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Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of judgement and grace, tomorrow we commemorate the death of Katherine Lee Bates 69 years ago. Many of us may not recognize her name but we all know the words of the beloved prayer she wrote as part of what is now a favorite hymn.

O beautiful for patriot dream
That sees beyond the years.
Thine alabaster cities gleam
undimmed by human tears.
America! America!
God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea.

Father, cleanse any prejudice from our hearts and help us press on in the battle to assure equality of education, housing, job opportunities, advancement, and social status for all, regardless of race or creed. May this Senate be distinguished in crowning good with brotherhood in the ongoing challenge to extricate people from the syndrome of poverty and in the effort to assure life, liberty, and the pursuit of happiness for all people. Crown our good with a renewed commitment to You as our Father and one another as equal sisters and brothers. Through Him who taught us that how we care for the poor and disadvantaged will affect where we spend eternity. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Alabama, is recognized.

SCHEDULE

Mr. SESSIONS. Mr. President, this morning the Senate will immediately proceed to executive session for a rollcall vote on the confirmation of the nomination of M. Margaret McKeown to be United States Circuit Judge for the Ninth Circuit.

Following that vote, the Senate is expected to begin consideration of the budget resolution. Under the statute, there are 50 hours of debate on the resolution. However, I hope we could yield a good portion of that time back. On Monday, if an adequate amount of time is yielded back on the budget resolution, then it would be the leader's intention to postpone any votes on Monday until Tuesday. As always, all Senators will be notified when that is worked out.

Next week, in addition to completing action on the budget resolution and the Coverdell A+ education bill, we may also take up and finish the emergency supplemental appropriations conference report, if available. Colleagues are warned in advance that next week will be a hectic week as we work toward the Easter recess.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF M. MARGARET MCKEOWN, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDENT PRO TEMPORE. The clerk will report the nomination.

The legislative clerk read the nomination of M. Margaret McKeown, of Washington, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDENT PRO TEMPORE. The question is, Will the Senate advise and consent to the nomination of M. Margaret McKeown to be United States Circuit Judge for the Ninth Circuit?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. BENNETT), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Texas (Mr. GRAMM), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yea.''

Mr. FORD. I announce that the Senator from Maine (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 11, as follows:

[Rollcall Vote No. 48 Ex.]

YEAS—80

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Frist	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Gorton	Murkowski
Boxer	Graham	Murray
Breaux	Grams	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchison	Roth
Campbell	Inouye	Sarbanes
Chafee	Jeffords	Sessions
Cleland	Johnson	Shelby
Cochran	Kempthorne	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kohl	Stevens
Craig	Landrieu	Thomas
D'Amato	Lautenberg	Thompson
Daschle	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lieberman	Wellstone
Dorgan	Lott	Wyden
Durbin	Lugar	

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

NAYS—11

Allard	Grassley	Santorum
Ashcroft	Kyl	Smith (NH)
Coats	McConnell	Warner
DeWine	Nickles	

NOT VOTING—9

Bennett	Gramm	Hutchinson
Enzi	Hatch	Inhofe
Faircloth	Helms	Kerry

The nomination was confirmed.

THE NOMINATION OF EDWARD F. SHEA, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. Pursuant to the previous order, Executive Calendar No. 504, Edward F. Shea, of Washington, is confirmed as United States District Judge for the Eastern District of Washington.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I understand both nominees are now confirmed?

The PRESIDING OFFICER. That is correct.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Washington.

THE CONFIRMATION OF JUDGES MARGARET McKEOWN AND ED SHEA

Mrs. MURRAY. Mr. President, this is really a great morning. After 2 years, I have the immense pleasure of voting with the majority of my colleagues to confirm two judges that I have worked very hard to get through this often difficult process. I thank my colleagues for their support of these two fine individuals, Ms. Margaret McKeown and Mr. Ed Shea. In particular, I thank our chairman, Senator HATCH, our ranking member, Senator LEAHY, and my colleague, Senator GORTON, for their perseverance on behalf of these two individuals.

I would first like to tell my colleagues about the newest judge to the Ninth Circuit, Ms. McKeown. Before coming to the Senate, I had heard across the spectrum that Ms. McKeown was one of the finest business lawyers in the northwest. Now that she and I have spent time together, I have come to understand why she had that reputation: she is tenacious, does outstanding work, is an accomplished advocate, and has the patience of Job.

Let me summarize some of the high points of Ms. McKeown's career:

She was the first woman partner at the 70-year-old, prestigious firm of Perkins Coie;

She has served for 11 years on the Perkins Coie executive and management committees;

She is a nationally recognized litigator who was named in Top Players in High Tech Intellectual Property;

Her range of litigation is amazing: one day she is litigating about the typeface in personal computers, the next day she is defending a securities case, the next day she might be litigating avionics in military aircraft;

She was president of the Federal Bar Association for the Western District of Washington and a lawyer representative to the Ninth Circuit Judicial Conference;

She has worked as an aide to United States Senator Cliff Hansen of Wyoming, as a special assistant under President Carter to Interior Secretary Andrus, and as White House Fellow under President Reagan;

She is on the executive committee of the Washington State Council on International Trade; and

She has served as counsel for the Downtown Seattle Business Association.

While who you know is important, and what you do as a lawyer is critical, where you put your priorities is also vital. One of the reasons I so strongly supported Ms. McKeown's nomination is because of her commitment to her community and family.

I am amazed that the same person who represented Boeing in a multi-billion dollar merger and who has successfully defended Citibank in a complex leverage buy out case has also served in virtually every position in the Girl Scouts. She has been a Brownie leader, troop consultant, committee member, and for nine years, member of the National Board of Directors of Girl Scouts of the USA and a member of the Executive Committee. Even with her national commitments, Ms. McKeown makes time for the girls themselves, leading her daughter, Megan's, Junior Girl Scout Troop #1091.

Ms. McKeown is active in other arenas as well. She volunteers in the schools, with YMCA, with the Children's Museum, and on abused children projects. I want to point out something else special about Ms. McKeown: She has received the Good Housekeeping seal of approval. That magazine several years ago named Ms. McKeown as one of the ''100 Women of Promise in America.''

Mr. President, Margaret McKeown is a highly-qualified lawyer with a diverse background, who has demonstrated her commitment to community and family. Now, finally, after surviving the political and judicial battles for two years, she will take her seat on the Ninth Circuit and become an outstanding judge. Congratulations, Margaret, we finally made it!

Mr. President, I also want to thank my colleagues for confirming Mr. Shea this morning to serve on Washington's Eastern District Court. While Mr. Shea's road to confirmation has not been as filled with hurdles as Ms. McKeown's, it is a great pleasure to see this fine lawyer move onto the Federal bench.

Mr. Shea will make an excellent judge. He is a highly respected member of the legal profession. He has served with distinction as a trial lawyer, including national recognition as a Fellow of the American College of Trial Lawyers.

The five superior court judges in Benton and Franklin counties, where Mr. Shea has lived and practiced for more than 25 years, have written a letter describing him as having a ''well-earned reputation, not only in our community but throughout the Northwest, as an outstanding trial lawyer.'' His fellow Washington state lawyers honored him by electing him president of the Washington State Bar Association, where he served with distinction. Many of them have approached me to congratulate me on my role in promoting Mr. Shea's judicial candidacy.

While we must look first to his legal qualifications, I believe the best judges are those who have worked in their communities to make them better places. Mr. Shea is well-qualified in that arena, too. He has been an advocate of equal access to the law, volunteering and working to get free or reduced legal services to local organizations, such as the March of Dimes, the Sexual Assault Response Center, and the Faith Christian Academy.

Mr. Shea also worked hard in an area nearest to my heart: education. He pushed to improve access to education in his community by helping establish a branch campus of the Washington State University in the Tri-Cities. He too has been a stalwart supporter of the March of Dimes, recently being named the Chapter Counsel of the Year by the national March of Dimes.

Mr. Shea is a well-respected member of the business community. He has the unanimous support of the board of the Tri-City Industrial Development Council. Mr. Shea has received two strongly-supportive editorials in the Tri-City Herald. Numerous members of the business community have thanked me for championing his nomination.

Mr. President, Mr. Shea was selected by a bi-partisan Judicial Merit Selection Committee comprised of a diverse group of lawyers and community leaders. I have faith in that selection process and believe Mr. Shea will be an outstanding member of the Federal bar.

Let me close by saying a few words about judicial nominations and the process we have developed in Washington. As I travel around my state, people ask me why we have so many judicial vacancies. I haven't been able to give them a good answer, but can only point to political one-upmanship as the culprit.

After this morning, I can happily report we are finally moving forward and that two excellent judicial candidates have been confirmed.

Let me also add that while I have been the Senator of the same party as the President, I have invited and encouraged Senator GORTON to participate in judicial nominations. I recognize this is a tremendous break in tradition, but I know our citizens are best served when we work together.

I intend to continue working with Senator GORTON to find the very best and most able members of the Washington bar to recommend to President Clinton. I will fight to ensure our citizens have their day in court and that justice is not denied because nominations are delayed.

Mr. President, I appreciate the endorsement of my colleagues for Ms. McKeown and Mr. Shea. There are many other qualified judges waiting to move through the process. I urge the Senate to move quickly to hear and confirm them so the crisis our judiciary faces will come to an end.

Mr. LEAHY. Mr. President, I wish to applaud the distinguished Senator from Washington State. Senator MURRAY has stated the reasons why the Senate voted the right way on Margaret McKeown and on Ed Shea. I would also note for the record that the Senator from Washington has been extraordinarily diligent in working very hard for these two highly qualified nominees. I know the frustration she has felt with the delay, especially on Margaret McKeown and with so many vacancies on the Ninth Circuit and given that this has been 2 years—in fact, 2 years this Sunday.

This delay is the result of a process that has become a little bit crazy. I commend the distinguished Senator, and I thank her for her help on this. I think it would have been impossible for us to be here for this vote without her help, and I applaud her for that.

Mr. GORTON. Mr. President, I am pleased to congratulate the two judicial nominees from Washington state. The federal bench will be enriched by the addition of Margaret McKeown to the Ninth Circuit Court of Appeals, as it will by Edward Shea's presence on federal district court for the Eastern District of Washington.

Both Margaret McKeown and Edward Shea are deservedly respected within the legal community and in the community at large, and well qualified to perform the important jobs for which they have been chosen.

Ed Shea has been in private practice in Pasco, Washington for many years. He has handled a wide range of cases, both civil and criminal, and his experience will have prepared him well for the job he's about to undertake. As testament to the respect he commands within the Washington legal community, Ed served as President of the Washington State Bar Association in 1996. Equally impressive as his commitment to his profession is his commitment to his community. Over the years, he has contributed his time and talent to a host of worthy causes, including the March of Dimes, the Tri-Cities Sexual Assault Response Center, and the Association of Retarded Citizens.

Margaret McKeown also comes to the bench from private practice. She is a high technology litigator of national repute, with a particular expertise in antitrust and intellectual property. She was also the first woman partner at the prestigious Seattle law firm, Perkins Coie, where she practices today. Her remarkable intellect, and the accomplishments that evidence speak to her ability to perform the job with which she has been entrusted. There is no question that Margaret McKeown is familiar with the law. But, as her statement to the graduating class of the University of Washington Law School last year reflects, in this case familiarity did not breed contempt. Her mastery and understanding of the legal process rang through her commencement address. As did her continued respect for the law. She also urged the new lawyers to bear in mind her own formula for survival, a formula composed of five elements: humor, humility, hubris, humanity and home. The formula is one that has made Margaret an excellent lawyer. I am confident it will make her an excellent judge.

I thank my colleagues for joining me in supporting both of these nominees. And I congratulate them again.

THE NOMINATION OF MARGARET MCKEOWN AND THE JUDICIAL EMERGENCY AMONG THE FEDERAL COURTS OF APPEALS

Mr. LEAHY. Mr. President, let me speak a little bit about Margaret McKeown. She was reported favorably by the Judiciary Committee on a vote of 16 to 2. She has the support of Chairman HATCH, a number of Republican Senators, is supported by both Senators from her State. Why this was held up for 2 years, I cannot understand. And then she is confirmed 80 to 11. How many of us have ever won an election with those kinds of percentages? Yet, apparently somebody held her up for 2 years because she was supposed to be controversial. How controversial is 80 to 11? Those are pretty good numbers. Perhaps her secret critics will explain their views, the reason she has been held up for 2 years.

I have been urging action on judicial nominees for many months. This week, faced with 5 continuing vacancies on a 13-member court, Chief Judge Winter of the United States Court of Appeals for the Second Circuit certified a ''judicial emergency'' and took the unprecedented step of authorizing panels including only one Second Circuit judge and two visiting judges. In addition he has had to cancel hearings.

The Judiciary Committee has reported to the Senate the nomination of Judge Sonia Sotomayor to the Second Circuit, but that nomination continues to sit on the Senate calendar. This is another woman who has sat here and had to wait and wait and wait, while the Senate holds her up. Her nomination was received back in June 1997. She was finally favorably reported by a committee vote of 16 to 2—pretty good odds. She is strongly supported by both New York Senators, one Republican, one Democrat. But the nomination continues to languish without consideration. And three more Second Circuit nominees are pending before the Judiciary Committee, and await their confirmation hearings.

I mention the Second Circuit because that is my Circuit. It is the Circuit to which my State resides. I have been urging action on the nominees for this Circuit for many months. The Senate is failing in its obligations to the people of the Second Circuit—to the people of New York, Connecticut and Vermont. We should call an end to this stall and take action. We should consider the nomination of Judge Sotomayor. We should do it today. We should hold hearings on the three other Second Circuit nominees next week and confirm them before the upcoming recess. Our delay is inflicting harm and giving proof to the warning that the Chief Justice of the U.S. Supreme Court gave in his 1997 Year End Report that continuing vacancies would harm the administration of justice. I urge the Republican leadership to proceed now.

Earlier this week, the distinguished majority leader indicated that he feels he has proceeded too quickly with respect to judicial nominations. I strongly disagree. No reference to the number of judges the Senate has begrudgingly confirmed over the past 2 years excuses the delay on any of the nominees pending on the Senate Calendar. There is no excuse or justification for the judicial emergency the Senate is inflicting on the Second Circuit.

The distinguished majority leader says there is no clamor for Federal judges. I recognize that there are no vacancies on the Federal bench in Mississippi, but there are numerous, long-standing vacancies in other places, vacancies that are harming the Federal administration of justice.

The people and businesses in the Second Circuit and other circuits and districts need additional Federal judges. Indeed, the Judicial Conference of the United States recommends that in addition to the almost 80 vacancies that need to be filled, the Congress authorize an additional 55 judgeships throughout the country, as set forth in S.678, the Federal Judgeship Act that I introduced last year.

Must we wait for the administration of justice to disintegrate further before the Senate will take this crisis seriously and act on the judicial nominees pending before us? I hope not.

We are sworn to uphold the Constitution, we are sworn to uphold the laws,

and we are paid pretty well to do that. We are failing our oath and we are failing the job the taxpayers of this country pay us to do.

CONFIRMATION OF EDWARD F. SHEA

Mr. LEAHY. Mr. President, I am delighted to see the Senate confirm Ed Shea as a Federal District Judge. I attended his confirmation hearing back on February 4 and found him to be all that his supporters and friends had said he would be. I know that he has the support of the Senators from the State of Washington. He also has the strong support of this Senator from Vermont. Ed Shea was nominated last September for a vacancy that occurred in 1996, over 15 months ago. Mr. Shea was reported by the Judiciary Committee without dissent and without objection. He was rated qualified for this position by the American Bar Association. I spoke of his nomination last week and am now delighted to see this nomination considered by the Senate.

With this confirmation the Senate will have acted favorably on only 14 nominees this year. I am glad that Margaret McKeown is luck number 13 and Ed Shea is number 14, but remain concerned for the other nominees who have been unlucky and remain stalled on the Senate calendar.

I have tried to bring to the attention of the Republican leadership the need to consider and confirm the two judicial nominees for District Courts in Illinois who have been languishing on the Senate calendar without action for the last five months.

It is time for the Senate to consider the nominations of Patrick Murphy and Judge Michael McCuskey. The Senate Judiciary Committee unanimously reported these two nominations to the full Senate on November 6, 1997. Their confirmation are desperately needed to help end the vacancy crisis in the District Courts of Illinois.

Pat Murphy is an outstanding judicial nominee. He has practiced law in the State of Illinois for 20 years as a trial lawyer and tried about 250 cases to verdict or judgment as sole counsel. During his legal career, Mr. Murphy has made an extensive commitment to pro bono service—dedicating approximately 20 percent of his working time to representing disadvantaged clients in his community. For instance, Pat Murphy has served as the court-appointed guardian to a disabled minor since 1990, without taking any fee for his services. The American Bar Association recognized this extensive legal experience when it rated him as qualified for this nomination. Mr. Murphy also served his country with distinction as a Marine during the Vietnam War.

Judge Michael McCuskey is also an outstanding judicial nominee. Judge McCuskey served as a Public Defender for Marshall County in Lacon, IL from 1976 to 1988. In 1988, he left the Public Defender's office and the law firm, Pace, McCuskey and Galley to sit on the bench in the 10th Judicial Circuit in Peoria, IL. He has served as a judge of the Third District Appellate Court of Illinois since his election in 1990.

The American Bar Association recognized his stellar qualifications by giving Judge McCuskey its highest rating of well-qualified for this nomination.

The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing more critical by the day. This is especially true in the Central and Southern District Courts of Illinois, where these outstanding nominees will serve once they are confirmed. Indeed, in the Southern District of Illinois, where Pat Murphy will serve if his nomination is ever voted on by the full Senate, Chief Judge Gilbert has reported that his docket has been so burdened with criminal cases that he went for a year without having a hearing in a civil case. In 1996, 88 percent of the cases filed in all federal trial courts were civil, while 12 percent were criminal. But in the Southern District of Illinois, not one of those civil cases was heard by Chief Judge Gilbert.

The Chief Justice of the United States Supreme Court has called the rising number of vacancies ''the most immediate problem we face in the federal judiciary.'' There is no excuse for the Senate's delay in considering these two fine nominees for Districts with judicial emergency vacancies.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and to work with us to have the Judiciary Committee and the Senate fulfil its constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

I hope that the Majority Leader will soon set a date certain to consider the nominations of G. Patrick Murphy and Judge Michael McCuskey.

These nominees may well be a case in which a secret hold by one Senator is delaying Senate action. I recall receiving a Dear Colleague letter from the Majority Leader in January 1997, the first day of this Congress. In that letter he proposed to address the frustrations with the hold system and what he termed ''a correction.'' The letter goes on to describe the hold as ''a request for notification of or protection on an unanimous consent request or proposed time agreement.'' The Majority Leader advised a Senator placing a hold ''should understand that he . . . may have to come to the floor to express his objection after being notified of the intention to move the matter to which he objects.''

I also recall last summer when the nomination of Joel Klein to be the Assistant Attorney General for the Antitrust Division was a source of some controversy. I recall then that the Majority Leader proceeded to consideration of that nomination and allowed opponents to debate their concerns and the Senate was able to proceed to a vote and to Mr. Klein's confirmation.

I hope that model will be utilized without further delay in connection with the Murphy and McCuskey nominations. These nominees are strongly supported by their home State Senators. Any Senator outside those Districts who wishes to oppose, speak against or vote no for any reason or no reason is free to do so. What we need to find a way to overcome is the veto of these nominations by a single Senator when a majority of the United States Senate is prepared to confirm them.

We are falling farther and farther behind the pace the Senate established in the last nine weeks of last year. When the Chief Justice of the United States Supreme Court wrote in his 1997 Year End Report that ''some current nominees have been waiting a considerable time for a . . . final floor vote'' he could have been referring to Patrick Murphy, Judge Michael McCuskey, Margaret McKeown and Judge Sonia Sotomayor.

Nine months should be more than a sufficient time for the Senate to complete its review of these nominees. During the four years of the Bush Administration, only three confirmations took as long as nine months. Last year, 10 of the 36 judges confirmed took nine months or more and many took as long as a year and one-half. So far this year, Judge Ann Aiken, Judge Margaret Morrow, and Judge Hilda Tagle have taken 21 months, 26 months and 31 months respectively. Margaret McKeown's nomination has already been pending for 24 months. Judge Sotomayor's nomination has already been pending for 9 months. Pat Murphy's and Judge McCuskey's nominations have already been pending for 8 months. The average number of days to consider nominees used to be between 50 and 90, it rose last year to over 200 and this year stands at over 300 days from nomination to confirmation. That is too long and does a disservice to our Federal Courts.

I urge the Republican leadership to proceed to consideration of each of the judicial nominees pending on the Senate calendar without further delay.

SPECIAL PROSECUTOR STARR

Mr. LEAHY. Mr. President, every week I wonder just what new step the special prosecutor, Mr. Starr, will find himself carrying out, and each week it seems he does not disappoint.

One week, we will recall, a citizen had the temerity to ask why Prosecutor Starr was using the results of an illegal wiretap, something that had been reported in the press that, without a doubt, he was using an illegal—illegal—wiretap. This citizen had the audacity to question Mr. Starr. Of course,

he got slapped with a subpoena, had to spend as much money on a lawyer as he saved for a year's college tuition for one of his children and was brought into the star chamber, the grand jury, and had to say why he dared question the man behind the curtain.

This was probably as outrageous an abuse of prosecutorial discretion as anything I have seen in a while, but unlike prosecutors who are elected or Senators who are elected or people who are elected, Mr. Starr, the Republican prosecutor, does not have to respond to anybody, and he has an unlimited budget. He sent a very clear signal: ''If you dare question my use of illegal tactics, I'll stop you from questioning me, I'll make you spend so much money that you can't do it.'' And, of course, he has an unlimited amount of money himself so he can do that.

He then topped that outrageous activity by bringing Monica Lewinsky's mother before him and for day after day grilled her on things that her daughter may have told her in confidence. So he set the precedent that a prosecutor will have a mother in there for something that has nothing to do with violent crime or crime against the country or anything else and say, ''You have to tell us what your daughter told you.'' If your daughter dares to confide in you, if your child dares to come to a parent and ask advice or confide in a parent, then Prosecutor Starr will want to know what you said to your parent. This is in between giving paid speeches to groups to talk about family values.

I was outraged as were many others. I have introduced a measure to lead to our reviewing the law on this point. On March 6, I introduced S.1721 to develop Federal prosecutorial guidelines to protect familial privacy and parent-child communications in matters that do not involve allegations of violent conduct or drug trafficking. In addition, the legislation would direct the Judicial Conference to undertake a study and then report whether the Federal Rules of Evidence should be amended explicitly to recognize a parent-child privilege.

Then what was this week's latest outrage? As I said, I keep wondering how he is going to top himself. He did this time by going to a bookstore and saying I want to know what books somebody was buying and reading. Now, the bookstore knows that this is an outrageous request, and the bookstore knows that people ought to be able to come into a bookstore, read anything they want, look at anything they want, buy anything they want without having Prosecutor Starr and his henchmen come right in behind them and see what they read.

The bookstore had it made very clear to them by Prosecutor Starr and his henchmen that ''If you want to fight this, you are going to have to sell one heck of a lot of books to pay the lawyers. You probably won't sell enough books this year to pay what we will cost you for defending the rights of your customers.''

Prosecutor Starr doesn't have to worry because he has already spent $40 million of what we, the taxpayers, have given him, with no end in sight. So he can tell that bookstore, ''Go ahead, make my day, you go on in and try to fight this. I'll bankrupt you. I'll just grind you down into the ground.''

So now there is this idea, Mr. President, that everyone has to think if they go into a bookstore, ''Am I going to have a subpoena in there to see what I read or don't read?''

I remember when Judge Bork was before the U.S. Senate for confirmation. Somebody came into the Senate Judiciary Committee and said, ''We have a list of what Robert Bork has been renting from video stores.'' I was so incensed that anybody would do that, I introduced legislation to make it illegal to give out the lists of what people rented in a video store. To make it bipartisan, my good friend Alan Simpson, the distinguished Republican whip and a conservative Republican, joined me on that, and we passed the Leahy-Simpson bill. What we said in the Leahy-Simpson bill is that it is nobody's business what you rent for videos, and I think the American people agreed with us.

The difference is we had Democrats standing up for the rights of a Republican nominee in that instance and all Americans. Now, of course, we have a Republican prosecutor who says it doesn't make any difference to him, ''I want to know what you are reading.'' Are we going to start with people following us through a video store now and say, ''Well, we can't tell you what he rented, but we know he glanced over at one of the R-rated videos.''

Or are they going to follow us into the library and say, ''He read Chaucer's 'Canterbury Tales,' and you know what they say.'' Actually most people don't, because they never bothered to read it in an English class—but they think something unseemly may be in there.

Or, ''He read 'Catcher in the Rye.'' Woo-wee, there is going to be a field day.

If Prosecutor Starr followed me through a bookstore, he is going to find me reading everything from ''Angela's Ashes'' to ''Batman.'' He can have a lot of fun with this. ''Angela's Ashes'' talks about Frank McCourt going into the library and reading dictionaries, where he looked up words that his parents wouldn't tell him the meaning of. Of course, ''Batman'' is a guy who runs around in a suit with a mask on. Now, that is going to kind of raise some questions.

What about the person who goes into a magazine store to buy Time or Newsweek magazine, but they may have slowed down by the magazines that had pictures of unclothed people or certain sports magazines with their swimsuit editions?

Or what about this—here is something for Prosecutor Starr to look at—check the person who has an average income who goes into the magazine store and picks up the magazine with expensive sports cars that they couldn't possibly afford. They are reading about Ferraris, Maseratis and Porsches. Maybe we better subpoena that person's bank accounts; maybe we better check him out. Why would they be reading about a Maserati and a Ferrari if they only make $40,000 a year? Something is going on here.

New Englanders have asked during witch hunts whether there is any sense of decency. Let's get a grip.

If, as Mr. Starr has indicated in his activities with the Paula Jones attorneys and with other groups, that he wants to get rid of the President of the United States who was elected twice—fine, let him just come forward and say so. Just say, ''Look, I want him out of office; I will do anything possible to get him out of office,'' and maybe people will understand. But let us at least realize the damaging precedents that are being set.

Are we going to have thought control? Are we really going to go to the point where we ask people what they read, what they see? Are we going to next ask, ''Well, what newspapers do you read?'' It is not enough to ask what newspaper do you read, ''What sections of the newspaper do you read? I mean, do you read the sports section or the business section? Do you read the comic page or the gossip page? Do you read the front page or the obituaries, and why those obituaries, what were you looking for?''

We Americans have a sense of privacy. We ought to be able to read anything we want. We ought to be able to look at what we want. We shouldn't have to worry that a prosecutor is going to come in and, basically, threaten a bookstore with bankruptcy if they don't tell you what their customers read or buy.

Just as Senator Simpson and I passed a law so people couldn't ask Judge Bork or any other nominee what videos they rent, we ought to be protecting what people read. This is America. This is not some totalitarian, thought-controlled country.

