not less than $15,000 nor more than $25,000);

(II) a lump-sum payment equal to the amount of pay earned by the eligible employee for the last 26 weeks of the eligible employee's service; or

(III) the deemed addition of 5 years to the age and years of service of an eligible employee;

(ii) 15 months of health benefits for employees and dependents at the same level provided as of September 30, 1998;

(iii) 1 week of pay per year of service as provided by the Tennessee Valley Authority Retirement System;

(iv) a lump-sum payment of all accumulated annual leave;

(v) unemployment compensation in accordance with State law;

(vi) eligible pension benefits as provided by the Tennessee Valley Authority Retirement System; and

(vii) retraining assistance provided by the Tennessee Valley Authority.

(C) SHORTFALL.—If the board of directors of the Tennessee Valley Authority Retirement System determines that the cost of providing the benefits described in subparagraph (B) would have a negative impact on the overall retirement system, the Tennessee Valley Authority shall be required to meet any funding shortfalls using nonappropriated funds.

TITLE IV—FUNDING

SEC. 401. TENNESSEE VALLEY AUTHORITY TRANSITIONAL FUNDING.

(a) AVAILABILITY TO THE SECRETARY.—

(1) IN GENERAL.—After the effective date of transfer of jurisdiction of the Recreation Area from the Tennessee Valley Authority to the Secretary, all of the funds authorized to be appropriated to the Tennessee Valley Authority for the administration of the Recreation Area shall be available to the Secretary to carry out this Act.

(2) INTERAGENCY AGREEMENT.—Funds made available to the Tennessee Valley Authority for the transition shall be made available to the Secretary pursuant to an interagency agreement.

(b) AVAILABILITY TO THE UNITED STATES FISH AND WILDLIFE SERVICE.—Funds appropriated to the Secretary of the Interior for purposes of the United States Fish and Wildlife Service shall be available to administer any portions of the Recreation Area that are authorized for administration by the Service under section 206(a).

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) AGRICULTURE.—There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary to—

(1) permit the Secretary to exercise administrative jurisdiction over the Recreation Area under this Act; and

(2) administer the Recreation Area area as a unit of the National Forest System.

(b) INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to carry out activities within the Recreation Area.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERREY):

S. 1897. A bill to require accurate billing by telecommunications carriers with respect to the costs and fees resulting from the enactment of the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER PROTECTION ACT

Mr. ROCKEFELLER. Mr. President, it took Congress a decade to forge consensus necessary to pass the 1996 Telecommunication Act. This bold law was designed to promote competition in the dynamic telecommunications industry, but such competition is to be balanced by maintaining the commitment to universal service, a fundamental principle which has ensured affordable access to communications for every American, especially those in rural areas.

I voted for this historic legislation because in my view it struck the right balance.

I support competition, but I will insist on universal service.

And I will insist on time to fully implement the Act. This bold law seeks to move the $200 billion telecommunications industry to a more competitive market, but it will not happen overnight. President Clinton signed this major legislation into law in February 1998, just two years ago. This started the telecommunications industry on the path toward competition, but there have been some road blocks along the way with implementation snags, mergers instead of competition, and excessive litigation.

The current result, unfortunately, is confusion.

I do not want to reopen the Telecommunications Act, but I do want to relieve the confusion among consumers who seem to be bearing the brunt of this transition. Today, I am introducing bipartisan legislation called the Consumer Protection Act to ensure ''truth in billing.'' I believe that consumers deserve to have the truth, the whole truth about changes in billings.

As the telecommunications industry moves from a regulated, monopolistic model into a more competitive model, we need to ensure that consumers get the information they need to make wise decisions in selecting their telecommunications carriers. In a regulated market, the regulations are intended to protect consumers' interests. Under a more competitive model, we need to ensure that accurate information is provided to consumers so they can protect themselves and use their ability to choose in the market place.

This legislation is very simple. It directs the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC) to investigate billing practices, and report on the findings to Congress. If this investigation exposes misleading practices, we need to have disciplinary action to protect consumers.

If telecommunications companies choose to use line-items on phones bills, those companies must accurately report all regulatory actions, including how federal actions reduce costs, such as the $1.5 billion in access reductions provided in July 1997.

This legislation ensures that telecommunications companies cannot selectively disclose only those pieces of information that are in the companies' interest. When federal actions bring rates down, consumers have the right to know. As the industry makes the transition to a more competitive market, consumers deserve a full accounting so they can make informed decisions when they choose their telecommunications provider.

The Consumer Protection Act will ensure that consumers will see on their own bill how companies allocate savings resulting from deregulation of the industry, as companies are required to disclose how savings are passed along to residential rates, small business rates and other customer payment

plans. This is not re-regulation. Nothing in this dictates how much companies can charge for their services. And nothing prevents companies from putting line items on bills. Those choices are still entirely at the companies' discretion. This legislation simply requires them to tell the whole truth if they choose to put a line item on customers bills.

The legislation has a third provision that requires companies using a line-item on customer bills to file with the FCC all the revenue and company reports they now file with the Securities and Exchange Commission (SEC).

The idea behind this requirement is simple. Since we require companies to report their revenues to the SEC in order to protect stockholders, shouldn't we provide the same information to the FCC in order to protect consumers?

During this period of transition from a monopoly-based system to a market-based system, there will be some ups and downs. But we should act to minimize confusion and protect consumers as the new market evolves.

At the state level, public service commissions are beginning to take steps to provide fuller, more accurate information to consumers. In January of this year, New York Administrative Law Judge Eleanor Stein recommended that telecommunications carriers be required to disclose fully, in bills of all classes of customers, the fee increases and fee reductions resulting from the enactment of the 1996 Telecommunications Act.

In February the National Association of Regulatory Utility Commissioners (NARUC) passed a resolution that clearly noted that line-items are a business choice made by companies not a mandate from the federal government. The NARUC resolution called on the FCC to take action to require interstate carriers to provide accurate customer notice and the purpose of line-items.

Some state officials are taking action. NARUC is calling on the FCC to lead. Now Congress needs to end the confusion, and tell consumers the truth.

I am proud that the Consumers Union supports this bipartisan legislation. I welcome the support of my colleagues, Senator SNOWE of Maine and Senator KERREY of Nebraska.

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

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

S. 1897

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

SECTION 1. FINDINGS; PURPOSE.

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

(1) Billing practices by telecommunications carriers may not reflect accurately the cost or basis of the additional telecommunications services and benefits that consumers receive as a result of the enactment of the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(2) Congress has never enacted a law with the intent of permitting providers of telecommunications services to misrepresent to customers the costs of providing services or the services provided.

(3) Certain providers of telecommunications services have established new, specific charges on customer bills commonly known as ''line-item charges''.

(4) Certain providers of telecommunications services have described such charges as ''Federal Universal Service Fees'' or similar fees.

(5) Such charges have generated significant confusion among customers regarding the nature of and scope of universal service and of the fees associated with universal service.

(6) The State of New York is considering action to protect consumers by requiring telecommunications carriers to disclose fully in the bills of all classes of customers the fee increases and fee reductions resulting from the enactment of the Telecommunications Act of 1996 and other regulatory actions taken since the enactment of that Act.

(7) The National Association of Regulatory Utility Commissioners adopted a resolution in February 1998 supporting action by the Federal Communications Commission to require interstate carriers to provide accurate customer notice regarding the implementation and purpose of end user charges.

(b) PURPOSE.—It is the purpose of this Act to require the Federal Communications Commission and the Federal Trade Commission to protect consumers of telecommunications services by assuring accurate cost reporting and billing practices by telecommunications carriers nationwide.

SEC. 2. INVESTIGATION OF TELECOMMUNICATIONS CARRIERS BILLING PRACTICES.

(a) INVESTIGATION.—

(1) REQUIREMENT.—The Federal Communications Commission and the Federal Trade Commission shall jointly conduct an investigation of the billing practices of telecommunications carriers.

(2) PURPOSE.—The purpose of the investigation is to determine whether the bills sent by carriers to their customers accurately assess and correctly characterize any additional fees paid by such customers for telecommunications services as a result of the enactment of the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(b) DETERMINATIONS.—In carrying out the investigation under subsection (a), the Federal Communications Commission and the Federal Trade Commission shall determine the following:

(1) The amount, if any, of additional fees imposed by telecommunications carriers on their customers as a result of the requirements of the Telecommunications Act of 1996 (including the amendments made by that Act) and other Federal regulatory actions taken since the enactment of that Act during the period beginning on June 30, 1997, and ending on the date of enactment of that Act.

(2) In the event that additional fees described in paragraph (1) are being imposed, the following:

(A) Whether the amount of such fees accurately reflect—

(i) the additional costs to carriers as a result of the enactment of that Act (including the amendments made by that Act) and other Federal regulatory actions taken since the enactment of that Act; and

(ii) any reductions in costs, or other financial benefits, to carriers as a result of the enactment of that Act (including such amendments) and other Federal regulatory actions taken since the enactment of that Act.

(B) Whether the bills that impose such fees characterize correctly the nature and basis of such fees.

(c) REVIEW OF RECORDS.—

(1) AUTHORITY.—For purposes of the investigation under subsection (a), the Federal Communications Commission and the Federal Trade Commission may obtain from any telecommunications carrier any record of the carrier that is relevant to the investigation.

(2) USE.—The Federal Communications Commission and the Federal Trade Commission may use records obtained under this subsection only for purposes of the investigation.

(d) DISCIPLINARY ACTIONS.—

(1) IN GENERAL.—In the event that the Federal Communications Commission or the Federal Trade Commission determine as a result of the investigation under subsection (a) that the bills sent by a telecommunications carrier to its customers does not accurately assess or correctly characterize any fee addressed in the investigation, the Federal Communications Commission or the Federal Trade Commission, as the case may be, shall take such actions against the carrier as such Commission is authorized to take under law.

(2) ADDITIONAL ACTIONS.—If the Federal Communications Commission or the Federal Trade Commission determines that such Commission does not have adequate authority under law to take appropriate actions under paragraph (1), the Federal Communications Commission and the Federal Trade Commission shall notify Congress of that determination in the report under subsection (e).

(e) REPORT.—Not later than 45 days after the date of enactment of this Act, the Federal Communications Commission and the Federal Trade Commission shall jointly submit to Congress a report on the results of the investigation under subsection (a). The report shall include the determination, if any, of either Commission under subsection (d)(2) and any recommendations for further legislative action that the Commissions consider appropriate.

SEC. 3. REQUIREMENTS FOR TELECOMMUNICATIONS CARRIERS IMPOSING CERTAIN FEES FOR SERVICES.

(a) REQUIREMENTS.—Any telecommunications carrier that includes on any of the bills sent to its customers a charge described in subsection (b) shall—

(1) specify in the bill imposing such charge any reduction in charges or fees allocable to all classes of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers) by reason of any regulatory action of the Federal Government; and

(2) submit to the Federal Communications Commission the reports required to be submitted by the carrier to the Securities and Exchange Commission under sections 13(a) and 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m(a), 78*o*(d)).

(b) COVERED CHARGES.—Subsection (a) applies in the case of the following charges:

(1) Any specific charge included after June 30, 1997, if the imposition of the charge is attributed to a regulatory action of the Federal Government.

(2) Any specific charge included before that date if the description of the charge is changed after that date to attribute the imposition of the charge to a regulatory action of the Federal Government.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1899. A bill entitled ''Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998''; to the Committee on Indian Affairs.

THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1998

Mr. BAUCUS. Mr. President, I rise today to introduce the ''Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998'' along with my colleague Senator BURNS.

This bill represents the culmination of sixteen years of intensive technical studies and six years of negotiations involving the Chippewa Cree Tribe, the State of Montana, local governments, water districts and ranchers as well as the United States Departments of justice and Interior.

