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Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Father Peter Chrisafideis, St. George Greek Orthodox Church, Bangor, ME.

It is a pleasure to have you with us.

PRAYER

The guest Chaplain, Rev. Father Peter Chrisafideis, St. George Greek Orthodox Church, Bangor, ME, offered the following prayer:

O Almighty God of the universe and of all space, we pray that You be with us this day, as we gather in Your name. How dependent we are upon You for our very being and mere existence. Man's temporal systems and civil parties have appeared and vanished, but Your eminent wisdom was and is forever.

Truly nothing has sustained our planet and world more than our sternest belief in Your omnipotent protection, love, and compassion. Continue, O Lord, to sustain and direct our great Nation in Your way, for we are a truly great and genuinely God-fearing people.

We pray for our President, for Gov. Angus King of the State of Maine, our Maine representatives, Senators OLYMPIA J. SNOWE and SUSAN COLLINS, our Maine Representatives JOHN BALDACCI and TOM ALLEN, and all the Members of the U.S. Congress. Grant them health first and then the strength to continue programs, initiatives, and directives in the interest and well-being of others, notwithstanding their age, color, creed, and religious espousal.

Assist those in great need, who suffer bodily from malnutrition and live in unhealthy and inhuman surroundings. Preserve, O Lord, the cornerstone of democracy and freedom that flourishes in our Nation so that we may continue and remain the land of the free and the home of the brave, the torch and example of all peoples of the world.

Let all people from the rising and dawning of the Sun cry aloud praise to Your holy and sublime name. We ask this in Your name. Amen.

WELCOMING FATHER PETER CHRISAFIDEIS TO THE UNITED STATES SENATE

Ms. SNOWE. Mr. President, I would like to welcome Father Peter Chrisafideis to the United States Senate this morning, and to thank Dr. Ogilvie for graciously extending his hospitality to him.

Allowing guest chaplains to open the United States Senate with prayer helps to highlight the important role that clergy of different faiths play throughout the United States—from the largest cities to the smallest towns. It is a statement that we are a nation of men and women for whom spiritual guidance and fulfillment is a vital part of daily life. Our country's spiritual leaders play an indispensable role in helping us to forge a sense of community, and I would like to take this opportunity to thank each and every one of them for their service.

For me personally, growing up, the Greek Orthodox religion was a constant and important presence in my life. My father was a Greek immigrant; my mother, the daughter of immigrants. So, ever since my early childhood, Greek Orthodox religious traditions have been at the center of my upbringing, and have helped shape my beliefs and my life.

Father Peter, as he is referred to by his congregation, has been a part of that tradition for me, serving formerly at Holy Trinity Church in Lewiston, Maine, where I am a member of the congregation. In fact, while it's hard for me to believe it could have been that long ago, Father Peter officiated at my own wedding almost exactly ten years ago. And he must have done a great job, because we are still going strong and looking forward to the next ten years!

Today, Father Peter leads the congregation of the St. George Greek Orthodox Church, where he serves the spiritual needs of Greek-Americans in the greater Bangor community. In addition, he has served a number of parishes outside the State of Maine throughout the years, helping members of the Church to nourish their beliefs and come to know their faith.

I again want to thank Father Peter for his service to the Church, as well as his personal friendship and support. And I want to extend my appreciation once more not only to Dr. Ogilvie, but to all of the nation's spiritual leaders for the tremendous inspiration and wise guidance they provide in helping people to live happier, better, and more fulfilling lives.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

SCHEDULE

Mr. HUTCHINSON. Mr. President, this morning the Senate will begin consideration of Senate Resolution 45, regarding human rights violations in China. There will be 1 hour for debate on the resolution equally divided between myself and Senator WELLSTONE. No amendments are in order. At the conclusion of debate time, the Senate will proceed to vote on adoption of the resolution. That vote will occur at approximately 12 noon. Following that vote, the Senate will begin a period of morning business to allow Members to make statements and to introduce legislation.

I thank my colleagues for their attention.

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

EXPRESSING SENSE OF SENATE REGARDING HUMAN RIGHTS SITUATION IN PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 45) expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

The Senate proceeded to consider the resolution.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that Senators SPECTER, HAGEL, COLLINS, and THURMOND be added as cosponsors of the resolution.

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

Mr. HUTCHINSON. I yield to Senator WELLSTONE for a unanimous consent request.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that John Bradshaw and Sarah Nelson, a fellow and an intern, be granted the privilege of the floor.

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

Mr. HUTCHINSON. Mr. President, I am grateful to our leadership for affording us this time this morning to debate and to vote on Senate Resolution 45. Some would say this is a sense-of-the-Senate resolution so this isn't important and that this is filling time, or whatever. I suggest that there are a couple of things that have happened just recently which underscore the value and the importance of the time we are spending on the Senate floor this morning and the vote on this resolution.

Mr. President, just this morning the Associated Press reported that two more members of the Chinese Democracy Party were detained. They were taken from their homes for trying to set up a human rights meeting in Wuhan. That was reported just this morning. It has become all too frequent, and almost daily, that there are news reports of the continued crackdown on human rights in China.

These today were detained only for being members of the Chinese Democracy Party, the fledgling opposition party advocating democracy and human rights in China. I think this incident, just reported this morning, underscores the value and the importance of what we are doing and what we are about today.

Then it is reported this morning as well that Secretary of State Madeleine Albright, in her testimony before the Senate Foreign Relations Committee yesterday, said the administration is still deciding the most effective way for the United States to persuade China to improve its human rights record.

The fact that the Secretary of State admitted before the Senate Foreign Relations Committee yesterday that the administration has not yet decided what they are going to do, that they have not yet determined what course of action they will take to try to persuade the Chinese to improve their human rights record, I believe, underscores the importance and the value of the resolution that is before us, one that is incredibly important.

One of my colleagues yesterday, in seeing the agenda for today, said, ''Well, TIM, there you are slamming the Chinese again.'' Let me say that I have the utmost respect and admiration for the Chinese people. In fact, I cannot think of any group that I have higher admiration for than those Chinese citizens today who are fighting courageously and standing up for human rights within their own country and fighting for the democracy movement in China.