So let us have a sense of right and wrong. Frankly, this Vermonter finds the idea of asking bookstores what books their patrons read or buy, wrong. I find it chilling, I find it frightening, and I hope that the press and everybody else will consider it. I hope they will, because if they can ask what books you read, they can ask what newspapers you read, what television news programs you watch or radio stations you listen to. It is all one in the same.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

TRIBUTE TO ROY JOHNSON

Mr. SESSIONS. Mr. President, I rise today to recall the contributions made to Alabama and the Nation by Roy Johnson, the district attorney for the Fourth Judicial Circuit of Alabama. Roy's untimely death on February 11, 1998, at age 49, cut short his career and deprived his wife Anita, his son Matthew, and his daughter Gabrielle of a loving and devoted husband and father.

Roy was the friend of thousands, and I was pleased to call him a personal friend. In addition, I knew him well as a professional prosecutor with whom I worked on a regular basis during the years I served as U.S. attorney for the Southern District of Alabama.

Service to his country as a Marine captain demonstrated his love for country, but it also caused him to develop, during his service time, a form of hepatitis that damaged his liver and which ultimately resulted in his having to undergo a liver transplant operation.

There were high hopes for the success of the operation. He seemed to be doing well when there occurred a sudden turn for the worst, and Roy was gone.

After nearly 18 years of service to Bibb, Dallas, Hale, Perry and Wilcox Counties, Roy had made plans to retire from his post as district attorney and to commence the practice of law with his brother Robert W. ''Robin'' Johnson II in his beloved hometown of Marion. And they also have law offices in Birmingham and Washington, DC.

I am pleased today, Mr. President, that his brother Robin is here today to hear these remarks about my good friend, his brother, Roy Johnson. As his long-time chief assistant, Ed Greene said, ''Everything seemed so bright for him.'' His death was truly a shock to me and to many.

Roy had great pride in his circuit and the people in it. He loved them deeply. He worked tirelessly on their behalf. The fourth judicial circuit is located in the heart of Alabama's Black Belt region—a beautiful area of the State in which the people know not only their neighbors, but they know the grandparents and grandchildren of their neighbors.

E.T. Rolison, Jr., supervisory U.S. attorney in Mobile, AL, noted, ''Roy did as much for law enforcement coordination as anyone I have [ever] seen in my 25 years with this office.'' And this was a high compliment from Mr. Rolison, who served for many years in the U.S. attorney's office and worked hard to further coordination between local, State and Federal law enforcement agencies.

Mr. Barron Lankster, himself a district attorney in nearby Marengo County, and an African American, noted that he had commenced his career in Roy's office. Mr. Lankster said, ''He fully integrated his office when he took over and treated everyone fairly and equitably.''

A graduate of Tulane University and the University of Alabama School of Law, Roy was prepared intellectually and professionally for the broad demands of his work. He loved history and he loved the wonderful Antebellum home in which he lived. The home was located right on the parade grounds at Marion Military Institute, an excellent military school. MMI, along with Judson College, have played a key role in making the town of Marion an extraordinary academic and intellectual community.

Roy's love and support for Marion Military Institute was deep and longstanding. Certainly, his career in the U.S. Marines helped shape his belief that we must have a strong national defense. I remember with delight the occasion when Roy's fellow marine, Col. Ollie North, was under great attack in Washington. This was before Colonel North's rebuttal that turned the tables on his accusers a bit. But Roy spoke out for him then. He served with him in the Marines, and he spoke up at a time of great unpopularity. I congratulated him later when it turned out that Colonel North had turned the tables a bit on that circumstance. He stood by his friends. He was indeed forever true.

During the mid-1980s, we worked together on the prosecution of three individuals for voter fraud in Perry County. The prosecution caused a great deal of furor locally and nationally. During that time I came to appreciate Roy's cool head, his innate decency, his legal skills, and his character.

Despite political pressure, this marine never wavered. He stood firm for what he believed to be right, and did so in a fair and just manner. The bond which we developed in that case was never broken.

There is much more that can be said about this educated, caring, fair, strong, loyal and kind son of the South. Certainly he was big in stature and big in spirit.

I am confident that if we were able to accomplish a fully accurate analysis of the many contributions he made to his judicial circuit and his region, the most significant would be his skill and determination during a period of rapid social change. He helped provide equal justice to all and conducted himself and his office in a manner that reflected fairness to everyone.

His leadership and his strength of character provided a framework which allowed for the development of harmonious relations between the races. Sometimes there would be periods of good feeling and sometimes there would be periods of tension and conflict. But whatever the situation, Roy stood firm and strong for justice and contributed mightily to the historic changes that have taken place in this region.

Roy loved Marion. He loved the Black Belt and the people who lived there and the people he represented. I know he is pleased that his strong and effective chief deputy, Ed Greene, in whom he placed such trust over the years, has been appointed to complete his term. I have the greatest respect for Ed's ability and have enjoyed working with him over the years, and I compliment Governor Fob James for his wise appointment.

I have been honored to know Roy Johnson. He was a superior public servant, an outstanding prosecutor. And I thank the Chair for allowing me to place these remarks upon the record and to express my sincerest sympathy to his fine family for the great loss they have suffered.

Thank you, Mr. President.

Mr. President, a few comments on another subject.

SPECIAL PROSECUTOR KENNETH STARR'S INVESTIGATION

Mr. SESSIONS. Mr. President, another Senator in this body made some very strong criticisms of the special prosecutor, Mr. Ken Starr. Judge Starr was appointed to that office some time ago. In recent months he was asked to continue his investigation into matters involving the Monica Lewinsky situation and to the possible obstruction of justice.

It happened this way: Mr. Starr presented information to the Attorney General of the United States, Janet Reno. He told her about the circumstances and what he knew and the evidence that had been obtained. She agreed that a special prosecutor should be appointed. They then went to a three-judge court, and the three-judge court, as the law requires—Federal judges, all with lifetime appointments, above politics—those three judges commissioned Kenneth Starr to be an investigator of this circumstance. He, therefore, has been directed by a court. He accepted that responsibility. As a result of that, he has a duty to perform.

Now, Mr. President, I know that the Chair has served, himself, as attorney general of the great State of Missouri. I have served as attorney general of Alabama. And I served almost 12 years as a Federal prosecutor, a U.S. attorney. I have prosecuted a great many public corruption cases, fraud cases, white-collar-crime cases. They are not easy. The people who have committed those kinds of crimes do not desire that they should be caught. They do not make it easy that they should be apprehended. It would be their preference to be able to get away with whatever they may have committed.

Now, many say Ken Starr as special prosecutor has a duty or responsibility to get someone. I assure you, that is not true. I assure you, with all confidence, because I have served in the Department of Justice with Mr. Starr and I know his reputation, that he has

absolutely no desire to get anyone. But he has been commissioned, he has been given a mandate, he has been given a responsibility to find out what the facts are. Sometimes that requires issuing subpoenas. If you do not get the facts, you have not conducted an investigation, and you have violated your responsibility and the requirements that have been given to you. If you do not interview the secretary sitting outside the office about what went on there, what kind of investigation is that? What kind of investigation is that? That would be like no investigation at all.

What about this circumstance—some say that his attempt to question the mother of Miss Lewinsky is somehow wrong. Congress makes the laws of the United States. I was a prosecutor for nearly 17 years. I know how the law is written. There is no grant of immunity or protection for a mother for confidentiality of communications under these circumstances. It is not there.

If the Senator from Vermont or other Senators in this body want to change the Federal law to create a protection for that, let them introduce the legislation. Let us have it out right here. Let us discuss it. But that is not the law.

So we have, in the special prosecutor, an individual who is supposed to gather the evidence he can legally gather. Presumably he believes the mother of this young lady has information that she ought to give, and he has every right to ask for it. In fact, to fail to ask for that information would be a failure of the responsibility that has been given to him by the courts and laws of this country.

There are a lot of other things being said, such as why would you dig into his books? I saw a report recently about an individual who was charged with poisoning someone. This is not hypothetical but it is an example, I think, of why subpoenas sometimes are issued. Under the subpoena the authorities discovered and uncovered a book the individual had describing how to make poisons.

I had an occasion to personally prosecute, a number of years ago, a doctor. He was the subject of two national television movies and a book. In the course of that, we discovered a book that he had on deadly poisons and how to commit murder. It was relevant to our case, and it was introduced in the case.

So I do not know what it is that Mr. Starr issued that subpoena for. He cannot defend himself. He cannot run in here and say, ''Oh, Senator, let me tell you why we did that. Your remarks are unkind. They're unfair. I had a specific reason for issuing that subpoena. Let me tell you what it is.'' He can't do that. So he is a victim of these kinds of complaints by those who want to undermine his ability to do the job he has been commissioned to do.

I am really troubled by this. I am very, very troubled that we in this body, and, in fact, the President of the United States of America and his staff, are systematically trying to intimidate and undermine the legal and moral authority of the commissioned special prosecutor. To my knowledge, that has never happened before in our country.

If there is nothing to hide, why not let him do his job? They say, why doesn't he finish? If they would be more forthcoming, he would have already been finished. How can you finish when people refuse to give testimony? They claim executive privilege and therefore make you go to court to obtain court orders, which takes months to get, to argue over these issues.

The President committed early on that he would be forthcoming, that he would give all the evidence, and the truth should come out. But, as so often occurs with this President, we are finding that not to be the case.

Mr. President, I will just conclude and say that, if nothing else, we need to respect the rule of law. That great hymn, ''Our Liberty is in Law,'' that is the American form of government. We respect the rule of law. We do not use political power or other efforts to undermine that rule. We trust our system to work. We have multiple opportunities to appeal if the system goes awry at any stage. Ultimately we have to accept that. And if we respect it and give ourselves to it with integrity and ability, I think we can get just results.

We may not ever know the full truth in this circumstance. That is not Mr. Starr's responsibility. Mr. Starr's responsibility is to get as much truth as he can get. He can find the truth within the rule of law. So it is really discouraging to me to see when a subpoena is issued to any institution for a specific piece of information, it is to be compared to some fishing expedition. Because I assure you, that is not true. I assure you that that subpoena would not be issued unless there was a sound basis for it.

THE PRESIDENT'S ACTIONS

Mr. SESSIONS. Mr. President, this President has not defended his actions on the basis that this is a private matter; ''it is something between me and my wife and consenting adults,'' and that sort of thing. He has denied these allegations flat out, and he has placed in dispute, under oath, contradicting statements.

So now we have a mess in this country, and it is a direct result of the actions of the President of the United States. He has gotten himself in a situation in which his statements directly contradicts that of other people's statements, under oath. That is a matter that is not going away lightly.

I will say what is offensive to me and is of concern to me: He has embroiled the Office of the Presidency in this matter. He has used the power, the staff, the people of his office to defend himself and to entwine them into this affair. He has, therefore, during the course of this activity, in my opinion as one Senator—and I had no intention to speak this morning on this subject, but it has been troubling me for a long time—I think he has dishonored the Presidency in that regard. He has not handled it properly. I wish it were not so. It is not good for this country. It is not the right thing for us to have to be going through today.

There is no one who has any responsibility for it but the President. If he thinks he can go around and claim that is the fault of the person who has been commissioned by an objective Federal court to investigate his activities instead of the President—that is what he is suggesting—then that is not accurate. I am very troubled by this matter.

I think what we need to do is simply to allow the special prosecutor to do his job. He may well find there is evidence of wrongdoing. He may find there is no evidence of wrongdoing. He may find there might be some evidence of wrongdoing but there is insufficient proof to bring charges. I don't know what will happen. I hope we get it over with. I hope the President will cooperate. But I think we need to be respectful of the legal process in this country and not attempt to undermine it, because we don't undermine a part of it without undermining all of it.

Every day, by a prosecutor in America, young people are being tried for drug offenses and other offenses, and they have to accept the workings of that system. Police accept the workings of that system. Mothers and fathers accept the workings of that system when their children are charged with a crime. It is a painful, horrible, difficult time for all, but we have to respect the rule of law. I am very, very troubled by those who, in my opinion, make comments and suggestions to try to attack an investigation and, in effect, undermine the law by political power and political influence. This should not happen. I think it is a matter we need to talk more about in this body.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISING OUR NUCLEAR STRATEGY AND FORCE POSTURE

Mr. DASCHLE. Mr. President, over the course of the last several months, I have come to the Senate floor 3 times now to discuss this nation's nuclear strategy and forces in the post-cold-war era. In each of those previous statements, I made the central point that I perceive a growing mismatch between our strategy and forces and the

real world considerations they were designed to address. I also used these opportunities to indicate several practical steps I thought we could take immediately to correct this growing imbalance.

I come to the floor today, not to amend my previous observations, but rather to provide new, more compelling evidence to buttress my earlier conclusions.

Let me reiterate the context of this debate.

First, despite the end of the cold war nearly 7 years ago, the United States and Russia together still field roughly 14,000 strategic nuclear weapons—each with a destructive power tens or hundreds of times greater than the nuclear devices that brought World War II to a close. The closest rival, friend or foe, has less than 500 strategic weapons.

Second, both the United States and Russia continue to keep roughly 5,000 of their strategic nuclear weapons on a high level of alert, ready to be launched at a moment's notice.

Third, the United States and Russia continue to adhere to an overall strategic concept known as mutual assured deterrence or MAD. In addition, each side follows operational concepts that permit the first use of nuclear weapons and allow for the launch of weapons after receiving warning of attack but before the incoming warheads detonate.

This set of facts is disconcerting to say the least. It has led the National Academy of Sciences, in an excellent report entitled ''The Future of U.S. Nuclear Weapons Policy,'' to conclude that:

> The basic structure of plans for using nuclear weapons appears largely unchanged from the situation during the Cold War, with both sides apparently continuing to emphasize early and large counterforce strikes . . . As a result, the dangers of initiation of nuclear war by error or by accident remain unacceptably high.

This same set of circumstances moved General Lee Butler, who just 4 years ago as a former commander of the Strategic Command was responsible for setting U.S. policy for deterring a nuclear war and, if deterrence failed, fighting such a war, to observe that, ''our present policies, plans and postures governing nuclear weapons make us prisoners still to an age of intolerable danger.''

Mr. President, I agree with the National Academy of Sciences and General Lee Butler. Our strategic nuclear forces are too large for the post-cold-war period, and our operational procedures carry an unacceptable level of risk.

What are the practical ramifications of this assessment? I have concluded that the United States should seek an agreement to dramatically cut these forces and change the way they are operated. Mutually agreed upon and significant reductions in the numbers of strategic nuclear weapons are in the best interests of the United States. Mutually agreed upon changes in how we operate our forces and systems will increase trust and reduce pressure to launch nuclear weapons on a moment's notice.

As I noted earlier, I have held these views for some time and have seen nothing to convince me otherwise. To the contrary, recent events have only served to strengthen my convictions.

In particular, I am referring to an excellent two-part series from last week's Washington Post entitled, ''Shattered Shield: The Decline of Russia's Nuclear Forces,'' and a study released last Friday by the Congressional Budget Office.

The main conclusion reached in the Washington Post series is that Russia's nuclear forces and its early warning and command and control systems suffer from a lack of resources that jeopardizes their very existence.

According to these articles, knowledgeable experts in the United States and Russia have concluded that, ''regardless of whether the United States and Russia move ahead on bilateral arms-control treaties, a decade from now Russia's forces will be less than one-tenth the size they were at the peak of Soviet power.'' Russia's strategic nuclear arsenal is expected to decline from a cold war high of nearly 11,000 weapons in 1990 to a low of roughly 1,000 by 2007—less than 10 years from now. As evidence, experts point to growing number of Russia's nuclear-powered submarines piled up in port unfit for patrol, her strategic bombers incapable of combat, and a steady deterioration of her land-based missile force.

In addition, they note that Russia is dedicating few resources to address this decline by developing new strategic systems.

In short, Russia's strategic triad could cease to exist within the next 10 years.

If forecasts about this decline are correct, as I and most experts believe, this turn of events presents an opportunity for U.S. and Russian policymakers to immediately push for much deeper joint reductions than currently contemplated under START II or even the START III framework. If the Russians are headed downward, now is the time to lock them in on significantly lower levels.

If we fail to reach an agreement with the Russians on lower levels, future Russian governments will be free to act unencumbered by strict and verifiable limits. Fewer Russian nuclear weapons will reduce the threat this nation faces from intentional, accidental or unauthorized launch. Fewer U.S. nuclear weapons will still allow us to effectively deter any adversary and makes sense in the post-cold-war environment.

In addition, this Post series highlighted a troubling development. Russia's systems designed to give it warning of an attack and command and control of its nuclear forces are facing the same precipitous decline as its nuclear forces for the same reason—lack of resources.

Russia has lost access to many radar sites located on the territory of newly independent states while its system of satellites for detecting missile launches is slowly being depleted. According to one former Russian air defense officer, ''Russia is partially blind.'' And the situation is no better with respect to its command and control structure. About a year ago, then Defense Minister Igor Rodionov observed, ''no one today can guarantee the reliability of our control systems. . . . Russia might soon reach the threshold beyond which its rockets and nuclear systems cannot be controlled.''

These developments should not cause anyone in this country to rejoice. Russian problems with their early warning and command and control systems can very quickly become our problem. Russian inability to correctly assess whether a missile has been launched or to properly control all of its nuclear weapons puts our national security at risk. All of this is compounded by the fact that both sides continue to maintain excessively large numbers of nuclear weapons at excessively high levels of alert.

It is in our interest to reduce Russia's dependence on these aging systems. This can best be done by changing the way the U.S. and Russia operate their forces. Each country should lower the number of weapons on hair-trigger alert, and the United States should consider sharing early warning intelligence with the Russians.

A final piece of evidence to back up my conclusions surfaced late last week. The Congressional Budget Office, in a study carried out at my request, concluded that the Pentagon spends between $20 and $30 billion annually to maintain and operate our current level of nuclear weapons—roughly 7,000 deployed strategic weapons and between 500 and 1,000 tactical weapons.

Moreover, if my colleagues on the other side of the aisle continue to reject the advice of many outside experts and prevent us from even reducing to the Senate-ratified START II level of 3,500 strategic weapons, CBO estimates this shortsightedness will cost the Pentagon nearly $1 billion a year in constant 1998 dollars.

If the Pentagon is forced to stay at these excessive nuclear weapons levels, the Defense Department must dump a billion dollars a year on unneeded systems, thereby depriving much more worthy Defense Department programs of much needed resources.

If the Pentagon were allowed to follow a more rational course, this funding could be used to enhance the housing of our military personnel, to improve their quality of life, to increase their readiness and to arm them with the most sophisticated conventional weaponry available. If we are forced to stay on our current track, we will do none of these.

Incidentally, CBO noted that if we were to reduce down to the level the Russians are expected to reach shortly, roughly 1,000 strategic nuclear weapons, the savings could reach as high as $2.5 billion annually.

In summary, Mr. President, I stand by the conclusions I stated in my previous statements on this subject. Our current strategic nuclear policy and force posture is outmoded and in need of major and immediate reassessment. The only change in the intervening period since my first address on this subject is the emergence of new information that has strengthened my case and heightened the sense of urgency on this issue.

As the Washington Post series points out, we have an opportunity and a responsibility to act quickly to change both our policy and our forces.

The decline in Russian nuclear forces provides an ideal opportunity for us to make significant progress on the arms reduction front. The deterioration of Russia's early warning and command and control systems compels us to seek ways to reduce the unnecessary level of risk brought about by how we operate our forces. Finally, CBO's study demonstrates there is a financial cost from inaction as well. Our current defense posture forces the Pentagon to divert billions of dollars of scarce resources from more needed and important defense programs.

Mr. President, now is the time to step into the future. We must dramatically reduce the levels of nuclear weapons and the associated risk levels.

If we act in this manner, we will greatly reduce the risks of nuclear war, enhance our conventional force capabilities, and improve our own national security.

Mr. President, acknowledging the presence of the distinguished Chair of the Senate Budget Committee, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

THE BUDGET

Mr. DOMENICI. Mr. President, might I say that I understand that Senator CONRAD is going to manage the bill for the Democrats. He didn't know exactly when we were going to start. We are calling now to tell his staff, which is observing that maybe he could come down. I say to the Senate, however, that we don't intend to do a great deal today on the budget. We have agreed that when we are finished with some preliminary remarks—and I don't even know how long they will be—the majority and minority have agreed that we would then, by unanimous consent, take 6 hours off the bill, which has 50 hours, as everybody knows. So we would have accomplished a reduction in the time by 6 hours. That is not an exorbitant amount. But we will wait for the Senator before we do that. In the meantime, while we are waiting, we need unanimous consent, and I will wait for his arrival.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1874 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

''SNUB DIPLOMACY''

Mr. NICKLES. Mr. President, I rise today to object to the Clinton administration's continual, I would say, anti-Israel position, but certainly the anti-Prime Minister Binyamin Netanyahu position. President Clinton, during the 1996 Israeli election, was very involved, and he was very involved in favor of the Labor candidate.

U.S. News & World Report quoted an aide in the White House saying:

> If he could get away with it, Clinton would wear a ''Peres for Prime Minister'' button.

He was very involved in the election. His candidate didn't win. Since then, we have seen more anti-Netanyahu, or anti-Israel, statements from the administration that bothers this Senator.

Yesterday there was a report in the paper that the United States was pressuring Israel to give up more of the West Bank. And I am wondering where my colleagues were. I remember when they thought that the Bush administration—and particularly Jim Baker—was putting pressure on Israel. They objected very strongly. They spoke out very strongly against that coercion.

This administration has repeatedly tried to put pressure on Mr. Netanyahu, or repeatedly snubbed the Prime Minister of Israel, our best ally in the region, the only democracy in the region, and they have almost resorted to a philosophy of, Well, we are going to use snub diplomacy. As a matter of fact, an administration official was quoted in the Washington Post as calling the Clinton Administration's actions towards Mr. Netanyahu as snub diplomacy.

There was an incident in November of last year where both planes—the President's plane and Netanyahu's plane—were adjacent to each other, and yet President Clinton couldn't find time to meet with him. This year, in January, Mr. Netanyahu was scheduled to be here in Washington—I will read something that was in the January 20 edition of the Washington Post:

> Having declined to find time for Netanyahu in November, even as the aircraft parked nose to tail at Los Angeles International Airport, Clinton is continuing what one administration official described as a deniable but obvious pattern of ''snub diplomacy.'' Today's schedule includes no breaking of bread, no visit to the Blair House, no joint public appearance, no touch at all of the usual warmth that greets Israeli leaders on visits of state.

The Washington Post article includes this telling quote from an administration official:

> We are treating him like the President of Bulgaria, who is arriving to a modest reception on February 10. Actually, I think Clinton will go jogging with the President of Bulgaria. So that is not fair.

I am embarrassed by this.

Then there was a snub by the Secretary of State, Madeleine Albright, when she returned to Israel in February and expressed publicly that she was ''sick and tired'' of the positions taken by both sides in the peace process. I can understand why she might be upset at the Palestinians, after they continued to embrace violence and refused to change their national charter—which they have agreed to do on at least three previous occasions—that calls for the destruction of Israel, when the Palestinians have yet to reduce the size of their police force, as again they have agreed to do. And when the Palestinians walked away from the bargaining table when Israel was more than willing to work out problems encountered by the first phase of the troop redeployment. But to criticize Israel—for what? They have complied. The Palestinians didn't comply, but yet our Secretary of State treats them as equals.

In the meetings that I alluded to before, the administration went to great lengths in January to give the same amount of attention—which is very little—to Mr. Netanyahu as it did to Mr. Arafat.

I might mention that Mr. Arafat, not long before, was embracing one of the leaders of Hamas who was directly responsible for terrorism and violence and death on innocent women and children in the Middle East—embracing him. Yet they were treating Mr. Netanyahu and Mr. Arafat as equals.

Then the administration remained silent when Mr. Arafat on February 13 was quoted as saying the ''peace negotiators achieved nothing, nothing, nothing.'' And then he goes on a little bit further. I will read this. It says:

> Reuters reported the same day that Mr. Arafat stated, ''We declared the Palestinian state in Algiers in 1988, and we will declare it again in 1999 over our Palestinian land, despite those who wish it wouldn't happen, and whoever doesn't like it may drink from the Gaza Sea or the Dead Sea. We have made the greatest intifada. We can erase those years and start all over again.''

As a matter of fact, Mr. Arafat said he was going to cross out the peace agreements and unleash a new uprising against Israel.

Mr. President, to me those hardly seem to be the words of a man, who is really interested in peace.

Did the administration criticize him for those kind of remarks? Not to my knowledge. As a matter of fact, we searched to see if there was any response from the State Department for

any criticism for such unacceptable comments. There was nothing.

Did they condemn him for those kinds of outlandish statements? No. Did they criticize him for not complying with the peace accord that he agreed to? No.

Now we find the administration dragging its feet to fulfill the commitment that Congress has made—by a bipartisan, overwhelming vote in Congress—to move our Embassy from Tel Aviv to Jerusalem. What has the administration done? Absolutely nothing. Absolutely nothing. Have they spent any money for site selection? Or have they done anything to make it happen that we would move our Embassy, as Congress called for, which we are supposed to be doing next year? The answer is no. This administration has done nothing in that regard.

Now, what has the administration done? In yesterday's paper, the Washington Post, it is reported that President Clinton decided in principle to unveil an American peacemaking package that the Israeli Government categorically rejects. The article reports that the Clinton plan will require Israel to withdraw its troops from about 13 percent of the West Bank, calls for a time-out on Jewish settlements and includes unspecified steps by the Palestinians to address Israeli security concerns. In other words, the administration is trying to dictate to Israel, that yes, you have to give up more land. Our policy, ever since the recreation and recognition of the state of Israel in 1948, has always been to say that Israel has the right—not the United States—to guarantee the security of its land and its people. Yet, this administration is trying to put pressure on Israel.

Are they putting pressure on the Palestinians for not living up to their commitments? For the third time, Mr. Arafat signs a document and says they will eliminate in their charter the section calling for the destruction of Israel. They have not done it yet. Why aren't they calling on the Palestinians to comply? Instead they put more pressure on Israel to give up more land.

I think it is unconscionable that the United States would use our force, our leadership, our power, and our prestige to try to dictate to Israel that they must give up land that might jeopardize its security. I think that is a mistake. This administration has been doing it, certainly, ever since Mr. Netanyahu's election. They have not treated him with the respect that I think he should be accorded as the elected leader of Israel. Instead, this administration seems to think, we weren't happy with the election, so we are going to undermine Mr. Netanyahu. I resent that.

I don't think this President of the United States, or any President of the United States, should be getting involved in Israeli politics and trying to influence elections, as this President did in 1996. Now he is putting continued pressure on the Netanyahu administration and Israel as a country to try to compel or force it to give up additional lands, which might jeopardize its security. Who should make the decision whether it jeopardizes Israel's security, the United States or Israel? Frankly, I think it should be Israel. They are a sovereign nation, and they have the right to defend themselves and to protect themselves. They are willing to engage in the peace process, and that takes two sides to comply. Yes, we can cajole people or encourage participation and compliance. We have encouraged participation, but we haven't encouraged compliance. The Palestinians have not complied with the peace process. They have not done what they said they were going to do on several occasions. So the administration should direct their pressure, their leverage, their leadership on the Palestinians, and particularly Mr. Arafat, to comply and stop this snub diplomacy, and diplomacy by dictating, on a plan that is going to be released, what we think is best, regardless of Israel's security needs.