The 108,000 acre Rocky Boy's Reservation is located west of Havre, Montana in the Bears Paw Mountains with portions extending onto the plains between the mountains and the Milk River in north-central Montana. Historically, the area was part of the large territory north of the Missouri and Musselshell Rivers designated for the Blackfeet Nation in the treaty of 1855.

In 1880 the Fort Assiniboine military reservation was established. In 1916 Congress set aside 56,035 acres for the Chippewa and Cree Bands of Chief Rocky Boy. In 1947 it was expanded by 45,523 acres bringing it to near its current size. None of the land has been allotted although some individual assignments have been made.

The reservation is home to over 3,000 tribal members and has an annual population growth exceeding 3%. While unemployment is estimated at nearly 70% the tribe has made important progress in economic development. Production of cattle and grain, development of timber and tourism provide solid sources of tribal income.

The reservation is located in an area of scarce water supply. Studies have demonstrated that the reservation could not sustain tribal membership without additional supplies of water for drinking, agricultural and municipal purposes.

Since 1992, the tribe, state and federal government have worked hard to reach an equitable water rights settlement.

The tribe and state reached tentative agreement on the compact in January 1997. The tribal Council passed a resolution supporting ratification of the agreement shortly thereafter. In the spring of 1997, the Montana State Senate unanimously ratified the compact and the State House gave its approval on a 91–9 vote. It was signed into law by the Governor of Montana on April 14, 1997.

This legislation ratifies the compact and settles the tribe's claims against the United States. The bill provides for:

(1) quantification of the tribe's water rights including 10,000 acre feet from surface and groundwater sources on the reservation as well as reserving 10,000 acre feet for the tribe from Lake Elwell, a US Bureau of Reclamation Project located approximately 50 miles from the reservation. The settlement does not provide for transport of this water to the reservation;

(2) mitigation of impacts on off-reservation water use including designating two pools of water stored in Bonneau Reservoir on the reservation for irrigation, stockwatering and maintenance of water quality on Box Elder Creek. Additional water will also be made available for protecting the Brook Trout fishery in upper Beaver Creek;

(3) authorization of two feasibility studies by the Bureau of Reclamation to examine water and related resources for both reservation and off-reservation water supplies in the area, and;

(4) authorization of $25 million in Federal funding for development of reservation water supplies including enlargement of Bonneau, Towe, Brown and East Fork Reservoirs; a $3 million dollar economic development fund for the tribe and $15 million for future importation of drinking water to the reservation, a much needed project in north central Montana. Additionally, $3 million will be provided for tribal administration of the agreement.

This legislation would never have become a reality without the hard work and cooperation of many people. I would especially like to recognize the staff and tribal council of the Chippewa Cree Tribe, the staff of the Montana Water Rights Compact Commission, the Department of Interior and the Native American Rights Fund. I am particularly grateful for the efforts of David Hayes, Special Counselor to Secretary Babbitt. Mr. Hayes' involvement was like a breath of fresh air, he moved forward when others were ready to give up on negotiations.

Mr. President, I look forward to working with Senator BURNS to expedite passage of this historic settlement.

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

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

S. 1899

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 ''Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998''.

SEC. 2 FINDINGS.

Congress hereby finds that—

(1) in fulfillment of its trust responsibility to Indian tribes and to promote tribal sovereignty and economic self sufficiency, it is the policy of the United States to settle the water rights claims of the tribes without lengthy and costly litigation;

(2) the Rocky Boy's Reservation was established as a homeland for the Chippewa Cree Tribe;

(3) adequate water for the Chippewa Cree Tribe of the Rocky Boy's Reservation is important to a permanent, sustainable and sovereign homeland for the Tribe and its members;

(4) the Chippewa Cree Tribe's sovereignty and Reservation economy depend on the development of the Reservation's water resources;

(5) the planning, design, and construction of the facilities needed to utilize water supplies effectively are necessary to the development of a viable Reservation economy and to implementation of the Chippewa Cree-Montana Water Rights Compact;

(6) the Rocky Boy's Reservation is located in a water short area of the State of Montana and the Compact contemplates the development of additional water supplies, including importation of domestic water, to meet the needs of the Chippewa Cree Tribe;

(7) proceedings to determine the full extent of the Chippewa Cree Tribe's water rights are currently pending before the Montana Water Court as a part of ''In the Matter of the Adjudication of All Rights to the Use of Water, Both Surface and Underground, within the State of Montana;''

(8) recognizing that final resolution of the general stream adjudication will take many years and entail great expense to all parties, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Chippewa Cree Tribe and the State of Montana entered into a Water Rights Compact on April 14, 1997; and

(9) the allocation of water resources from the Tiber Reservoir to the Tribe under this Act is uniquely suited to the geographic, social, and economic characteristics of the situation involved.

SEC. 3. PURPOSES OF ACT.

The purposes of this Act are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the State of Montana for—

(A) the Chippewa Cree Tribe; and

(B) the United States of America for the benefit of the Chippewa Cree Tribe;

(2) to approve, ratify, and confirm, as modified herein, the Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, and to provide funding and other authorization necessary to its implementation;

(3) to authorize the Secretary of the Interior to execute and implement the Water Rights Compact and to take such other actions as are necessary to implement the Compact consistent with this Act;

(4) to authorize Federal feasibility studies designed to identify and analyze potential mechanisms to enhance, through conservation or otherwise, water supplies in North Central Montana, including, but not limited to, mechanisms to import domestic water supplies for the future growth of the Rocky Boy's Indian Reservation;

(5) to authorize certain projects on the Rocky Boy's Indian Reservation, Montana, in order to implement the Compact;

(6) to authorize certain modifications to the purposes and operation of the Bureau of Reclamation's Tiber Dam and Lake Elwell on the Marias River in Montana in order to implement the Compact; and

(7) to authorize appropriation of funds necessary for the implementation of the Compact.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) ''Compact'' means the water rights compact between the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana published at 85–20–601 MCA (1997);

(2) ''Final'' with reference to approval of the decree in section 5(b) means completion of any direct appeal to the Montana Supreme Court of a final decree by the Water Court pursuant to 85–2–235, MCA (1997), or to the Federal Court of Appeals, including the expiration of the time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such a petition, or the issuance of the Supreme Court's mandate, whichever occurs last;

(3) ''Missouri River System'' means the mainstem of the Missouri River and its tributaries, including but not limited to the Marias River;

(4) ''Secretary'' means the Secretary of the United States Department of the Interior, or his or her duly authorized representative;

(5) ''Towe Ponds'' means the reservoir or reservoirs referred to as ''Stoneman Reservoir'' in the Compact;

(6) ''Tribal Compact Administration'' means the activities assumed by the Tribe for implementation of the Compact as set forth in Article IV of the Compact;

(7) ''Tribal Water Right'' means the right of the Chippewa Cree Tribe of the Rocky Boy's Reservation to divert, use, or store water as described by Article III of the Compact;

(8) ''Tribe'' means the Chippewa Cree Tribe of the Rocky Boy's Reservation and all officers, agents, and departments thereof;

(9) ''Water development'' includes all activities that involve the use of water or modification of water courses or water bodies in any way.

SEC. 5. RATIFICATION OF COMPACT AND ENTRY OF DECREE.

(a) WATER RIGHTS COMPACT APPROVED.—Except as modified by this Act, and to the extent the Compact does not conflict with this Act, the Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, is hereby approved, ratified and confirmed and the Secretary shall execute and implement the Compact together with any amendments agreed to by the parties or necessary to bring the Compact into conformity with this Act, and to take such other actions as are necessary to implement the Compact.

(b) APPROVAL OF ''PROPOSED DECREE''.—No later than 180 days after the date of the enactment of this Act, the United States, the Tribe, or the State of Montana shall petition the Montana Water Court, individually or jointly, to enter and approve the ''Proposed Decree'' agreed to by the United States, the Tribe, and the State of Montana attached as Appendix 1 to the Compact, or any amended version thereof agreed to by the United States, the Tribe and the State of Montana. Resort may be had to the Federal District Court in the circumstances set forth in Article VII.B.4 of the Compact. In the event the approval by the appropriate court, including any direct appeal, does not become final within three (3) years following the filing of the decree, or the decree is approved but is subsequently set aside by the appropriate court, the Compact shall be void. The Secretary may act for the United States to extend this three (3) year deadline twice in one (1) year increments on agreement with the State and the Tribe.

SEC. 6. USE AND TRANSFER OF THE TRIBAL WATER RIGHT.

(a) ADMINISTRATION AND ENFORCEMENT.—As provided in the Compact, until the adoption and approval of a tribal water code, the Secretary shall administer and enforce the Tribal Water Right.

(b) TRIBAL MEMBER ENTITLEMENT.—Any entitlement to Federal Indian reserved water of any tribal member shall be satisfied solely from the water secured to the Tribe by the Compact and shall be governed by the terms and conditions thereof. Such entitlement shall be administered by the Tribe pursuant to a tribal water code developed and adopted pursuant to Article IV.A.2. of the Compact, or by the Secretary pending the adoption and approval of the tribal water code.

(c) TEMPORARY TRANSFER OF TRIBAL WATER RIGHT.—Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, including limitation on transfer of any portion of the Tribal Water right to within the Missouri River Basin, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water rights confirmed to the Tribe in the Compact; provided, however, that no service contract, lease, exchange or other agreement entered into under this subsection may permanently alienate any portion of the Tribal Water Right.

SEC. 7. FEASIBILITY STUDIES AUTHORIZATION.

(a) MUNICIPAL, RURAL AND INDUSTRIAL FEASIBILITY STUDY.—The Secretary of the Interior, through the Bureau of Reclamation shall perform a municipal, rural, and industrial (MR&I) feasibility study of water and related resources in North Central Montana to evaluate alternatives for an MR&I supply for the Rocky Boy's Reservation. The study shall include but not be limited to the feasibility of releasing the Tribe's Tiber allocation as provided in section 8 of this Act into the Missouri River System for later diversion to a treatment and delivery system for the Rocky Boy's Reservation. The MR&I Study shall include utilization of existing Federal and non-Federal studies and shall be planned and conducted in consultation with other Federal agencies, the State of Montana, and the Chippewa-Cree Tribe.

(b) ACCEPTANCE OR PARTICIPATION IN IDENTIFIED OFF-RESERVATION SYSTEM.—The United States, the Chippewa Cree Tribe of the Rocky Boy's Reservation, and the State of Montana shall not be obligated to accept or participate in any potential off-reservation water supply system identified in the MR&I Feasibility Study authorized in subsection 7(a) of this Act.

(c) REGIONAL FEASIBILITY STUDY.—The Secretary, through the Bureau of Reclamation, shall conduct, pursuant to Reclamation Law, a Regional Feasibility Study to evaluate water and related resources in North Central Montana in order to determine the limitations of such resources and how they can best be managed and developed to serve the needs of the citizens of Montana. The Regional Study shall evaluate existing and potential water supplies, uses, and management; identify major water related issues, including environmental, water supply and economic issues; evaluate opportunities to resolve such issues; and evaluate options for implementation of resolutions to issues. Because of the regional and international impact of the Regional Study, it may not be segmented. The Regional Study shall utilize, to the maximum extent possible, existing information and shall be planned and conducted in consultation with all affected interests, including interests in Canada.

SEC. 8. TIBER RESERVOIR ALLOCATION.

(A) ALLOCATION OF WATER TO THE TRIBE.—(1) The Secretary shall permanently allocate to the Tribe, without cost to the Tribe, 10,000 acre-feet per year of stored water from the water right of the Bureau of Reclamation in Lake Elwell, Lower Marias Unit, Upper Missouri Division, Pick-Sloan Missouri Basin Program, Montana, measured at the outlet works of the dam or at the diversion point from the reservoir. The allocation shall be effective when the requirements of section 5(b) of this Act are met.

(2) The Secretary shall enter into an agreement with the Tribe setting forth the terms of the allocation and providing for the Tribe's use or temporary transfer of water stored in Lake Elwell, subject to the terms and conditions of the Compact and this Act.