This resolution today has nothing to do with the Chinese people, but it has everything to do with the intolerable practices of the Chinese Government in which they continue to abuse the basic fundamental human rights of the Chinese people. This resolution is important because the administration has all but said they are looking for a signal from Capitol Hill. They are looking for direction from the Congress as to whether or not they should sponsor a resolution in Geneva this summer calling the world's attention to those abuses that are ongoing in China today. We need to send them that signal. This resolution affords us that opportunity.

If there is one thing the Chinese Government does take seriously, it is international opinion. To the extent that by this resolution and by our Government offering a resolution in Geneva this summer we can marshal the international community in protest to the ongoing human rights crackdown in China, we will have done something very significant and very worthwhile.

Mr. President, the resolution before us today urges the administration to sponsor a resolution at the United Nations Human Rights Commission critical of China's human rights abuses. The Commission will meet in March and April in Geneva, Switzerland.

By passing this resolution, which enjoys very strong bipartisan support, we give Secretary Albright a clear message to bring with her to China when she travels there in the beginning of March. That message is that the United States will not accept China's wholesale violation of internationally accepted human rights standards. It is an important signal. I have had discussions with the administration and with the Department of State, and I know they are looking for the sentiment of the Senate and the Congress on this issue.

The Communist Government of China has long committed a litany of human rights abuses. Thousands of political prisoners remain in prison, many of them sentenced after unfair trials, others today languishing in prison without any trial at all. At least 200 of these prisoners are still suffering because of their participation in or their support of the 1989 Tiananmen Square demonstrations.

Religious persecution runs rampant in China. People who dare to worship outside the aegis of officially sponsored religious organizations face fines, they face detention, arrest, imprisonment and, too often, torture as well.

And the human rights movement in China, the democracy movement in China, and the house church movement are very much intertwined. And many of these home churches have become, in fact, bases of the democracy movement and human rights efforts within China today. Thousands of peaceful monks and nuns have been detained and tortured in Tibet where the Chinese Government is imposing a harsh patriotic so-called education campaign.

Mr. President, under China's one-family-one-child policy, couples face punitive fines and loss of employment for having unapproved children. But it does not stop with monetary penalties. Local authorities, with or without the approval of the Communist Party cadre, forcibly perform abortions or sterilizations on women who are pregnant with their second child. Relatives are held hostage until couples submit to this coercion.

Furthermore, incredibly, prisoners are executed in China after grossly unfair trials, and then their organs are sold on the black market. The pattern of abuse is clear. And in the eyes of the Chinese Communist Government human life seems to bear no value at all.

What has been this administration's response to these abuses? Under President Clinton's policy of so-called constructive engagement, the administration effectively disengaged human rights practices from trade practices in 1994, while promising that efforts to pass a resolution at the U.N. Human Rights Commission would be increased.

However, Mr. President, last year, President Clinton further unhinged his policy by deciding not to pursue a resolution at the Commission in Geneva, Switzerland, which was critical of China. We historically had done that. Year after year, we offered that resolution, but last year supposedly the administration said in a good-faith gesture we withheld offering that resolution.

That commitment was given to China in exchange for their promise to sign the International Covenant on Civil and Political Rights, the ICCPR, a covenant which affirms free speech and free assembly. It is highly ironic that the ICCPR itself is a product of U.N. Human Rights Commission meetings. China did sign the ICCPR in October, only to turn around and violate its every principle since they put their signature to that document.

Since the President's trip to Beijing in July 1998, the Communist Government of China has renewed its crackdown on all who would dare to oppose the Communist Party. Some 100 members of the fledgling Chinese Democracy Party, the CDP, have been detained, excluding the two that were announced this morning. Some have been released, others await trial, and the most unfortunate have been sentenced to very long prison sentences.

Three visible leaders of the CDP, Xu Wenli, Qin Yongmin, and Wang Youcai were sentenced to 13, 12 and 11 years in prison, respectively, on charges of subversion and endangering state security, after highly dubious trials. In reality, these democracy activists exercised their legal rights under Chinese law to create and to form a political party. Their true crime, in the eyes of the Communist Party, was simply their love for democracy.

But the crackdown does not end there. In fact, incidents of harassment and imprisonment are almost too numerous to list. I will highlight just a few examples.

The Communist Government sentenced businessman Lin Hai to prison for 2 years for—listen to this crime—providing e-mail addresses to a prodemocracy Internet magazine.

Zhang Shanguang is in prison now for 10 years for this crime: Providing Radio Free Asia with information about farmer protests in Hunan Province.

The Government sentenced poet and writer Ma Zhe to 7 years in prison on charges of subversion for publishing an independent literary journal.

In addition, the Communist Government is cracking down on film directors, artists, computer software developers and the press, and continues to harass and detain religious activists. The list goes on.

In 1998, police imprisoned 70 worshipers from house churches in Hunan Province. And the pattern of human rights violations is undeniable. Rather than improving since the good-faith gestures of the American Government and our rewarding of the Chinese Government with favorable trade status, we have seen not a favorable response on the part of the Chinese Government but an exacerbated attack upon those who would simply advocate freedom and democracy.

I see that my friend and colleague from Florida, Senator MACK, has come to the floor to speak on this resolution. I appreciate his outstanding leadership on this issue. He was the lead sponsor of a similar resolution last year. And if Senator MACK is prepared to speak at this time, I will yield to Senator MACK. Is the Senator ready to speak now?

Mr. MACK. I am prepared.

Mr. HUTCHINSON. I ask Senator MACK, how much time would you desire?

Mr. MACK. No more than 3 minutes.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, if there is ever a time and place to raise human rights concerns, it is at the annual meeting of the United Nations Human Rights Commission in Geneva, Switzerland. That Commission is meeting right now. And I rise today to urge my fellow Senators to join with me and the 17 other cosponsors of this resolution to make a simple statement. We disapprove of the human rights abuses occurring in China and in Tibet.

Since last year, when we passed this resolution with 95 votes, the President has engaged in two summits with Chinese President Jiang. During that time, many promises were made and agreements were concluded, and the United States did not introduce a human rights resolution in Geneva.