Mr. President, I hope this administration will have a change in policy, in its attitude, and towards the way it has treated Israel over the last 3 years.

I ask unanimous consent that a March 26, 1998, Washington Post article be printed in the RECORD.

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

[From the Washington Post, March 26, 1998]

U.S. TO PUSH PEACE PLAN ISRAEL REJECTS—SPLIT WITH JERUSALEM GROWS ON WEST BANK WITHDRAWAL

(By Barton Gellman)

Convinced that flagging Israeli-Palestinian talks are near collapse and already doing substantial harm to U.S. regional interests, President Clinton has decided in principle to unveil an American peacemaking package tha the Israeli government categorically rejects, according to senior policymakers.

Palestinian leader Yasser Arafat has yet to commit to the proposal, but he has signaled growing approval as the depth of disagreement between Washington and Jerusalem became plain in recent weeks. Unless averted by a final round of diplomacy in the region beginning today, senior Clinton administration officials say, the initiative will step up pressure on Prime Minister Binyamin Netanyahu by casting him as the lone holdout against his country's strongest ally.

Developed in White House meetings of Clinton's closest advisers, the American package falls well short of a comprehensive peace plan and is intended only to break an impasse and restore productive talks. The initiative nonetheless highlights the Clinton administration's alarm and the extent to which it has interjected itself as a party to Israeli-Palestinian talks begun without U.S. knowledge five years ago.

Though the main elements of the American package already are well known, Netanyahu has strongly opposed its formal announcement. In recent days, the Israeli premier has intensified a campaign to raise the political price for Clinton, dispatching cabinet ministers and friendly American Jewish leaders to tell Washington it is on a collision course. Israeli Communications Minister Limor Livnat, who shared a Capitol Hilton stage Tuesday with Vice President Gore, ambushed him before more than 1,000 Jewish fund-raisers with the rhetorical question, ''Will the United States stand by its commitment that Israel will be the one to decide her own security needs?''

Clinton and Netanyahu spoke at length by telephone on Thursday and Saturday in conversations described as ''very tough'' by U.S. policymakers, with Clinton declining to budge from a proposal combining Israeli withdrawal from 13.1 percent of the West Bank, a precisely stated ''time out'' on Jewish settlement building and a series of concrete Palestinian steps to address Israeli security demands.

Netanyahu, who sought unsuccessfully this month to arrange a meeting with Secretary of State Madeleine K. Albright, urged Clinton to dispatch special envoy Dennis B. Ross for one more Middle East tour. According to accounts from both governments, the premier said he had detailed new ideas in which Israel would give up less land but make it more attractive by choosing portions of the West Bank that would connect scattered Palestinian enclaves.

On Sunday, the morning after his last talk with Clinton, Netanyahu orchestrated a cabinet statement affirming that his ministers unanimously regarded the U.S.-supported 13 percent withdrawal as out of the question. On Monday, he told a parliamentary committee that it was ''unacceptable'' for Americans to impose ''dictates from outside.''

Clinton administration officials expressed skepticism about Netanyahu's new proposals and said they had heard of nothing like the offer of 11 or 12 percent of the West Bank that some Netanyahu allies have been shopping privately to opinion-makers in the United States. Israel's offer to the Palestinians for the present stage of interim withdrawal remains at 9.5 percent.

By temperament and philosophy, according to aides, Clinton is not eager to break publicly with Netanyahu. But he authorized Martin Indyk, assistant secretary of state for Near Eastern affairs, to testify to Congress recently that ''the role of facilitation is coming to its end point'' and that ''the strategic window for peacemaking is now closing.''

If the current round of diplomacy fails, according to aides, Clinton intends to permit Albright to deliver a fully drafted speech she has urged on the president for some time, coupling a public recitation of the American package with a blunt admission that the American efforts have not borne fruit.

''The president is comfortable in his mind with the proposals he put on the table in January, which haven't changed substantially, and he recognizes that if he doesn't get the support of the parties we will have to explain where we came out,'' a senior administration official said yesterday.

The admission of failure is not intended as a hand-washing exercise, officials said. Arafat, under this scenario, is believed likely to come forward publicly and accept the American plan. This would re-create roughly the dynamic that forced Israeli Prime Minister Yitzhak Shamir to accept the U.S.-Soviet invitation to the Madrid peace conference in 1991 after Syrian President Hafez Assad agreed to attend.

In recent days, U.S. Consul General John B. Herbst in Jerusalem gave Arafat a detailed briefing on the American package, which Palestinians disliked initially because it is closer in substance to the Israeli position than to theirs. But Arafat encouraged the United States to present the initiative and spoke positively of its contents without committing himself, according to diplomats familiar with the exchange.

''We would like to have in our pocket a 'yes' from Arafat,'' said one U.S. official, describing that commitment as a principal objective of the trip that Ross begins today. Palestinians are tempted, the official said, using Netanyahu's Israeli nickname, ''because they see Bibi making a big fuss about it, and they wonder if it's in their interest to say yes and watch us duke it out with the Israelis.''

Ross plans a side trip to Egypt to recruit President Hosni Mubarak to press Arafat. Clinton asked for Mubarak's support in a telephone call late last month, but the Egyptian leader has thus far not acted. Jordan's King Hussein told Clinton last week that he will work to persuade Arafat.

In Miami yesterday, where he stopped en route to the Middle East, Ross told Israeli Defense Minister Yitzhak Mordechai that Clinton will make his final decision on the package after returning from Africa on April 2. Mordechai, who is Clinton's strongest ally in the Netanyahu cabinet, told Ross that ''there is not any chance'' that Israel will accept the American package as now formulated, according to an Israeli with firsthand knowledge of the exchange. ''We are trying to convey to the American decision-making process the information that confrontation will not help,'' the Israeli said. ''There are limits that Israel will not cross, whatever will be the decision in Washington.''

American Jewish leaders, meanwhile, have warned Clinton and Gore of repercussions in the event of a public breach with Israel. Malcolm Hoenlein, executive vice chairman of the Conference of Presidents of Major American Jewish Organizations, said in an interview that the Clinton administration was on the verge of unveiling its package earlier this month ''and I think we've staved it off.''

But David Bar Illan, a top political adviser to Netanyahu, said by telephone yesterday that ''obviously they still have an intention to come out with something.''

''Since for us it's a pure question of security, and since every administration since FORD has said over and over that matters of security are up to Israel and only Israel to decide, we feel this is a departure—let's say in diplomatic language —from a policy that has been honored until now,'' said Bar Illan.

Trade Minister Natan Sharansky, whom Netanyahu dispatched to meet Albright and Gore last week, said by telephone last night that the cabinet is united as on few other subjects against the American demands. ''If there is external pressure, it can only strengthen the resistance,'' he said.

Among the premises of the administration's plan, however, is that Netanyahu has at least as much to lose from a public conflict as Clinton, whose share of the U.S. Jewish vote was high in 1992 and higher in 1996. Management of the crucial U.S. alliance is seen as a central test of Israeli premiers, and Clinton's approval ratings in Israel regularly exceed Netanyahu's.

''If you did a survey either of the American Jewish community or the Israeli people and asked who has been the president who in the last 50 years has done the most to enhance Israel's national security . . . the overwhelming result would be Bill Clinton,'' said Steven Grossman, national chairman of the Democratic National Committee and a former chairman of the American Israel Public Affairs Committee.

Both leaders have suffered, by their own and U.S. government accounts, from the 14-month stalemate in peacemaking. ''Almost all our friends in the region are in a worse position,'' said a senior Middle East policymaker, citing also Morocco, Tunisia, Saudi Arabia and Persian Gulf emirates, including Oman. ''They staked their positions on pursuit of peace, and it is eroding.''

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, what is the current business?

The PRESIDING OFFICER. The Senate is in legislative session.

Mr. KERREY. Mr. President, do I need to ask unanimous consent to speak as in morning business?

The PRESIDING OFFICER. The Senator should seek consent to speak in morning business.

Mr. LAUTENBERG. How much time does the Senator need?

Mr. KERREY. About 10 minutes.

Mr. LAUTENBERG. I yield 10 minutes to the Senator from our side.

The PRESIDING OFFICER. Without objection, the Senator from Nebraska is recognized for 10 minutes.

IRS REFORM

Mr. KERREY. Mr. President, the Senate Finance Committee, since last fall, has been holding hearings on the Internal Revenue Service. We now expect to mark a bill up sometime next week, though we have not yet seen the bill.

I appreciate very much the leadership of the chairman of the Finance Committee. However, Mr. President, I must say that I believe we are doing what is commonly referred to as ''making the perfect the enemy of the good.'' In other words, we are taking a good piece of legislation that passed the House last November in a 426–4 vote, which would give taxpayers substantial new powers. Over 100,000 collection notices are sent out every single day. There are over 238,000 incoming phone calls to the IRS every single day and, by some estimates, over 40 percent of them are not answered, and a very high percentage of those calls that are answered are answered incorrectly. The collection notices go out with no concern about whether or not negligence has occurred. So fearful are the American people when they receive a collection notice that former Commissioner Richardson—when she came before the Finance Committee this year, she said that her first paycheck came with an IRS return address and it terrified her to open it. She was the Commissioner of the IRS, and she was practically too frightened to open a letter from the IRS.

About 114,000 collection notices go out every single day. The bill that passed the House would say that, if an error has been made, the taxpayer can recover the cost that they put into trying to defend themselves against the IRS. If the IRS is negligent, the taxpayer would be able to collect up to $100,000 in punitive damages. For the first time, we change the environment in which the IRS sends out its collection notices.

In addition, the IRS would be required to publicly say: Here is the objective criteria for our audits. Today to get that information, you have to put in a Freedom of Information Act request. Thus, in the hearings we have had, both in the Restructuring Committee as well as the Finance Committee, through this Freedom of Information Act request, we had an opportunity to see substantial differentials between the bases of audits in one State versus another State and examples where the IRS agents were actually given quotas and incentives to go out and get more, even though there was no basis for it. There are all sorts of examples of abuses that are corrected in the bill that passed the House.

The chairman of the Finance Committee is trying to improve that bill. I think that is terrific. He has a lot of terrific ideas that he has pulled from the hearings he has had. I think that is all well and good.

Mr. President, I hope the Republican leader will say to the chairman of the Finance Committee that we need a process that will meet the deadline that the American people have. The deadline they have is April 15. That is after we go out of session next Friday. But for 120 million taxpayers, they have to have their taxes paid by the 15th of April. I hope we can put together an expedited process that would have the chairman of the Finance Committee meeting with Ways and Means Committee Chairman ARCHER, the ranking members of both committees, with the administration, sometime early next week, because if we can pass a bill in the Finance Committee and on the floor of this Senate which could be conferenced quickly with the House and signed by the President, we could give the taxpayers of the United States of America a tremendous bonus on the 15th of April—more power, more certainty that, if the IRS sends a collection notice out, they are going to send a notice out to the taxpayer that actually owes additional money rather than one that doesn't.

In addition, this new legislation, again, was passed by the House with some good improvements that the chairman wants to put on this bill, which would give the commissioner authority to manage the agency. This is a terribly important issue, Mr. President. Currently, we have regions, districts and areas, and we organize the IRS geographically. What the Commissioner indicated he wants to do is restructure the IRS so that it is organized around the category of taxpayer—small business, large corporation, individual payers, as well as nonprofit. That way the Commissioner is going to have an opportunity to not only run the IRS more efficiently, but to reduce the cost to the taxpayer to comply with the Tax Code. By organizing it by category of taxpayer, the Commissioner has indicated, and I think quite correctly, that he is going to be able to say to some taxpayers that it costs us more to collect the money than we get from you; thus, we are going to provide regulatory relief,

especially in the area of small business, in situations where the cost exceeds what we are able to collect, be able to manage the problems that large businesses have, that nonprofits and individuals have, in a much different way than we currently see.

Next, with that authority, and especially with an oversight board that is independent from the executive branch, and hopefully a restructured congressional oversight—and, remarkably, some have actually proposed that we strike the consolidation of the oversight in the Congress. We had hearings in the Restructuring Commission with Congressman PORTMAN, a Republican from Ohio, and I for over a year, and almost every witness said problem No. 1 is Congress. Remember, the IRS is not Sears & Roebuck. This is not a private-sector organization. They have 535 members of their board—the Congress. There are six committees that have oversight responsibility over the IRS, and what we were told repeatedly, both with anecdotes and with data, was that they need to consolidate the oversight so the Commissioner, with a new independent board, can meet and achieve consensus on what the vision and the purpose of the IRS is going to be. Why? For a variety of reasons, Mr. President. One is making certain that funding is going to be constant, but, more importantly, to make certain that the investment in technology is done right.

This whole effort started a couple of years ago. Senator SHELBY and I, in oversight hearings on the Appropriations Committee, noted with considerable concern that almost $4 billion of taxpayer money had been wasted in a thing called ''tax system modernization,'' trying to get the computers to operate, to talk to one another so the stovepipes would not prevent the conversations back and forth.

Tax systems modernization, Mr. President, is very difficult to do, unless you have a shared consensus between the executive and legislative branches, with consolidated oversight on the congressional side and with an independent board that is able to act on behalf of the taxpayers. In that kind of environment, it is much more likely that technology investments will be made right.

Most importantly, I hope the majority leader will instruct the Finance Committee chairman, let's get a meeting next week with Mr. ARCHER, Mr. RANGEL, Senator MOYNIHAN, and Mr. Rubin, and whatever we pass in the Senate committee, let's do it in a fashion that enables us to meet this April 15 deadline.

Mr. President, there are important things in this legislation. I have behind me a chart which I call the IRS Reform Index. I will mention some of the things that are on that chart. The date the IRS reform legislation passed the House with 426 votes to 4 was November 5, 1997. The date by which the Senate Republican leadership promised to bring the IRS reform to the floor is March 30, 1998. I think the majority leader understood why it needed to be done then—because we need to set a deadline of April 15 to complete our work, and I very much appreciate that that in fact is what is possible for us.

Still, if we expedite the process, rather than putting something out of committee that has no chance of being conferenced and perhaps won't be signed by the President as well—again, one of the worst mistakes here is making the perfect the enemy of the good. Since November 5 to March 30, over 17 million Americans have received a collection notice. That is a huge number of people who have received a collection notice without the power of the law that has passed the House, as well as some significant new powers the chairman wants to provide. That legislation would pass 100–0 if we brought it up quickly, 34 million Americans called the IRS since November 5, nearly 17 million did not get through and of those who did, over 1 million received wrong answers. We have 40 cosponsors in the Senate, and 14 of the Finance Committee's 20 members are cosponsors of the bill. All this is to say that, if we want to pass good, strong legislation and meet the April 15 deadline, there is absolutely no legislative reason for us not to.

I am hopeful that sometime early next week the majority leader will talk with the Finance Committee chair and say meet with Mr. RANGEL, meet with Mr. ARCHER, meet with Mr. MOYNIHAN and Mr. Rubin; let's have a joint meeting so whatever we pass out of the Finance Committee we can pass here on the floor of the Senate, conference it quickly with the House, get it on to the President for signature, meet the April 15 deadline that 120 million American taxpayers have imposed upon them under current law.

I thank my colleagues and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—SENATE CONCURRENT RESOLUTION 86

Mr. DOMENICI. Mr. President, I ask unanimous consent that when we complete our business today there be 44 hours remaining for debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I further ask that when the Senate completes its business on Monday, March 30, there be 34 hours remaining on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 330, the fiscal year 1999 concurrent resolution on the budget.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 86) setting forth the Congress budget for the U.S. Government for fiscal years 1999, 2000, 2001, 2002, 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during consideration of the 1999 concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that staff of the Senate Budget Committee, including congressional fellows and detailees named on the list that I send to the desk, be permitted to remain on the Senate floor during consideration of S. Con. Res. 86 and that the list be printed in the RECORD. Mr. President, the list is for both majority and minority.

I send the list to the desk at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list follows:

MAJORITY STAFF

Victor Block, Amy Call, Jim Capretta, Lisa Cieplak, Allen R. Cutler, Kay Davies, Larry Dye, Beth Felder, Alice Grant, Jim Hearn, Bill Hoagland, Carole McGuire, Anne Miller, Mieko Nakabayashi, Maureen O'Neill, Brian Riley, Mike Ruffner, Amy Smith, Austin Smythe, Bob Stevenson, Donald Marc Sumerlin, Winslow Wheeler, Sandra Wiseman, Gary K. Ziehe.

MINORITY STAFF

Amy Peck Abraham, Phil Karsting, Daniel Katz, Bruce King, Jim Klumpner, Lisa Konwinski, Diana (Javits) Meredith, Martin S. Morris, Sue Nelson, Jon Rosenwasser, Paul Seltman, Scott Slesinger, Barry Strumpf, Mitchell S. Warren.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the full floor access and privileges of the floor be granted to Austin Smythe and Anne Miller on S. Con. Res. 86.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, fellow Senators—Senator LAUTENBERG is

present on the floor—we have just agreed that we will relinquish 6 hours of the debate time of the 50 hours that we are allotted under statute. I personally do not intend today to make an opening statement explaining this budget. I will do that Monday evening when I arrive back from a funeral in New Mexico for Representative Steve Schiff. Anybody who would like to come down and speak is welcome. I now yield the floor to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the chairman of the Budget Committee for initiating some movement now. We want to try to get this budget done. We do not, however, want to deprive any of our Members, be they Republican or be they Democrat, from the opportunity of offering amendments in accordance with the procedure as we know it, with the time consumed, again, according to the structure for budget resolution consideration. But I want to make sure for those Members who want to start the process that we give them the courtesy of using time in accordance with their need and that we don't deliberately invade the response time because we want to consume time to be able to get the process really underway.

First of all, I ask whether or not we can start the debate on Monday somewhat later—if we are here late, we will be here late; we are willing do that—whether we can start perhaps at 1 o'clock or 12 o'clock? We are going to consume 10 hours on Monday. I ask the distinguished chairman of the Budget Committee whether that is a problem.

Mr. DOMENICI. Mr. President, let me respond in this way. Normally what time we start Monday would be up to the distinguished Republican leader. I strongly recommend and concur with the Senator that there is no real need to start early. They are going to have plenty of time. I concur with my colleague and want to make sure everybody knows, we are not going to cut off any debate as far as debate on this resolution. As a matter of fact, what is going to happen is unless we fix the process up a little bit, we are still going to have, at the end, 10 or 15 or 20 amendments. I would like to find a way to alleviate that.

But in the meantime, it seems to me, it would be better to start sometime after lunch. We will have somebody here representing me. I think the Senate knows I cannot be here until sometime shortly after 5. The distinguished Senator from New Jersey is not going to be available in the morning either, is he?

Mr. LAUTENBERG. That is true, Mr. President. And we have a designee, a member of the Budget Committee, who will represent us to make the process available, make the resolution available for laying down amendments. There is not going to be any problem with that.

Mr. DOMENICI. I would ask the majority leader, and will do that immediately upon our completing here, that we not be back on this resolution before 1 o'clock on Monday. I cannot agree to that at this point, but I will ask and I think it will be agreed to.

Mr. LAUTENBERG. I appreciate that. At the same time, just to make sure that we have the appropriate, usually competent staff that we always have working with us when we do our committee work, I ask unanimous consent that Sue Nelson and Amy Abraham, who are analysts with the Budget Committee, be given full floor privileges for the duration of all debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2165

(Purpose: To establish a deficit-neutral reserve fund to reduce class size by hiring 100,000 teachers)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2165.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CLASS SIZE REDUCTION.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to reduce class size for students, especially in the early grades, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

Mrs. MURRAY. Mr. President, the amendment that we have sent to the desk has to do with education and class size. I ask this amendment be laid aside and have debate at a time to be determined by the ranking member.

Mr. DOMENICI. Let me just state, it has been our precedent around here that we do not have amendments for the first 4 hours we invite general discussion. But we are going to count 6 hours against the bill, and I think it is only fair, under those circumstances, rather than make her wait for 4 hours, that she be allowed to introduce this amendment now.

I want it understood that we have not agreed as to the timing of this amendment in that it has usually been a Republican has an amendment, then a Democrat. This sequencing or chronology of her amendment, the amendment of the distinguished Senator, will be up to the Senator from New Jersey as it pertains to Democratic amendments. Is that acceptable, Senator?

Mrs. MURRAY. That is fine.

Mr. LAUTENBERG. I thank the chairman of the Budget Committee for conceding this opportunity for Senator MURRAY. I do not know whether the Senator from New Mexico has any further business. We have nothing.

The PRESIDING OFFICER. As modified, the unanimous consent agreement with respect to the Murray amendment is agreed to.

Mr. DOMENICI. We have nothing further, no further discussion, and we have under the unanimous consent agreement how much time is taken off the bill.

Mr. President, I assume until the leadership decides otherwise, we will be in open session in quorum calls or other business. But if Senators want to speak to the budget resolution, I assume for a significant amount of time the floor is going to be open for them to do that. I have already indicated that I cannot stay here and manage under these circumstances, but I assume that, with the Parliamentarian, things will run pursuant to the unanimous consent agreement.

The PRESIDING OFFICER. It will run pursuant to the unanimous consent agreement.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent to such time as I might use from the Democratic side on the budget debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the Nation's students deserve modern schools with world class teachers, but too many students in too many schools in too many communities across the country fail to achieve that standard.

The latest international survey of math and science achievement confirms the urgent need to raise standards of performance for schools, teachers and students alike. It is shameful that America's 12th graders rank among the lowest of the 22 nations participating in this international survey of math and science.

Schools across the Nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education.

Across the country, 14 million children in a third of the Nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $100 billion just to repair the existing facilities nationwide.

This chart is a good summation as to what the current conditions are. This year, K–12 enrollment reached an all-time high and will continue to rise over the next 7 years. 6,000 new public schools will be needed by the year 2006 just to maintain current class sizes. We will also need to hire 2 million teachers over the next decade to accommodate rising student enrollments and massive teacher requirements. And because of the overcrowding, schools are using trailers for classrooms and teaching students in former hallways, closets, and bathrooms. Overcrowded classrooms undermine discipline and decrease student morale.

This chart reflects, again, the kind of crisis we are facing for our 52 million American students: 14 million children learn in substandard schools; 7 million children attend schools with asbestos, lead paint, or radon in their ceilings or walls; 12 million children go to school under leaky roofs; a third of America's children study in classrooms without enough outlets and electrical wiring to accommodate computers and multimedia equipment.

The General Accounting Office has determined that it will take in excess of $100 billion just to repair existing facilities nationwide. We send a very powerful message to the children in this Nation when they are going to substandard schools. The message is this: The parents, or the older generation, don't give education the priority which it deserves.

Politicians of both parties are out there talking about our responsibility to education and to our children and our future, but we fail to have decent facilities with enough classrooms and well-trained teachers and fail to care for children both before they get into school and in the after school hours. Putting children first—when we fail to do that, we send a very powerful message to children that it really doesn't make an awful lot of difference how they perform in school and whether they conform to various rules and regulations. We send a message to children every single day that they go to dilapidated schools or overcrowded schools that education for the children of this country is not our first priority.

We have to ask ourselves as we begin the budget debate, How does this budget reflect our Nation's priorities? This budget, which we are beginning a debate on today and will continue to debate through the course of next week, how is that really going to reflect our Nation's priorities? What are we prepared to do to try to work with States and local communities to improve the schools in our country?

Just throwing money at a problem is not the answer; we have all learned that. But I tell you that the amount of resources you allocate to a particular purpose or policy is a pretty clear reflection about what kind of priority the Nation is going to place on it.

If we are not going to provide the resources that are necessary to reduce class size and enhance educational achievement, if we are not going to try to address the problems of dilapidated and decaying schools, not only in urban areas but in rural areas, if we are not prepared to help recruit additional schoolteachers who are well trained and certified to teach the courses which they are instructing, if we are not going to help provide education opportunity zones to assist communities that are trying to innovate and be imaginative and work with teachers and parents to enhance academic achievement—all of which have been proposed by the President—if we are not going to say we care sufficiently about children when they leave school in the afternoon, the 5 million children that go home to empty houses every single day, we don't care about them—if we don't care enough about children before they go to school in Head Start programs, if we are not prepared to invest in children, then we are sending a very powerful message.

Those speeches that Members are making in here are empty. We are challenging our Republican leadership and Republican colleagues to invest in children, reject what the Budget Committee has done in turning its back on children—and I say ''turning their back on children.'' We will get into the particular details of the budget resolution later.

Now, incredibly, the Republican budget proposal ignores the pressing needs that I have outlined here. The Republican plan cuts funding for education. It refuses to provide key new investments to improve public education. If that anti-education plan is passed, schools and students will get even less help next year than they are getting this year. Let me repeat that: If this budget that is before the Senate now is not altered and changed, then the help and assistance for public schools will be less next year than it was this year. That is the end result, because even if the Appropriations Committee increases funding later on during the course of this Congress, it will violate the budget resolution.

This budget resolution is the time to debate the allocations of resources to enhance the public schools in this country. Under the resolution that is before the Senate this afternoon, there is a real cut, a real cut in support for public education. That is what I find so incredibly offensive in terms of the budget proposal that is before the Senate. The Republican anti-education budget cuts discretionary spending by $1.6 billion below the President's budget. It cuts funding for education and Head Start programs by $1 billion below the level needed to maintain current services.

The Head Start Program had bipartisan support. We have expanded Head Start programs for Early Start on the basis of the Carnegie Commission Report and the wide range of different testimony that has been before our Education Committees: The earlier the kind of contact, as the child's brain is developing, and building confidence and helping and assisting that child through a nurturing experience and expanding their horizons, has a very, very important impact in the ability of that child to expand their academic achievement in the growing years of education. That has been proven. We saw a small allocation—about 4 percent—in the early education programs in the Head Start Program, and it has been successful. We have been trying to expand it. But all of those resources are being cut back in the Republican budget proposal that is out here before the Senate.

As I said, it cuts the Head Start Program. The Republican anti-education budget denies 3.7 million students the opportunity to benefit from smaller class size. It denies 900,000 disadvantaged students the extra help they need to improve their reading and math skills. It denies 400,000 students the opportunity to attend after-school programs, those programs which are so essential.

We know that the best teacher that any child has is the parent—the parent; second, it is the schoolteacher. But we

also know what children do before they come to school in the morning is important, and we know what happens to children in the afternoon is very important. We won't take the time to elaborate on the after-school programs and what it means in terms of helping and assisting a child, working with that child, to help them with their homework, help them with auxiliary programs as I have seen out in Dorchester, MA, just 3 weeks ago in an excellent program. I saw the liveliness of those children in the after-school programs.