(3) The allocation provided in this section shall be subject to the prior reserved water rights, if any, of any Indian tribe, or persons claiming water through any Indian Tribe.

(b) USE AND TEMPORARY TRANSFER OF ALLOCATION.—(1) Subject to the limitations and conditions set forth in the Compact and this Act, the Tribe shall have the right to devote the water allocated by this Section to any use, including, but not limited to, agricultural, municipal, commercial, industrial, mining, or recreational uses, within or outside the rocky Boy's Reservation.

(2) Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water allocated by this section: *Provided, however,* That no service contract, lease, exchange, or other agreement may permanently alienate any portion of the tribal allocation.

(c) REMAINING STORAGE.—The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection (a)(1) of this section.

(d) WATER TRANSPORT OBLIGATION; DEVELOPMENT AND DELIVERY COSTS.—The United States shall have no responsibility or obligation to provide any facilities for the transport of the water allocated by this section to the Rocky boy's Reservation or to any other location. Except for the contribution set forth in section 11(b)(3) of this Act, the cost of developing and delivering the water allocated by this section or any other supplemental water to the Rocky Boys Reservation shall not be borne by the United States.

(e) ACT NOT PRECEDENTIAL.—The provisions of this Act regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be precedent for any other Indian water right claims.

SEC. 9. ON-RESERVATION WATER RESOURCES DEVELOPMENT.

(a) WATER DEVELOPMENT PROJECTS.—The Secretary of the Interior, through the Bureau of Reclamation, is authorized and directed to plan, design, and construct, or to provide, pursuant to subsection (b) of this section, for the planning, design, and construction of the following water development projects on the Rocky Boy's Reservation:

(1) Bonneau Dam and Reservoir Enlargement.

(2) East Fork of Beaver Creek Dam Repair and Enlargement

(3) Brown's Dam Enlargement.

(4) Towe Ponds' Enlargement.

(5) Such other water development projects as the Tribe shall from time to time deem appropriate.

(b) IMPLEMENTATION AGREEMENT.—The Secretary, at the request of the Tribe, shall enter into an agreement with the Tribe to implement the provisions of this Act through the Tribe's Self-Governance Compact and Annual Funding Agreement by which the Tribe shall plan, design, and construct any or all of the projects authorized by this section.

(c) BUREAU OF RECLAMATION PROJECT ADMINISTRATION.—The Secretary, through the Bureau of Reclamation, has entered into an

agreement with the Tribe, pursuant to P.L. 93–638, as amended by the Self Governance Act, defining and limiting the role of the Bureau of Reclamation in its administration of the projects authorized in subsection (a) of this section; establishing the standards upon which the projects will be constructed; and for other purposes necessary to implement this section. This agreement shall be effective on the Tribe exercising its right under subsection (b) of this section.

SEC. 10. CHIPPEWA CREE INDIAN RESERVED WATER RIGHTS SETTLEMENT FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is hereby established in the Treasury of the United States a trust fund for the Chippewa Cree Tribe of the Rocky Boy's Reservation to be known as the ''Chippewa Cree Indian Reserved Water Rights Settlement Trust Fund.'' Pursuant to the provisions of the Trust Fund Management Act of 1994, 25 U.S.C. 4001 et seq., the Tribe, with the approval of the Secretary, may transfer the Fund to a mutually agreed upon private financial institution. The Fund shall consist of the following accounts:

(1) Tribal Compact Administration Account.

(2) Economic Development Account.

(3) Future Water Supply Facilities Account.

(b) FUND COMPOSITION.—The Fund shall consist of such amounts as are appropriated to its accounts in accordance with the authorizations for appropriations in subsections (b)(1), (2), and (3) of section 11 of this Act together with all interest which accrues on the Fund: *Provided*, That, if the Tribe exercises its right pursuant to subsection (a) of this section to transfer the funds to a private financial institution, except as provided in the transfer agreement, the Secretary shall retain no oversight over the investment of the funds. In addition, the transfer agreement shall provide for the appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in subsections (c)(2) and (c)(3) of this section.

(c) USE OF FUND.—The Tribe may use the Fund to fulfill the purposes of this Act, subject to the following restrictions on expenditures:

(1) Except for $400,000 necessary for capital expenditures in connection with tribal compact administration, only interest accrued on the Tribal Compact Administration Account shall be available to satisfy the Tribe's obligations for tribal compact administration under the provisions of the Compact.

(2) Both principal and accrued interest on the Economic Development Account shall be available to the Tribe for expenditure pursuant to an Economic Development Plan approved by the Secretary.

(3) Both principal and accrued interest on the Future Water Supply Facilities Account shall be available to the Tribe for expenditure pursuant to a Water Supply Plan approved by the Secretary.

(d) AGREEMENT REGARDING FUND EXPENDITURES.—If the Tribe does not exercise its right under subsection (a) of this section to transfer the funds to a private financial institution, the Secretary shall enter into an agreement with the Tribe providing for appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in subsections (e)(2) and (c)(3) of this section.

(e) PER CAPITA DISTRIBUTIONS PROHIBITED.—No part of the Fund shall be distributed on a per capita basis to members of the Tribe.

(f) CONGRESSIONAL INTENT.—Nothing in this Act is intended—

(1) to alter the trust responsibility of the United States to the Tribe; or

(2) to prohibit the Tribe from seeking additional authorization or appropriation of funds for tribal programs or purposes.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) FEASIBILITY STUDIES.—There is authorized to be appropriated to the Department of Interior, Bureau of Reclamation, not to exceed $4,000,000 for the purpose of conducting the Feasibility Studies authorized in section 7(a) and (c) of this Act as follows:

(a) $1,000,000 in FY 1999 to be divided equally between the two studies.

(2) $3,000,000 in FY 2000; $500,000 for the study authorized in section 7(a) and the balance for the study authorized in section 7(c).

(b) CHIPPEWA CREE FUND.—There is authorized to be appropriated to the Department of the Interior, Bureau of Indian Affairs, for the Chippewa Cree Fund, established in section 10 of this Act, $21,000,000 as follows:

(1) TRIBAL COMPACT ADMINISTRATION ACCOUNT.—For tribal compact administration assumed by the Tribe under the Compact and this Act $3,000,000 in FY 1999.

(2) ECONOMIC DEVELOPMENT ACCOUNT.—For Tribal economic development, $3,000,000, in FY 2000.

(3) FUTURE WATER SUPPLY FACILITIES ACCOUNT.—For the total Federal contribution to the planning, design, construction, operation, maintenance and rehabilitation of a future Reservation water supply system, $15,000,000 as follows:

(A) $2,000,000 in FY 1999.

(B) $5,000,000 in FY 2000.

(C) $8,000,000 in FY 2001.

(c) ON-RESERVATION WATER DEVELOPMENT.—There is authorized to be appropriated to the Department of the Interior, Bureau of Reclamation, $24,000,000 for the construction of the on-Reservation water development projects authorized by section 9 of this Act as follows:

(1) $13,000,000 in FY 2000 for the planning, design and construction of the Bonneau Dam Enlargement. The Federal contribution is provided for the development of additional capacity in Bonneau Reservoir for storage of water secured to the Tribe under the Compact.

(2) $8,000,000 in FY 2001 for the planning, design and construction of the East Fork Dam and Reservoir enlargement ($4,000,000), of the Brown's Dam and Reservoir enlargement ($2,000,000), and the Towe Ponds enlargement ($2,000,000).

(3) $3,000,000 in FY 2002 for the planning, design and construction of such other water resource developments as the Tribe, with the approval of the Secretary, from time to time may deem appropriate or for the completion of the four projects enumerated in subsections 11(c)(1) and (2) of this Act.

(4) Any unexpended balance in the funds appropriated under paragraphs (c)(1) and (c)(2) of this section, after substantial completion of all of the projects enumerated in section 9(a)(1), (2), (3), and (4) shall be available to the Tribe first for completion of the enumerated projects and then for other water resource development projects under Section 9(a)(5).

(d) ADMINISTRATION COSTS.—There is authorized to be appropriated to the Department of the Interior, Bureau of Reclamation, in FY 2000, $1,000,000 for its costs of administration: *Provided*, That, if such costs exceed $1,000,000, the Bureau of Reclamation may use funds authorized for appropriation under subsection (c) of this section for such costs: *Provided, further*, That, the Bureau of Reclamation shall exercise its best efforts to minimize such costs to avoid exceeding $1,000,000.

(e) AVAILABILITY OF FUNDS.—The monies authorized in section 11(a) and (b)(1) shall be available for use immediately upon appropriation. Those monies deposited in the Chippewa Cree Fund accounts shall draw interest consistent with section 10(a), but the monies appropriated under section 11(b)(2) and (3) and 11(c) are not available for expenditure until completion of the requirements of section 5(b) of this Act and execution of the waiver and release required of Sec. 13(c).

(f) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this Act shall be available without fiscal year limitation.

SEC. 12. STATE CONTRIBUTIONS TO SETTLEMENT.

Consistent with Article VI.C.2. and C.3. of the Compact, the State contribution to settlement shall be as follows:

(1) $150,000 for the following purposes: water quality discharge monitoring wells and monitoring program; diversion structure on Big Sandy Creek; conveyance structure on Box Elder Creek; and purchase of contract water from Lower Beaver Creek Reservoir.

(2) Subject to the availability of funds, the State shall provide services valued at $400,000 for administration required by the Compact and for water quality sampling required by the Compact.

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) NON-EXERCISE OF TRIBE'S RIGHTS.—The Tribe shall not exercise the rights set forth in Article VII(A)(3) of the Compact.

(b) WAIVER OF SOVEREIGN IMMUNITY.—The United States shall not be deemed to have waived its sovereign immunity except to the extent provided in subsections (a), (b), and (c) of section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

(c) TRIBAL RELEASE OF CLAIMS AGAINST THE UNITED STATES.—(1) Upon passage of this Act, the Tribe shall execute a waiver and release of the following claims against the United States, the validity of which are not recognized by the United States: *Provided* That the waiver and release of claims shall not be effective until completion of the appropriation of the funds set forth in section 11 of this Act and completion of the requirements of section 5(b) of this Act.

(2) Any and all claims to water rights (including water rights in surface water, groundwater, and effluent), claims for injuries to water rights, claims for loss or deprivation of use of water rights and claims for failure to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(3) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(4) In the event the waiver and release does not become effective as set forth in subsection (c)(1), the United States shall be entitled to set-off against any claim for damages asserted by the Tribe against the United States any funds transferred to the Tribe pursuant to section 11 and any interest accrued thereon up to the date of set-off, and the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(d) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act is intended to quantify or otherwise adversely affect the land and water rights, or claims or entitlements to land or water of an Indian Tribe other than the Chippewa Cree Tribe.

(e) ENVIRONMENTAL COMPLIANCE.—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et. seq.), and all other applicable environmental acts and regulations.

(f) EXECUTION OF COMPACT.—Execution of the Compact by the Secretary as provided for in this Act shall not constitute a major Federal Action under the National Environmental Policyh Act (42 U.S.C. 4321 et seq.). The Secretary is directed to carry out all

necessary environmental compliance required by Federal law in implementing this agreement.

(g) ACT NOT PRECEDENTIAL.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement acts.

Mr. BURNS. Mr. President, today, I am pleased to join with my colleagues from Montana, Senator BAUCUS, to introduce the The Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998, a bill to settle the claims and quantify the water rights of the Chippewa Cree Tribe of the Rocky Boy's Reservation. This bill is the culmination of many years of work and negotiations in our state and will result in the federal government sanctioning the water rights compact that has been adopted by the Montana State Legislature. This settlement may represent a textbook example of how state and tribal governments, together with off-reservation local representatives, can sit down and resolve their differences. I am pleased that local ranchers were involved in every step of the discussions.