We were told the United States would make progress by not introducing a resolution. And Wei Jingsheng, a prominent dissident, was released. Tomorrow, Mr. Wei will be here in Washington, DC, and he will urge the United States not to make the same mistake as last year. Mr. President, we must now make this statement of condemnation of China's human rights practices.

We received many promises from the Chinese Government last year as well. But we know that the human rights conditions have only deteriorated. The State Department's human rights report clearly delineates the atrocities occurring in China and Tibet. And we know from press accounts that the crackdown on human rights and political activists has hardened.

It is unconscionable that the United States would not take a stand against these blatant atrocities, especially when they are documented by our own State Department. By remaining silent, we do a great injustice to those fighting for freedom, democracy, and the rule of law inside China and Tibet.

Mr. President, I want to quote from a statement made by Mr. Wei not long after he was released and exiled from his country. And this is what he said:

> Democracy and freedom are among the loftiest ideals of humanity, and they are the most sacred rights of mankind. Those who already enjoy democracy, liberty and human rights, in particular, should not allow their own personal happiness to numb them into forgetting the many others who are still struggling against tyranny, slavery and poverty, and all of those who are suffering from unimaginable forms of oppression, exploitation and massacres.

Mr. President, this is an easy one. It does not matter whether the world votes with us or against us or abstains in Geneva. It does not even matter if this resolution will change the minds of anyone in Beijing. We do know, however, from the firsthand testimony of released dissidents, that the actions of the United States are important to those engaged in the struggle for freedom. We know from those released that by simply making this statement we demonstrate our solidarity with those who are engaged within the daily struggle for freedom, justice, and the respect for human dignity.

I hope my colleagues will join me in calling for this expression of solidarity—this stand for freedom.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUTCHINSON. I thank the Senator from Florida. He has truly been a champion for human rights around the world, not just in China but around the world. I thank him for his leadership on this issue and his willingness to urge the administration to take this very appropriate action in Geneva this summer. And I thank him for his very eloquent statement.

Mr. President, at this time I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President. I thank my colleague, Senator MACK, and I am certainly pleased to be here on the floor with Senator HUTCHINSON.

Mr. President, I want to build on the remarks of Senator MACK for a moment. He was talking about Wei Jingsheng. Wei Jingsheng wrote an oped piece in the New York Times in December. I ask unanimous consent to have this printed in the RECORD.

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

[From the New York Times, Dec. 24, 1998]

CHINA'S DIVERSIONARY TACTICS

(By Wei Jingsheng)

Last Saturday, when Liu Niachun, a prominent dissident, left his Chinese prison cell and arrived in the United States, many Western reports said he had been ''freed'' or ''released.'' One year ago, after 18 years in a Chinese prison, I, too, was ''released'' and sent here. A Chinese official said that if I ever set foot in China again, I would immediately be returned to prison. I cannot identify any legal principle that explains how my expulsion or Mr. Liu's could be construed as a release.

Yet the State Department, in a report last January, used my forced exile as evidence that China was taking ''positive steps in human rights'' and that ''Chinese society continued to become more open.'' These ''positive steps'' led the United States and its allies to oppose condemnation of China at a meeting of the United Nations Commission on Human Rights in April. In the months that followed, President Clinton and other Western leaders traveled to China, trumpeting increased economic ties and muting criticism on human rights.

Thus, without fear of sanction, the Chinese Government intensified its repression in 1998. Once the leaders achieved their diplomatic victories, they turned to their main objective: the preservation of tyrannical power. This year, about 70 people are known to have been arrested, and in recent weeks the Government has greatly stepped up that pace.

On Monday, Xu Wenli, another dissident, was sentenced to 13 years in prison for ''subversion of state power.'' He was given only four days to prepare for his trial and was denied a lawyer of his choice. Two others, Wang Youcai and Qin Yongmin, were sentenced to 11 and 14 years, also for subversion. Both were denied legal representation.

It was widely believed that Mr. Liu's ''release'' was an attempt to deflect world attention from these harsh punishments. This

time, at least, the State Department didn't buy the deception. Deploring China's actions, a spokesman called the sentences ''a step backward.''

Whether this statement constitutes a change of American policy or merely a cosmetic change remains to be seen. If the American Government really wanted to punish China, it could, say, restrict Chinese imports to the United States. Or it could halt all questionable technology transfers to China.

Despite the Chinese Government's occasional lip service to ''openness,'' the authorities have consistently and swiftly moved to quash not only political organizations but also trade unions, peasants' associations and unapproved religious gatherings.

As Li Peng, the speaker of the National People's Party Congress, declared recently, ''If an organization's purpose is to promote a multiparty system in China and to negate the leadership prerogatives of the Chinese Communist Party, then it will not be permitted to exist.''

This statement clearly shows that the Communist Party's primary objective is to sustain its tyranny, and to do so it must deny the people basic rights and freedoms. We must measure the leaders' progress on human rights not by the ''release'' of individuals but by the people's ability to speak, worship and assemble without official interference and persecution. Only that can be called progress.

Mr. WELLSTONE. The article talks about the release of Mr. Liu, a prominent dissident, who left his cell. He will be with us at a press conference tomorrow. What Wei Jingsheng had to say is that after Mr. Liu was released,

. . . many Western reports [the administration talked about this as a triumph] said he had been ''freed'' or ''released'' [to Wei Jingsheng].

He goes on to say,

One year ago, after 18 years in a Chinese prison, I, too, was ''released.''

Of course, the problem is he was told by the Chinese Government that if he ever set foot in the country again, he would be immediately returned to freedom. It is hard to argue that this is what in the United States we would call freedom at all.

Yet the State Department, in a report last January, [Wei Jingsheng goes on to say] used my forced exile [and that is what it is] as evidence that China was taking ''positive steps in human rights'' and that ''Chinese society continued to become more open.''

These ''positive steps'' led the United States and its allies to oppose condemnation of China at a meeting of the United Nations Commission on Human Rights last April. Senator HUTCHINSON, I, and Senator MACK came to the floor. We got 95 votes calling on our Government to take the lead with the resolution condemning these widespread violations of human rights in China.