You would think a child, after going through a full day of education, would be pretty tired, but the light in those children's eyes as they are involved in doing their homework and involved in artwork, involved in photography, and even in cooking so that they would be of help and assistance in the home—the idea of helping those children get their homework done in the afternoon with help and assistance, so when their parents are at home at nighttime after a full day of work, they can enjoy some common time together and the parents are not going to the child saying, ''You better go off and do your homework.''

These are pretty commonsense recommendations, after school programs. I won't take the time, at least now, to go through the excellent presentations of Paul Evans, our police commissioner in Boston, who talks about the importance of after-school programs in order to reduce crime and violence in a community—eloquent, eloquent testimony. I daresay that we have had a better record in Boston in reducing youth homicide than any city in the country. We went over 2 years without a single youth homicide—over 2 years without a single youth homicide.

If you had Paul Evans here on the floor of the U.S. Senate this afternoon, he would say there are three elements. You need to have a tough kind of action in dealing with the violent youth that are involved in gangs, you have to have an effective program to police the proliferation of weapons, and you have to have an effective after-school program. How many times I have listened to his eloquence. Those three elements are the key.

But an after-school program is key if we are serious in terms of trying to do something about violence in our society, and that case is so powerful. The President has an after-school program. It has been a modest program for the last year. It has been tried and tested. It recognizes that the increase in crime among juveniles rises about 60 percent between the hours of 3 and 4 every single day, just when kids get out. And 70 percent of the illegitimate births among teenagers are caused during the time of between 3 and 6 in the afternoon. It is a key time, Mr. President, when too many of our young people are cast loose out into society, or just into their own homes with a television set, or if they are older, to a street corner. This is an important ingredient in terms of the education component.

Now the President requested that program, and it is effectively zeroed out in the Republican program. So you are going to deny some 400,000 students the opportunity to attend after-school programs.

The Republican budget denies 6,500 middle schools, serving 5 million students, extra help to ensure that they are safe and drug free. It denies 1 million students in failing schools the opportunity to benefit from innovative reforms. It denies 3.9 million needy college students an increase in their Pell grants.

The President requested a very modest increase in Pell grants, which would have a significant impact on students such as those who attend UMASS-Boston. Their tuition may be up now to $1,350 a year. Eighty-five percent of those kids' parents never went to college. Eighty-five percent of them are working 25 hours a week or more. When the tuition is up $100 at UMASS-Boston, they see a 10 percent decline in admissions requests. That $100 makes a difference to those kids. That $100 is a life-and-death thing to those kids. And the President had recommended some $300 on it. The way it works out, in terms of the formula, it would be a little over $100 per kid in the Pell grant program that was lost dramatically in purchasing power over the past years. That is eliminated, Mr. President.

All of these are paid for in the President's program. These aren't add-ons to the budget. They are all paid for under the President's program that moves us to a balanced budget. But no, no, we have to cut those programs investing in kids and provide a $30 billion tax cut for wealthy individuals. Take that money that is going to after school, take that money away from Pell grants, take that money away from children for math and science, take that money away from smaller classrooms and take that money away from strengthening teacher training, and put it where? In a tax break. Now, that is the issue. It is an issue of priorities. It is an issue of priorities. It is who is on whose side? If you want to cut to the meat of it, who is on the side of working families and their kids, and who is on the side of those that need another tax break? It isn't the working families that get a tax break, because the Republicans have opposed any increase in the minimum wage. This isn't even a tax break. These are men and women who are working hard, playing by the rules, and want to provide their kids with food on the table and, after working two jobs, to be able to spend some time with them.

You would think they would at least say that if we are not going to give them a tax break—because they don't benefit from a tax break—at least say let's give them an increase in the minimum wage. No, no, no. That is what we heard last year, but we were eventually able to win it. But we haven't got one single Republican cosponsor of an increase in the minimum wage for this year—not one—when we have seen the most expanding, growing economy, with 320,000 jobs added in the job market last month, and 12,000 in the restaurant industry; they are always complaining about any increase and how it is going to be devastating to the restaurant industry, but they grew 12,000 jobs just last month.

So, Mr. President, these are some of the issues that are in this budget and what we have to address. We must test students early so that we know where they need help in time to make that help effective. We must provide better training for current and new teachers so that they are well prepared to teach to high standards. We must reduce class size to help students obtain the individual attention they need. We must provide after-school programs to make constructive alternatives available to students. We must provide greater resources to modernize and expand the Nation's school buildings to meet the urgent needs of schools for up-to-date facilities.

I hope that during the consideration of the budget resolution next week, we will give education the high priority that it deserves.

CIGARETTE PRICE INCREASE

Mr. KENNEDY. Mr. President, I want to take a moment of the Senate's time to talk about another decision and another priority that was made in the Budget Committee in the past 10 days.

The Republican budget would also prohibit using the money raised by a cigarette price increase from being directed to programs that prevent children from starting to smoke and help those who are already addicted to quit smoking. These programs are essential to any effective antismoking effort.

What you have to have, if you are going to be serious about trying to stop the youth from smoking, is a dramatic increase in costs in a short period of time. That is the record. We have examples of it. We can spend some time in going through those various reports. You need to have that. It also has to be accompanied by an effective counteradvertising campaign. If you only rely on an increase, what happens is the tobacco industry goes out and increases their advertising, and that overwhelms the discouraging aspect of a price increase. That is the record of it. We have seen that, and we will have a chance at another time when we go through the whole debate on tobacco.

So you have to find a corresponding action. What the public health community, who studied this for years, says is that you not only have to have counteradvertising of tobacco, which amounts to $5 billion a year—you don't expect to match it with $5 billion a year, but under the Republican proposal it talks about $125 million that they are prepared to authorize but won't even guarantee. Even the last spring settlement, which was deficient in some important areas, provided for the mandatory spending for

counteradvertising. But not this Republican budget, not this Republican budget. No. They said, effectively, no, we won't require that moneys that come in as a result of an increase in price—sure there should be some moneys for the Medicare Program, but let me depart for a moment.

The best way to help the Medicare Program is to get kids to stop smoking. The costs of the Medicare Program are $9 billion a year, approximately. When you stop kids from smoking, you are going to save Medicare billions of dollars. So we allocate, under the Conrad proposal, some resources on Medicare. But we are talking now about the public health measures that have been turned down by the Budget Committee. These public health measures had been included in the first McCain proposal that was offered last fall. He knew they were important. They were included in the Hatch proposal, which also includes these measures, funds to try to deal with the public health aspects of children. They were included in a bipartisan program on Harkin-Chafee. They included that. But not the Budget Committee, not the Budget Committee, well-known protectors of the public health; not the Budget Committee, no, sir.

Zero in terms of counteradvertising; zero in support of local communities for cessation programs to stop kids from smoking in the schools, to try to help local communities, work in local schools, nonprofit agencies, groups that have been working with cessation programs for years, zero for them, no way; zero for studying the problems of addiction to narcotics, and to study the problems with health-related issues that are attached to tobacco, such as lung cancer; effectively zero for any kind of a review, study, or investment in those particular programs; and zero with regard to looking out after farmers who are going to be impacted by this program. I may have my differences on the public policy issue on tobacco, but I am not prepared, like the tobacco industry has done it, to do it on the backs of those tobacco farmers.

If you look back over what those tobacco farmers' increase has been over the past 10 years, when you have had record profits by the tobacco industry, it was pittance for those tobacco farmers. The first thing that happens, if the tobacco industry gets in any problem, they rent those big buses and park them on the mall and let them come up here and ask us why we are against those individuals and their families. How many times have we done that, Mr. President? We will have a chance to go on through that.

But the point that we are making, Mr. President, is that these programs are essential to any effective antismoking effort and education on the dangers of tobacco use, counteradvertising, deglamorizing smoking among children, smoke cessation programs, and medical research to cure tobacco-induced diseases. They should be the first priority for the dollars produced by a cigarette price increase.

All of us agree that Medicare should be protected for future generations. All of us recognize that tobacco imposes a heavy cost exceeding $9 billion a year on Medicare, and that a share of any tobacco revenues should be used for Medicare.

But one of the best ways to keep Medicare strong for the future is to invest in important public health and tobacco control programs that prevent children from beginning to smoke and help current smokers to quit smoking.

But not this budget. Every public health official that has appeared before Republicans and Democrats alike in the House and in the Senate has said these are essential. But not the Budget Committee. But we will have a chance to address that. That is an important priority. Americans will lead healthier lives, and the burden of tobacco-induced diseases will be greatly reduced.

Obviously, it makes good sense to earmark funds for Medicare and smoking cessation programs, for tobacco counter-advertising campaigns, for tobacco-related research and education programs, and for FDA enforcement of provisions to reduce smoking by children.

Unfortunately, the Republican budget earmarks all of the tobacco revenues for Medicare. It prohibits using even one dollar of the tobacco revenues to deter youth from smoking. That's unacceptable.

Smoking has inflicted great damage on people's health. It makes sense to use tobacco revenues for these important anti-tobacco initiatives too.

These programs work. Every dollar invested in a smoking cessation program for a pregnant woman saves $6 in costs for neonatal intensive care and long-term care for low birthweight babies.

Listen to this. Every $1 invested in a smoking cessation program for a pregnant woman saves $6 in costs for neonatal intensive care and long-term care for low-birthweight babies. But there is nothing in this program for that.

The Republican budget offers no help in cases like this, and that makes no sense.

The Republican budget offers no help to states and communities for public health advertising to counteract the $5 billion a year—$5 billion—that the tobacco industry pours into advertising to encourage people to start smoking and keep smoking.

The Republican budget offers no help to the Food and Drug Administration to enforce the laws against the sale of tobacco products to minors, even though young people spend $1 billion a year to buy tobacco products illegally.

You would think that we would want to try to do something about that as well. Talk to any serious official in the public health community, and they will say that we need a multidisciplined approach if we are going to have an impact in reducing tobacco use among young people. We have to do all of these things. But not the Budget Committee. And the Republican budget offers no help for medical research on tobacco-related diseases, even though such research can lead to enormous savings for Medicare. The country supports, I believe, these fundamental, sound public health proposals, and the Senate should as well.

MEDICARE BUY-IN AND THE BUDGET

Finally, Mr. President, I want to mention just two other areas. One is the area of the Medicare buy-in and the budget.

Mr. President, the President has advanced a proposal to permit those near the age of 65 and those 62 years old to be able to buy into Medicare and do it in a fiscally sound way that will not interfere with the financial integrity of Medicare. These individuals in their early sixties are too young for Medicare but too old for affordable private coverage. Many of them face serious health problems that threaten to destroy the savings of a lifetime and prevent them from finding or keeping a job. Many are victims of corporate down-sizing or a company's decision to cancel the health insurance protection they relied on. No American nearing retirement can be confident that the health insurance they have today will protect them until they are 65 and are eligible for Medicare.

Three million Americans aged 55 to 64 have no health insurance today. The consequences are often tragic. As a group, they are in relatively poor health, and their condition is more likely to worsen the longer they remain uninsured. They have little or no savings to protect against the cost of serious illness. Often, they are unable to afford the routine care that can prevent minor health problems from turning into serious disabilities or even life-threatening illness.

The number of uninsured is growing every day. Between 1991 and 1995, the number of workers whose employers promise them benefits if they retire early dropped twelve percent. Barely a third of all workers now have such a promise. In recent years, many who have counted on an employer's commitment found themselves with only a broken promise. Their coverage was canceled after they retired.

The plight of older workers who lose their jobs through layoffs or downsizing is also grim. It is hard to find a new job at age 55 or 60—and even harder to find a job that provides health insurance. For these older Americans left out and left behind through no fault of their own after decades of hard work, it is time to provide a helping hand.

And finally, significant numbers of retired workers and their families have found themselves left high and dry when their employers cut back their coverage or canceled it altogether.

Democrats have already addressed legislation to address these issues—and

the budget must provide for its enactment. The legislation allows uninsured Americans age 62–64 to buy in to Medicare coverage and spread part of the cost throughout their years of eligibility through the regular Medicare program. It allows displaced workers aged 55–62 to buy into Medicare to help them bridge the period until they can find a new job with health insurance or until they qualify for Medicare. It requires companies that drop retirement coverage to allow their retirees to extend their coverage through COBRA until they qualify for Medicare.

This legislation is a lifeline for millions of older Americans. It provides a bridge to help them through the years before they qualify for full Medicare eligibility. It is a constructive next step toward the day when every American will be guaranteed the fundamental right to health care. It will impose no additional burden on Medicare, because it is fully paid for by premiums from the beneficiaries themselves.

In the budget there ought be the opportunity for us to debate this issue, and if judgment is made that we are going to move forward on it to ensure that we are going to have the votes and not be blocked from moving forward on it because of the failure of the Budget Act, to at least consider that possibility.

INVESTMENT IN CHILDREN

Mr. President, everyone knows that investments in children pay off, and focusing the attention of the Nation on a central priority for vast numbers of American parents—the availability and affordability and quality of child care and after-school programs—I believe is essential. There is a shocking lack of child care that meets these three basic tests: Affordability, availability, and quality. It is a dramatic fact of life for millions of families across the Nation. Thirteen million children spend all or part of their day in child care. Five million are left unsupervised after school. Their parents are working parents and deserve to know that their children are not just safe but well cared for.

We must make sure that we take care of our children and have child care development programs. We need to expand the child care development block grant and ensure there is mandatory money to invest in our kids. And we have failed to do so in this budget.

EEOC ENFORCEMENT

Mr. President, this year, Congress must commit greater resources to the Equal Employment Opportunity Commission. Although many of my Republican colleagues want to eliminate all forms of affirmative action that have benefited women and minorities, shouldn't everyone—Republicans and Democrats alike—support strong enforcement of our civil rights laws? To do otherwise undermines the promise of equal justice and equal opportunity for all.

The EEOC is the only government agency solely devoted to enforcing our great civil rights laws—the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Equal Pay Act. But, while the agency has received greater enforcement responsibilities, including the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991—its congressionally appropriated resources have decreased.

The Republican leadership must support its anti-discrimination rhetoric and support the work of this agency. The EEOC needs the tools necessary to quickly investigate charges of discrimination against individuals, as well as patterns of discrimination found in the workplace. I hope my Republican colleagues agree with the sentiment of our former majority leader, Bob Dole. Senator Dole said,

> [W]e must conscientiously enforce our antidiscrimination laws. Those who violate the law ought to be punished, and those who are the victims of discrimination must be made whole. Unfortunately, our nation's top civil-rights law enforcer, the Equal Employment Opportunity Commission, is burdened with an unacceptably high . . . case backlog. We must give the EEOC the tools it needs to do its job properly.

The budget must include President Clinton's request for $270 million for the Equal Employment Opportunity Commission. It is the right thing to do for our country.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, am I correct that we are in morning business?

The PRESIDING OFFICER. The Senate is currently considering the concurrent Senate budget resolution.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for not more than 7 or 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

Mr. President, first let me say in response to the recent statement by my good friend from Massachusetts about the degree of compassion associated with the Republican Members of the Senate that I disagree. I am sure that the Budget Committee and its able chairman, Senator DOMENICI, will respond in detail to the generalizations that have been expressed by my friend from Massachusetts. But let me just make one specific point.

We have heard that the Republicans and the Republican budget do not invest enough in education; that they have not adopted the two key plans of the President's budget: $5 billion for school construction, and $7.3 billion to hire 100,000 more teachers over the next 5 years.

The facts show that, indeed, the Republicans have kept their word. We have increased education spending by exactly what the President and the Congress agreed to do last year in the balanced budget agreement. We have provided $8 billion in additional discretionary education funding over the 5-year period, and in total we will provide close to $20 billion in kindergarten-through-grade 12 education funding this year. That is a 98-percent increase over the last 10 years.

I would not take criticism relative to the Republicans' commitment to education. It supports exactly what the President has asked for. Again, that is $20 billion for kindergarten through grade 12 education funding and a 98-percent increase over the last 10 years.

I am sure others on the Budget Committee will address other generalizations in more detail.

WARD VALLEY TRESPASSERS

Mr. MURKOWSKI. Mr. President, my purpose in seeking time this morning is to communicate to the other Members of a grievous trespass occurring on public lands, a trespass that would certainly not be allowed in the State of Minnesota or in my State of Alaska.

Today we have a significant standoff in the southern California desert between the Federal Government and trespassers at the Ward Valley site. For several years, the State of California and Governor Wilson have sought to purchase from the Federal Government the 1,000-acre Ward Valley site in southern California out in the Mojave Desert, a pretty inhospitable area. Large transmission lines go over the property. You can hear the buzz of the electrical energy going through those wires. And it has been determined to be a suitable site for low-level waste. California wants to build a low-level waste disposal facility on this Federal property which is located in a federally designated utility corridor, as I have indicated, with the power lines going over it. It is close to an interstate highway. The State of California has proposed to purchase this land from the Department of the Interior. It is appropriate to reflect that this waste has to go somewhere. Nobody wants waste, either high- or low-level, but we have to acknowledge the merits of the technologies that produce the waste. They improve our health. Because most of this waste is biotech, used for the treatment of cancer and other medical uses, x ray and radiological type of medical treatments that we all receive. It lengthens our lives and eases our misery.

Currently this waste is located at just the State of California, over 800 temporary sites throughout the State. Many of these locations are in urban areas, near universities, communities, clinics.

It has been determined that Ward Valley would be an appropriate disposal facility. The State of California, as well as other States, has been given the authority under certain terms and conditions to basically provide long-term waste storage, assuming that the Federal and State criteria are met. In

this case Ward Valley has met the State of California criteria, yet the Department of the Interior refuses to support the selection of this site and move with the land purchase. We have had is a decade of environmental tests. I guess we are stuck with decades and a confirmation by the National Academy of Science—the last word, if you will, in science—that this property is suitable for low-level radioactive waste disposal facility.

It is either this property or leave it where it is, 800 sites throughout California, on the way to schools, churches, shopping centers; facilities that have never been designed to hold this waste. However, the Interior Department still is not satisfied with the tests that have taken place. It is not satisfied with the report from the National Academy of Sciences.

In February of 1996, the Interior Department announced it had planned on conducting additional environmental tests at Ward Valley. Let's do some more tests. These tests were finally scheduled to begin last month, 2 years after the original announcement. That is how long it takes, and I am not sure it is over yet. The tests still have not begun. They have not begun now because protesters at the site have refused to move off the site.

These are protesters, trespassers on Federal land. Last month, the California State Office of the Bureau of Land Management ordered the protesters at the Ward Valley site to relocate by February 18 so the tests could begin. The protesters have been occupying the property for the last couple of years under a land use permit, issued by the BLM. I did not know this, but you can evidently get a land use permit to initiate civil disobedience.

These protesters are already in violation of their original land use permit. They have refused to comply with the February 18 deadline. Incredibly, the protesters, who are clearly trespassing on Federal land, are still there today. February 18 has come and gone. Federal rangers made no effort to evict them from the property. In fact, on February 25 all Federal rangers were withdrawn from the property. The question is, why?

Even more incredibly, over the past 6 weeks the trespassers have now taken control of the property. They now, the trespassers, mind you, refuse to allow the BLM employees access to the property to initiate the testing. The protesters have also refused to allow the U.S. Ecology, the State's licensee who is going to do the test, access to the property for environmental monitoring and refueling of its generators. When the BLM and the U.S. Ecology employees have been allowed to enter the property, they have been frisked by the protesters and all vehicles have been searched by the protesters' so-called security forces.

Isn't that a turnaround? This is Federal property. The trespassers have taken it over and are dictating the terms and conditions by which the Federal agencies can have access to their own property. Where in the world is the Secretary of the Interior? Where in the world is the Attorney General? As chairman of the Committee on Energy and Natural Resources, I am extremely disappointed with how the Department of the Interior has handled this entire matter. The Department of the Interior is allowing persons who are in clear violation of the law to not only occupy Federal land but also control the Federal land by determining whether or not tests can occur. Even more incredible, the Department is allowing the trespassers, who are now outfitted with knives, cans of Mace and handcuffs, to dictate the terms and conditions under which the Federal employees have access to the Federal lands. What message does this send to our Federal employees? What message does it send to our citizens?

The Department of the Interior says they are in negotiation with the trespassers, who include representatives of environmental groups and Indian tribes. However, there should be no room for negotiation with trespassers. They are just holding the Federal government hostage. The trespassers say that they will not leave Ward Valley until the Department of the Interior promises that no testing will occur and the property will not be transferred to the State of California. So they are saying, in effect, it cannot be used.

The Federal government has spent tens of millions of dollars, to date, on Ward Valley. The State of California has spent tens of millions of dollars. California's licensee alone has spent about $80 million in preparation for their license to build the facility. Yet, protesters are dictating the terms and solutions. With such an absolute position, well, there doesn't appear to be much room for negotiation.

I have asked the Secretary of the Interior, Secretary Babbitt, to inform me and advise me how he intends to deal with the trespassers on the Department of the Interior land and how he intends to deal with them on other Federal lands he controls. I also want to know what the Department intends to do if the standoff continues. Does the Department intend to allow our public land to be controlled by trespassers? This is an unacceptable and dangerous precedent.

I have also written the Attorney General, Janet Reno. As this Nation's chief law enforcement officer, I want to know how she plans to handle the trespassing at Ward Valley. Does she condone this illegal activity? Is she prepared to enforce Federal law? Will she fully and faithfully prosecute those trespassers? I hope this standoff can be peacefully resolved, but it needs to be resolved now—now, rather than later. It has already been 6 weeks in the making.

Mr. President, I ask unanimous consent correspondence I have directed to both the Honorable Bruce Babbitt, Secretary of the Interior, and Janet Reno, be printed in the RECORD.

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

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, March 24, 1998.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR MADAME ATTORNEY GENERAL: For several years, the State of California has sought to purchase from the Federal Government the 1,000 acre Ward Valley site in southern California for the construction of a low-level radioactive waste facility. Before deciding whether or not to transfer the property, the Department of the Interior plans on conducting additional environmental tests. At present, however, trespassers at the site refuse to allow these tests to begin. As this country's chief law enforcement official, this letter is to determine the extent of the Department of Justice's involvement with the current stand-off at the Ward Valley site.

Last month, the Bureau of Land Management (BLM), which manages the site, ordered protesters on the property to relocate so that the tests could begin. The protesters refused to comply with BLM's February 18th deadline and Federal rangers made no effort to evict them from the property. In fact, on February 25th, all Federal rangers were withdrawn from the property. For the past six weeks, the protesters have refused to allow BLM employees access to the property for purposes of conducting additional tests. The protesters, with one exception, also have refused to allow U.S. Ecology—the State's licensee—access to the property for environmental monitoring and refueling of its generators. when BLM and U.S. Ecology employees have been allowed to enter the property, they have been frisked and all vehicles have been searched by the protesters' ''security forces.''

As Chairman of the Senate Committee on Energy and Natural Resources, which has jurisdiction over this nation's public lands, I am extremely disappointed with how this matter has been handled. Persons—in clear violation of the law—have been allowed to not only occupy Federal land but also control whether or not environmental tests occur at the Ward Valley site. Even more incredible, the trespassers—outfitted with knives, cans of mace, and handcuffs—are dictating the terms and conditions under which Federal employees have access to public land. What message does this send to our Federal employees? What message does this send to our citizens?

To help me, and the Committee, assess this troubling situation, please respond to the following questions by Wednesday, April 1st:

1. Has the Department of the Interior consulted with, or sought assistance from, the Department of Justice on this matter?

2. What must happen before the Department of Justice assumes control over the current stand-off at the Ward Valley site?

3. What is the general policy of the Department of Justice with respect to trespassers on public lands?

Include in your response, the name, title, and phone number of the Department of Justice official with responsibility for monitoring the situation at Ward Valley.

In an effort to assist the Department in preparing thorough and responsive answers to these questions, and to ensure that there is a clear understanding as to the scope and nature of this request. Committee staff is available to meet with your staff to discuss any matter raised in this letter. If you have any questions about this request or if your

staff would like to meet with Committee staff, contact Kelly Johnson, Counsel to the Energy and Natural Resources Committee, at 224–4911. All correspondence regarding this request should be addressed to the attention of Ms. Johnson.

Thank you in advance for your cooperation with the work of the Committee.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, March 24, 1998.

Hon. BRUCE BABBITT,
Secretary, Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: In February 1996, Deputy Secretary John Garamendi announced that the Department of the Interior intended to conduct additional testing at Ward Valley before deciding whether or not to transfer the property to the State of California for a low-level radioactive waste disposal facility. The Interior Department's field tests finally were scheduled to begin last month. These tests have now been indefinitely postponed because of the illegal occupation of the Ward Valley site. I write to find out how you, as Secretary of the Interior, intended to proceed with the tests and handle the protesters at the Ward Valley site.

Last month, the California State Office of the Bureau of Land Management (BLM) ordered protesters at the Ward Valley site to vacate the property by February 18th so that field testing could begin. The protesters refused to comply with the deadline and Federal rangers made no effort to evict them from the property. In fact, on February 25th, all Federal rangers were withdrawn from the property. For the past six weeks, the protesters have refused to allow BLM employees access to the property for purposes of conducting additional tests. The protesters, with one exception, also have refused to allow U.S. Ecology—the States' licensee—access to the property for environmental monitoring and refueling of its generators. When BLM and U.S. Ecology employees have been allowed to enter the property, they have been frisked and all vehicles have been searched by the protesters' ''security forces.''

As Chairman of the Senate Committee on Energy and Natural Resources, I am extremely disappointed with how the Department of the Interior has handled this entire matter. The Department of the Interior is allowing persons—who are in clear violation of the law—to not only occupy Federal land but also control whether or not tests occur at the Ward Valley site. Even more incredible, the Department is allowing trespassers—outfitted with knives, cans of mace, and handcuffs—to dictate the terms and conditions under which Federal employees have access to public land. What message does this send to our Federal employees? What message does this send to our citizens?

To help me, and the Committee, assess this troubling situation, please respond to the following questions by Wednesday, April 1st.

1. Is the Department of the Interior negotiating with the protesters? If so, what is the status of these negotiations? When will these negotiations be complete? Include in your response, the name, title, and phone number of the Department official responsible for conducting these negotiations.

2. When does the Department anticipate beginning its field tests? When does the Department anticipate completing these tests?

3. Does the Department intend to enforce the BLM's order to the protesters to vacate the Ward Valley site? If so, when?

4. Does the Department intend to enforce the terms of the BLM permit issued to U.S. Ecology allowing it to collect environmental data at the Ward Valley site?

5. What are the current instructions to Federal rangers regarding surveillance, enforcement of permit conditions, and reports of illegal activities at the site to other law enforcement authorities?

In an effort to assist the Department in preparing thorough and responsive answers to these questions, and to ensure that there is a clear understanding as to the scope and nature of this request, Committee staff is available to meet with your staff to discuss any matter raised in this letter. If you have any questions about this request or if your staff would like to meet with Committee staff, contact Kelly Johnson, Counsel to the Energy and Natural Resources Committee, at 224–4971. All correspondence regarding this request should be addressed to the attention of Ms. Johnson.