The Rocky Boy's Indian Reservation, the present homeland of the Chippewa Cree Tribe, is located in area of scarce water supply. The region is arid with an average annual precipitation of 12 inches suitable for growing hay. However, an average annual precipitation of 30 inches of snowpack in the Bearpaw Mountains contributes to a significant spring runoff. A more efficient and effective utilization of that runoff is a critical part of this package. The state legislation authorized funding for efficiency improvements that mitigate the impact of tribal water development on off-reservation water use.

By reaching an out of court settlement, the parties will—once this package is implemented—go to the state water court and ask that all pending litigation involving claims by the Tribe, and by the United States on behalf of the Tribe, be dropped. The quantification of the Tribe's water right will also clearly benefit upstream and downstream users of water in the effected drainage, including the Big Sandy and Beaver Creek as well as the Milk River. These other users will be able to plan for their future because they will know precisely how much water the Chippewa Cree Tribe is entitled to. One of the progressive components of this settlement is a Water Compact Board made up of three members, a tribal representative, an off-reservation representative and a third person mutually agreed to by the state and tribe. This Board will be tasked with resolving disputes between users of the tribal water right and users of water rights recognized under state law.

The bill set ups a Chippewa Cree Fund that will include funds for the administration of the compact, a tribal economic development account and a future water supply facilities account. The bill allows for increased on reservation storage at existing dams and two feasibility studies for alternative sources and methods of delivery for MR&I water supplies for both the reservation and the region. Finally, all parties to this settlement agree that the Tribe will need more water in the future for drinking purposes. While the settlement reserves 10,000 acre feet of water in Tiber Reservoir, it does not propose a method of delivery. We are all committed to revisiting the on-reservation drinking water matter in the near future either through a pipeline or other methods that will be part of the authorized studies.

Mr. President, I ask unanimous consent to include in the RECORD a letter from our state's Governor, Marc Racicot, endorsing this legislation. Senator BAUCUS and I will soon be asking the Indian Affairs Committee to hold hearings and then to act favorable on this bill as expeditiously as the Committee's schedule will allow.

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

OFFICE OF THE GOVERNOR,
STATE OF MONTANA,
Helena, MT, March 30, 1998.

Hon. CONRAD BURNS,
Dirksen Senate Office Bldg., Washington, DC.

DEAR SENATOR BURNS: I write to express my strong support for Congressional ratification of the compact settling the water rights of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and to express my appreciation for your efforts in this process. The settlement of reserved water rights claimed within the State of Montana is of utmost importance to the State, particularly the reserved water rights claimed within the water-short Milk River basin where the Rocky Boy's Reservation lies. The Rocky Boy's Compact provides for the development of much needed water resources on the Reservation, while at the same time protecting existing water development adjacent to, and downstream from the Reservation. The federal funding for development will help alleviate some of the very dire needs of Montana citizens who are Tribal members living on the Reservation.

Thank you again for your efforts in helping us finalize this historic agreement.

Sincerely,

MARC RACICOT,
Governor.

By Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. BENNETT, Mr. HAGEL, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mrs. BOXER, Mr. REED, and Mr. DEWINE):

S. 1900. A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE U.S. HOLOCAUST ASSETS COMMISSION ACT OF 1998

Mr. D'AMATO. Mr. President, I rise today along with Senators MOSELEY-BRAUN, SHELBY, FAIRCLOTH, BENNETT, HAGEL, SARBANES, DODD, KERRY, BRYAN, BOXER, REED and DEWINE to introduce the U.S. Holocaust Assets Commission Act of 1998. This legislation will create the ''Presidential Advisory Commission on Holocaust Assets in the United States,'' that will examine the disposition of assets of Holocaust victims, survivors, and heirs here in the United States.

For two years now, I have worked closely with Ambassador Stuart Eizenstat who has labored tirelessly to close this difficult chapter of history in an honorable, speedy, and satisfactory manner. He cares passionately that the survivors receive justice and I could not agree more. I am pleased to say that the Administration fully supports this legislation and we have worked with them closely over the past four months to craft the language to bring this commission to reality.

While we have sought answers from Switzerland and other nations on the disposition of dormant bank accounts and Nazi gold, we have not pursued the issue here in the United States. Today, we begin this search. Now we are obliged to set history straight and correct any injustices in our own country. The United States has a moral responsibility to address the same issues to which we have sought answers from Switzerland and other nations in Europe. The spirit of American decency demands no less.

If we are to provide long overdue justice to Holocaust survivors and the heirs of the victims, we must do so as expeditiously as possible. Time is of the essence if we are going to provide the necessary restitution to this already aged and rapidly dwindling survivor community. Moreover, by creating this commission we establish even greater moral authority and diplomatic credibility with other nations from which we seek answers on these important questions. Thus far, twelve nations have already set up national commissions to look into these issues.

With this legislation we will create a commisison that will seek to find the disposition of the following assets in this country: dormant bank accounts of Holocaust victims in U.S. banks; brokerage accounts, securities, & bonds; artwork & religious/cultural artifacts; German-looted gold shipped to the U.S. through the Tripartite Gold Commission; and insurance policies.

As far as funding is concerned, the Commission will be funded for $3.5 million, with the costs split by the interested agencies of the U.S. Government. The Commission will operate through December 31, 1999, the date its final report is due to the President.

The Commission will comprise members appointed by both the Congress and the President, as well as private citizens who have demonstrated their leadership on issues relating to the financial community, public service, and the history of the Holocaust.

Mr. President, we need this Commission. We must leave no stone unturned. If we are to fully examine the disposition of the assets of the victims of the Holocaust, we cannot ignore what happened in this country. While it is not within our power to change what happened during WWII, it is within our power to correct a historic wrong by providing answers to questions that have remained unanswered for over fifty years. If we do at least this much now, then we will provide a measure of comfort and justice for the survivors of the greatest evil mankind has ever known. I encourage my colleagues to join me in this legislation and I urge its speedy passage.

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. 1900

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 ''U.S. Holocaust Assets Commission Act of 1998''.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Presidential Commission, to be known as the ''Presidential Advisory Commission on Holocaust Assets in the United States'' (hereafter in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) NUMBER.—The Commission shall be composed of 23 members, appointed in accordance with paragraph (2).

(2) APPOINTMENTS.—Of the 23 members of the Commission—

(A) 11 shall be private citizens, appointed by the President;

(B) 3 shall be representatives of the Department of State, the Department of Justice, and the Department of the Treasury (1 representative of each such Department), appointed by the President;

(C) 2 shall be Members of the House of Representatives, appointed by the Speaker of the House of Representatives;

(D) 2 shall be Members of the House of Representatives, appointed by the Minority Leader of the House of Representatives;

(E) 2 shall be Members of the Senate, appointed by the Majority Leader of the Senate;

(F) 2 shall be Members of the Senate, appointed by the Minority Leader of the Senate; and

(G) 1 shall be the Chairperson of the United States Holocaust Memorial Council.

(3) CRITERIA FOR MEMBERSHIP.—Each private citizen appointed to the Commission shall be an individual who has a record of demonstrated leadership on issues relating to the Holocaust or in the fields of commerce, culture, or education that would assist the Commission in analyzing the disposition of the assets of Holocaust victims.

(4) ADVISORY PANELS.—The Chairperson of the Commission may, in the discretion of the Chairperson, establish advisory panels to the Commission, including State or local officials, representatives of organizations having an interest in the work of the Commission, or others having expertise that is relevant to the purposes of the Commission.

(5) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(c) CHAIRPERSON.—The Chairperson of the Commission shall be selected by the President from among the members of the Commission appointed under subparagraph (A) or (B) of subsection (b)(2).

(d) PERIOD OF APPOINTMENT.—Members of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—Any vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson at any time after the date of appointment of the Chairperson.

(g) QUORUM.—Thirteen of the members of the Commission shall constitute a quorum, but a lesser number of members may hold meetings.

SEC. 3. DUTIES OF THE COMMISSION.

(a) ORIGINAL RESEARCH.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (3), the Commission shall conduct a thorough study and develop an historical record of the collection and disposition of the assets described in paragraph (2), if such assets came into the possession or control of the Federal Government at any time after January 30, 1933, either—

(A) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c); or

(B) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c).

(2) TYPES OF ASSETS.—Assets described in this paragraph include—

(A) gold;

(B) gems, jewelry, and non-gold precious metals;

(C) accounts in banks in the United States;

(D) domestic financial instruments purchased before May 8, 1945 by individual victims of the Holocaust, whether recorded in the name of the victim or in the name of a nominee, and whether or not held in a brokerage account;

(E) insurance policies and proceeds thereof;

(F) real estate situated in the United States;

(G) works of art; and

(H) books, manuscripts, and religious objects.

(3) COORDINATION OF ACTIVITIES.—In carrying out its duties under paragraph (1), the Commission shall, to the maximum extent practicable, coordinate its activities with, and not duplicate similar activities already or being undertaken by, private individuals, private entities, or government entities, whether domestic or foreign.

(b) COMPREHENSIVE REVIEW OF OTHER RESEARCH.—Upon request by the Commission and permission by the relevant individuals or entities, the Commission shall review comprehensively research by private individuals, private entities, and non-Federal government entities, whether domestic or foreign, into the collection and disposition of the assets described in subsection (a)(2), to the extent that such research focuses on assets that came into the possession or control of private individuals, private entities, or non-Federal government entities within the United States at any time after January 30, 1933, either—

(1) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c); or

(2) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c).

(c) GOVERNMENTS INCLUDED.—A government referred to in this subsection includes, as in existence during the period beginning on March 23, 1933, and ending on May 8, 1945—

(1) the Nazi government of Germany;

(2) any government in any area occupied by the military forces of the Nazi government of Germany;

(3) any government established with the assistance or cooperation of the Nazi government of Germany; and

(4) any government which was an ally of the Nazi government of Germany.

(d) REPORTS.—

(1) SUBMISSION TO THE PRESIDENT.—Not later than December 31, 1999, the Commission shall submit a final report to the President that shall contain any recommendations for such legislative, administrative, or other action as it deems necessary or appropriate. The Commission may submit interim reports to the President as it deems appropriate.

(2) SUBMISSION TO THE CONGRESS.—After receipt of the final report under paragraph (1), the President shall submit to the Congress any recommendations for legislative, administrative, or other action that the President considers necessary or appropriate.

SEC. 4. POWERS OF THE COMMISSION.

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

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of any such department or agency shall furnish such information to the Commission as expeditiously as possible.

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

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

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION.—No member of the Commission who is a private citizen shall be compensated for service on the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

(1) IN GENERAL.—Not later than 90 days after the selection of the Chairperson of the Commission under section 2, the Chairperson shall, without regard to the civil service laws and regulations, appoint an executive director, a deputy executive director, and a general counsel of the Commission, and such other additional personnel as may be necessary to enable the Commission to perform its duties under this Act.

(2) QUALIFICATIONS.—The executive director, deputy executive director, and general

counsel of the Commission shall be appointed without regard to political affiliation, and shall possess all necessary security clearances for such positions.

(3) DUTIES OF EXECUTIVE DIRECTOR.—The executive director of the Commission shall—

(A) serve as principal liaison between the Commission and other Government entities;

(B) be responsible for the administration and coordination of the review of records by the Commission; and

(C) be responsible for coordinating all official activities of the Commission.

(4) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director, deputy executive director, general counsel, and other personnel employed by the Commission, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that—

(A) the rate of pay for the executive director of the Commission may not exceed the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code; and

(B) the rate of pay for the deputy executive director, the general counsel of the Commission, and other Commission personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) EMPLOYEE BENEFITS.—

(A) IN GENERAL.—An employee of the Commission shall be an employee for purposes of chapters 84, 85, 87, and 89 of title 5, United States Code, and service as an employee of the Commission shall be service for purposes of such chapters.

(B) NONAPPLICATION TO MEMBERS.—This paragraph shall not apply to a member of the Commission.