Here is the key part of Wei Jingsheng's piece:

Thus without fear of sanction, the Chinese government intensified its repression in 1998. Once the leaders achieved their diplomatic victories, they turned to their main objective: The preservation of tyrannical power. This year, about 70 people are known to have been arrested, and in recent weeks the government has greatly stepped up the pace.

My colleague, Senator HUTCHINSON, talked about Zhong Ji and Shao She Chang today. I want to quote from the Washington Post: ''Chinese police detained two dissidents.'' What did they want to do? Why are they now detained? Why do they face imprisonment? They want to meet with our Secretary of State when she visits China to talk about human rights. For that, they have been detained and face possible, probable imprisonment.

We have offered a resolution today that condemns China's human rights record. We call upon our Government to introduce a resolution condemning China's human rights record at the next session of the U.N. Commission on Human Rights which meets in March. We also call on our Government to begin immediately contacting other governments to ask them to cosponsor such a resolution.

When President Clinton formally delinked trade and human rights in 1994, he pledged on the record that the United States would ''step up its efforts, in cooperation with other states, to insist that the United Nations Human Rights Commission pass a resolution dealing with the serious human rights abuses in China.'' That is what the President of the United States of America has said.

Now, he also said that we would speak out on human rights, but the fact of the matter is, we have increased our trade, our military contacts, we have gone forward with high-level summits. In the meantime, Chinese Government leaders continue to crack down on every last dissident in a country of over 1 billion people. We have seen what has happened this past year.

It is time for our country, the United States of America, which stands for democracy and freedom, to go to this United Nations Commission on Human Rights and to introduce this resolution supporting the brave people in China who stand up for human rights. That is what this resolution is all about.

The Chinese Government—and my colleague has talked about this—continues to commit widespread abuses and, since the President's visit in June, has flagrantly violated international human rights agreements.

Examples: Recently it sentenced three of China's most prominent prodemocracy advocates, Xu Wenli, Wang Youcai, and Chin Yougmin, to a combined prison term of 35 years. These disgraceful arrests were part of a crackdown by the Government on efforts—to do what? These Chinese citizens wanted to form a political party. For that, they face a combined 35-year prison sentence.

Further, a businessman in Shanghai, Lin Hai, is now being tried for providing e-mail addresses to a prodemocracy Internet magazine in the United States. Bill Gates, America Online, it is time for you to get engaged in this. You ought to be supporting human rights in China.

Another democracy activist, Zhang Shanguang, was convicted and sentenced to 10 years in prison for giving Radio Free Asia information about protests by farmers in the Hunan province. This is all about organizing. I say to labor, this is all about the right of people to organize and to speak out. And for this, this man is now been sentenced to 10 years in prison.

These events are all part of a pattern of growing repression, with legislation passed, when artists and press are told: If you do anything to ''endanger social order'' or attempt to ''overthrow state power,'' we will round you up and we will throw you in prison.

Mr. President, these dissidents and these courageous men and women in China deserve our full backing.

At the June meeting in Beijing, President Clinton engaged in a spirited debate on human rights with President Jiang Zemin. In light of this brutal recent crackdown, all of which has taken place since the President visited China, all of which has taken place since the United States refused to bring a resolution before the Human Rights Commission in the United Nations, I and my colleague, Senator HUTCHINSON, urge, and I think we will have 90-some votes that will urge, the administration to bring a resolution at Geneva in March and to continue to register our deep concern about the absence of freedom of expression and association and the use of arbitrary detention in China. Past experience has shown that if we apply the pressure, it can make a difference. By sponsoring a resolution at the United Nations Human Rights Commission, the United States will be showing our commitment to international human rights standards.

Mr. President, my colleague from Arkansas spoke about this. On October 5, 1998, China finally signed the International Covenant on Civil and Political Rights. When I talked to Sandy Berger, a friend, last year, he said to me: Look, we don't think we need to go forward with this resolution condemning China on human rights abuses at the U.N. Commission on Human Rights, because they are going to make a commitment, and they will sign this International Covenant on Civil and Political Rights.

What have they done? They have not taken the steps to make it binding, and, more importantly, they violated what the whole agreement is.

We have seen in this last year a very clear pattern of more and more and more repression, Chinese citizens imprisoned for trying to form a political party, Chinese citizens imprisoned for writing articles, Chinese citizens in prison for trying to organize so they can get a better price as farmers, so they can get better wages as workers. It is time for the United States Government to provide the leadership which the courageous people in China depend upon.

Mr. President, I have had the great honor—and I don't know about Senator HUTCHINSON, but I think he would say the same thing—of becoming friends, and I feel almost small saying that, because Wei Jingsheng is such a great

man, I have to pinch myself to remind me there is somebody who spent over 20 years in prison because he had the courage to stand up against a government, he had the courage to write and to speak out for what he thought was good and right for people in China. I don't think I could ever have the courage to do so. Thank God, I live in the United States of America. He is a Chinese dissident who spent so much time in prison because of his courage.

In an article published shortly after his release, Mr. Wei Jingsheng stated,

> Democracy and freedom are among the loftiest ideals of humanity, and they are the most sacred rights of mankind. Those who already enjoy democracy, liberty and human rights in particular, should not allow their own personal happiness [this is what he said, Mr. President] to numb them into forgetting that many others who are still struggling against tyranny, slavery and poverty, and all those who are suffering from unimaginable forms of repression, exploitation and massacres.

We shouldn't forget such people. We shouldn't take our freedom for granted. And we, the United States of America, ought to take the lead in bringing this resolution before the United Nations Commission on Human Rights.

When you talk to people around the world—and we are talking about China today—Senator HUTCHINSON, they will tell you that maybe Senators don't realize this, maybe we have this debate on the floor of the Senate, and then we have a vote, but what a difference this makes to the people in these countries who have the courage.

We are going to get a strong vote at 12 o'clock today and we are sending a signal to the White House it is time for our Government to take the lead. I hope we will get the leadership from the White House. I hope we get the leadership from the Secretary of State. I certainly hope that the U.S. Senate will go on record today with a strong bipartisan vote.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I want to thank Senator WELLSTONE for his commitment to the issue of human rights. When PAUL WELLSTONE comes to the floor and I come to the floor and we work own human rights issues together, we both want to make it clear that we can agree very rarely. There are few political issues that we are going to be united on, and our votes will more often than not cancel each other out on the issues coming before the U.S. Senate. But I admire and respect PAUL WELLSTONE for his deep commitment to democracy and to human rights around the world, and for his involvement in this issue. I am glad to be able to work with him on this. I think it is a very important resolution.