Thank you in advance for cooperation with the work of the Committee.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

Mr. MURKOWSKI. I thank the Chair and wish the occupant a good day.

Mr. JOHNSON address the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. I ask unanimous consent to address the Senate for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with consideration of the concurrent resolution.

Mr. JOHNSON. Mr. President, we have before the Senate today, and will have on into next week, the budget resolution which has been reported from Senate Budget Committee, on which I serve. I commend ranking member LAUTENBERG from New Jersey for his leadership as well as Chairman DOMENICI for his work on the budget resolution. Obviously, we have differences relative to some components of the budget resolution. I think the current resolution is significantly lacking in many serious ways. At the same time, however, I want to acknowledge the extraordinary circumstance that we now find ourselves in as Americans here in the spring of 1998.

Many of us recognize that, upon his election 5 years ago, President Clinton faced a pool of red ink totaling around $292 billion per year, a pool of red ink that had exploded through the 1980s. When President Carter left office, this nation had accumulated a national debt of around $1 trillion. At the end of the 1980s, the accumulated debt of this country was four times that, in the $4 trillion range, and growing beyond sight.

After five successive years in reducing the annual budget deficit, we now find ourselves, in this fiscal year, with a budget surplus as measured under the unified budget-scoring system. We are in the black for the first time in 30 years. The last time the Federal Government had a unified budget surplus was in 1969 during the Lyndon Johnson administration when taxes were raised in order to pay for the Vietnam war. We slipped back into deficit again and then drowned in red ink through the 1980s.

So, we find ourselves in an extraordinary time. We must decide what kind of framework our Federal Government should have, and what kind of framework our budget should have, going on into the next millennium. After 5 years of budget discipline—in no small measure as a consequence of a very difficult vote on the 1993 budget reconciliation bill, which laid much of the groundwork for this progress—we find ourselves with record low inflation, record low unemployment, one of the highest levels of housing ownership that we have seen in decades, record low levels of crime and, again, the first budget surplus, at least under a unified budget, that we have seen in 30 years.

Where do we go from here? That is the question that the pending budget resolution asks. This is not just a budget issue. This is one that really reflects the values and the priorities and the philosophy of the American people. It has enormous ramifications for us all.

There are some very fundamental areas where the two political parties are in agreement on the budget resolution. I am thankful for that. I am pleased we have found common ground, first of all, in deciding that the budget resolution should sustain and continue the budget discipline mechanism that has been a factor in producing a budget surplus for the first time in 30 years. We will continue on a pay-as-you-go basis. No more new spending unless the cost is offset by spending decreases or revenue adjustments; no more tax cuts, even in an election year, unless those cuts are paid for by reduced spending or revenue increases somewhere else in the budget.

This is the kind of discipline that one would have thought should have been present in our Government for 200 years but, in fact, has been present for just this past decade. It is the kind of discipline that we must sustain. While there are some who, I think, are expressing some sense of giddiness over a budget surplus, we need to recognize that that surplus will remain only with continued budget restraint and discipline; that we must face the question of budget priorities; and that the election year Christmas trees that took place in the past are no longer an accepted part of budget strategy in this day and age.

Secondly, there is agreement between the parties, at least in the Senate Budget Committee, that the so-called budget surpluses ought to be preserved for the purpose of strengthening Social Security. We ought not to run off in any number of directions with tax cuts or spending increases premised on utilizing those particular

dollars. These so-called surpluses are really surpluses only if the Social Security trust funds are included in the budget, which is the nature of the unified budget.

We have an agreement on the budget resolution that has emerged from our committee that those two underlying principles will be continued. I acknowledge the very great importance of those two underlying principles.

There are some great differences, however, that I am hopeful can be addressed with amendments during the course of debate this coming week.

One of the most fundamental differences, frankly, is how to utilize any resources that might be generated by a tobacco settlement. We all understand that a tobacco settlement is still only a possibility—it may occur or it may not—and the terms of any tobacco settlement ought to be driven by the merits of that issue itself. We should not see the settlement as simply a revenue generator for other purposes, regardless of how worthy they might be.

Nonetheless, the President in his budget and Democrats in their alternative budget recognize that we do need to be thinking about how to utilize most constructively additional resources if they are, in fact, made possible by a tobacco settlement. Therein lies one of the most fundamental differences between the two parties.

We are in agreement on preserving the Social Security trust funds; we are in agreement that we need to shore up Medicare. I think few people have done more to protect, preserve and strengthen Medicare than my colleagues on the Democratic side. We are pleased, however, to have support from our Republican colleagues on an issue that ought not to be partisan and one where we should be able to find common ground.

The budget resolution that is coming to this floor, over the objections of the White House and over the objections of Democrats on the Budget Committee, sees to it that none of the potential new resources from a settlement will be used for health care for children; for schools; for child care; for expanding the National Institutes of Health research on cancer, heart disease, and so on; for rural development, or for deterring youth smoking. That is not to say that there are not attempts in other areas of the budget to touch on some of these issues, but certainly none of the tobacco funds could be used for these purposes.

I have to say, simply being candid and looking across the political landscape in the Budget Committee, that what we have here is not so much a concern about the long-term viability of Medicare—we all share a concern for that. It seems to me that those who are making certain that none of the tobacco money may be used for many of the other problems created by use of tobacco, or for child care or education, are less concerned about Medicare, than they are simply opposed to creating a better partnership among the Federal, State, and local governments, and public and private entities, to address the problems of education and child care and health care in general.

Mr. President, we have some enormous needs that the Federal Government cannot fix by itself, nor should it attempt to fix by itself, but where a constructive partnership makes a lot of common sense.

We have found over the last several budget debates that the American people are not terribly ideological in the sense that they are far right or they are far left, they tend to be fairly pragmatic and down the center. That is why Democrats on the Budget Committee attempted to pass an alternative budget. In doing so, we recognized that replacing and renovating schools has always been and will always be primarily a function of local school districts and local citizens, taking it upon themselves to determine whether a particular school needs to be replaced or renovated. Those are local decisions and will remain so. But we have suggested that a small portion of these resources ought to be used to help buy down interest rates for the bond issues that are supported at the local level.

Because of the enormous backlog of school repair and renovation work that is out there—it is in small towns, it is in large cities, suburban areas, rural and urban alike. As we head into this next millennium, we understand that those countries which focus on quality education and developing the brain power of the next generation are nations that will do well; those nations that neglect those resources, those nations that think these needs will somehow take care of themselves will slide backwards.

We need a new commitment to education and to providing the resources for education, not simply for the intrinsic value of increasing the intellectual capability of our young people—although that certainly is the principal goal—but also from even a purely dollars-and-cents point of view. Our economy cannot thrive, our communities cannot prosper, unless we do better at making sure that every young person in this country has an opportunity to develop his or her God-given talents to the maximum extent possible, and that the resources are there to make it happen. We must have a public and private, a Federal, State, and local partnership that can make it happen.

So it is with some frustration that I view this budget resolution, in its current form, as a wasted opportunity.

I am hopeful that we can restore some of these priorities in the context of a balanced budget in a way that does, in fact, make some of these key investments in other areas as well.

In the area of child care, we have an increasingly stark reality of more and more children being unsupervised, not having constructive after-school programs, that they are getting along on a latchkey basis. More and more often we have single-parent households. We also have more dual-income households, not necessarily because they want that to be their circumstance but because economic reality dictates that circumstance.

Yet, at the age when children have the greatest brain development, when it is determined how well these children will succeed in their later years in terms of their fitting into society and being constructive citizens, that is the one age where we make the least commitment, where we have the greatest patchwork system, where quality is uneven, where affordability is uneven.

I have held child care meetings all around my State with parents and child care providers and other concerned citizens. I am pleased that the Republican Governor of my State is very supportive of strong new initiatives for after-school programs and for child-care. We ought to be able to bridge this nonsensical partisan gap and look after the needs of our kids and the future generations of this country. That means, again, some level of partnership, not a system that is micromanaged out of Washington or that involves a new bureaucracy out of Washington. We do none of that in the Democratic alternative budget. We allow the decisionmaking to be made at the local level. We allow the initiative to be there. We allow tremendous innovation at the State and local level, but we believe there is a partnership needed for those communities and for those nonprofit organizations and for those schools to make a viable investment in our children.

Mr. President, there is no funding for President Clinton's education initiatives in this budget resolution. There is no help for school construction. Fourteen million children currently attend classes in buildings that need major renovations; 7 million kids in our country go to school in buildings that currently have safety code violations; 16 million children are in classrooms without proper ventilation, heating, or air conditioning.

This is where we get on to a particular concern of mine involving Native American children. We have currently 60 BIA schools that need complete replacement. We are replacing them at the rate of one per year. I thank Chairman DOMENICI for his sharing a concern with me about this. We haven't really reached an entirely satisfactory solution to this problem, but I do appreciate that we have joined together in the inclusion of report language expressing our concern to the appropriators that additional funds be allocated for these Indian schools. These schools have some children from the most difficult circumstances imaginable, with 40 percent studying in portable classrooms, with dropout rates and other attendant problems of poverty and desperation at such high levels.

I thank the chairman for his work with me on this very significant problem, and I understand his profound appreciation of the challenges we face in that regard.

So, we have a budget resolution, Mr. President, that contains some strong underlying principles, and I am very, very pleased at that, because I think by maintaining a balanced budget, we can do more than almost any other single thing the Federal Government can do to reduce the cost of borrowing money. That makes going to college, buying a house, buying a car, expanding a business, hiring more employees, all more affordable. That will do more to maintain America's role as the world's great economic superpower than any other single thing we can do, and there is strong bipartisan support in that regard.

But we have these other fundamental differences that I am hopeful can be addressed, at least in part, in the course of this coming debate on the Senate budget resolution. We can create a framework for investment in our communities, investment in our kids, in our schools, in health research, in a more meaningful way than the budget resolution that we currently have on the floor allows.

We can do that. We can sustain Social Security, we can sustain Medicare, we can make other needed investments, while keeping the budget in balance. This is a remarkable point in time, one that many people thought would never occur in our lifetime. This, along with the fall of the Berlin Wall and some other events, are things that many people thought would not happen, but they are on the verge of happening. Now it is our responsibility in this body, the U.S. Senate, to make sure it happens in a responsible, sustainable way and we continue to make the key investments that will create the framework, create the foundation, for our country to prosper and to continue to grow, to create greater opportunity for all of its citizens. Not to guarantee success for anyone—that comes only about through their own labor, their own efforts, and their own talent—but to create the tools, the starting point for every American, regardless of his or her background, as an opportunity to prosper and to succeed.

Mr. President, I want to make one additional comment unrelated directly to the budget resolution but on an issue which does impact our overall economy. I wish to express great, great concern over recent action by our colleagues in the other body who have failed to extend the ethanol fuel tax incentives that the Senate, by a large bipartisan majority, included in the ISTEA legislation.

It appears, at this point, that our colleagues on the other side managed in effect to terminate a critically needed tax provision. This provision will not only allow ethanol fuel usage an opportunity to reach critical mass, a substantial benefit to farmers, but also will help clean our air and make this Nation less reliant on unstable Third World nations as sources of petroleum. At this point, however, it appears that there will not even be an opportunity for members of the other body to vote for an extension of the ethanol tax incentives.

I am very concerned about this, and it is certainly my hope and expectation that Senate conferees, in the course of negotiating differences between the Senate and the House highway legislation, will give this a very high priority. It is important that we make the proper investments in our Nation's transportation infrastructure.

It is also important that we move forward with a commonsense, cost-efficient strategy for expanding use of clean, American alternative fuels. That can only be done by the conferees on the Senate side looking after the interests of the American people in that regard when the conference committee comes about.

So, Mr. President, this coming week should be tumultuous but very important for the American people as we deal with the fundamental issues in the budget for the coming fiscal year, as well as transportation and fuel strategy into the next century.

With that, Mr. President, I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). If there is no objection, time will be divided equally between both sides. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Also, Mr. President, I ask unanimous consent that I be allowed to speak for up to 3 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

SALUTE TO THE 1997–1998 NIT CHAMPIONS, THE MINNESOTA GOLDEN GOPHERS

Mr. GRAMS. Mr. President, I just rise for a few moments this afternoon to pay tribute to the University of Minnesota basketball team—the Golden Gophers of Minnesota.

Just a little over a year ago I stood here on the Senate floor saluting the Minnesota Gophers basketball team for their accomplishment of winning the Big Ten championship. That was the team that eventually went on to the NCAA Final Four.

Mr. President, I want to take time to salute an equally deserving team—and that is the 1998 NIT champions, the Minnesota Golden Gophers, who defeated the Penn State Nittany Lions last night by a score of 79–72.

Now, this team overcame the loss of many key players from last year's Final Four squad, but the leadership from seniors Sam Jacobson and Eric Harris, and the excellent play from Kevin Clark and Quincy Lewis helped the Gophers improve from their slow start this season to finish the year by winning eight of their last nine games.

Every member on the team contributed to the success of this Gopher team, leading to the Gophers' sixth consecutive 20-win season.

Mr. President, Coach Clem Haskins received many coach-of-the-year awards last year. But I must say, the job he did this year is equally impressive and truly deserves recognition today.

So, again, Mr. President, I rise to salute the 1997–1998 NIT champions, the Golden Gophers of the University of Minnesota.

Thank you very much. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection, the time utilized by the Senator from Minnesota will be taken from each side equally, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I seek recognition as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. Thank you, Mr. President.

CHILDREN AND GUNS

Mr. DURBIN. Mr. President, the tragedy which occurred in Jonesboro, AR, this week raises many questions. Two come to mind immediately. Why do children kill? I do not know the answer to that. I have heard a variety of opinions from people who suggest that violent television and violent movies are somehow contributing to this. There are others who say, if the children would just pray in school, it would make all the difference in the world. Some look to the families more than the schools; others think the schools have a greater role to play.

We will debate at length, and I am sure many of us will come up with a lot of different explanations as to why children reach that point in their young lives when they would take the life of another.

But the tragedy in Jonesboro raised another question which I think we can address because it is a simpler question. It is a question of, how do children at that young age come to possess lethal weapons? Think about it. An 11-year-old and a 13-year-old with 10 firearms—rifles, shotguns, and handguns, and 3,000 rounds of ammunition—went into the woods behind that middle school, tricked the students out with a fake fire alarm, opened fire and shot off somewhere in the range of 30 to 40 rounds before they were finally stopped.

Four little girls were killed. A teacher, who deserves all of our recognition and praise for her courage, stood in the line of fire to protect one of those little girls and lost her own life. This teacher, the mother of a 2-year-old, lost her life defending her students.

How do kids come into possession of firearms? They do not buy them. In most States it is unthinkable that they would even approach a counter and try. And yet, day after day in America there is further evidence of children, younger and younger, being found with firearms.

The day after the Jonesboro, AR, tragedy, in Cleveland, OH, it is reported a 4-year-old showed up at a day-care center with a loaded handgun.

In my home State of Illinois, in Marion, IL, a high school student showed up at school the next day with a handgun.

In Daly City, CA, the day after Jonesboro, a 13-year-old was arrested for attempting to murder his principal with a semiautomatic pistol.

There is something we can do about this. I am not sure that it will solve the problem completely, but it can help. Fifteen States have already recognized this problem and done something about it. These States have passed a childhood access prevention law which is known as a CAP law, saying to those who purchase and own handguns, it is not enough for you to follow the law in purchasing them and to use those guns safely; you have another responsibility. If you are going to own a firearm in your home, you have to keep it safely and securely so that children do not have access to it.

Should we consider this as a national model? I think the obvious answer is yes, because the tragedy in Jonesboro, which we will not forget for a long, long time, unfortunately, is not unique. Every day in America 14 young people, ages 19 and under, are killed in gun homicides, suicides and unintentional shootings, with many more wounded.

The scourge of gun violence frequently attacks the most helpless members of our society—our children.

Here is what I am proposing. I am proposing Federal legislation that will apply to every State, not just 15, but every State. And this is what it says. If you want to own a handgun, a rifle or shotgun, and it is legal to do so, you can; but if you own it, you have a responsibility to make certain that it is kept securely and safely. You may buy a trigger lock. Senator HERB KOHL of Wisconsin has a proposal that all handguns be sold with trigger locks. I support it. I am a cosponsor of it. It makes sense.

How many times do you read in the paper, how many times do you listen on TV, to kids with their playmates and the gun goes off and someone is killed? A trigger lock, as Senator KOHL has proposed, is sensible. It should be required. It shouldn't even be debated. I think that legislation will go a long way toward reducing gun violence. Beyond that, we say to every gunowner, if it is not a trigger lock, put that gun in a place where that child cannot get to it.

As to these two kids, 11 and 13 years old, God only knows what was going through their minds when they were setting out to get the guns to go out and start shooting. They first stopped at the parents of one of the kids and wanted to pick up that parents' guns. That parent had the guns under lock and key in a vault and they couldn't get to them. So they thought about it and said, wait a minute, my grandfather has some, too; let's go over to his place. And that is where they came up with the weapons and the ammunition.

In one instance, one parent had taken the necessary steps to take the guns and keep them away from kids. Sadly, it appears—and I just say ''appears'' because I do not know all the details—in another case that did not happen.

Now a lot of people will say to me, ''There they go again, those liberals on Capitol Hill. Another bill, another law to infringe on second amendment rights.'' Oh, I know I will hear from the folks from the National Rifle Association, all the other gun lobbies, screaming bloody murder about the second amendment.

Look at 15 States that have already passed these laws, these child access prevention laws, to protect kids, to say to gunowners ''you have a special responsibility.'' You will not find a list of the most liberal States in America. The first State to pass this legislation in 1989 was Florida. The list goes on: Connecticut, Iowa, California, Nevada, New Jersey, Virginia, Wisconsin, Hawaii, Maryland, Minnesota, North Carolina, Delaware, Rhode Island, and in 1995, the last State to pass a child access prevention law, certainly no bleeding heart State by any political definition, was Texas—Texas. The Texas law says it is ''unlawful to store, transport or abandon an unsecured firearm in a place where children are likely to be and can obtain access to it,'' and it is a criminal misdemeanor if you do it.

I am going to ask my colleagues in the Senate to not only return home this weekend, as I am sure we all will, and witness those sad events on television, the funerals in Jonesboro, the tributes, the teacher who gave a life, but to resolve to do something about it. That is what we are here for. That is why we were elected to the Senate and the House, not just to be sad as we should be, but to do something about it. Not to infringe on people's right to own firearms, but to say ''Own them responsibly, put them securely in your homes, keep them safely, keep them away from children.''

Mark my words, my friends, and you know this from human experience, no matter where you hide a gun or a Christmas gift, a kid is going to find it. You can stick it in a drawer and say, ''Oh, they will never look behind my socks, that is the last place in the world,'' or up on some shelf in the closet and believe your child can't reach that, but you know better. You know when you are gone and the house is empty those kids are scurrying around and looking—I plead guilty and did the same thing as a kid, and it helps now with tragic consequences when a gun is involved. So I hope we can address this issue.

First, Senator KOHL's legislation for these child safety devices, these trigger locks, will help. But then take the extra step, follow these 15 States and say as we address the overriding question, the big question, why do children kill, we will come to a conclusion that there are troubled children in America and we should never ignore that fact.

But please, let this Senate and this House, before we leave this year, do something to make certain that those troubled children cannot get their hands on a firearm. I think every parent in America, particularly those of children of school age, paused at least for a moment after they heard about Jonesboro and thought, could it happen to my son, my daughter, my grandson, my granddaughter? The sad reality of life in modern America, is, yes, it could. There are so many weapons being kept so carelessly that it could happen to any of us or any of our children in virtually any school in America.

Mr. President, I know that the Senate has a very busy schedule and limited opportunity this year, but I hope as part of our work we will let the lesson of the tragedy of Jonesboro result in legislation that will be designed to protect children and schoolteachers and innocent people in the future.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

CONGRATULATIONS JUDITH M. BARZILAY

Mr. SPECTER. Mr. President, for the Barzilay, Morgenstern and Specter families, it is a great honor for Judith M. Barzilay to become a judge on the U.S. International Court of Trade. She was nominated by the President on January 27 and confirmed by the Senate March 11, 1998.

For her immigrant grandparents, Harry and Lillie Specter and Max and Regina Morgenstern, it is an accomplishment beyond their aspirations even though they knew they came to a land of great opportunity.

In May of 1947, Max and Regina left the bar and grill which they operated on Flatbush Avenue in Brooklyn to visit their son, Arthur, his wife Hilda, her parents in Russell, KS, and, most of all to see their granddaughters, Judith, age 3, and Julia, 3 months old. By then, Judy pretty much presided over her parents' household just as she had

over the household of her Specter grandparents after she was born on January 3, 1944.

Judith was the New Year's baby of Russell for 1944. In New York City, the first born in the New Year probably arrived at 12:01 a.m., but it took 3 days for Russell's first arrival in 1944. She came with a retinue of presents from the town's merchants and to our five-room bungalow at 115 Elm Street.

My sister, Hilda, her mother, was a brilliant graduate from the University of Wichita in 1942, had won a scholarship to Syracuse University to pursue a masters degree in governmental administration. She had met, Arthur Morgensten, a handsome lieutenant stationed at Fort Riley, when he came to Wichita in the fall of 1941 to attend Yom Kippur services. They fell in love. So when he was about to ship overseas to the South Pacific in April 1943, Hilda took the transcontinental train ride to San Francisco where they were married. It was not the typical wartime romance with a weekend honeymoon, because the marriage has lasted 1 day shy of 55 years and is still going strong.

When Hilda came home to Russell, KS, to await Judith's arrival, our family was overjoyed, including me, her little brother, although I took up residence in the scorpion-infested basement and gave up high school basketball to take over Hilda's bookkeeping job at O.K. Rubber Welders I might add—at 50 cents an hour.

For me, Judy was more like a sister than a niece during that time. For my parents, Judy was the apple of their eyes. When our sister, Shirley, took off a year from Oklahoma College for Women to teach country school, my father would leave his junkyard to drive Shirley to school with his virtual constant companion, Judith, sitting beside him in the truck without the modern safeguards of seat belts.

My brother, Morton, returned to Russell to join my father and Arthur in a partnership which moved from junk, that is scrap metal, to used oil field equipment to stripper wells. The Morgenstern children, Judy and Julia, joined by twins Jonathan and Johanna in 1952, were the centerpieces of our close-knit family.

When the children grew older and their parents wanted a Jewish education for them, the Morgensterns moved to Wichita where Hilda took on the job of superintendent of the Hebrew School. Wichita was inadequate so they moved to Denver. Denver was inadequate so they moved to New York City. New York City was inadequate, so they moved to Jerusalem where Hilda and Arthur live to this day.

Meanwhile Judy was a serious and accomplished student receiving a B.A. degree from Wichita State University and M.L.S. and J.D. from Rutgers University. After graduation from law school, she was a staff attorney with the International Trade Office of the U.S. Department of Justice from 1983 through 1986. She then practiced law with the prestigious firm of Siegel, Mandell & Davidson in New York City for 2½ years before joining Sony Electronics, Inc., where she worked from October 1988 to the present attaining the position of vice president of government affairs.

With 16 years of experience as a manager, litigator, and business adviser, she was appointed by Treasury Secretary Robert Rubin in 1995 to the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service. She has lectured on international trade law and its application to business. With this extraordinary background, she is preeminently well qualified for the U.S. International Court of Trade.

While it is customary to make a floor speech on confirmation of a nominee, I have taken a little more time of the Senate and the cost of printing in the CONGRESSIONAL RECORD because I believe it is worthwhile to note the accomplishments and contributions of families of America's immigrants. We debate the immigration issue in Congress in a variety of contexts, so it is important to chronolog how our country has been enriched by the immigrants' families as evidenced by the new judge for the U.S. International Court of Trade: the Honorable Judith M. Barzilay.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

TRIBUTE TO DAVE POWERS—A GIANT OF THE NEW FRONTIER

Mr. KENNEDY. Mr. President, I was saddened to learn this morning of the death of Dave Powers, who was one of President Kennedy's closest friends and advisors throughout my brother's entire political career.

President Kennedy loved Dave Powers like a brother, and so did all of us in the Kennedy family. My brother couldn't have had the New Frontier without him, and we will miss him very much.

Dave had a warmth and wit and charm that were impossible to match. His Irish eyes were always smiling, and almost everyone he met became his ''pal.'' His extraordinary common sense and his down-to-earth genius for politics at its best made Dave Powers at home in the White House and in anyone else's house.

President Kennedy and Dave discovered each other while climbing the stairs of three-decker houses in Charlestown, MA, in my brother's first campaign for Congress in 1946, and they were inseparable ever after.

They both were veterans of World War II, and both were new to politics. The instant bond they formed took them to the House, the Senate, the White House, and around the world, including their most moving and memorable journey of all, to the Ireland of their dreams. Together, they touched and improved and inspired the lives of countless people in this country and many other lands.

In happy times and stressful times, Dave had a special human quality that could bring an instant smile from Jack or Jackie, or a hug from John and Caroline. Dave's total recall made him the unofficial historian of the New Frontier. He loved to regale my brother by reciting the earned run average of a Red Sox pitcher, or the name of a State convention delegate from a decade ago.

Later, Dave's extraordinary energy and dedication in carrying out his labor of love at the Kennedy Library made it a magnificent tribute to my brother and the years of the New Frontier. In a very real sense, Jack's Library became Dave's Library too.

I extend my deepest sympathy to Dave's wife, Jo, his children Mary Jo, Diane, and David John, and all of Dave and Jo's wonderful grandchildren.

''David, we hardly knew ye.''

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 26, 1998, the federal debt stood at $5,546,161,688,949.53 (Five trillion, five hundred forty-six billion, one hundred sixty-one million, six hundred eighty-eight thousand, nine hundred forty-nine dollars and fifty-three cents).

One year ago, March 26, 1997, the federal debt stood at $5,377,852,000,000 (Five trillion, three hundred seventy-seven billion, eight hundred fifty-two million).

Five years ago, March 26, 1993, the federal debt stood at $4,224,085,000,000 (Four trillion, two hundred twenty-four billion, eighty-five million).

Twenty-five years ago, March 26, 1973, the federal debt stood at $457,356,000,000 (Four hundred fifty-seven billion, three hundred fifty-six million) which reflects a debt increase of more than $5 trillion—$5,088,805,688,949.53 (Five trillion, eighty-eight billion, eight hundred five million, six hundred eighty-eight thousand, nine hundred forty-nine dollars and fifty-three cents) during the past 25 years.

SERIOUS PROBLEMS FACING THE HIGH TECH INDUSTRY

Mr. ABRAHAM. Mr. President, it's painfully obvious that the nation faces a serious problem in providing our companies with the skilled workers they need to grow and create jobs in America. We do not need a report to tell us there's a problem. All one needs to look at are the job ads in newspapers and on the Internet which are

exploding with offers of high tech jobs that cannot be filled. There are even reported shortages of the recruiters needed to recruit other skilled workers.