(6) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management—

(A) may promulgate regulations to apply the provisions referred to under subsection (a) to employees of the Commission; and

(B) shall provide support services relating to—

(i) the initial employment of employees of the Commission; and

(ii) other personnel needs of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement to the agency of that employee, and such detail shall be without interruption or loss of civil service status or privilege.

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

(f) STAFF QUALIFICATIONS.—Any person appointed to the staff of or employed by the Commission shall be an individual of integrity and impartiality.

(g) CONDITIONAL EMPLOYMENT.—

(1) IN GENERAL.—The Commission may offer employment on a conditional basis to a prospective employee pending the completion of any necessary security clearance background investigation. During the pendency of any such investigation, the Commission shall ensure than such conditional employee is not given and does not have access to or responsibility involving classified or otherwise restricted material.

(2) TERMINATION.—If a person hired on a conditional basis as described in paragraph (1) is denied or otherwise does not qualify for all security clearances necessary for the fulfillment of the responsibilities of that person as an employee of the Commission, the Commission shall immediately terminate the employment of that person with the Commission.

(h) EXPEDITED SECURITY CLEARANCE PROCEDURES.—A candidate for executive director or deputy executive director of the Commission and any potential employee of the Commission shall, to the maximum extent possible, be investigated or otherwise evaluated for and granted, if applicable, any necessary security clearances on an expedited basis.

SEC. 6. SUPPORT SERVICES.

During the 180-day period following the date of enactment of this Act, the General Services Administration shall provide administrative support services (including offices and equipment) for the Commission.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its final report under section 3.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(b) PUBLIC ATTENDANCE.—To the maximum extent practicable, each meeting of the Commission shall be open to members of the public.

SEC. 9. FUNDING OF COMMISSION.

Notwithstanding section 1346 of title 31, United States Code, or section 611 of the Treasury and General Government Appropriations Act, 1998, of funds made available for fiscal years 1998 and 1999 to the Departments of Justice, State, and any other appropriate agency that are otherwise unobligated, not more than $3,500,000 shall be available for the interagency funding of activities of the Commission under this Act. Funds made available to the Commission pursuant to this section shall remain available for obligation until December 31, 1999.

Ms. MOSELEY-BRAUN. Mr. President, I am very proud to introduce this legislation along with my colleague, Chairman D'AMATO. The establishment of this commission is the next logical step in the work we have been doing on this issue, and it is something that should have been done in 1948 rather than 1998.

This bill will establish an independent Presidential Commission to comprehensively examine issues pertaining to the disposition of Holocaust assets in the United States before, during, and after World War II. It will investigate the disposition of Holocaust victims' assets in the United States, including but not limited to: dormant bank accounts, securities, bonds, insurance policies, artwork, and German-looted gold shipped to the U.S. through the Tripartite Gold Commission, as revealed in the Eizenstat report. The Commission will issue reports, and make recommendations to the President on further action.

The amount of assets the Commission finds is likely to be significantly smaller than that discovered in other countries, but there are certainly assets here. This matter even touches my hometown of Chicago. Currently, there is a dispute about the origins of a Degas pastel, ''Landscape with Smokestacks,'' owned by a trustee of the Art Institute of Chicago. Heirs of Freidrich and Louise Guttman, who were killed by the Nazis, are litigating this issue and expect to have a verdict later this spring.

It is vitally important that the U.S. lead by example. As citizens of the world, we must ensure that all of the relevant financial transactions of this era are brought to light. Then, as now, those who enslave their own populations often try to use the international banking system to further their own illegitimate ends. We cannot fully avoid repeating the tragedies of history until we have entirely uncovered and have a full understanding of the past.

We all have a responsibility to deal with the consequences of that horrific act, no matter how much time has passed, and no matter how much effort it takes. We have an obligation to ensure that the Swiss, and other neutral countries that played a role in hiding the stolen possessions of innocent Jewish families continue to work with the U.S. so that restitution is made. The vast majority of our work in the Committee focused on the actions of other countries, especially the Swiss banks. Now it is time to look in the mirror. In the Eizenstat report, released last year, we learned that the actions of the United States before, during and after the war were not all that could have been desired. I am saddened to learn that America did not work as hard as it could to ensure compensation for Holocaust survivors and other refugees, but I realize that the goal of that report was to unearth the truth, and that is what it has done, and what we will continue to do with the establishment of this Commission.

Already, a dozen countries have formed similar commissions. This is due in no small part to the leadership role the United States has taken in searching for the truth. We would not have come this far without the commitment of the Clinton Administration, the efforts of the Senate Banking Committee and, especially, the tenaciousness of our Committee Chairman, ALFONSE D'AMATO.

Over the past several years, the Banking Committee has held many hearings on the disposition of the assets of Holocaust victims. Each hearing has brought to light valuable but distressing information about events surrounding the tragedy that was the Holocaust. It has been over 50 years since the nightmare of the Holocaust, during which, over 7 million Jewish men women and children were stripped of their homes, businesses, their possessions, the very clothes off their backs and, ultimately, their lives—by a government that industrialized death and literally attempted to exterminate the Jewish people.

We have made a tremendous step through our commitment to finding the truth. We must now commit to work together to do everything possible to put whatever assets belonging to victims or survivors into the proper

hands before it is too late. Time is of the essence. With the passing of each day, the few remaining Holocaust survivors continue to age and their numbers decrease. This is why it is imperative that we enact this legislation quickly and allow this commission to begin work as soon as possible.

It will not be possible to track down every asset, but complete success is not required. What is required is that everyone who had a role in this tragedy does their best to right the wrongs that have been committed, and that they understand that much more than money is at stake.

By Mr. LEAHY (for himself, Mr. ASHCROFT, Mr. REID, and Mr. WYDEN):

S. 1901. A bill to amend the Freedom of Information Act to provide electronic access to certain Internal Revenue Service information on the Internet, and for other purposes; to the Committee on the Judiciary.

THE TAXPAYERS INTERNET ASSISTANCE ACT OF 1998

Mr. LEAHY. Mr. President, it is time for the Internal Revenue Service (IRS) to use the latest technology to deliver better service to the American people. Our nation's taxpayers deserve no less.

Today, Senator ASHCROFT and I are introducing the Taxpayers Internet Assistance Act of 1998. I am pleased that Senator REID and Senator WYDEN are original cosponsors of our bill.

Our bipartisan legislation requires the IRS to provide taxpayers with speedy access to tax forms, publications, regulations, and rulings via the Internet. It also authorizes the Treasury Department, with input from the public, to develop more online services to help taxpayers.

Mr. President, I want to praise the Senate Finance Committee, Chairman ROTH, Senator MOYNIHAN, Senator KERREY and Senator GRASSLEY for their leadership in moving the IRS reform legislation to the full Senate. I strongly support the bill approved by the Finance Committee last night.

As the Senate prepares to debate IRS reforms, we must use technology to make the IRS more effective for all taxpayers. What better way to do that then to require the IRS to maintain online access to the latest tax information. Every citizen in the United States, no matter if he or she lives in a small town or big city, should be able to receive electronically the latest tax ruling or download the most up-to-date tax form.

The IRS web page at > http://irs.ustreas.gov < provides timely service to taxpayers by increasing electronic access to some tax forms and publications. I commend the IRS for its use of Internet technology to improve its services. More information and services should be offered online and not just as a passing fad. Our legislation is needed to build on this electronic start and lock into the law for today and tomorrow comprehensive online taxpayer services.

Our bipartisan bill protects the privacy of taxpayers by amending the Freedom of Information Act (FOIA), which already calls for the deletion of identifying details to prevent an unwarranted invasion of personal privacy. For more than 30 years, the FOIA has served the nation well in maintaining the right of Americans to know what their government is doing—or not doing—while protecting personal privacy. Our legislation does not give new access to private tax information, but merely provides a new, easier method of receiving public tax information.

Under the FOIA, the IRS must maintain public access to Treasury Regulations, Internal Revenue Manuals, Internal Revenue Bulletins, Revenue Rulings, Revenue Procedures, IRS Notices, IRS Announcements, General Counsel Memorandum and other taxpayer guidance. Under our legislation, the IRS must post this public tax information on the Internet in a searchable database, giving all taxpayers quick access to it. In addition, our bipartisan bill requires the IRS to post on its web site all Tax Forms, Instructions and Publications, the most essential information for the average taxpayer.

To keep any administrative burden and taxpayer cost to a minimum, our legislation limits the Internet posting of past tax information. For information available under the FOIA, our legislation requires online posting of documents created on or after November 1, 1996, the same date electronic access is required under the Electronic Freedom of Information Act Amendments of 1996. I am proud to have been the chief Senate sponsor of that new law enacted in the last Congress.

For Tax Forms, Instructions and Publications, our legislation provides for online posting of documents created during the most recent five years, the same period of time that the IRS now keeps these documents on CD-ROM for Congressional offices.

With these common sense requirements, the IRS will be able to enhance its web page with comprehensive tax guidance in a matter of days at little cost to taxpayers under our bipartisan bill. In fact, the Congressional Budget Office has scored our legislation as adding no new direct spending.

We strongly believe that the IRS must prepare itself for the next millennium now. That is why our legislation authorizes the Treasury Department to study and report back to the American people on online access to taxpayer information, the protection of online taxpayer privacy rights, the security of online taxpayer services and public comments on online taxpayer services.

Thomas Jefferson observed that, ''Information is the currency of democracy.'' Let's harness the power of the information age to make the IRS a truly democratic institution, open to all our citizens all the time.

I thank Senator ASHCROFT for his support and I look forward to working with him on other high technology issues to help the Internet reach its full potential such as encryption legislation.

I urge my colleagues to support the Taxpayers Internet Assistance Act of 1998.

Mr. ASHCROFT. Mr. President, one of my fundamental beliefs is that we should labor to make sure that the collective voice of our constituents is heard and followed in everything we do here. That is to say, the values of Washington, D.C. should not be imposed on the country, but instead the values of the country should be imposed on Washington. One of the best ways to make sure we follow this principle is to provide the country with best information possible about what we do and how we do it.

We must do what we can to open the doors to government so that all may access the available information. In 1995, I introduced an on-line term limits petition. Thousands of people singed petition. In 1996, I began an effort to educate Missouri's students on how to access the federal government's available information on the Internet. This program, Gateways to Government, was presented by myself or my staff in every county of Missouri, and in more than 135 individual schools. My homepage continues to act as a ''gateway'' to a great wealth of electronic information about congress and the federal government.

In this same spirit I rise today to join with Senator LEAHY to introduce the Taxpayers Internet Assistance Act of 1998. He has been a real leader on technology issues and shares a great interest in guaranteeing that U.S. citizens enjoy an environment that allows them to know the operations of their federal government. In addition, he has for years championed the rights of individuals to keep their private affairs private, particularly with his principal sponsorship of the Electronic Freedom of Information Act.

I am also pleased that several other senators are joining our effort as original co-sponsors. Our intent is to provide to the American public an easy and inexpensive way to receive the latest information related to the IRS, including forms, instructions, and recent rulings.

Under the Taxpayers Internet Assistant Act individuals will be able to access a great deal of material from the IRS beginning in November of 1996. Revenue rulings, treasury regulations, internal revenue bulletins, and IRS general counsel memorandum are just a few of the documents that will routinely be made available in an easy to use format. This information should provide for an easier and more understandable approach to tax planning and preparation. Individuals will be able to see rulings that may be similar to a situation they are in currently and plan accordingly.

''The difference between death and taxes,'' quipped Will Rogers, ''is that

death doesn't get worse every time Congress meets.'' Unfortunately, Mr. Rogers' observation has held true for more than six decades. The tax doe has become increasingly complex and onerous. My wife is a tax attorney, she even teaches tax law at Howard University, and we do not even prepare our own tax forms. My hope is that this modest effort will provide the public with timely, reliable information that may assist in their efforts to prepare their taxes.