I reiterate that this resolution is important, and it is important for several reasons. It is important because it will be a message to the administration. It is very timely, and I appreciate our majority leader for ensuring that this vote occur this week because our Secretary of State will be traveling to China next week. It is important for this vote to occur. It is important for it to be a strong bipartisan vote and for our Secretary of State to have that message as she goes to China. So I think it is important from that standpoint.

It is also a very, very important message to our European allies. Many of our allies in Europe are looking for our leadership. Germany has had a change in government. They are much more sympathetic to the cause of human rights, in my estimation. The French press reported that this vote in the U.S. Senate was going to occur today. They are looking for a message and a signal from political leaders in the United States. So it is important from that standpoint as well. It is a message to the Chinese Government, not just through our Secretary of State, but that we as the elected Representatives of the people—the U.S. Senate, the House of Representatives—as we speak out on this issue, it conveys a strong message to the Chinese Government, and they are concerned about what this country thinks.

I think one of the great failings of this administration has been that it has rewarded human rights abuses and crackdowns in China, whether it is religious freedom crackdowns, press crackdowns, Internet crackdowns, or any host of human rights abuses; they have, in effect, rewarded that by increasing economic opportunities through trade with the United States—most recently, their plan to bring China into the World Trade Organization, almost as a reward for the very terrible abuses that have occurred during the last several months.

And then, may I say that this resolution is critically important because of the message it sends—as my colleague from Minnesota said, the message that it sends to the Chinese activists for democracy and human rights within China today, which is that when we take the floor of the U.S. Senate and speak on this issue, they are listening—Radio Free Asia—through the Internet and through other means by which our activities and the news of our activities gets into China. They are listening and they are interested and it is an encouragement to them to know that there are those who stand with them in the cause of freedom in our country and our Government.

Mr. President, in my opinion, it is wholly appropriate for the United States to advance a resolution at the Commission in Geneva critical of China's ongoing human rights abuses. The Commission is a multilateral forum authorized to deal with the very abuses perpetrated by the Chinese Government today—a resolution that the Commission will pierce any notions that China's violations of human rights will be quietly accepted by the world community.

There are some in the administration—and I think it is reflected in Secretary Albright's statement yesterday—that are undecided on how they are going to proceed, and whether or not they are going to offer this resolution. There are some within the administration who argue that a resolution critical of China at the Human Rights Commission should not be pursued and is in effect pointless because, as they put it, it is certain to fail.

I think Senator MACK said, ''Well, I don't believe it is certain to fail''; but whether it was certain to fail or not, it should be offered on the basis of principle, on the basis of the encouragement and the emboldenment it will provide for those within China. But the very sentiment that the administration expresses when they say it is certain to fail becomes a self-fulfilling sentiment, a self-fulfilling prophecy. The more halfhearted the administration is in its attempts to advance such a resolution, the less chance that such a resolution will have to pass.

The longer the administration refrains from exercising leadership in the international community on this matter of human rights, the less likely it is that the resolution will be successful. Bringing forth a resolution at the Commission is, as Senator MACK so accurately put it, a matter of principle. Success will be measured by the statements of truth that flow from the debate at the Commission. A resolution at the Commission this summer will proclaim boldly that the human rights abuses in China are an affront to the international community and its values.

Mr. President, these values are not uniquely American values. There are those who have argued in the past that it is wrong for us to speak of these values and to try to, as they put it, force these values upon the Chinese Government. But I would assert—and I believe that this country is built on this belief—that these values are not uniquely American values, that they transcend any national boundary, that they are fundamental human values and human rights. Thus, it is highly appropriate that we pursue such a resolution. The U.S. must take steps to protect internationally recognized human rights, or we will take a back seat to those who openly and blatantly abuse them.

As Senator WELLSTONE said, last year, this body passed a resolution very similar to the one before us today by an overwhelming bipartisan vote of 95–5. I hope we can send an equally strong signal to the administration again this year. In light of the affront to the administration's policy that the Chinese Government has committed in the recent crackdown of the last 2 to 3 months, I think it is a very timely resolution and an appropriate time for the administration to reverse field, to reverse its decision last summer in not pursuing such a resolution and, in fact, to say the abuses, the crackdowns, have been so flagrant that now the administration will pursue with a new aggressiveness a human rights resolution in Geneva, Switzerland.

Mr. BIDEN. Mr. President, promoting human rights is now, and must remain, an important component of our overall relationship with China. That is why I support Senate Resolution 45, calling on the administration to voice our concerns about China's human rights abuses before the United Nations Human Rights Commission in Geneva.

Even as we try to expand cooperation in areas of mutual interest—stability on the Korean peninsula, nonproliferation, trade, and the environment—we must take note of China's violation of international norms in the area of human rights.

Last year, the administration decided to remain silent in Geneva, arguing that more progress could be achieved through quiet diplomacy than through public pressure. China did, in fact, release some high profile political prisoners. China also signed the International Covenant on Civil and Political Rights.

In recent months, however, we have witnessed a crackdown on dissent, including the arrest of prominent democracy party organizers. China continues to jam the broadcasts of Radio Free Asia and to closely monitor China's domestic media.

With respect to Tibet, China's leaders have yet to establish a dialogue with the Dalai Lama, and they refuse even to meet with U.S. officials responsible for coordinating U.S. policy on Tibet.

Mr. President, we should not stand mute in the face of China's continuing violation of basic human rights. Our silence would be deafening.

If we are not going to call on China to respect human rights before the UN Human Rights Commission, where will we make our concerns known?

And if we must act alone, without support from our European and Asian allies, so be it. There is no shame in being alone on the right side of history.

Ten years ago this June the world watched in horror as Chinese authorities used lethal force to suppress the Tian-an-men democracy movement. I am convinced that the gradual improvement in human rights in China over the past decade would not have occurred without concerted diplomatic pressure—public and private.