There is ample evidence that companies face an inability to fill key skilled positions. The Federal Reserve's latest survey of nationwide economic conditions made public on March 19 stated ''shortages of both skilled and entry-level workers worsened.''

The unemployment rate among electrical engineers nationwide is 0.4 percent. Congressional testimony shows that leading American companies like Microsoft and Sun Microsystems have over 2,000 unfilled positions each. CEOS of companies like Dell Computers and Texas Instruments warn that America's global leadership in high technology fields will be threatened if this problem is not addressed. ''We are disarming the economy of the United States if we don't allow skilled workers to come in,'' explained Dell Computer Corp. CEO Michael Dell.

Companies are so desperate for workers they are even hiring teenagers part-time at $50,000 a year, as The Washington Post reported in a March 1st front-page article. The National Software Alliance, a consortium of concerned government, industry, and academic leaders that includes the U.S. Army, Navy, and Air Force has warned that the current severe understaffing could lead to inflation and lower productivity and threaten America's competitiveness.

And in the last two years, difficulties finding workers, economic growth and the globalization of business has led to a dramatic increase in the use of H–1B visas for skilled foreign-born professionals. The situation has changed so swiftly that the allotment of these visas will be exhausted an astounding four to five months before the end of this fiscal year.

The recent General Accounting Office report is little more than an inside-the-beltway squabble over how to measure shortages that ignores the real marketplace. The GAO report focused on one study by the Commerce Department, a study that was not even raised by witnesses at a recent Senate Judiciary Committee hearing on H–1B visas. In turn, the Commerce Department has responded by criticizing GAO for doing a report that ''contains several inaccuracies.''

The GAO acknowledges it ''did not perform any independent analysis to determine whether a shortage of IT workers exists in the United States'' but merely critiqued the methodology of a Commerce Department study, a critique the Commerce Department critiques. In fact, the GAO does not question that the U.S. economy will create more than 100,000 jobs a year in information technology over the next decade.

There is a legitimate debate about how best to address the supply of needed skilled workers. The legislation I have introduced is a balanced approach that utilizes a combination of college scholarships for young people, training for the unemployed, and an increase in foreign-born professionals on H–1B temporary visas. The legislation, supported by my colleagues Senators HATCH, MCCAIN, DEWINE, SPECTER, GRAMS and BROWNBACK, will be strongly pushed before the April recess. If American companies cannot find home grown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related jobs currently held by Americans with them. We do not want that to happen. I encourage my colleagues to support the American Competitiveness Act.

I ask unanimous consent that letters of support for the bill from Empower America's Jack Kemp, the National Asian Pacific American Legal Consortium, and the U.S. Hispanic Chamber of Commerce, as well as recent editorials in the Oakland Press and the Washington Times be printed in the RECORD.

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

MARCH 18, 1998.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you are aware, America's high-technology firms are among the most dynamic and innovative in the world today. From the stock market—where the current boom has been fueled, in large part, by high-tech stocks—to the retail market—where consumers benefit from steadily decreasing prices and expanding choices—the success of U.S. high-tech businesses has played an integral role in creating prosperity and opportunity that transcends Silicon Valley.

Despite aggressive recruitment and education efforts, America's high-technology sector faces a severe labor shortage. The unemployment rate among electrical engineers has plummeted to 0.4%. According to the Information Technology Association of America, more than 346,000 skilled positions remain vacant. A shortage of skilled workers is preventing high-tech U.S. firms from growing at their full potential.

By November of 1997, the U.S. issued its annual cap of 65,000 H-1B temporary visas, which allow skilled foreign professionals to work in the United States. This year the cap will be hit at least four months before the end of the fiscal year, shutting the door to thousands of skilled employees and causing serious disruption to high-tech industry. U.S. companies and universities will effectively lose access to a crucial pool of skilled labor within eighteen months unless the cap is expanded. This will devastate many of the most dynamic sectors of our economy.

In public statements by Commerce Secretary Daley, and in Congressional testimony from the Department of Labor, your administration has not only expressed opposition to increasing the cap; it has insisted on vastly expanded regulatory burdens that will dramatically reduce U.S. employers' access to this key source of personnel.

Equally troubling, these so-called reforms are packaged in a way that can only be described as anti-immigrant, and I do not use the term casually. It cannot be lost on Department of Labor officials that the majority of the people entering the United States on-H-1B visas are of Hispanic or Asian Pacific origin. Cypress Semiconductor CEO T.J. Rodgers recently testified to Congress, ''Most of our H–1B hires are individuals of either Asian Pacific or Hispanic descent, just like many other immigrants. Neither these individuals nor anyone who comes through the family immigration or refugee system should be maligned unfairly for 'taking away American jobs.'" I agree.

Mr. Rodgers has also stated, ''We would lose jobs without our immigrant talent. The logic of those who claim otherwise including high-ranking members of the Clinton Administration, borders on folly.''

I have been dismayed to hear nativist appeals to ''protect U.S. workers'' coming from the Labor Department. I urge you t overrule those protectionist sentiments and support an increase in the H–1B cap without attaching new and highly restrictive measures that will harm the H–1B recipients, U.S. employers, and the U.S. economy. These new burdens will ultimately cost American jobs by pushing American firms offshore.

I also urge you to support the American Competitiveness Act, authored by Senator Spencer Abraham. This bill increases the cap on H–1B visas sufficiently to meet the current needs of companies and universities; it provides college scholarships for 20,000 more young people a year to study in math, engineering, and computer science; and it targets enforcement at serious violators of the H-1B program, rather than restricting the ability of law-abiding employers to hire needed employees.

The American Competitiveness Act will allow an additional 25,000 skilled workers to enter the United States this year on H–1B visas. This and its attention to education will help to ameliorate labor shortages in high-tech industry now and in the future. In the interest of encouraging economic growth and expanding employment opportunities throughout the entire economy, I hope that you will instruct members of your administration to end their nativist attacks and support Senator Abraham's bill.

Very sincerely yours,

Jack Kemp.

NATIONAL ASIAN PACIFIC
AMERICAN LEGAL CONSORTIUM,
Washington, DC., March 26, 1998.

Senator SPENCER ABRAHAM,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ABRAHAM: We are writing to you regarding your proposal, S. 1723, which seeks to increase the annual number of H1–B visas to allow U.S. companies to employ additional foreign-born professionals on a temporary basis. First and foremost, we would like to thank you for your leadership in Congress in support of legal immigration. In particular, the Asian Pacific American community recognizes your strong leadership in ensuring the preservation of family immigration during the 1996 debates in Congress.

Your proposal to increase the annual number of H1–B visas further highlights the significant contributions that immigrants make to this country and to the U.S. economy. As you know, 38% of those entering the United States through the H1–B program are from Asian countries, with the largest numbers coming from India, China, Japan and the Philippines. Your proposal, if passed, will help to guarantee that the American economy will continue to benefit from the talents and skills of individuals from Asia.

It has come to our attention, however, that House Immigration Subcommittee Chairman Lamar Smith (R–TX) is preparing to add a provision in the companion House bill which would impose new restrictions on family immigration. Although we support the entry of

more professionals under the H1–B visa program, we would oppose any legislation that contained provisions to limit or further restrict the current family immigration system in any way. We understand that you will strenuously oppose any attempt by Rep. Smith or others to add a ''poison pill'' provision on family immigration, and that you will withdraw your bill if such a provision is in fact added to the final version.

In addition, we hope that you will be vigilant in pushing for all appropriate safeguards and measures to protect the wages and working conditions of H1–B workers, with proper enforcement mechanisms should an employer fail to comply with these measures.

We understand that your bill will be marked up on April 2 before the full Senate Judiciary Committee. We support your bill based on your commitment and continued assurance to withdraw the bill if a provision is added that limits or further restricts family immigration in any way.

Sincerely,

KAREN K. NARASAKI,
Executive Director.

U.S. HISPANIC CHAMBER OF COMMERCE,
Washington, DC, March 26, 1998.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the United States Hispanic Chamber of Commerce we would like to congratulate you for introducing legislation such as the American Competitiveness Act. This legislation will help many Hispanic-owned businesses in finding the key personnel they need to grow and prosper in an increasingly competitive global market.

As you know, many companies are finding it extremely difficult to find skilled personnel. Clearly there is a shortage of skilled workers in America, particularly in high technology fields. This has meant that many companies are leaving positions unfilled, which affects their ability to provide new products and services to customers, and to create more jobs in this country. Moreover, many of our members are establishing greater ties to global export markets. To succeed, they often need people who have grown up and experienced the cultures and markets to which these companies are exporting.

The need for skilled people will not disappear soon. And your legislation takes a balanced approach by raising the cap on H–1B visas for foreign-born professionals, while also increasing efforts at education and training in this country.

As you know the USHCC's goal is to represent the interests of over one million Hispanic-owned businesses in the U.S. and Puerto Rico. With over 210 Hispanic Chambers of Commerce across the country, the USHCC has become the umbrella organization which actively promotes the growth and development of Hispanic entrepreneurs.

Sincerely,

JOSE F. NINO,
President/CEO.

[From the Oakland Press, Mar. 19, 1998]

ADMITTING MORE IMMIGRANTS WOULD PROVIDE MORE WORKERS

(By Neil Munro)

Would you believe we're running out of workers in this country?

It's true, especially those capable of serving in our technology industry—computer programmers, for example. Some employers in Oakland County reportedly are having a problem finding enough workers.

But something can be done to ease the squeeze, as they say.

And U.S. Sen. Spencer Abraham is working on it.

He has introduced legislation to increase the number of temporary immigrants who can come here to work in high-skilled occupations. A 1990 law limits their ranks to 65,000 annually.

This year, that is expected to be reached by summer. Just a year or so ago, it came into play for the first time. And if there is no change, the limit will be enforced earlier next year, even sooner the year after that, and so on.

Abraham's bill would increase the cap to 90,000 this year, automatically increase that by 25,000 if it is reached, and automatically keep moving it upward in subsequent years.

The obvious question is why can't employers find such workers in this country?

It seems youngsters aren't being encouraged or trained to enter the field—the old disconnection between education, people's expectations and the real world.

In addition, there have been published complaints that too many employers are unwilling to hire older qualified Americans who say they can't re-enter the high-tech work force they left.

Both those who meet that definition and people who oppose added immigration argue that some employers prefer younger, cheaper workers who are willing to put in more hours than they perhaps should.

Whatever the truth of all this may be, the fact is a significant employee shortage in the computer industry—or any other industry—would likely end the nation's longest-running economic boom. That boom began in 1990.

We really wouldn't want to end up with a lot of Americans lining up for unemployment checks again.

Except for largely rural backwaters and resort areas in which work is highly seasonal, joblessness is all but unknown in Michigan.

The unemployment rate in Oakland County, for instance, is just 3 percent of the work force—about the number of people normally between jobs because they're changing them voluntarily.

Of course, there's nothing bad about immigrants. Except for native Americans, our families all originally are from somewhere else. Abraham's bill no doubt will face opposition for the above-mentioned reasons. But it's hard to imagine that the nation dares do without it.

[From the Washington Times, Mar. 16, 1998]

FRUITS OF THE BUMPER JOB CROP

(By Donald Lambro)

The continuing decline in America's jobless rate to 4.6 percent, the lowest level in nearly 30 years, is welcome news. We added another 310,000 workers to payrolls last month, and more than 3.4 million over the past year.

''It's worker heaven driven by consumer heaven. There are more jobs for more people with more pay and more worker power than in decades. It's stunning,'' economist Allen Sinai told The Washington Post's business reporter John Berry.

Traditionally, economists have viewed full employment to be around 4 percent. That is the normal percentage of people who are at any given time out of work because of layoffs, bankruptcies or job changes. So, with some exceptions (in West Virginia the jobless rate is a bleak 6.4 percent), we are at nearly full employment in the economy right now.

But this good news on the job front masks a serious labor force problem that is not getting the news media attention it deserves: not enough qualified workers to meet the growing demand of America's expanding high-tech industries.

Sen. Spencer Abraham of Michigan put this issue into sharp perspective in a recent speech in the Senate:

''All is not well with this crucial sector of our economy. American companies today are engaged in fierce competition in global markets. To stay ahead in that competition, they must win the battle for human capital. But companies across America are faced with severe high-skilled labor shortages that threaten their competitiveness in this new Information Age economy.''

A study by Virginia Tech for the Information Technology Association of America finds there are now more than 340,000 unfilled, high-skilled U.S. jobs in the information technology industry. And this excludes government agencies, non-profits, mass transit systems and businesses with 100 employees or less.

In this one high-tech field alone, the U.S. Department of Labor projects that American businesses will create more than 130,000 information technology jobs a year over the next 10 years. That's 1.3 million job openings. But our colleges and universities are producing less than a fourth of the number of qualified graduates needed to fill them.

The National Software Alliance, a consortium of industry, government and academic leaders, recently concluded that ''The supply of computer science graduates is far short of the number needed by industry.''

This is a critical problem that threatens to undermine economic growth and new job creation. Computer hardware and software industries have become one of the fastest-growing sectors of our economy and now account for about a third of our economic growth rate. A study by the Hudson Institute, an Indiana think tank, warns that if this shortfall persists, it will result in a 5 percent decline in the rate of economic growth—the equivalent of $200 billion in lost output.

High-tech companies around the country are already reporting that they have had to forgo major new contracts because they cannot find enough skilled workers to fulfill them. This is resulting in untold billions of dollars in lost business and lost employment opportunities.

Mr. Abraham has a short-term solution to this problem and a long-term one as well.

In the short term, he proposes we modestly raise the immigration restrictions on the entry of skilled workers from abroad by about 25,000. The number of allowable skilled temporary workers has been frozen at 65,000 for nearly a decade and last year businesses reached that yearly limit by the middle of August. This year that limit could be reached in May.

His bill, the American Competitiveness Act, also takes a long-term approach to the problem, offering $50 million to pay for more than 20,000 scholarships each year for low-income students in the fields of math, engineering and computer sciences. It also contains some additional funding to train unemployed workers for related high-tech jobs.

No doubt his bill will be attacked by the protectionists and nativists who continue to believe immigrants are a net cost to our economy when, as the declining jobless rate overwhelming shows, they are a net plus as workers and job-creating employers.

But there is a very strong argument against the anti-immigration offensive that every American will understand:

''If American companies cannot find home-grown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related jobs currently held by Americans with them,'' Mr. Abraham told his Senate colleagues last week.

Needless to say, his bill has a lot of support among hundreds of high-tech executives like T. J. Rodgers, chief executive of Cypress Semiconductor, Scott McNealy of Sun

Microsystems, and Bill Gates, head of Microsoft, all of whom are desperate for skilled workers. Mr. Gates and Mr. McNealy alone have 4,522 technical job openings right now that they cannot fill.

''Raising these [skilled immigrant] caps . . . would be a good thing for the technology industry and for the country,'' Mr. Gates told the Senate earlier this month.

Not too many years ago the overriding issue in our country was unemployment and job security. Today it is skilled, high-paying jobs going begging and the specter of the mighty American economy turning away business opportunities and markets because it lacks qualified workers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4443. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule received on March 20, 1998; to the Committee on Veterans' Affairs.

EC–4444. A communication from the Secretary of Energy, transmitting, the report of the Comprehensive Electricity Competition Plan; to the Committee on Energy and Natural Resources.

EC–4445. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule received on March 26, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4446. A communication from the Executive Director of the District of Columbia Housing Finance Agency, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4447. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4448. A communication from the General Sales Manager and Vice President of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the monetization report for the fiscal years 1993 through 1995; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4449. A communication from the Deputy Director of the Regulations Policy and Management, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Labor and Human Resources.

EC–4450. A communication from the Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Labor and Human Resources.

EC–4451. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 26, 1998; to the Committee on Labor and Human Resources.

EC–4452. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4453. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4454. A communication from the Staff Director of the U.S. Commission on Civil Rights, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4455. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report of the strategic plan for fiscal years 1999 through 2004; to the Committee on Environment and Public Works.

EC–4456. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules received on March 25, 1998; to the Committee on Environment and Public Works.

EC–4457. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–372. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Appropriations.

SENATE RESOLUTION NO. 147

Whereas, The Great Lakes are unique and priceless resources. In addition to their importance as the world's most accessible source of fresh water, this network of inland seas plays pivotal roles in transportation and in the economies of the bordering states and Ontario; and

Whereas, A key component of Michigan's maritime infrastructure is our system of small harbors. These harbors are in jeopardy of losing the federal funding that provides for maintenance through the U.S. Army Corps of Engineers. The Corps of Engineers has reportedly informed the Michigan Department of Natural Resources that it plans to eliminate funds for small harbor dredging and maintaining seawalls and docks. For many years, the federal government and the state have operated a partnership in keeping the small harbors. While these are not major contributors to commercial interests, the nearly fifty small harbors presently in jeopardy are very important to boating and fishing activities in this state. Boating and fishing represent as much as one fifth of the state's tourism industry, a fundamental part of our economy; and

Whereas, Another federal program in danger of being eliminated or inadequately funded is the work of combating the sea lamprey in the Great Lakes. This species is a persistent threat to fishing. Individual states should not be required to bear this economic burden alone. The federal government has underfunded the lamprey control program to an extent that forces Michigan to spend much more than it should to deal with a problem facing several states and our neighbors in Canada; and

Whereas, if the federal government abandons its commitments in the areas of small harbor maintenance and lamprey control, the ultimate result will be higher costs and more difficulties for the region's economy and countless communities. To eliminate or seriously cut federal investment in the Great Lakes is a short-sighted approach to take; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide full funding for harbor maintenance and lamprey control in the Great Lakes and to urge other Great Lakes states to join in this effort; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the legislatures and governors of the other states bordering the Great Lakes.

POM–373. A resolution adopted by the House of the Legislature of the State of New Hampshire; to the Committee on Finance.

HOUSE RESOLUTION 55

Whereas, the forests of New Hampshire are one of the state's most valuable natural resources, providing wood and timber products, wildlife habitat, recreational opportunities, clean air and water, and scenic vistas throughout the state; and

Whereas, there are more than 80,000 owners of forestland in New Hampshire; and

Whereas, the forest products industry is the third largest sector of the state's manufacturing economy, employing over 15,000 individuals and providing economic benefits to communities throughout the state; and

Whereas, the ice storm of January 1998 had a significant effect upon the forests of New Hampshire by damaging hundreds of thousands of acres of timberland; and

Whereas, the storm caused financial loss to landowners throughout the state estimated in the tens of millions of dollars; and

Whereas, the downed or damaged trees present long-term threats to the state's forests from increased danger of fire and insect and disease outbreaks; now, therefore, be it

Resolved by the House of Representatives: That the New Hampshire house of representatives hereby urges landowners of the State to take all necessary and responsible actions to protect forests from future threats of fire and insect and disease outbreaks; and

That the New Hampshire house of representatives hereby urges municipalities to work closely with landowners, foresters, loggers, and arborists to provide for the removal of storm-damaged timber in a timely, efficient, and safe manner; and

That the New Hampshire House of Representatives urges landowners of the state to utilize wood from the ice storm of 1998 in the State's biomass plants and pulpwood plants; and

That the New Hampshire house of representatives hereby commends the New Hampshire congressional delegation for their efforts to assure federal assistance to the State's landowners and forest industry in the form of low-interest loans and cost-share programs that encourage responsible land stewardship; and

That the New Hampshire house of representatives hereby encourages the New Hampshire congressional delegation to strive to provide tax incentives that recognize the economic loss suffered as a result of the ice storm of 1998; and

That copies of this resolution, signed by the speaker of the house of representatives, be forwarded by the clerk of the House of Representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of the New Hampshire congressional delegation, and to the state library.

POM–374. A resolution adopted by the House of the Legislature of the State of New

Hampshire; to the Committee on Rules and Administration.

HOUSE RESOLUTION 53

Whereas, the state of New Hampshire has in place more rigorous statutes for the disclosure of campaign finances than the federal government of the United States of America; and

Whereas, the disclosure of campaign finances is of major importance to the bond of trust between our citizenry and our federal and state governments, and to the deterrence of government corruption; and

Whereas, the gap between federal and state laws in the disclosure of campaign finances and the assertion of federal sovereignty in this area has meant that our state candidates for the federal offices of United States Representative and Senator have not abided by the same high standards we require of state and local candidates; now, therefore, be it

Resolved by the House of Representatives: That the house of representatives of New Hampshire hereby urges the United States Congress to pass, and the President to sign, a bill requiring at least as much disclosure of finances by federal candidates as the state from which the candidate seeks election requires of its state and local candidates; and

That the house of representatives of New Hampshire hereby urges all New Hampshire candidates for federal office to respect the spirit of our laws by voluntary compliance with the state's disclosure laws as spelled out in RSA 664:6–7; and

That copies of this resolution, signed by the speaker of the house of representatives, be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation; and

That copies of this resolution be made available to all candidates for federal office by the secretary of state.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. COCHRAN (for himself, Mr. INOUYE, Mr. HOLLINGS, Mr. LOTT, Mr. THURMOND, Mr. STEVENS, Mr. HELMS, Mr. WARNER, Mr. LUGAR, Mr. NICKLES, Mr. SMITH of New Hampshire, Mrs. HUTCHISON, Mr. DOMENICI, Mr. CRAIG, Mr. INHOFE, Mr. MURKOWSKI, Mr. BURNS, Mr. BENNETT, Mr. MACK, Mr. MCCONNELL, Mr. D'AMATO, Mr. KEMPTHORNE, Mr. ALLARD, Mr. SESSIONS, Mr. FAIRCLOTH, Mr. COVERDELL, Mr. SHELBY, Mr. THOMPSON, Mr. BOND, Mr. HAGEL, Mr. FRIST, Mr. ABRAHAM, Mr. KYL, Mr. ROBERTS, Mr. SMITH of Oregon, Mr. ASHCROFT, Mr. MCCAIN, Ms. SNOWE, and Mr. GRAMS):

S. 1873. A bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack; to the Committee on Armed Services.

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. THOMPSON, Mr. BINGAMAN, and Mr. REID):

S. 1874. A bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE:

S. 1875. A bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome adn Fetal Alcohol Effect, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LUGAR:

S. 1876. A bill to amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1877. A bill to remove barriers to the provision of affordable housing for all Americans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself and Mrs. FEINSTEIN):

S. 1878. A bill to amend the Immigration Nationality Act to authorize a temporary increase in the number of skilled foreign workers admitted to the United States, to improve efforts to recruit United States workers in lieu of foreign workers, and to enforce labor conditions regrading non-immigrant aliens; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. THOMPSON, Mr. BINGAMAN, and Mr. REID):

S. 1874. A bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes; to the Committee on Energy and Natural Resources.

THE DEPARTMENT OF ENERGY SMALL BUSINESS AND INDUSTRY PARTNERSHIP ENHANCEMENT ACT OF 1998

Mr. DOMENICI. Mr. President, partnerships among our federal laboratories, universities, and industry provide important benefits to our nation. They help to create innovative new products and services that drive our economy and improve our quality of life.

I have personally observed the positive impacts of well crafted partnerships. These partnerships enhance the ability of the laboratories and other contractor-operated facilities of the Department of Energy to accomplish their federal missions at the same time that the companies benefit though enhanced competitiveness from the technical resources available at these sites.

I have also seen important successes achieved by other federal agencies and companies that utilized the resources of the national laboratories and other Department sites through contract research mechanisms. Contract research enables these sites to contribute their technical expertise in cases where the private sector can not supply a customer's needs. Partnerships and other interactions enable companies and other agencies to accomplish their own missions better, faster, and cheaper.

I've seen spectacular examples where small businesses have been created around breakthrough technologies from the national laboratories and other contractor-operated sites of the DOE. But, at present, only the Department's Defense Programs has a specific program for small business partnerships and assistance.

All programs of the Department have expertise that can be driving small business successes. Historically, in the United States, small businesses have often been the most innovative and the fastest to exploit new technical opportunities—all of the Department's programs should be open to the small business interactions that Defense Programs has so effectively utilized.

I have been concerned that barriers to these partnerships and interactions continue to exist within the Department of Energy. In addition, the Department's laboratories and other sites need continuing encouragement to be fully receptive to partnership opportunities that meet both their own mission objectives and industry's goals. And finally, small business interactions should be encouraged across the Department of Energy, not only in Defense Programs.

For these reasons, I introduce today the Department of Energy Small Business and Industry Partnership Enhancement Act of 1998. This Partnership Enhancement Act removes barriers to more effective utilization of all of the Department's contractor-operated facilities by industry, other federal agencies, and universities. The bill covers all the Department's contractor-operated facilities—national laboratories and their other sites like Kansas City, Pantex, Hanford, Savannah River, or the Nevada Test Site.

This bill also provides important encouragement to the contractor-operated sites to increase their partnerships and other interactions with universities and companies. And finally, it creates opportunities for small businesses to benefit from the technical resources available at all of the Department's contractor-operated facilities.

This bill amends the Atomic Energy Act, which limited the areas wherein the Department's facilities could provide contract research, not in competition with the private sector, to only those mission areas undertaken in the earliest days of the AEC. My bill recognizes that the Department's responsibilities are far broader than the original AEC, and that all parts of the Department should be available to help on a contract basis wherever capabilities are not available from private industry.

One barrier at the Department to contract research involves charges added by the Department to the cost of work accomplished by a site. This bill requires that charges to customers for contract research at these facilities be fully recovered, and stops the addition of extra charges by the Department. The bill requires that any customer of

these facilities pay only the direct charges at that facility for their contracted work, plus an overhead rate that is calculated for broad groups of customers. For example, where other federal agencies, companies, or universities do not require secure facilities or do not utilize the extensive special nuclear material capabilities of the laboratories, then the customer will be charged an overhead rate that excludes security costs and environmental legacy costs. This will ensure that each class of customers is paying for the services they actually utilize.

The bill provides direct encouragement for expansion of partnerships and interactions with companies and universities by requiring that each facility be annually judged for success in expanding these interactions in ways that support each facility's missions. The bill requires that the external partnership and interaction program be considered in evaluating the annual contract performance at each site.

And finally, the bill sets up a new Small Business Partnership Program in which all of the Department sites participate. This action will enable small businesses across the United States to better access and partner with any of the Department's contractor-owned facilities. A fund for such interactions up to 0.25 percent of the total site budget is available for these small business interactions.

With these changes, Mr. President, the Department of Energy facilities will be better able to meet their critical national missions, while at the same time assisting other federal agencies, large and small businesses, and universities in better meeting their goals and missions.

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. 1874

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 ''Department of Energy Small Business and Industry Partnership Enhancement Act of 1998''.

SEC. 2. FINDINGS.