In fact, taxpayers are working longer than ever to pay their taxes. According to the non-partisan Tax Foundation, the average American now works until May 9—a full week longer than when Bill Clinton assumed the presidency—to pay federal, state, and local taxes. I can't help but think of President Reagan's definition of a taxpayer as ''someone who works for the federal government but doesn't have to take a civil service examination.'' At the very least we can assist taxpayers with easy to access, timely and inexpensive information that can help them in preparing their individuals taxes.

In addition, our legislation amends the Freedom of Information Act, which maintains the personal privacy of individuals by guaranteeing that any reference to identifying details be deleted to prevent an invasion of personal privacy. Importantly, this legislation does not give any new access to tax information, but instead provides an additional means of receiving the same information already made available in hard copy form or, in some cases, on CD.

Finally, the legislation requires that the Department of Treasury evaluate the process to ensure that all technical advances are being used that would provide more timely and efficient service to taxpayers. In addition, a further consideration of individual privacy will occur and a process developed to receive comments from the public regarding the on-line taxpayer services.

This bipartisan approach to continuing the opening of the federal government to all citizens should be viewed as a first step in changing our fundamental interaction with the IRS. We can pass this legislation and provide greater information to anyone who can gain access to a PC. I urge all senators to support and pass this year the Taxpayers Internet Assistance Act of 1998.

By Mrs. BOXER:

S. 1902. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

THE HEALTH INSURANCE TAX RELIEF ACT

Mrs. BOXER. Mr. President, today I am introducing legislation to allow individuals to deduct up to $2,000 a year for the costs of health insurance (for themselves and their dependents). If health insurance costs are shared by an individual and an employer, the individual could deduct the amount of his or her share. If an individual pays the full cost of health insurance, the entire amount could be deducted, subject to the $2,000 annual limit.

The Joint Tax Committee has estimated that my bill would reduce revenues to the federal government by approximately $11 billion per year.

WHY THIS BILL IS NEEDED

Every year, as employers continue to roll back health benefits, and as the costs of those benefits keep rising, the number of uninsured Americans increases. There are now 41 million Americans lack health insurance. That number increases by one million each year. An estimated eighty percent of the uninsured are workers or the dependents of workers.

Under the current tax code, corporations can deduct the cost of providing health insurance for their employees. The Taxpayer Relief Act of 1997 also expanded the deductibility of health insurance for the self-employed. Health insurance-related tax deductions for corporations and the self-employed are now taken to the tune of about $50 billion annually.

But for the 16 million Americans who purchase health insurance for themselves and their dependents, the current tax code is much less generous. They may deduct only the cost of health insurance if their total health care expenditures exceed 7.5 percent of adjusted gross income—a threshold few Americans meet.

HOW THE BOXER BILL WOULD HELP

My bill would create an ''above the line'' deduction, which would be listed on all tax returns. Taxpayers need not itemize in order to receive ''above the line'' deductions.

The benefit to an individual taxpayer will depend on the amount of health insurance expense claimed and on the individual's tax bracket. Those claiming the full $2000 deduction could save $300 or more.

For example, if Jane Doe makes $30,000 a year, has no investment income, and pays for her own health insurance, she currently pays, $3,476 in federal income taxes. Under my bill, assuming Ms. Doe takes the full $2,000 deduction, she would pay only $3,176, a savings of $300, or nearly 10 percent of her tax bill.

Another example is Joe and Sally SMITH, a married couple who file jointly, have two children, and have a total income of $75,000 a year. They purchase an insurance policy that covers the entire family. Currently, they pay $10,751 in federal income taxes. Under my bill, assuming they take the entire $2,000 deduction, they would pay only $10,191, a savings of $560 off their tax bill.

I hope that senators will join with me to help expand opportunities for all Americans to acquire health insurance by cosponsoring this legislation.

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. 1902

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 ''Health Insurance Tax Relief Act''.

SEC. 2. FIRST $2,000 OF HEALTH INSURANCE PREMIUMS FULLY DEDUCTIBLE.

(a) IN GENERAL.—Subsection (a) of section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) is amended to read as follows:

''(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the following amounts not compensated for by insurance or otherwise—

''(1) the amount by which the amount of expenses paid during the taxable year (reduced by the amount deductible under paragraph (2)) for medical care of the taxpayer, the taxpayer's spouse, and the taxpayer's dependents (as defined in section 152) exceeds 7.5 percent of adjusted gross income, plus

''(2) so much of the expenses paid during the taxable year for insurance which constitutes medical care under subsection (d)(1)(D) (other than for a qualified long-term care insurance contract) for such taxpayer, spouse, and dependents as does not exceed $2,000.''

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES DEDUCTION.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

''(18) HEALTH INSURANCE PREMIUMS.—The deduction allowed by section 213(a)(2).''

(c) CONFORMING AMENDMENT.—Section 162(l)(1)(A) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

''(A) IN GENERAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the sum of—

''(i) so much of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents as does not exceed $2,000, plus

''(ii) the applicable percentage of the amount so paid in excess of $2,000.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. THURMOND, Mr. HELMS, Mr. HAGEL, and Mr. SMITH of Oregon):

S. 1903. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans Affairs.

THE VETERANS MEMORIAL PHYSICAL INTEGRITY ACT OF 1998

Mr. THOMAS. Mr. President, I come to the floor today to introduce S. 1903, a bill to prohibit the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Congress.

I would not have thought that a bill like this was necessary, Mr. President. It would never have occurred to me that an American President would even briefly consider dismantling part of a memorial to American soldiers who died in the line of duty in order to send

a piece of that memorial to a foreign country. But a real possibility of just that happening exists in my state of Wyoming involving what are known as the ''Bells of Balangiga.''

In 1898, the Treaty of Paris brought to a close the Spanish-American War. As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American effort to stem the insurrection, a company of 74 officers and men from the 9th Infantry, Company G, occupied the town of Balangiga on the island of Samar. These men came from Ft. Russell in Cheyenne, Wyoming—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the Wall Street Journal:

Officers slept in, and enlisted men didn't bother to carry their riffles as they ambled out of their quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers' statements. The quiet ended abruptly when a 23 year old U.S. sentry named Adolph Gamlin walked past the local police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across [Gamlin's] head. As PFC Gamlin crumpled, the bells of Balangiga began to peal.

With the signal, hundreds of Filipino fighters swarmed out of the surrounding forest, armed with clubs, picks and machete-like bolo knives. Others poured out of the church; they had arrived the night before, disguised as women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the mess tent and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby stream. The company commander was hacked to death after jumping out a window. Besieged infantrymen defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.

Though he was also slashed across the back, PFC.

. . Gamlin came to and found a rifle. By the time he and the other survivors fought their way to the beach, 38 US soldiers were dead and all but six of the remaining men had been wounded.

The remaining soldiers escaped in five dug-out canoes. Only three boats made it to safety on Leyte. Seven men died of exposure at sea, and another eight died of their wounds; only twenty of the company's seventy-four members survived.

A detachment of fifty-four volunteers from 9th Infantry units stationed at Leyte returned to Balangiga and recaptured the village. They were reinforced a few days later from Companies K and L of the 11th Infantry Regiment. When the 11th Infantry was relieved on October 18 by Marines, the 9th Infantry took two of the church bells used to signal the attack with them back to Wyoming as a memorial to the fallen soldiers.

The bells have been displayed in front of the base flagpole on the central parade grounds since that time. The bells were placed in two openings in a large, specially-constructed masonry wall with a bronze plaque dedicating the memorial to the memory of the fallen soldiers.

Since at least 1981, there have been on-and-off discussions in various circles in Cheyenne, Washington, and Manila about the future of the bells, including the possibility of returning them to the Philippines. Most recently, the Philippine government—having run into broad opposition to their request to have both bells returned to them—has proposed making a copy of both bells, and having both sides keep one copy and one original.

Opposition to this proposal from local and national civic and veterans groups has been very strong. Mr. President, I ask unanimous consent that the text of a letter from the national office of the Veterans of Foreign Wars dated January 6, 1998; from the VFW's Department of Wyoming dated December 5, 1997; and from the United Veterans Council of Wyoming dated March 27, 1998; be printed in the RECORD.

The PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, in the last few months, developments have indicated to me that the White House is seriously contemplating returning one or both of the bells to the Philippines. This year marks the 100th anniversary of the Treaty of Paris, and a state visit by President Fidel Valdes Ramos—his last as President—to the United States has been planned for this month. The disposition of the bells has been high on President Ramos' agenda; he has spoken personally to President Clinton and several members of Congress about it over the last three years, and has indicated he will do so on this visit. Since January, the Filipino press has included almost weekly articles on the bells' supposed return, including one in the Manila Times last week which reported that a new tower to house the bells is being constructed in Borongon, Samar, to receive them in May.

In addition, inquiries to me from various agencies of the Administration soliciting the opinion of the Wyoming congressional delegation on the issue have increased in frequency. I have also learned that the Defense Department, perhaps in conjunction with the Justice Department, has recently prepared a legal memorandum outlining its opinion of who actually controls the disposition of the bells.

In response to this apparent groundswell, the Wyoming congressional delegation wrote a letter to President Clinton on January 9 of this year to make clear our opposition to removing the bells. Mr. President, I ask unanimous consent that the text of that letter be inserted in the RECORD.

The PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, in response to that letter, on March 26 I received a letter from Sandy Berger of the National Security Council which I think is perhaps the best indicator of the direction the White House is headed on this issue. Mr. President, I ask unanimous consent that the text of that letter be inserted in the RECORD.

THE PRESIDING OFFICER. Without objection.

MR. THOMAS. Mr. President, I cannot fathom that this issue has gotten to this point. First, it is very evident to me that the Constitution precludes the President from returning the bells without Congressional assent. Article IV, section 3, clause 2 provides: ''The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting . . . Property belonging to the United States.'' The bells are certainly property of the United States as contemplated by this clause, and thus clearly can only constitutionally be disposed of by Congress—not by the President.

Second, I was amazed to find, even in these days of political correctness and revisionist history, that a U.S. President—our Commander-in-Chief—would appear to be ready to ignore the wishes of our veterans and tear down a memorial to U.S. soldiers who died in the line of duty in order to send part of it back to the country in which they were killed. Amazed, that is, until I recalled this President's fondness for sweeping apologies and what some might view as flashy P.R. gestures, as most recently evidenced by his Africa trip.

Third, I was amazed to learn that during a state visit when our two countries should be discussing the on-going Asian financial crisis and its ramifications, East Asian security issues, and other issues of long-range significance, President Ramos has proposed discussing only three topics, all parochial: the bells, pension payments to Filipino veterans, and a Subic Bay-related waste issue. Amazed, that is Mr. President, until I was reminded that the candidate President Ramos is supporting in the upcoming presidential elections is running in third place in the polls and might just get a much-needed boost if his mentor could return from Washington with a bell or a check from the U.S. Treasury in hand.

Mr. President, to the veterans of Wyoming, and the United States as a whole, the bells represent a lasting memorial to those fifty-four American soldiers killed as a result of an unprovoked insurgent attack in Balangiga on September 28, 1901. In their view, which I share, any attempt to remove either or both of the bells—and in doing so actually physically dismantling a war memorial—is a desecration of that memory. History brought the bells to Wyoming, and it is there they should remain.

Consequently, I am introducing S. 1903 today to protect the bells and

similar veterans memorials from such an ignoble fate. The bill is not complicated, and in my view simply restates what already appears in black and white in the Constitution; it prohibits the transfer of a veterans memorial, or any portion thereof, to a foreign country or government unless specifically authorized by law.

The bill is supported by all of Wyoming's veterans groups, and I am pleased to be joined in this effort by my good friend and colleague from Wyoming Senator ENZI, as well as by the distinguished Chairman of the Armed Services Committee, Senator THURMOND; the distinguished Chairman of the Foreign Relations Committee, Senator HELMS; and my fellow subcommittee Chairmen on the Foreign Relations Committee Senator HAGEL and Senator SMITH of Oregon, as original cosponsors. Representative *Barbara Cubin* is introducing similar legislation today in the House. I trust that my colleagues will support its swift passage.