Now is not the time to let up.

Mr. DORGAN. Mr. Chairman, I rise today in support of the resolution. In the past, the U.S. has rightfully been the strongest critic of human rights abuses in China. So I was disappointed, as I think most in the Senate were, that the President chose not to sponsor a resolution condemning China's human rights practices at last year's annual meeting of the United Nations Commission on Human Rights. The United States has sponsored such a resolution at each of these annual meetings since 1990.

Although I didn't agree with that decision, I understood the reasoning behind it. China seemed to be making some progress. It had signed the UN Covenant on Social, Economic, and Cultural Rights, and committed itself to signing the International Covenant on Civil and Political Rights (ICCPR). Perhaps reform was at hand. And I certainly favor building a constructive and mutually beneficial relationship with China.

But recent history indicates that China often makes such concessions until the world's attention is focused elsewhere, and then quickly reverts back to it's policy of severe intolerance and repression. In 1993, for instance, when human rights became an issue in Beijing's bid to host the Olympics, China released its most prominent dissident, Wei Jingsheng. The Olympics were awarded to Australia, and Wei was detained again the following year.

Similarly, just last December, 6 months after signing the ICCPR, China sentenced three democratic activists to prison terms of 10 years or more for trying to organize a political party. A fourth dissenter was given a 10-year sentence for allegedly ''providing intelligence to hostile foreign organizations.'' His crime? He gave an interview to Radio Free Asia about farmer protests. And the Chinese premier, Jiang Zemin, recently stated that China needed to ''nip those factors that undermine social stability in the bud, no matter where they come from,'' and that ''the Western mode of political systems must never be copied.''

However, this is not about ''western political systems,'' it is about internationally recognized human rights. Respect for these rights must be real, and it must be systemic. Empty commitments and token gestures are meaningless, and we should not allow them to sway us from advocating on behalf of those who are imprisoned in China, or will be, for exercising freedoms acknowledged by the world community. An international resolution condemning China's human rights practices is strongly supported by human rights groups like Amnesty International and Human Rights Watch. By passing such a resolution, the international community can demonstrate that we will no longer be duped by false promises.

Mr. THOMAS. Mr. President, as the Chairman of the Subcommittee on East Asian and Pacific Affairs, I rise in begrudging support for S. Res. 45. I say begrudging only because while I agree that the UN Human Rights Commission should address China's human rights record, I neither believe that the UNHRC will place the issue on its agenda nor do I feel that this resolution has been brought to the floor in the most constructive manner.

I agree with the other Senators who have spoken this morning that there has been a disturbing increase in China in the last six months in crackdowns on the freedom of expression, crackdowns evidenced by an increase in the number of arrests and convictions of prodemocracy activists. Moreover, despite attempts to establish a dialog with Beijing, China still refuses to meet with His Holiness the Dalai Lama to discuss the future of Tibet and instead continues to facilitate the increasing immigration of Han Chinese into Tibet and the jailing of Buddhist nuns and lamas. Christian churches not registered with the central government continue to be subject to harassment and closure and their congregants subject to arrest.

I believe I understand, although I certainly in no way condone, the impetus behind the crackdown. China has recently embarked on a program to restructure its economy to a market-oriented system and to open more to the world around it. These changes are obviously potentially destabilizing for a communist regime governing 1.3 billion people. And as with other campaigns in China's past designed to restructure society, such as the ''Let 100 Flowers Bloom'' campaign, once the program took hold and began to accelerate, the central authorities got anxious about continuing to be able to control the pace of reform and about it getting out from underneath them. They have consequently begun slamming on the brakes and stifling any perceived dissent. And it is that movement to stifle peaceful dissent and universal human freedoms that should prompt the US to press this issue before the UNHRC.

In a perfect world one would think that these are exactly the type of actions the UNHRC would want to address, but sadly we all know the reality of the eventual outcome. This year, as in years past, the United States will fail by a significantly wide vote margin to place China on the Commission's agenda. We will be deserted by most of our purported allies who, while nominally paying lip service to the sanctity of human rights, appear more interested in securing their commercial interests in the PRC. Well Mr. President, so be it. As Senator BIDEN has noted, there is no shame in standing alone on the right side of history, and I fully support that stand under the conditions prevailing in China this year.

But Mr. President, while I support the consideration of this resolution today, I am less enthused about the terms of the unanimous consent agreement which brought it here. As the Chairman of the subcommittee of jurisdiction, in past Congresses I have strongly disfavored the practice of discharging the Foreign Relations Committee from the consideration of legislation which the Committee has not had the opportunity to address first. My disapproval of discharges is especially acute when the legislation in question is sponsored by a Senator not a member of the Committee. I intend this to be my practice in this Congress as well.

I have, however, made exceptions in the case of legislation which is completely non-controversial or is somehow time-sensitive. Since the UNHRC meetings this year in Geneva are imminent, and since there was not enough time to consider the legislation

in Committee, it made sense in this narrow case and for those reasons I agreed to the discharge.

I am also uneasy with the terms of the unanimous consent agreement because they preclude any amendment to the resolution, thereby preventing members from offering what I feel would be constructive changes to the text. In addition, Mr. President, I am unsure why—when the Senate should be focused on more pressing domestic issues such as the Y2K problem or Social Security—we are taking the Senate's time to debate and then vote on a resolution about which there is no difference of opinion and which will most likely pass 100 to 0. This could have just as easily been disposed of by unanimous consent yesterday. For those that argue that a unanimous roll call vote somehow sends a stronger signal than passing legislation by unanimous consent, I would note that it is my longstanding experience that very few people if any outside the Beltway—especially in foreign countries—understand the nuanced differences between the two.

Mr. HUTCHINSON. Mr. President, how much time is remaining that I control?

The PRESIDING OFFICER. A little over 7 minutes.

Mr. HUTCHINSON. Mr. President, I reserve the remainder of my time.

Mr. WELLSTONE. Mr. President, how much time do I have?

The PRESIDING OFFICER. A little over 19 minutes.