Congress finds that—

(1) partnerships between contractor-operated facilities of the Department of Energy and small businesses can enhance growth of competitive small business opportunities;

(2) the contractor-operated facilities represent a national resource in science and technology;

(3) capacity for innovation in the United States is enhanced when the capabilities of the contractor-operated facilities are engaged with other providers and users of the Nation's science and technology base;

(4) contributors to the Nation's science and technology delivery system, Federal agencies, private industry, universities, and the contractor-operated facilities can best perform their missions through partnerships and interactions that leverage the resources of each such entity;

(5) interactions of the contractor-operated facilities with industry and universities serve to—

(A) expand the technology base available for missions of the Department of Energy; and

(B) instill sound business practices in the contractor-operated facilities to enable cost-effective realization of the Federal missions of the facilities;

(6) the contractor-operated facilities benefit from university interactions through access to leading edge research and through recruitment of the talent needed to pursue the missions of the facilities;

(7) industry can improve products and processes leading to an enhanced competitive position through simplified access to the science and technology developed by the contractor-operated facilities; and

(8) other Federal agencies can advance their own missions by using capabilities developed within the contractor-operated facilities.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve the ability of small businesses, Federal agencies, industry, and universities to work with the contractor-operated facilities of the Department of Energy while ensuring full cost recovery of each contractor-operated facility's expenses incurred in such work;

(2) to encourage the contractor-operated facilities to expand their partnerships with universities and industries; and

(3) to expand interactions of contractor-operated facilities with small businesses so as to—

(A) encourage commercial evaluation and development of the science and technology base of the contractor-operated facilities; and

(B) provide technical assistance to small businesses.

SEC. 4. CONTRACT RESEARCH SERVICES.

Section 31a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) areas of technology within the mission of the Department of Energy as authorized by law.''.

SEC. 5. COST RECOVERY.

Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) is amended—

(1) by striking ''SEC. 33. RESEARCH FOR OTHERS.—Where'' and inserting the following:

''SEC. 33. RESEARCH FOR OTHERS.

''(a) IN GENERAL.—Where''; and

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

''(b) COST RECOVERY.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary of Energy shall not recover more than the full cost of work incurred at contractor-operated facilities of the Department of Energy.

''(2) ADMINISTRATIVE COSTS.—Any costs incurred by the Department of Energy in connection with work performed by contractor-operated facilities of the Department of Energy shall be funded from departmental administration accounts of the Department of Energy.

''(3) CHARGES.—For work performed for a person other than the Department of Energy (including non-Federal entities and Federal agencies other than the Department of Energy) (referred to in this paragraph as an 'external customer'), a contractor-operated facility may assess a charge in an amount that does not exceed the sum of —

''(A) the direct cost to the contractor in performing the work for the external customer; and

''(B) a pro rata share of overhead charges for overhead-funded services directly required for performance of the specific work for external customers as a whole or to a category of external customers that includes the external customer.''.

SEC. 6. PARTNERSHIPS WITH UNIVERSITIES AND INDUSTRY.

(a) IN GENERAL.—Chapter 4 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2051 et seq.) is amended by adding at the end the following:

''SEC. 34. CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.

''(a) METRICS.—

''(1) DEFINITION OF METRICS.—In this subsection, the term 'metrics' means a system of measurements to determine levels of specific areas of performance.

''(2) INCLUSION IN CONTRACTS.—Metrics—

''(A) shall be developed jointly by the Secretary of Energy and each contractor operating a facility of the Department of Energy to ensure that realistic goals are established that are directly supportive of the mission and responsibilities of the contractor-operated facility;

''(B) shall be specified in the contract for operation of the facility; and

''(C) shall be used to evaluate the effectiveness of partnership development by the facility.

''(b) PARTNERSHIPS AND INTERACTIONS.—

''(1) ENCOURAGEMENT OF PARTNERSHIPS AND INTERACTIONS.—The Secretary of Energy shall encourage partnerships and interactions with universities and private industry at each contractor-operated facility.

''(2) COMPONENT OF PERFORMANCE EVALUATIONS.—The development and expansion of partnerships and interactions with universities and private industry shall be a component in evaluating the annual performance of each contractor-operated facility.

''(c) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—

''(1) IN GENERAL.—The Secretary of Energy shall require that each contractor operating a facility of the Department of Energy create a small business technology partnership program at each contractor-operated facility.

''(2) FUNDING LEVEL.—A contractor may spend not more than 0.25 percent of the total operating budget of a contractor-operated facility on the program.

''(3) EVALUATIONS.—The Secretary shall annually evaluate the effectiveness of the program with each contractor to ensure that the program is providing opportunities for small businesses to interact with and use the resources of each contractor-operated facility.

''(4) USE OF FUNDS.—Funds from the program—

''(A) shall be used to cover a contractor-operated facility's costs of interactions with small businesses; and

''(B) shall not be used for direct monetary grants to small businesses.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end of the items relating to chapter 4 of title I the following:

''Sec. 34. Contractor-operated Facilities of the Department of Energy.''.

By Mr. DASCHLE:

S. 1875. A bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective

interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and for other purposes; to the Committee on Labor and Human Resources.

THE FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT PREVENTION AND SERVICES ACT

Mr. DASCHLE. Mr. President, in numerous ways, this nation demonstrates that our children are our most valuable investment and our most precious asset. We work to improve their education, to give them greater access to high quality health care, to minimize their exposure to tobacco and other addictive agents. We are driven to do all we can to help them realize their potential and achieve their personal and professional goals.

In that context, it is inconsistent and shortsighted that, year after year, we pay little or no attention to a public health problem that is 100 percent preventable, yet affects more and more children each year, and that inalterably damages physical, mental and emotional processes critical to a child's ability to grow into an independent, fully functioning adult. The public health problem I am referring to is fetal alcohol syndrome. Fetal alcohol syndrome (FAS) and the related condition, fetal alcohol effect (FAE), are lifelong conditions characterized by multiple physical, mental, and behavioral handicaps. FAS and FAE cross racial, ethnic and economic lines to affect families throughout the United States. Both conditions are 100 percent preventable—and 100 percent irreversible.

In January of 1997, I introduced S.148, a bill to establish a program for the prevention of FAS and FAE. S.148 calls for the development of an interagency task force at the federal level to promote prevention and detection of FAS and FAE, as well as a grant program to help communities expand public awareness and prevention at the state and local levels.

I introduced bills similar to S.148 in the 102nd, 103rd and 104th Congresses, but, as is too often the case, these measures were too modest in scope to compete against ''the issue of the moment.'' Seven years is a long time to push a bill, but I don't see this effort as a matter of choice so much as a matter of necessity. It is a crime to sit back while more and more women each year drink during pregnancy and more and more children each year are handicapped for life because of it.

In fact, the more I have learned about these conditions and their impact on children and their families, the more apparent it is to me that, if we truly care about children, we must not only embrace the goals of S.148, we must go beyond them. Not only should we do all we can to protect more children from a life sentence of devastating handicaps, we should acknowledge that for many children, prevention comes too late.

We must open our eyes to the fact that FAS and FAE children and their families often have nowhere to turn for information, guidance and the social services necessary to respond to their special needs.Up to 12,000 children with FAS are born each year in the United States. According to some estimates, the rate of FAE is 3 times that.

The incidence of FAS is nearly double that of Down's syndrome and almost 5 times that of spinal bifida. The incidence of FAS may be as high as one per 100 in some Native American communities.

FAS and FAE are characterized by a complicated and debilitating array of mental, physical, and behavioral problems. FAS is the leading cause of mental retardation, and, let me repeat, it is 100 percent preventable.

But rather than setting our sites on decreasing the incidence of FAS and FAE, the nation is witnessing a rapid increase in its incidence. In 1995, the Centers for Disease Control reported a six-fold increase in the percentage of babies born with FAS over the preceding 15 years. Again according to the CDC, rates of alcohol use during pregnancy increased significantly between 1991 and 1995, especially the rates of ''frequent drinking.''

This trend defies the Surgeon General's warning against drinking while pregnant. It defies a strongly worded advisory issued in 1991 by the American Medical Association urging women to abstain from all alcohol during pregnancy. Clearly, we need to do more to discourage women from risking their children's future by drinking while pregnant.

In addition to the tragic consequences for thousands of children and their families, these disturbing trends have immense implications from a fiscal perspective. The costs associated with caring for individuals with FAS and FAE are staggering.

The Centers for Disease Control and Prevention estimates that the lifetime cost of treating an individual with FAS is almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS was estimated at $2.7 billion in 1995. This is an extraordinary and unnecessary expense.

To the extent we can prevent FAS and FAE and help parents respond appropriately to the special needs of their children, we can reduce institutionalizations, incarcerations and the continual use of medical and mental health services that otherwise may be inevitable. It makes fiscal sense, but far more importantly, it is the humane thing to do.

The bill I am introducing today will establish a national task force comprised of parents, educators, researchers and representatives from relevant federal, state and local agencies. That task force will take on a difficult and critically important task. It will be responsible for reporting to Congress on FAS and FAE—on the nature and scope of the problem, the current response at the federal, state and local levels, and on ways the federal government can help states and localities make further progress. In conjunction with the task force efforts, the Secretary would establish a competitive grants program. This program would provide the resources necessary to operationalize the task force recommendations.

The concept of a national task force with membership from outside of, as well as within, the federal government make sense for FAS and FAE, because the true experts on these conditions are the parents and professionals who deal with the cause and effects of these conditions day in and day out. If we want to respond appropriately, parents, teachers, social workers, and researchers should have a place at the table. A national task force will also provide the opportunity for communities to share best practices, preventing states that are newer to this problem from having to ''reinvent the wheel.''

Mr. President, responding to the tragedy of alcohol-related birth defects is an urgent cause. I would like to thank the many concerned parents, researchers, educators, and federal agencies who helped develop this bill. Their input has produced what I believe is a solid response to the challenge and obligation before us. I urge my colleagues from both sides of the aisle to join me in an effort that can save children from a legacy of unnecessary and overwhelming handicaps, and help those for whom prevention is too late to live independent, fulfilling lives. I believe that if they look at this issue closely, they will agree that it would be a crime to do any less.

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. 1875

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 ''Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effect, also known as Alcohol Related Neurobehavioral Disorder (ARND), a related and equally tragic syndrome;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effect are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effect are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effect pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,500,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effect increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

SEC. 3. PURPOSE.

It is the purpose of this Act to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effect nationwide and to provide effective intervention programs and services for children, adolescents and adults already affected by these conditions. Such program shall—

(1) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(2) coordinate, support, and conduct prevention and intervention studies as well as epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(3) coordinate, support and conduct research and demonstration projects to develop effective developmental and behavioral interventions and programs that foster effective advocacy, educational and vocational training, appropriate therapies, counseling, medical and mental health, and other supportive services, as well as models that integrate or coordinate such services, aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families; and

(4) foster coordination among all Federal, State and local agencies, and promote partnerships between research institutions and communities that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, surveillance, prevention, and interventions and otherwise meet the general needs of populations already affected or at risk of being impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

SEC. 4. ESTABLISHMENT OF PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART O—FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM

''SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM.

''(a) FETAL ALCOHOL SYNDROME PREVENTION, INTERVENTION AND SERVICES DELIVERY PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effect prevention, intervention and services delivery program that shall include—

''(1) an education and public awareness program to support, conduct, and evaluate the effectiveness of—

''(A) educational programs targeting medical schools, social and other supportive services, educators and counselors and other service providers in all phases of childhood development, and other relevant service providers, concerning the prevention, identification, and provision of services for children, adolescents and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect;

''(B) strategies to educate school-age children, including pregnant and high risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

''(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

''(D) strategies to coordinate information and services across affected community agencies, including agencies providing social services such as foster care, adoption, and social work, medical and mental health services, and agencies involved in education, vocational training and civil and criminal justice;

''(2) a prevention and diagnosis program to support clinical studies, demonstrations and other research as appropriate to—

''(A) develop appropriate medical diagnostic methods for identifying Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

''(B) develop effective prevention services and interventions for pregnant, alcohol-dependent women; and

''(3) an applied research program concerning intervention and prevention to support and conduct service demonstration projects, clinical studies and other research models providing advocacy, educational and vocational training, counseling, medical and mental health, and other supportive services, as well as models that integrate and coordinate such services, that are aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families.

''(b) GRANTS AND TECHNICAL ASSISTANCE.—The Secretary may award grants, cooperative agreements and contracts and provide technical assistance to eligible entities described in section 399H to carry out subsection (a).

''(c) DISSEMINATION OF CRITERIA.—In carrying out this section, the Secretary shall develop a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effect diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals.

''(d) NATIONAL TASK FORCE.—

''(1) IN GENERAL.—The Secretary shall establish a task force to be known as the National task force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (referred to in this subsection as the 'task force') to foster coordination among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

''(2) MEMBERSHIP.—The Task Force established pursuant to paragraph (1) shall—

''(A) be chaired by an individual to be appointed by the Secretary and staffed by the Administration; and

''(B) include the Chairperson of the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services, and representatives from research and advocacy organizations such as the Research Society on Alcoholism, the FAS Family Resource Institute and the National Organization of Fetal Alcohol Syndrome, the academic community, and Federal, State and local government agencies and offices.

''(3) FUNCTIONS.—The Task Force shall—

''(A) advise Federal, State and local programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect, including programs and research concerning education and public awareness for relevant service providers, school-age children, women at-risk, and the general public, medical diagnosis, interventions for women at-risk of giving birth to children with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and beneficial services for individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect and their families;

''(B) coordinate its efforts with the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services; and

''(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

''(4) TIME FOR APPOINTMENT.—The members of the Task Force shall be appointed by the Secretary not later than 6 months after the date of enactment of this part.

''SEC. 399H. ELIGIBILITY.

''To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

''(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

''SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $27,000,000 for each of the fiscal years 1999 through 2003.

''(b) TASK FORCE.—From amounts appropriate for a fiscal year under subsection (a), the Secretary may use not to exceed $2,000,000 of such amounts for the operations of the National Task Force under section 399G(d).

''SEC. 399J. SUNSET PROVISION.

''This part shall not apply on the date that is 7 years after the date on which all members of the national task force have been appointed under section 399G(d)(1).''.

By Mr. LUGAR:

S. 1876. A bill to amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes; to the Committee on the Judiciary.

THE JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAM ACT OF 1998

Mr. LUGAR Mr. President, I rise today to offer legislation amending the Residential Substance Abuse Treatment program, known as R-SAT, to enable jurisdictions below the state level to realize greater benefits from the program. The R-SAT program allows the Attorney General to make grants for the establishment of treatment programs within local correctional facilities, but only a few jurisdictions have been able to take advantage of these grants.

The legislation I am offering today will solve this problem by establishing a separate Jail-Based Substance Abuse Treatment Program, or J-SAT. Under this new program, states will be explicitly authorized to devote up to ten percent of the funds they receive under R-SAT to qualifying J-SAT programs.

This legislation will provide matching funds to jail-based treatment programs that meet several criteria. First, the program must be at least three months in length. This is the minimum amount of time for a treatment program to have the desired effect. To qualify for funding, a program must also have been in existence for at least two years. This criterion is intended to ensure that jurisdictions which have already demonstrated a commitment to treatment programs at the local level receive first priority for funding. It also ensures that scarce treatment resources are allocated to programs with a demonstrable track record of success. The third criteria for programs seeking J-SAT funding is that the treatment regimen must include regular drug testing. This is necessary to ensure that some objective measure of the program's success is available. Grant recipients are also encouraged to provide the widest range of aftercare services possible, including job training, education and self-help programs. These steps are necessary to leverage the resources devoted to solving the problem of substance abuse, and to give individuals involved in treatment the best possible chance for successful rehabilitation.

I am offering this legislation because substance abuse and problems arising from it are putting a severe strain on the resources of local jurisdictions throughout the nation. This is not a minor problem. The Office of National Drug Control Policy indicates that approximately three-fourths of prison inmates—and over half of those in jails or on probation—are substance abusers, yet only a small percentage of inmates participate in treatment programs while they are incarcerated. The time during which drug-using offenders are in custody or under post-release correctional supervision presents a unique opportunity to reduce drug use and crime through effective drug testing and treatment programs.

Research indicates that programs like J-SAT can help to reduce the strain on our communities by cutting drug use in half; by reducing other criminal activity like shoplifting, assault, and drug sales by up to 80 percent; and by reducing arrests for all crimes by up to 64 percent.

I would also note that jail-based treatment programs are cost effective. In 1994, the American Correctional Association estimated the annual cost of incarceration at $18,330. The Office of National Drug Control Policy states that treatment while in prison and under post-incarceration supervision can reduce recidivism by roughly 50 percent. Thus, for every $1,800 the government invests in treatment, it saves more than $9,000. Former Assistant Health Secretary Philip Lee has estimated that every dollar invested in treatment can save $7 in societal and medical costs.

For these reasons, I ask my colleagues to support the Jail-Based Substance Abuse Treatment legislation I am introducing today.

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. 1876

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

SECTION 1. JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS.

(a) IN GENERAL.—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended by adding at the end the following:

"SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.

''(a) DEFINITIONS.—In this section—

''(1) the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

''(A) directed at the substance abuse problems of prisoners; and

''(B) intended to develop the cognitive, behavioral, social, vocational, and other skills of prisoners in order to address the substance abuse and related problems of prisoners; and

''(2) the term 'local correctional facility' means any correctional facility operated by a unit of local government.

''(b) AUTHORIZATION.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under section 1904(a) for any fiscal year may be used by the State to make grants to local correctional facilities in the State for the purpose of assisting jail-based substance abuse treatment programs established by those local correctional facilities.

''(2) FEDERAL SHARE.—The Federal share of a grant made by a State under this section to a local correctional facility may not exceed 75 percent of the total cost of the jail-based substance abuse treatment program described in the application submitted under subsection (c) for the fiscal year for which the program receives assistance under this section.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant from a State under this section for a jail-based substance abuse treatment program, the chief executive of a local correctional facility shall submit to the State, in such form and containing such information as the State may reasonably require, an application that meets the requirements of paragraph (2).

''(2) APPLICATION REQUIREMENTS.—Each application submitted under paragraph (1) shall include—

''(A) with respect to the jail-based substance abuse treatment program for which assistance is sought, a description of the program and a written certification that—

''(i) the program has been in effect for not less than 2 consecutive years before the date on which the application is submitted; and

''(ii) the local correctional facility will—

''(I) coordinate the design and implementation of the program between local correctional facility representatives and the appropriate State and local alcohol and substance abuse agencies;

''(II) implement (or continue to require) urinalysis or other proven reliable forms of substance abuse testing of individuals participating in the program, including the testing of individuals released from the jail-based substance abuse treatment program who remain in the custody of the local correctional facility; and

''(III) carry out the program in accordance with guidelines, which shall be established by the State, in order to guarantee each participant in the program access to consistent, continual care if transferred to a different local correctional facility within the State;

''(B) written assurances that Federal funds received by the local correctional facility from the State under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available for jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

''(C) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

''(d) REVIEW OF APPLICATIONS.—

''(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

''(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

''(B) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

''(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

''(A) approve the application, disapprove the application, or request a continued evaluation of the application for an additional period of 90 days; and

''(B) notify the applicant of the action taken under subparagraph (A) and, with respect to any denial of an application under subparagraph (A), afford the applicant an opportunity for reconsideration.

''(3) ELIGIBILITY FOR PREFERENCE WITH AFTERCARE COMPONENT.—

''(A) IN GENERAL.—In making grants under this section, a State shall give preference to applications from local correctional facilities that ensure that each participant in the jail-based substance abuse treatment program for which a grant under this section is

sought, is required to participate in an aftercare services program that meets the requirements of subparagraph (B), for a period of not less than 1 year following the earlier of—

''(i) the date on which the participant completes the jail-based substance abuse treatment program; or

''(ii) the date on which the participant is released from the correctional facility at the end of the participant's sentence or is released on parole.

''(B) AFTERCARE SERVICES PROGRAM REQUIREMENTS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

''(i) in selecting individuals for participation in the program, gives priority to individuals who have completed a jail-based substance abuse treatment program;

''(ii) requires each participant in the program to submit to periodic substance abuse testing; and

''(iii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

''(I) educational and job training programs;

''(II) parole supervision programs;

''(III) half-way house programs; and

''(IV) participation in self-help and peer group programs; and

''(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

''(e) COORDINATION AND CONSULTATION.—

''(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs established by local correctional facilities in the State as those participants move between local correctional facilities within the State.

''(2) CONSULTATION.—Each State described in paragraph (1) shall consult with the Attorney General and the Secretary of Health and Human Services to ensure that each jail-based substance abuse treatment program assisted with a grant made by the State under this section incorporates applicable components of comprehensive approaches, including relapse prevention and aftercare services.

''(f) USE OF GRANT AMOUNTS.—

''(1) IN GENERAL.—Each local correctional facility that receives a grant under this section shall use the grant amount solely for the purpose of carrying out the jail-based substance abuse treatment program described in the application submitted under subsection (c).

''(2) ADMINISTRATION.—Each local correctional facility that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program assisted, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

''(3) RESTRICTION.—A local correctional facility may not use any amount of a grant under this section for land acquisition or a construction project.

''(g) REPORTING REQUIREMENT; PERFORMANCE REVIEW.—

''(1) REPORTING REQUIREMENT.—Not later than March 1 of each year, each local correctional facility that receives a grant under this section shall submit to the Attorney General, through the State, a description and evaluation of the jail-based substance abuse treatment program carried out by the local correctional facility with the grant amount, in such form and containing such information as the Attorney General may reasonably require.

''(2) PERFORMANCE REVIEW.—The Attorney General shall conduct an annual review of each jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

''(h) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).''.

(b) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the matter relating to part S, by adding at the end the following:

''1906. Jail-based substance abuse treatment.''.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1877. A bill to remove barriers to the provision of affordable housing for all Americans; to the Committee on Banking, Housing, and Urban Affairs.

THE AFFORDABLE HOUSING BARRIER REMOVAL ACT OF 1998

Mr. WYDEN. Mr. President, In Oregon and across America, people are starting to think that ''affordable housing'' is the biggest oxymoron since ''jumbo shrimp''. Decent houses have become unaffordable for many working moderate-income families. Mr. President, today I am introducing the ''Affordable Housing Barrier Removal Act.'' This bill encourages all governments to streamline regulations to help bring home ownership within the reach of middle class families who can only dream of it today.

The Department of Housing and Urban Development (HUD) says that housing is affordable if all costs—mortgage, utilities, property taxes and insurance—consume no more than 30 percent of household gross income. Yet in Clackamas County, Oregon, for example, the median family income is $49,600, while the average cost of a house is $200,000. This makes it virtually impossible for many people, especially young families, to obtain all the benefits of home ownership.

While many factors contribute to real estate prices, one of the main things that drives prices higher is the proliferation of government rules and fees. In Portland, fully 5 percent of the average home price of $155,400 comes directly from permit fees and so-called ''system delivery charges,'' some of which may serve worthwhile purposes, but should be re-examined as a total package. All of these added costs are eventually passed onto the buyer and often keep families from buying homes they could otherwise afford.

The federal government has a role to play in the affordable housing debate. It can promote community goals of environmental protection, access for people with disabilities, and better transportation planning, in the context of their financial impact on home buyers.

This bill, the Affordable Housing Barrier Removal Act of 1998, would do this by encouraging the formation of Barrier Removal Councils in every local jurisdiction that receives HUD block grants for community development. Mr. President, back home in Oregon I have assembled a housing task force to advise me on housing policies. My task force told me that communities need to sit down and examine the issue of affordable housing before the bricks are set and the mortar is poured. That's why these Barrier Removal Councils are important. These councils would be charged with taking the kind of big-picture approach that can identify ways to lower barriers to home ownership that overlapping and outdated regulations cause. In other words, we need to look at the forest as a whole, not just one tree at a time.

This bill is similar to legislation I introduced last week to establish a special bicameral Sunset Committee in Congress to review every federal program every five years. Programs, regulations, and laws tend to pile up because legislatures at both the local and federal levels generally work to address specific problems, one at a time, often forgetting to examine the cumulative effect of prior laws. There is a need to set up mechanisms to examine regulations affecting affordable housing in their totality. This bill would also call for a special national conference every two years to discuss regulations that may be barriers, and creates a national clearinghouse to provide information to communities on the work being done to remove barriers in other parts of the country.

This legislation will help home buyers by improving some of the ways the Federal Housing Administration—the lender for many middle-income families—operates. It allows them to make loans to more people, by redefining the areas they operate in. And it simplifies the convoluted process that FHA uses to determine the down payment that a family is expected to make. You should not need Bill Gates' money to afford a home and you should not need his math skills to figure out how much your house is going to cost.

Finally, Mr. President, our bill asks the federal government to take the impact on home buyers into account by requiring all federal agencies to include a housing impact analysis, except on policies where there is no impact. The Housing Impact Statement focuses the attention of agencies on the question ''how does this policy affect home prices'' every time it tries to solve a problem by instituting a new regulation. It is always important for government at every level to understand the consequences of its actions. This is an effort to try to instill that good government philosophy into the housing area.

Home ownership has always been part of the American Dream. It is everyone's responsibility to keep it from just being a dream for working families.

Mr. BENNETT. Mr. President, I rise today to introduce, with Senator WYDEN, the Affordable Housing Barrier Removal Act of 1998. According to the National Association of Home Builders, housing compromises 12 percent of the economy of the United States and the housing construction and remodeling industries employ approximately 2 million people each year. However, housing costs continue to rise and housing affordability continues to be a challenge for many American families.

Unnecessary regulations contribute significantly to the costs of housing. Layers of excessive and unnecessary regulation imposed by all levels of government—federal, state, and local—can add 20 to 35 percent to the cost of a new home.

Mr. President, the removal of regulatory burdens is essential to increasing the home ownership rate in the United States. Home ownership is the cornerstone of family security, stability, and prosperity. Congress has the responsibility to do all that it can to encourage and promote policies that increase homeownership.

Mr. President, it is for these reasons that Senator WYDEN and I introduce the Barriers bill today. This bipartisan bill has three major goals. First, the bill require federal agencies to evaluate any new rule or regulations to determine if they have an impact on the cost of housing. Second, the bill will encourage states and localities to bring together all the parties involved in the production of housing and those who regulate them to discuss barriers and how to remove them. Third, the bill will remove outdated requirements in the Federal Housing Administration's single-family mortgage insurance program to make the program more efficient.

In addition to the major goals of the legislation, the Barriers bill will authorize the United States Department of Housing and Urban Development (HUD) to become more involved in comprehensive efforts to encourage barrier removal activities. As the federal entity that oversees our national housing policy, HUD must be actively involved in strategies and activities to remove regulatory burdens to produce more affordable housing.

Mr. President, while there is no doubt regulations are necessary to protect our workers and our environment, there must be a commonsense approach to relief from excessive regulatory burdens that impact other sectors of the economy. I look forward to the input from my other colleagues and others involved in the housing industry about this legislation. I believe it opens an important and timely dialogue, and I commend Senator WYDEN for the leadership he is showing on this issue.

By Mr. KENNEDY (for himself and Mrs. FEINSTEIN):

S. 1878. A bill to amend the Immigration Nationality Act to authorize a temporary increase in the number of skilled foreign workers admitted to the United States, to improve efforts to recruit United States workers in lieu of foreign workers, and to enforce labor conditions regrading non-immigrant aliens; to the Committee on the Judiciary.