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

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1903

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

SECTION 1. PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term ''entity controlled by a foreign government'' has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term ''veterans memorial object'' means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
January 6, 1998.

Hon. DOUGLAS K. BEREUTER,
Chairman, East Asia Subcommittee, Committee on International Relations, U.S. House of Representatives, Washington, DC.

RE: Bells of Balangiga

DEAR MR. CHAIRMAN: Recently, we learned that Mr. Robert Underwood, U.S. Representative from Guam, has introduced House Resolution 312 urging the President to authorize the transfer of ownership of one of the Bells of Balangiga to the Philippines. In brief, the Bells of Balangiga, which serve as a war memorial to U.S. Army soldiers killed by insurgents in the Philippines in 1901, are located at E.E. Warren Air Force Base in Cheyenne, Wyoming. The proposal of the Philippine Ambassador to return one of the bells to the Philippines is opposed by veterans and the supporting community in Wyoming.

Although the 98th National Convention of the Veterans of Foreign Wars of the United States did not adopt a Resolution on this issue, the VFW does have a position on the Bells of Balangiga. After carefully reviewing the history and background of the issue involving the Bells of Balangiga, the VFW opposes and rejects any compromise or agreement with the government of the Philippines which would result in the return of any of the Bells of Balangiga to the Philippines. The church bells were paid for with American blood in 1901 when they were used to signal an unprovoked attack by insurrectionists against an American Army garrison which resulted in the massacre of 45 American soldiers. The Bells serve is a permanent memorial to the sacrifice of the American soldiers from Fort D.A. Russell (Wyoming) who gave their lives for their country while doing their duty. We do not think any of the bells should be given back to the Philippines. To return the bells sends the wrong message to the world. In addition, local Wyoming veterans and other citizens are opposed to dismantling the sacred monument and returning any part of it to the Philippines.

In the past several years, the Philippine Government has made several attempts to get the Bells of Balangiga returned to their country. To date, they have not been successful in any their attempts to get the bells returned. For the past 95 years, two of the bells have been enshrined at Fort Russell/Warren AFB in Wyoming. The third is with the U.S. Army's 9th Infantry in the Republic of Korea.

Recently, Philippine President Fidel Ramos ordered his United States Ambassador, Paul Rabe, to step up his effort on the bells hoping to have them returned in time for next summer's celebration of 100 years of Philippine independence. In October 1997, Ambassador Paul Rabe suggested a compromise solution. He suggested returning one of the bells to the Philippines thereby giving both nations an original and the opportunity to make a replica. In fact, the justification for the latest proposal of the Philippine government is fatally flawed. The Bells of Balangiga played no part at all in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898. Subsequently, that naval defeat forced the Spanish to relinquish control of the Philippine Islands to the U.S. The soldiers killed were from Fort D.A. Russell and were ordered to the Philippine Islands because a savage guerrilla war had broken out after the conclusion of the Spanish-American War of 1898. Therefore, we believe the bells have no significance or connection to the celebration of Philippine independence.

Kenneth Weber, Commander of the VFW Department of Wyoming, expressed the feelings of local Wyoming veterans and supporters when he said, ''The members of the Veterans of Foreign Wars of the United States . . . will not stand idle and allow a sacred memorial to those soldiers killed while doing their duty to be dismantled.''

We believe the Wyoming veterans are correct on this issue. The bells should stay right where they are—in Wyoming and with the 9th Regiment.

Respectfully,

KENNETH A. STEADMAN, *Executive Director.*

VFW, DEPARTMENT OF WYOMING
December 5, 1997.

KENNETH WEBER,
Torrington, WY.

The VFW Department of Wyoming is making the following statement on behalf of its veterans for immediate media release:

As the Commander of the Department of Wyoming Veterans of Foreign Wars, I have followed the current debate concerning the Bells of Balangiga with a great deal of interest. It is becoming apparent that this issue is not going away soon. Two of three bells are located at the Cheyenne's F.E. Warren Air Force Base as a permanent memorial to Fort D.A. Russell soldiers who lost their lives in 1901 as a result of hostile action during the Philippine rebellion. American soldiers stationed at then Fort D.A. Russell, now Warren Air Force Base, were ordered to the Philippine Islands because of a savage guerrilla war which had broken out following the Spanish-American War of 1898.

Now the Republic of the Philippines, as they have several times in the past, has requested the return of one or both bells to their country. This time, their justification is apparently to celebrate their 100 year anniversary of independence from Spain. The interesting part of their argument, is the simple fact that the Bells of Balangiga played no role in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898 and Spain's subsequent relinquishing control of the Philippine Islands to the United States government.

Evidently, the current posturing by the Republic of the Philippines is only another attempt to have the Bells of Balangiga returned. The United States government has repeatedly, and for all the right reasons, refused to return the bells to them.

The members of the Veterans of Foreign Wars, a veterans organization whose roots go back to the Spanish-American War of 1898, will not stand idle and allow a sacred memorial to those soldiers killed while doing their duty be dismantled. We can only continue to hope that the people who have taken the time to speak out in favor of returning the bells would get their facts straight before engaging the media in any further debate. When all the facts are known regarding the circumstances surrounding the Bells of Balangiga, any compromise offer with the Philippine government remains unacceptable.

Sincerely yours,

KENNETH WEBER,
Commander.

UNITED VETERANS COUNCIL OF WYOMING
Cheyenne, WY, March 27, 1998.

The President of the United States,
WILLIAM JEFFERSON CLINTON
Washington, DC.

DEAR PRESIDENT CLINTON: Member organizations of the United Veterans Council of Wyoming, Inc. are in receipt of White House letter dated March 26, 1998 asking the Wyoming Congressional Delegation to reevaluate the compromise approach to resolving the bells of Balangiga question, and we would like to respond.

Wyoming veterans are aware of the long-standing ties with the Philippines during World War II, and after. We have taken into account the fact that U.S. veterans and our allies lived among the Filipinos during the war, fought shoulder to shoulder with them, and together defeated the Japanese invaders to preserve Philippine freedom and way of life. Many died retaking the Philippine islands from Japanese forces. Veterans who believe the bells should remain in Wyoming do so without malice towards the people of the Philippines. No one denies the contributions and sacrifices made by the Filipinos during

the war effort and to continued prosperity afterwards. We clearly understand honor, comradeship, and the sacrifices veterans of both countries have made.

We believe that we have made our reasons for not compromising on the return of the bells very clear. As the VFW and others have continually pointed out, the bells of Balangiga played no part in Admiral Dewey's defeat of the Spanish navy at Manila Bay in 1898, three years before the bells were used to signal the 1901 massacre of US soldiers garrisoned within the village of Balangiga. The premeditated massacre was particularly brutal on the surprised and outnumbered soldiers. We believe that the bells have no significance or connection to this centennial year of celebration of the Philippine's independence from Spain.

As stated in a recent article from the Manila Times, it is known that the Philippine government is designing a war memorial to the Balangiga Bells, rather than for their use as a symbol of independence from Spain. It appears that representatives of the Philippine government are not being straightforward regarding their true intentions, if a bell is returned.

The Philippine government has yet to present a compelling argument justifying a reversal of the U.S. government's long-standing decision to not return the bells. Mr. Berger says, ''he understands the concerns of those who are worried that any altercation of the existing monument might cause present day Americans to forget the sacrifices of past generations.'' Though Mr. Berger shares our worries, it appears that our government, by continuing on its present course, will allow such sacrifices to be forgotten sooner than later. It is an affront to the soldiers who died, and their survivors, to suggest that a permanent memorial be dismantled for no better reasons than are being provided by the Philippine government.

Sincerely yours,

JIM LLOYD,
President.

WYOMING DELEGATION,
January 9, 1998.

President Bill Clinton,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: The Wyoming delegation wishes to express our opposition to any plan to remove the Bells of Balangiga from F.E. Warren Air Force Base in Cheyenne, Wyoming, to the Philippines. Many times and for many years, the government of the Philippines has tried to have the bells returned. The United States government has rightfully rejected every attempt. Most recently, there have been proposals by the Philippine government and in Congress to transfer one of the original bells to the Philippines and keep one at F.E. Warren. We find this ''compromise'' proposal wholly unacceptable and an affront to the soldiers massacred in Balangiga.

The Philippines became an American possession after the Spanish-American War, but peace in the islands was delayed by a bloody civil war. American soldiers at Fort D.A. Russell, now F.E. Warren Air Force Base, were sent to the Philippines as part of the American military force dispatched to the area. On September 29, 1901, guerilla forces on the island of Samar used the bells to sound a surprise attack on American troops stationed in the village of Balangiga. Of the 76 Americans stationed in Balangiga, only 20 returned home. The survivors brought the bells back to Wyoming as a memorial to their fallen comrades.

Wyoming's many veterans, represented by the Veterans of Foreign Wars and the American Legion, strongly oppose removing the bells. For our veterans the bells serve as a constant reminder of the men who died in that surprise attack. The Wyoming delegation has always opposed desecrating this memorial for the same reason.

Preserving this memorial will serve as a symbol that American troops who serve around the world will not be forsaken. It also reaffirms to the world that the United States will protect its forces serving around the world if they are attacked.

On behalf of America's soldiers who have made the ultimate sacrifice, please join with us in refusing all present and future efforts to dismantle this memorial.

Sincerely,

CRAIG THOMAS,
U.S. Senator.
MICHAEL B. ENZI,
U.S. Senator.
BARBARA CUBIN,
Member of Congress.

The White House, Washington, March 26, 1998.

DEAR SENATOR THOMAS: Thank you for your letter concerning the bells of Balangiga and the proposed compromise solution for addressing this issue. I am writing on behalf of the President to request that you not oppose the compromise solution. We believe it effectively takes into account the interests and sensitivities of both American veterans and the people of the Philippines.

I understand American forces brought the two bells of Balangiga to Wyoming following the Philippine insurrection of 1901, and that they currently are on display at F.E. Warren Air Force Base in Cheyenne. As you may know, Philippine President Fidel Ramos is eager to explore the possibility of returning at least one of the bells during this centennial year of the Philippines' declaration of independence from Spain. President Ramos will be the President's guest at the White House on April 10, 1998. The bells of Balangiga will be one of the principal issues on the discussion agenda.

I appreciate the importance of the bells to Wyoming veterans who consider them to be symbols of the supreme sacrifice American soldiers, sailors and airmen often have had to make far from home. At the same time, Filipinos see the bells as representative of a struggle for national independence lasting more than five centuries.

Our longstanding ties with the Philippines were forged in the intense combat of World War II by tens of thousands of Americans and Filipinos. Growing out of this experience is a relationship, which is closer on a person-to-person level than with any other country in East Asia. The Philippines is a key ally in the Asia Pacific and shares our commitment to democratic and free market principles. Presidential elections in May of this year will re-enforce the democratic traditions and institutions Filipinos have so eagerly embraced.

I believe a compromise solution, by which the United States and the Philippines would each retain custody of one of the original bells, offers a unique opportunity to honor both the American soldiers who gave their lives in the town of Balangiga and the centennial celebration of the Philippines' first step toward democracy. I understand the concerns of those who are worried that any alteration of the existing monument might cause present day Americans to forget the sacrifices of past generations. But the historical significance of Balangiga rests on the fact that today the United States and the Philippines are united in a common cause of promoting stability and prosperity throughout the Asia Pacific region. I urge you and your colleagues from the Wyoming Congressional Delegation to reevaluate the compromise approach to resolving the bells of Balangiga question.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President for National Security Affairs.