Mr. WELLSTONE. I yield 5 minutes to my colleague from Wisconsin, Senator FEINGOLD. I think his model is one of consistency. He is consistent on human rights questions, and he is absolutely one of the most forceful and effective leaders in the U.S. Congress for human rights.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Chair. I especially thank my friends from Arkansas and Minnesota. I am extremely proud of their leadership on this issue. Having this matter become one of the first matters we take up in this Congress is exactly the right way to go. We need to be as aggressive as we can on this issue. That is why I am cosponsoring the resolution. I strongly commend them for their leadership on this.

The resolution expresses the sense of the Senate that the United States should initiate active lobbying at the United Nations Commission on Human Rights for a resolution condemning human rights abuses in China. And it calls specifically for the United States to introduce and make all efforts necessary to pass a resolution on China and Tibet at the upcoming session of the Commission, which is due to begin next month in Geneva.

This resolution makes a simple, clear statement of principle: The Senate believes that there should be a China resolution in Geneva, period.

The Commission is a focal point for the protection of human rights, and as such, is an ideal multilateral forum in which the United States should voice its concerns. Under the pressure of previous Geneva resolutions, China has finally reacted. China signed the U.N. Covenant on Social, Economic and Cultural Rights in 1997 and the International Covenant on Civil and Political Rights in October 1998. Unfortunately, neither of these important documents has been ratified or implemented.

But at least the kind of pressure the United States put on this situation led them to sign these documents.

The effort to move a resolution in the Commission is particularly important this year, in light of the Administration's decision, contrary to the nearly unanimous sentiment of the Senate, not to sponsor such a resolution last year. That was a real disappointment for all of us.

Their misguided belief that progress could be achieved by other means was clearly not borne out by events in 1998, when, particularly in the last quarter, China stepped up its repression.

As we all know, for the past few years, China's leaders have aggressively lobbied against efforts at the Commission earlier and more actively than the countries that support a resolution. Last year, Chinese officials basically succeeded in getting the European Union Foreign Ministers to drop any European cosponsorship of a resolution. In the past, China's vigorous efforts have resulted in a ''no action'' motion at the Commission.

I will say, on a bright note, that in 1995 a ''no action'' motion was defeated and a resolution was almost adopted. But, unfortunately, on a downbeat note, it lost by only one vote. A little more effort could have made the difference. I sincerely hope that we do not end up with that kind of a loss at this year's meeting.

Nearly five years after the President's decision, which I deeply regretted, to delink most-favored-nation status from human rights, we cannot forget that the human rights situation in China and Tibet remains abysmal. While the State Department has not yet provided its most recent human rights report, I have no doubt it will be as critical of China as the 1997 report was when it noted that ''the Government of China continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms, including extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of the rights of freedom of speech, press, and religion.'' I encourage Secretary Albright to actively raise these concerns with her counterparts during her visit to Beijing next week. Unfortunately, in the past bilateral discussions have produced only empty promises from China's leaders on the subject of human rights. Regardless of what assurances China may provide to the Secretary, we should not let Beijing's easily abandoned promises deter us from seeking international condemnation of its practices. Only through strong US leadership can we gain the broad international consensus necessary to maintain the pressure on China to demonstrate sustained progress in providing the basic human rights its people deserve.

Mr. President, again my thanks to these two Senators. The time is now, and the place is Geneva. We are going to keep pushing this until it gets done.

I thank the President, and I thank my colleagues.

I yield the floor.

Mr. WELLSTONE. Mr. President, I want to say to my colleague from Wisconsin that we are really going to put the pressure on. We are going to have this vote today. It is going to be an overwhelmingly strong vote.

Tomorrow, the State Department will be releasing its report on human rights conditions in other countries. It surely has to be critical about China, because of the action we are going to take.

The Chinese Embassy is going to have a press conference here in Washington as well. We are going to have a press conference tomorrow bringing together any number of different people—those Senators and Representatives who are still here. We are going to be joined by Mr. Wu, a very courageous man, Harry Wu, Wei Jingsheng, and human rights organizations.

We are going to keep the pressure up. We are going to keep the pressure on.

The end of our resolution says:

Resolved, That it is the sense of the Senate that at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the United States should introduce and make all efforts necessary to pass a resolution calling upon the People's Republic of China to end its human rights abuses in China and Tibet.

As I said to my colleague, Senator HUTCHINSON, we haven't talked much about Tibet. Let me just say in deference to some of the work of Senator HELMS, who really wanted us to have an ambassador to Tibet, the compromise agreement was to have Julia Taft become our Special Coordinator on Tibet out of the U.S. State Department. The Chinese Embassy has refused to meet with Julia Taft. They won't even meet. The Chinese Embassy, whatever they say in their press conference tomorrow, will not even meet with Julia Taft, State Department Special Coordinator on Tibet. What we were told last year was, no, we shouldn't go forward as a government and introduce this resolution on human rights at the Human Rights Commission in Geneva.

Senator HUTCHINSON is right. This is the forum. This is the place. This is the international body. When we do, as an international community, focus on

human rights issues—and we were silent last year. Silence is betrayal. And we are insisting today on the floor of U.S. Senate that our Government no longer be silent on these questions.

We were told last year, first of all, there will be a lessening of repression. The Chinese Government is going to sign this covenant. They did. We see more repression. We were told that in Tibet that visitors would be allowed to Tibet. You know what happened. Mary Robinson, who was our ambassador on human rights to the United Nations, went to China. Her visit took place in September 1998. But Chinese officials produced none of the information she requested on prisoners, denied her access to Panchen Lama. Panchen Lama is the youngest political prisoner that we know of in the world. She had no access to him. And they made no specific commitments on ratification of two U.N. human rights treaties. They signed the International Covenant on Civil and Political Rights, but they produced no timetable for ratifying it. And they clearly violated it.

I ask you. I ask the administration. I ask the President. The President made a commitment that when we deal in trade in human rights—that is what this debate is about. This is not a debate about MFN. It is not about whether or not trade should be linked to human rights. I think that it should and others don't. I don't know if Senator HUTCHINSON and I agree or not agree. This is about a different issue. The President of the United States of America said he would put the pressure on at Geneva at the Human Rights Commission. That is the place. And we haven't done it.