THE HIGH-TECH IMMIGRATION AND U.S. WORKER PROTECTION ACT

Mr. KENNEDY. Mr. President, I am honored to join Senator FEINSTEIN to introduce legislation to grant a temporary increase in immigration quotas for high tech jobs, while taking additional steps to ensure that more American workers are trained for these jobs.

For the next decade, high tech industries will create over a million new jobs in the United States. Some have called for a permanent increase in the quotas, to ensure that companies have the workers they need to survive in this highly competitive market.

The problem is obvious. A permanent increase would permanently deny these good jobs to American workers, and that's not acceptable. The labor market will adjust in time, as it always does, as more and more Americans enter this field. It would be a mistake to tilt the balance unfairly against them.

Our immigration laws should not undercut the ability of young Americans, downsized defense workers, and others to enter this dynamic field.

This week, the General Accounting Office sent a clear warning on this issue, saying that the job market studies used by the industry are flawed, and do not prove that significant worker shortage exists.

Our legislation will accomplish three goals:

First, it provides a temporary increase in immigration quotas from 65,000 to 90,000 visas a year for the next three years. This increase will enable U.S. companies to hire the workers they need now.

Second, we invest in training U.S. workers. Americans want these jobs, and they deserve the training needed to get them. Our bill proposes a modest $250 application fee for each foreign worker sought under the immigration quota. The fee will raise approximately $100 million each year over the next three years to fund training opportunities for Americans.

Third, our bill strengthens the enforcement of the immigration laws. It gives the Labor Department greater authority and resources to ensure that employers pay the proper wage and meet other standards in hiring foreign workers. We specifically make it illegal for employers to lay off American workers and hire foreign workers to replace them. In other words, employers should hire at home first in obtaining new workers, before importing them from abroad.

We believe these steps meet the immediate needs of this important industry, while preserving the priority we own our own workers, and we urge Congress to enact them.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

KENNEDY-FEINSTEIN HIGH-TECH IMMIGRATION AND UNITED STATES WORKER PROTECTION ACT

Temporarily increases 65,000-visa immigration quota of temporary foreign professional and skilled workers (''H–1B visas'').

FY 98–2000: 90,000 visas.

After FY2000, return to 65,000 visas annually.

Creates $100 million training program funded through $250 employer user fee.

$90 million for loans to workers to obtain training.

$10 million to local ''regional skills alliances'' to identify local labor market needs and develop strategies.

Enhances Accountability and Program Integrity.

Authority to investigate: Provides Labor Department independent ability to enforce labor laws against those who break the law instead of waiting for a complaint. Provides $5 million for this purpose.

Requires attestation that companies will not lay off American workers: Bars employers from laying off U.S. workers and bringing in replacement foreign workers.

Requires attestation that companies will recruit at home first: Requires local recruitment efforts before employers can obtain foreign workers under the program.

Expedited process: Retains requirement that Labor Department process employer applications within 7 days to ensure that new requirements pose no additional delay.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Missouri (Mr. BOND) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1643

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1643, a bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system.

S. 1710

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. REED) was withdrawn as a cosponsor of S. 1710, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1802

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1802, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, and 2001.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

MURRAY AMENDMENT NO. 2165

Mrs. MURRAY proposed an amendment to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CLASS SIZE REDUCTION.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to reduce class size for students, especially in the early grades, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

ADDITIONAL STATEMENTS

MEXICO DRUG DECERTIFICATION

● Mr. MCCAIN. Mr. President, I voted yesterday against the legislation to disapprove the certification of Mexico as cooperating with U.S. counter-narcotics efforts. Given the level of attention that has been paid recently to continuing problems with Mexican antidrug efforts, I want to make clear the reasons for my vote.

I am under no illusions about Mexican performance in combating drug trafficking and corruption. But the question we face is whether decertification would make the situation better or worse.

We have a long land border with Mexico. Our economies are closely linked. Our relationship with Mexico is much more diverse and significant than the single issue of drugs. We need Mexico's cooperation on drugs, and we need it on a host of other issues as well. If we were to decertify Mexico, we would kill all cooperation in the drug war and spoil the atmosphere in the rest of our relationship as well. We would be sending a message of a complete loss of confidence in Mexico. I do not believe that this is a message we really want to send.

Fighting the drug war is no simple task. A country's efforts cannot be reduced to a simple statement of ''fully cooperating'' with the United States or not. In this respect, the entire drug certification process is fatally flawed. While the senior leadership in Mexico is committed to fighting drugs, the task before them is enormous. Even the most strenuous efforts by a government could not guarantee 100 percent success against a multi-billion dollar industry. There is no black or white answer.

What matters most is that U.S. assistance to Mexico to help fight the war on drugs serves U.S. interests. For as challenging as the situation is now, imagine how much worse it would be if there were no U.S. assistance to Mexico to combat drug trafficking at the source. We would be hurting our own interests as much as Mexico's if we were to decertify Mexico and dramatically reduce our counter-narcotics assistance.

Finally, we need to bear in mind that the only reason there is such a massive effort by the drug lords to supply drugs is because the United States provides such a massive demand. By all means, we must fight the supply chain by working together with our neighbors against drug production and trafficking. But we must also continue to take our share of the responsibility in the United States and fight the demand for drugs here at home.●

MEXICO DRUG DECERTIFICATION

● Mr. SHELBY. Mr. President, I rise in support of Senate Joint Resolution 42, the resolution of disapproval.

Much has already been said on this issue, and I will make my comments brief.

The United States Government has been working with the Government of Mexico for over a decade on fighting the flow of drugs.

Year after year, we have received promises, commitments, and declarations to reduce the flow of narcotics from Mexico. But we have not seen the concrete actions that are required to block the flow of cocaine, heroin, and marijuana into the United States.

For example, in 1997, Mexico agreed to facilitate the extradition of narcotics traffickers. In fact, no Mexican national has been extradited and surrendered to the United States as a result of that agreement.

In a recent hearing, the Senate Select Committee on Intelligence heard from witnesses from the Justice Department, the Central Intelligence Agency, and the Drug Enforcement Administration on the status of Mexican antidrug efforts.

While I cannot go into detail, their testimony was not at all optimistic and was, in fact, extremely disturbing to me.

Of greatest concern is the endemic corruption that runs rampant at all levels throughout those Mexican institutions tasked with combating narcotics trafficking.

The story on the front page of today's New York Times, describing corruption in the ranks of the Mexican military is, if accurate, especially disturbing, since the military is considered less corrupt than the Federal police force.

While Mexican officials often speak of efforts to prevent this corruption, no definitive steps have been taken to target the illicit drug monies that make this corruption possible. New laws are discussed, debated, in some cases even enacted, but they are not implemented.

And while there have been a few highly publicized prosecutions of corrupt officials, many more are allowed to retire or are simply reassigned.

I wonder whether criminal prosecution is selective and whether such determinations are themselves reflections of such corruption.

Again, actions speak louder than words.

I understand that the Clinton administration and other regional governments are discussing the concept of a regional approach to drug cooperation certification, to replace the current process.

I have serious doubts about replacing the current system with regional certification, since the almost certain result would be that Mexico and others would be given a pass rather than being held accountable for their actions. Simply stated, it would make certification a meaningless process of averaging an array of mediocre and poor performances.

Furthermore, before considering Mexico as a member of such a regional group, we should consider Mexico's participation in current regional counternarcotics efforts. It is hardly encouraging.

For example, the Joint Inter-Agency Task Force located in Key West, FL, is one such organization. It includes representatives from all of the United States armed services, as well as law enforcement agencies, and an equal contribution from our British and Dutch allies.

I urge my colleagues to visit the Task Force and hear their frustrations regarding Mexico. Again, while Mexico says it is using every asset to prevent the transshipment of drugs into the United States, the officials there will tell you this is just not so.

They cite example after example of the detection and tracking of drug-carrying ships and planes.

But when it comes to handing off these targets to the Mexican authorities, there is either no response or such a limited and late response, the traffickers often escape and disappear into Mexico.

When we make informal suggestions that Mexico send its representatives to the multi-national task force to correct this problem, the response is that they are willing to discuss it. But, they have been discussing it for several years now.

Mr. President, for these reasons I strongly support the resolution to decertify Mexico. It is time to judge Mexico on its actions rather than empty promises.●

THE PRESIDENT'S TRIP TO AFRICA: AN IMPORTANT STEP FOR U.S. NATIONAL INTERESTS

● Mr. BIDEN. Mr. President, I rise today to speak on the President's current trip to Africa and the importance of Africa to United States national interests. I highly applaud the President's decision to go to Africa. The President's trip to Ghana, Botswana, South Africa, Uganda, Senegal and Rwanda comes on the heels of visits to the region last year by both the First Lady and the Secretary of State. This marks only the second time that an American President has undertaken an official trip to sub-Saharan Africa, and the first visit to any of the countries on the President's itinerary. As we have seen by the warm reception that the President has enjoyed so far, this first visit in 20 years by an American President carries considerable symbolic significance for the 650 million people in Africa. For the 270 million people of America, the President's visit will help further strengthen U.S.-Africa relations and promote important national interests.

President Clinton's trip highlights a very different Africa from the one President Carter saw during the first Presidential visit in 1978. At that time, Washington largely viewed Africa as merely another battleground for U.S.-Soviet Cold War competition. Today, in many parts of the region nations are working to reform politically and economically. More elections have occurred at all levels of government in the last five years than in the last two decades. The traditional image of African states controlled by dictatorial strongmen is giving way to multiparty political systems with an increasing appreciation for democratic institutions and processes. And economically, many African countries have rejected the failed policies of central planning in favor of privatization of state assets and the creation of free markets.

Mr. President, the image that we often see of Africa in the media largely is one of famine, instability, and ethnic conflict. The purpose of the President's trip is to refocus the international spotlight to include the emerging economic and political renaissance that is occurring in some countries. I applaud President Clinton's recognition of the importance of including Rwanda in his itinerary. In contrast to the relatively positive outlook for the other countries on the President's itinerary, the outlook for Rwanda is not so clear and bright. Rwanda is still reeling from the aftershocks of the brutal 1994 genocide that resulted in the deaths of upwards of 800,000 men, women and children. For the last two years, more than 120,000 accused genocidaires have waited in prison for a trial. The country remains under insurgent attack by the 1994 genocidaires who are now based in neighboring Congo.

Rwanda is still waiting for justice. Rwanda—and the rest of Central Africa—will not be able to move forward until there is justice for the victims of genocide. Justice is the critical factor that will either allow that country to move forward, or see it fall backwards into bloodshed. I support the President's proposed Great Lakes Justice Initiative to assist the states of the region to strengthen judicial systems and the rule of law. I also urge the Administration to continue its efforts to ensure the effectiveness of the International War Crimes Tribunal for Rwanda. The Tribunal was established over three years ago to bring to justice leaders of the 1994 genocide. To date, however, only 35 persons have been indicted and the Tribunal has yet to hand down its first sentence. By contrast, the Yugoslav Tribunal already has cases in the appeal stage. The Tribunal s effective and efficient functioning will be key to allowing the Rwandan justice system the political and legal flexibility it needs to deal with the 120,000 men in prison.

Mr. President, Rwanda is not the only troubled African nation. Some nations, such as Liberia, the Central African Republic, and Angola, are at critical crossroads and will make decisions that will have a significant impact on their political and economic futures. Others, such as Nigeria, Sudan and Cameroon, have resisted the tide of political openness and economic reform that is sweeping through their neighbors and have remained repressive. As the President continues current efforts in Africa and undertakes new initiatives, it is critical that the United States strongly and clearly encourages those countries at the crossroads to choose the right road. At the same time, we should be unambiguous in our non-acceptance of those countries that continue to choose political repression and failed economic policies.

One of the most critical tests that United States foreign policy currently faces in Africa is the Democratic Republic of Congo. An enormous country the size of the United States east of the Mississippi River, the Congo is strategically located in the heart of Africa. Bordered by nine different countries, it is at once a Southern and Central African state. Blessed with natural and human resources, this country for the last thirty years has been cursed with poor leadership and financial ruin. The term kleptocracy was coined for the despotic rule of former President Mobutu Sese Seko which saw billions of dollars of foreign assistance misappropriated and the national coffers drained.

Foreign Relations Committee staff members who traveled to Congo last month saw a country in crisis. Critical infrastructure such as health and transportation are in disarray. There is no justice system to speak of. Human rights conditions are, in the words of one international human rights worker, catastrophic. The Congolese President, Laurent Kabila, a guerilla opposed to the former government for most of his adult life, has no relevant experience governing a country. The same is true for most of his cabinet. Perhaps the only positive news to report is that the security situation is relatively calmer for the moment than it has been in recent years. As discouraging a picture as this might be, recent Central African history has shown that

Congo's future disposition will have a significant impact on its neighbors with potential consequences for much of Africa—and United States national interests.

Mr. President, some might wonder whether the United States has any interests in Africa. Since the end of the Cold War, there are those who have argued that the United States should cut back on its engagements abroad. In regards to Africa, they argue that we should focus on regions of greater geopolitical and economic importance. Let me state clearly my belief that without a doubt the United States needs to be actively engaged in Africa.

Why? Because just as we support democracy, free trade and human rights in the rest of the world, so too should we continue to support these goals in Africa. Moreover, the United States has strong economic interests in Africa. U.S. exports to Africa last year totaled $6.2 billion, more than total U.S. exports to all of the states of the former Soviet Union combined. Since 1994, U.S. trade with sub-Saharan Africa has grown on average at 16.9% annually, outpacing growth in global trade in 1995 and 1996. Through our engagement with Africa we support and encourage partners who cherish the same values that we do. By encouraging political and economic stability we contribute to the preservation of our own nation s continued prosperity and security.

Mr. President, some among us may be disillusioned into believing that our interests in Africa are purely humanitarian, that Africa doesn t hold any strategic value for the United States. When I hear statements to this effect, I have to wonder whether they are living in the same world as the rest of us. As we have seen with the recent Asian financial crisis, global drug trade, and even the El Niño weather phenomenon, Americans today are more interconnected, if not interdependent, with the rest of the world than at any previous time in our nation's history. At this unique point in time as the sole superpower with the ability virtually to reach around the globe, the rest of the world has an equally unprecedented ability to touch us back. In such a global environment it is vital to our nation's security that we exercise vigilance in the conduct of our foreign relations.

Mr. President, even if we could stick our head in the sand, the rest of our body would be exposed to all of the negative consequences that a neglected Africa would incur. Imagine the effects of a large region of the world ignored and not encouraged to develop effective health systems, where new exotic diseases are not checked but given free reign to develop and old ones can develop drug resistance. The Asian bird flu would be nothing compared to what we might see. Imagine nations with minimal resources but great needs not supported to effectively maintain their natural environment, and compelled to compromise rainforests and natural ecosystems vital to our planet's well-being. If we think El Niño is bad, just wait until we meet his big brother.

Mr. President, we wouldn't allow this to occur in any other part of the world, and we certainly can not afford to allow this to happen in Africa. Protecting American interests in Africa is no simple task. The subtleties and complexities that confront us in the 48 nations of sub-Saharan Africa require diplomatic skill and finesse. How does Rwanda move to democracy whilst Hutus vastly outnumber Tutsis, and distrust and violence on both sides goes back generations? How do ethnic communities in Kenya share power in such a way that the rights of the minority are protected? How does the Congo move towards democratic governance and financial responsibility after a generation of misgovernment and kleptocracy?

There are no easy solutions to any of these questions, but the answers must be found if Africa is to advance politically and economically—and U.S. national interests are to be protected—into the next century.●

TRIBUTE TO SHANNON WRIGHT

● Mr. HUTCHINSON. Mr. President, I rise today to remember and honor a young Arkansas school teacher who made the ultimate sacrifice for one of her students.

Children often think of their teachers as heros. And there is no better word than ''hero'' to describe a courageous woman named Shannon Wright, a thirty-two year old English teacher at Westside Middle School. Shannon died in the tragic schoolyard shooting Tuesday along with four students. In the hail of gunfire, she gave her life in order to protect an eleven-year old girl, Emma Pittman. Emma says she believes Mrs. Wright saw the bullets coming and shielded her from being hit. Shannon was shot twice while she tried to protect the young girl from injury.

In the words of Emma Pittman's mother, ''I feel she needs a hero award for saving our child. I want her family to know how grateful we are because she didn't think of herself—she thought of the children.''

While Shannon will forever be remembered as a hero, it will be extremely difficult to ease the pain her death has brought. Shannon Wright was not only a teacher, she was a mother, a daughter, and a wife. She left behind her husband of twelve years, Mitchell, and her 2½ year old son Zane. Her life was devoted to serving others, and she was deeply loved by her family and her many friends. The loss of Shannon Wright will be mourned not only by those whose lives she touched everyday, but by the entire Jonesboro community, the state of Arkansas, and people throughout our nation.

This horrible act of violence has caused incredible pain for the people of Northeast Arkansas. We grieve not only for Shannon Wright, but for the four girls who were killed, Natalie Brooks, Paige Herring, Stephanie Johnson, and Brittheny Varner. It's impossible to understand why such a tragedy occurred, especially in a schoolyard. While it seems that nothing good could ever come from something so terrible, Shannon Wright's death taught her students and the rest of us an incredibly important lesson about the power of selfless action. Shannon Wright's selfless action saved a young girl's life.

Shannon Wright will always be remembered as a hero who gave her life to protect the children.●

ORDER FOR STAR PRINT—SENATE REPORT 105–170

Mr. LOTT. I ask unanimous consent that Senate Report No. 105–170 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–38

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on March 27, 1998, by the President of the United States: Treaty with Venezuela on Mutual Legal Assistance in Criminal Matters, Treaty Document No. 105–38.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations in order to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Republic of Venezuela on Mutual Legal Assistance in Criminal Matters, signed at Caracas on October 12, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties

being negotiated by the United States for the purpose of countering criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including those involved in terrorism, other violent crimes, drug trafficking, and money laundering and other white collar crime. The Treaty is self-executing, and will not require new legislation.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) locating or identifying persons or items; (2) serving documents; (3) taking testimony or statements of persons; (4) transferring persons in custody, or persons subject to criminal proceedings, for testimony or other purposes; (5) providing documents, records, files, and articles of evidence; (6) executing requests for searches and seizures; (7) assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; (8) executing procedures involving experts; and (9) any other form of assistance appropriate under the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1998.*

UNANIMOUS-CONSENT AGREEMENT—H.R. 2646

Mr. LOTT. Mr. President, momentarily I believe that the minority leader will be in the Chamber. We have a unanimous consent agreement that we want to enter into with regard to the Coverdell education savings account bill. I think everybody knows it has been one we have gone back and forth on for a week. I think what we have come up with is a fair process, if I can describe it while we wait on Senator DASCHLE.

Basically, it would be in order, under the unanimous consent agreement, that we go to the Coverdell A+ bill as has been amended with the prepaid college tuition issue and the deduction for employer-provided education benefits, as well as the school construction bond issue.

It would make in order, I believe it is 17 amendments, 12 that would be offered by identified Senators on the Democratic side, 5 on the Republican side, but all amendments are education related, all of them are subject to second degree and they would be debated 30 minutes each on the first- and the second-degree amendments.

I think it is a fair agreement. If we were able to achieve cloture, which we might have been able to do on the next vote, we still would have had 30 hours that could have been spent on it.

I think to have a good healthy debate on education is long overdue. Democrats have some ideas; Republicans have some ideas. But the important thing is, what can we do to help the quality of education in America, what can we do to deal with violence in schools? We saw just this past week what happened in Arkansas, and it has happened in my own State of Mississippi, and it has happened in Kentucky. There are growing incidents of children coming to school with guns or knives. It is good to have a healthy discussion on both sides of the aisle and consider each other's ideas.

I have looked down at the list of these amendments, and I see amendments on both sides of the aisle that look attractive to me. I think it is not only good, I think it is long overdue. I know it has been a long process, difficult for the leaders on both sides, but I think it is a good agreement, and I would like to enter into it now.

Mr. President, I ask unanimous consent that the cloture vote scheduled for later next week be vitiated, and on Monday, April 20, notwithstanding rule XXII, the Senate resume consideration of H.R. 2646, the Coverdell A+ savings account bill; that it be considered under the following agreement, with each amendment to be offered in the first degree subject to education second degrees, except that no second-degree amendment relative to IDEA uniform standards be in order, and the time on the first degree be limited to 30 minutes, except for a time limit of 1 hour on the MOSELEY-BRAUN amendment, and second-degree amendments limited to 30 minutes to be equally divided in the usual form.

The amendments are as follows: Boxer amendment regarding after-school programs; Bumpers amendment regarding increased funds for Individuals with Disabilities Education Act; Bingaman amendment regarding dropout prevention; Conrad amendment regarding education IRA income limits; Dodd amendment regarding special education; Glenn amendment regarding strike IRA for private school use; Kennedy amendment regarding teachers; Landrieu amendment regarding blue ribbon schools; Moseley-Braun amendment regarding school construction; Murray amendment regarding class size; Levin amendment regarding technical training and vocational education; Wellstone amendment with regard to education as work for TANF, that is basically going from welfare to work; the Hutchison amendment regarding same-sex schools; Coats amendment regarding increase in charitable deductions; Mack amendment regarding teacher testing and merit pay; Gregg amendment regarding IDEA flexibility; and the Gorton amendment regarding block grant.

I further ask unanimous consent that following the disposition of the above-listed amendments, the bill be advanced to third reading, and final passage occur, all without any intervening action or debate.

Finally, I ask unanimous consent that the Senate insist on its amendment or amendments and request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

Before the Chair rules, I would like to see also if Senator Daschle would like to have any comment.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I appreciate the majority leader's consideration. I ask the majority leader whether he anticipates we would have votes on Monday, April 20, given the fact that that would be our first day back.

Mr. LOTT. Mr. President, I would indicate to the minority leader, as we discussed yesterday and as I indicated on the floor last night, in view of the cooperation we have had and the fact that the Budget Committee managers are going to be working on the general debate on the budget and have a time agreement that they are going to try to use on Monday, and since we have this agreement, there would be no votes on Monday.

Mr. DASCHLE. I am sorry, I think I indicated April 20; I may not have. In referring to the unanimous consent request, he cites the scheduled date for which there would be consideration of the bill as April 20. I am simply asking whether—on the first page of the unanimous consent agreement, on top, you note that we would begin the votes or begin the consideration.

Mr. LOTT. Yes. Right.

Mr. President, I am sorry, I was inquiring about another issue, and I misunderstood the Senator's question. In view of the time that is necessary under the budget law for the budget resolution, I thought that it was more important next week that we stay focused on that. Also, because this does provide for second-degree amendments, I think Senators on both sides of the aisle would like to either adjust their first-degree amendments or prepare, thoughtfully, second-degree amendments. So I thought the best thing for us to do would be to move this and have it the pending business, and go right to it when we come back from the recess. I thought that the Senator——

Mr. DASCHLE. Would it be the majority leader's intention, therefore, to schedule votes on that first day, or would we begin the debate and have——

Mr. LOTT. Begin the debate, and have votes early on Tuesday, the 21st.

Mr. DASCHLE. The leader and I both have expressed ourselves on this bill so many times that I do not know that we need to elaborate anymore. I share the view just expressed by the majority leader that this is as good as it is going to get for both sides. We can continue to be paralyzed and in a standoff or we can find a way with which to cooperate and come to some conclusion.

I have expressed myself about my disappointment in the way in which our colleagues have been constrained, but I also recognize that the majority leader, as he has noted, is giving us far

more amendments than what the Republicans are proposing. And so I think, all things considered—I know my colleagues have expressed great personal concern about this approach, but I also know that if we are ever going to resolve this matter, this is as good as it is going to get.

So I commend the leader for his diligence and commitment to resolving these matters. I have pledged to him my cooperation to see if we can get to this point. We have done so. I am relieved that at long last we may have a real opportunity, as he has noted, to talk about ways in which to address a national problem, a national challenge.

This provides a panoply of different approaches and different ideas. We feel very strongly, very excited, about many of the ideas that we have to offer. We will have that chance under this agreement. So I certainly would not object, and I encourage my colleagues to accept it, deal with it, offer amendments, and let us get on with the debate.

Mr. LOTT. Mr. President, I say again, I agree, it certainly has not been easy on either side of the aisle. Senators had issues that they felt very strongly about. Many of them were not education related on both sides of the aisle. There will be other opportunities to do that. I think this will be a fair way for us to have an equal debate on both sides. Some of these amendments, as I indicated, may actually wind up being accepted and we may not have to go through each one of them in a second degree. I think it is fair.

Before the Chair rules, I ask unanimous consent that the agreement may be vitiated by the majority leader only at no later than 12:15 on Monday, March 30.

The PRESIDING OFFICER. Is there objection to the leader's request?

Mr. DASCHLE. Mr. President, just for the record and for clarification, as I understand it, there is a need to clarify or to——

Mr. LOTT. We had one Senator who indicated a desire to be notified and had been in the air. He is in his State, and I understand we can't talk to him for 2½ hours. And for us to just mark time until then didn't seem fair. I think it will be all right. I felt that after discussion with Senator DASCHLE, that was the only thing I could do. But I think it is fair and we should move forward with it.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 30, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 30, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator THOMAS for 30 minutes, from noon until 12:30; Senator DASCHLE or his designee for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that at 1 p.m. the Senate resume consideration of S. Con. Res. 86, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, I have just indicated the Senate will be in a period of morning business then for 1 hour when we come in on Monday, and then we will resume the budget resolution.

For the information of all Members, per the agreement reached during today's session, of the 50 hours under the statutory limit for the budget resolution, as of Monday there will be 44 hours remaining, and as of the close of business on Monday there will be 34 hours remaining on the resolution.

There will be no rollcall votes conducted during Monday's session. However, the managers do expect amendments to be offered during that day. And the next rollcall vote will occur then on Tuesday morning at a time to be determined by the majority leader, after notification of the Democratic leader.

Therefore, Members can anticipate votes on amendments to the budget resolution on Tuesday. As always, Members will be notified as to the time of those votes. I should indicate that we will certainly find a way to have a vote at about 9:30 on Tuesday morning so we can get things moving right along.

In addition, the Senate may consider Executive Calendar or legislative business cleared by the Senate.

In regard to the balance of the week, we are expected to complete action on the budget resolution and the supplemental appropriations conference report, if available, prior to recessing for the Easter holidays. I do believe that we will be able to act on the supplemental appropriations to its final conclusion either late Tuesday night or Wednesday, giving the conferees, hopefully, time to act on the conference before we go home and to complete action on the budget resolution. We need, again, to make Members aware now that we must do those two items next week before we leave.

As a reminder, the next rollcall votes then will occur on Tuesday.

Does the Senator wish to speak further?

ADJOURNMENT UNTIL MONDAY, MARCH 30, 1998

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:53 p.m., adjourned until Monday, March 30, 1998, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 27, 1998:

THE JUDICIARY

EDWARD F. SHEA, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

M. MARGARET MCKEOWN, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.