Mr. ENZI. Mr. President, I rise to join my colleague, the senior Senator from my state of Wyoming, in the effort to safeguard the integrity of the nation's military memorials from the politically expedient demands of foreign governments—in this case the so-called ''Bells of Balangiga'' war memorial located in Wyoming's capital city of Cheyenne. I too, am amazed that such legislation is necessary. Amazed, but not surprised. After all, this is a President who seems to have no qualms about throwing overboard those states and communities who have not proven politically valuable to him. I recall his unilateral Utah land grab of the Grand Escalante. I also recall that he, with the Vice President at his side, signed the Presidential directive for that action in Arizona, so unpopular was it in the State of Utah. His unilateral forest roads construction moratorium is another such example of his proclivity for government by executive fiat.

Many people contend that church bells are not a fitting subject for a war memorial. The circumstances surrounding these particular bells, however, are not normal. As the Senior Senator from Wyoming related, those bells were not used by Philippino insurgents to call the faithful to prayer that harrowing morning. They were used instead to signal the massacre of Wyoming troops as they sat down, unarmed, to breakfast. Of the 74 officers and men in the garrison, only twenty survived. Eye witness accounts had some of the attackers disguised as women, their weapons hidden beneath their dresses. Many others smuggled their weapons into the village hidden in the coffins of children. Under those circumstances, one must conclude that the bells in question were used to kill. Consequently I feel their use as the subject for a war memorial is wholly appropriate.

This is especially true in light of their intended purpose if returned to the Philippines. As everyone concedes, the Philippine government desires the return of these bells in time for their 100th anniversary of independence. Apparently, these bells do not represent a religious symbol for the Philippine government either.

Most significant of all, however, is the purpose they currently serve. Contrary to the assumptions of many, they do not memorialize American foreign policies of the time. Nor do they serve as a tribute to our political system, America's turn of the century notions of race relations, or the performance of the American troops who served there during that conflict. Rather, these bells memorialize one thing and one thing only: The tragic and premature deaths of 54 young men who volunteered to do the bidding of the American people. For this purpose I believe

these bells serve as a most fitting memorial indeed and I am opposed to its dismantlement.

It is time to honor our veterans, our war dead, and the principle that in this country, we do not submit to government by Presidential fiat. I ask the support of my colleagues for this legislation.

By Mr. GORTON:

S. 1904. A bill to amend the Elwha River Ecosystem and Fisheries Restoration Act to provide further for the acquisition and removal of the Elwha dam and acquisition to Glines Canyon dam and the restoration of the Elwha River ecosystem and native anadromous fisheries, and for other purposes; to the Committee on Environment and Public Works.

THE ELWHA RIVER ECOSYSTEM AND FISHERIES RESTORATION ACT OF 1998

Mr. GORTON. Mr. President, six months ago, I came to the floor of the United States Senate to announce my reluctant support for removing one of two dams on the Elwha River on the Olympic Peninsula. Today, after spending countless hours working with interested Washington State residents, I am introducing legislation to accomplish this difficult and costly endeavor provided certain conditions are met.

As I mentioned in my statement last fall, I have never been enthusiastic about the idea of dam removal on the Elwha River as a means to enhance declining salmon runs on the river. For many years, national environmental groups, the Clinton Administration, much of the Northwest media, and many Northwest elected officials have pushed for removal of both dams from the Elwha River. In 1992, I supported legislation to begin the process of having the government acquire both of these dams with an eye toward removing them someday. While I have always been enthusiastic about the federal government buying these two dams from a local paper company, I continue to be skeptical toward claims that salmon runs will see a significant benefit through dam removal on the Elwha River. Anyone who believes otherwise needs to ask him why salmon runs on nearby rivers on the Olympic Peninsula with no dams are doing just as poorly.

I am quite certain, however, that there are clear costs to dam removal. The taxpayers must pay at least $65 million to remove just one dam on the Elwha River. Power generation will be lost, and in the case of the Elwha River dams, serious questions remain about the potential damage to the City of Port Angeles' water supply. As I weigh these costs against the potential benefits to salmon, I have generally inclined against dam removal.

Unfortunately, the issue isn't as simple as a cost-benefit analysis. There is a wild card over which I have no control that could have a devastating effect on the Port Angeles community. The lower Elwha River dam produces a tiny amount of power—only a quarter of the amount of power produced by the upper Elwha River dam and a minuscule amount in comparison to our productive Snake and Columbia River dams. In addition, the lower Elwha River dam is in poor physical condition.

These two factors, combined with the desire of the Interior Secretary to tear down a dam, have me concerned that there is a very real and growing threat that a federal judge or the Federal Energy Regulatory Commission (FERC) could order removal of the Elwha River dams without Congressional approval.

A court or agency ordered removal will impose all of the costs of removing the dams on the local community, jobs will be destroyed, and Port Angeles' supply of clean drinking water will be threatened. The risk of court or agency action is too great and will leave the local community in a terrible position if a judge, or a Washington, DC bureaucrat, suddenly decides he needs to be in charge of this issue.

Instead, if Congress acts, we can remove the wild card and assure an important level of community protection. Thus, I have conditioned my support for this dam's removal on certain legislated protection for Port Angeles' water supply and protection for the jobs created by the local mill. No legislation to remove the dam will pass the U.S. Senate without these protections while I am a member.

As a result of these recent developments and circumstances beyond my control, this comprehensive package will complete the federal government's acquisition of both Elwha River dams, authorizes removal of one dam, while at the same time protecting local economic interests.

Over the last three years, the Interior Appropriations Subcommittee that I chair has appropriated $11 million of the $29.5 million necessary to complete the acquisition of the projects. Acquisitions of the projects is extremely important to the future economic health of the Port Angeles community. While the James River Corporation currently holds title to the projects, Daishowa America, as local owner of the directory paper mill and second largest employer in Clallam County, uses energy from the dams. Clearly, continued uncertainty over the fate of these dams reduces the competitive position of the mill and inhibits future investment in the plant and its equipment.

My bill amends the 1992 Act and calls for completion of acquisition of the projects. As Chairman of the Subcommittee that controls the purse strings for this project, I have every intention of allocating the remaining $18.5 million needed to complete acquisition as part of the $699 million worth of additional Land and Water Conservation Fund dollars that we appropriated last year and have yet to be spent.

In addition to committing to fund the removal of the Elwha project should it become law, my bill prohibits the Secretary from removing the larger dam, better known as the Clines Canyon Project, for 12 years. Many have asked why we can't remove both dams simultaneously. My answer is that I prefer the phased approach to restoration of the river spelled out by the Elwha Citizens Advisory Committee in its 1996 report.

The Committee, which is comprised of a diverse array of local interests, cautions against simultaneous removal of both dams. As an appropriations subcommittee chairman, I can tell them that they are absolutely correct because it is simply unrealistic to expect sufficient funds immediately to remove both projects. More importantly, immediate removal of both projects would have unpredictable consequences for the community's water supply—something my bill is careful to protect—and would needlessly forgo a valuable economic and recreational resource that can be put to use to accomplish restoration activities.

When the 12 year moratorium has expired, my bill allows the Secretary to remove the upper dam provided he determines that the benefits of dam removal to salmon restoration and the natural state of the river outweighs the importance of the project's power generation capabilities and the recreational value of the lake that was created by its construction. The 12 year waiting period also spells out several important steps that the Secretary must take to evaluate the impact removing one dam has on fish runs. I firmly believe that should we decide one day to remove the second dam, we will do a far better job if we take the time to learn from the challenges of removing the first dam before deciding on the fate of the second one. Should the Secretary determine that it is necessary to remove the Glines Canyon project before 12 years have gone by, nothing in the bill I am offering today prevents him from seeking Congressional approval to do so.

Finally with regard to the Elwha River, my bill takes several important steps to project the local community from the potentially adverse impacts of dam removal. They include: (1) protecting the quality and quantity of the community's existing water supply to meet current and future demands; (2) continued protection of James River and Daishowa from potential liability; and (3) compensation for Clallam County for further loss of tax revenue due to federal acquisition of the projects.

As a Senator who takes pride in trying to represent all interests in my state, I have also taken great interest in the concerns of my constituents in eastern Washington, who while not directly impacted by the removal of the Elwha dam, have legitimate fears that something similar could happen to a dam on the Columbia or Snake Rivers. Clearly some groups and agency officials within the Clinton-Gore Administration want to use the removal of

Elwha River dams as a first step toward removing or severely limiting the effectiveness of Columbia River system hydroelectric dams. Already, the Army Corps of Engineers is evaluating dam removal on the Snake River as a legitimate option. The Corps has even taken the unprecedented step of paying Pacific Northwest residents $12 to fill out a totally biased survey in favor of dam removal to build support for this cause.

I will never support such efforts to cripple the world's most productive hydro system. As the source of the nation's lowest power rates, water for irrigating productive farmland in three states, and a cost effective transportation system that moves our agricultural products to market, these dams are truly the lifeblood of our economy in the Pacific Northwest.

While Columbia River dams have hurt salmon runs, that damage was felt primarily in the 1930's and 1940's. Since the last Columbia River dam was constructed we still had large and healthy salmon runs. The last decade's decline in Columbia River salmon runs cannot be honestly attributed solely to our hydroelectric facilities.

Nevertheless, we can and should do more for salmon especially by acting in a more coordinated way to restore this vital resource. But the costs associated with removing dams on the Snake and Columbia Rivers will vastly exceed any potential benefit that might occur in terms of salmon restoration.

Rather than working cooperatively with local communities directly impacted by the Columbia-Snake Resource on a rational policy that balances the rivers' important uses, the Clinton-Gore Administration has chosen a combative policy. Its approach punishes people who make their livelihoods from this resource and who have made good faith efforts to reach out and work together.

Another example of the draconian actions federal agencies are using against ordinary people who depend on the Columbia Snake River System for their livelihoods is the National Marine Fisheries Service's recently announced Columbia Basin water policy. The NMFS approach seeks to discourage or even eliminate any new additional water withdrawals for municipal, industrial, or irrigation development within the Basin. The NMFS policy goes even further in challenging the legislative authority of states to regulate, manage, and allocate water rights. If adopted, the NMFS policy would effectively abrogate state authority to grant future water rights for such uses. By calling for a review of existing water withdrawals, the policy postures toward challenging existing state-granted water rights. The agency has completely ignored the efforts of local irrigators to work together on a plan that balances the rivers' competing uses. Moreover, the agency has taken this direction without Congressional approval.

Given the out-of-control nature of agencies like the Corps and NMFS to go beyond their statutory authority to severely compromise the Columbia-Snake system as well as their eagerness to tear down a Columbia-Snake River dam, I would not be surprised to see this administration try to fulfill its dream without Congressional approval.

The people of my state are simply fed up with this top down approach and my bill attempts to do something about it. In addition to prohibiting the removal or breach of any dam on the Columbia or Snake Rivers, my bill prohibits any federal or state agency from taking the following actions without an act of Congress:

(1) Impairing flood control activities on the Columbia-Snake system;

(2) Reducing the power and energy generating capacity of federally owned and federally licensed projects to unaffordable levels;

(3) Further restricting access to the Columbia or Snake River for irrigation and recreational use;

(4) Impairing the river navigation system; and

(5) Restricting state water rights.

I look forward to working with the Administration and my colleagues from the Pacific Northwest on building support for my proposal. If the Administration can not bring itself to support something very close to what's in the Columbia-Snake River section of this bill, we will know just how serious it is about dam removal in eastern Washington. I have made major concessions to bring myself to support removal of a dam even though I find the policy a dubious one, and if the administration is serious about preserving the effectiveness of the Columbia-Snake system it will support my proposal.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. CRAIG, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 707

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 707, a bill to prohibit the public carrying of a handgun, with appropriate exceptions for law enforcement officials and others.

S. 1029

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1029, a bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1427

At the request of Mr. FORD, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1473

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1473, a bill to encourage the development of a commercial space industry in the United States, and for other purposes.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1604

At the request of Mr. D'AMATO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1604, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.