Last year we had this vote. We have a stronger vote this year. And in spite of our vote, our Government ignored the wishes of the U.S. Senate. This time we are saying don't do that. We are saying you can't argue, our Government can't argue, the State Department can't argue, the President can't argue, the Secretary of State can't argue—that what has happened is, after the President's visit, we have seen now more respect for human rights. They can't argue that there is less repression. They can't argue that there is progress in China or Tibet.

We are saying today that if our Government does not introduce this resolution condemning the widespread violations of human rights by the Chinese Government at this important U.N. Human Rights Commission gathering in Geneva in March, then our silence will be betrayal.

We should introduce this resolution. As Senator HUTCHINSON said, we should garner support for it. We should urge the European Community also to come out with a strong resolution.

I want to tell Senator HUTCHINSON that I understand the German Government is looking at the wording of this resolution, and they may very well lead the way with other European countries. It is time to do so.

I feel strongly about this. I don't want to be self-righteous at all, but my father fled persecution in Russia in 1914 when he was 17 years of age with czarist Russia. Then there was the revolution. And he thought all the country would be better. And then his parents wrote and said, ''Don't come back.'' The Communists had taken over. And he never went back.

My dad passed away in 1983. Sheila and I finally visited where my dad grew up in 1991. It was pretty clear to us that his family was probably all murdered by Stalin. All communication was broken off during the Stalin era. The letters stopped.

I was raised in a home where I was told by my dad really almost every day—every night, at 10 at night, starting in high school—he was kind of an embarrassment when I was younger, because he was very ''old country.'' He was almost 50 when I was born, and he wasn't ''cool.'' But when I got to be high school age, I realized what a treasure he was. He could speak 10 languages fluently, and was the wisest, best person I ever knew in my life.

We would have hot tea and sponge cake at 10 at night—not on the weekend, but Monday through Thursday, and I would listen to him talk about the world. My father Leon would talk about the importance of the first amendment rights, about the importance of human rights, and about the importance of freedom.

I am telling you that I feel as if that is what our Government is all about. That is what the United States of America is all about. That is what we are all about. And we ought to be speaking out on this and we ought to be taking the lead in Geneva. That is what our resolution says, I say to the Senator.

Mr. President, I think what I will do, we will have a vote coming up soon, and although I love to speak on this and I am very committed to this, I would like for Senator HUTCHINSON to make our concluding remarks, because I want to say to Senator HUTCHINSON, he is right, we don't agree on everything. In fact, this could be the end of my reputation, being out on the floor of the Senate with him.

Actually, being a little more serious, it has been a labor of love, working with Senator HUTCHINSON on this. We are just starting. We are not going to let up. I would like the Senator to conclude on this. I thank the Senator very much for his leadership.

The PRESIDING OFFICER. Is the Senator yielding back his time?

Mr. WELLSTONE. I yield back the rest of my time.

Mr. HUTCHINSON. Mr. President, I am also glad to join in this effort, one that we will continue to fight and one on which we will ultimately prevail, I believe.

Mr. President, I ask unanimous consent that Senator BUNNING be added as a cosponsor to this resolution.

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

Mr. HUTCHINSON. I think we have covered many of the reasons why this is important. We have reiterated them. I do believe we will have a strong vote today.

One of the individuals whose name has been mentioned several times by Senator MACK, by myself, Senator WELLSTONE, is Wei Jingsheng, truly one of the courageous heroes of our generation. And I, too, am glad to be able to call Wei Jingsheng a friend. Wei Jingsheng has been in my office on numerous occasions, and he will be at our press conference tomorrow.

As I am able to conclude our presentation of this resolution today, I want to just mention a little bit about Wei Jingsheng.

I see Senator FEINSTEIN has come to the floor.

Mrs. FEINSTEIN. I thank the Senator.

Mr. HUTCHINSON. I have a little problem in that Senator WELLSTONE has yielded his time.

Mrs. FEINSTEIN. If possible, I would like to speak in favor of this resolution for 5 minutes, if I may.

Mr. WELLSTONE. I wonder if I could ask unanimous consent to gain my time back. I would like Senator HUTCHINSON to finish. How much time do I have remaining?

The PRESIDING OFFICER. Without objection, we can yield back 6 minutes.

Mr. WELLSTONE. May I give 5 minutes to the Senator from California?

Mr. HUTCHINSON. Absolutely. Certainly.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank you. I would like to thank the Senators for their courtesy.

I rise to add my support to the resolution offered by the Senator from Minnesota and the Senator from Arkansas.

I do so with a considerable sense of disappointment because for much of 1998, politics in the People's Republic of China appeared headed toward an authentic transformation. The government began to tolerate—and even encourage—discussion among intellectuals, academics, and reformers of the gradual development of democracy in China, to the point that many began to speak of a ''Beijing Spring.''

After many years of stalling, China signed the U.N. International Covenant on Civil and Political Rights, which, when ratified, would require China to allow much closer international scrutiny of its human rights practices. Cross-strait discussions resumed with Taiwan.

And during President Clinton's visit to China last summer, President Jiang Zemin, an old friend of mine, did two extraordinary things; he allowed the Chinese people to hear President Clinton directly by televising both his speech at Beijing University and the two leaders' joint press conference; and, in the press conference, President Jiang implied that the Chinese leadership would be prepared to meet with

the Dalai Lama to discuss the question of Tibet if the Dalai Lama would make certain statements about the principle of One China and Tibet and Taiwan's status as a part of China.

That was a major step forward for many of us who have advocated this for years.

Each of these developments seemed to represent a hopeful shift toward a new, more open attitude by the Chinese government. It seemed to reflect the confidence of a new generation of Chinese leaders, firmly in control, unafraid to allow their people to stretch their minds, and willing to deal forthrightly with difficult political questions like Tibet and Taiwan through negotiations. But now these hopes appear to be in abeyance.

I now believe that the hardliners appear to be strengthening their hand, and in so doing are causing their President, Jiang Zemin, to lose face as they prevent him from allowing a further opening-up of Chinese society and from carrying out a negotiation to solve real issues of deep concern to six million Tibetans.

The recent spate of arrests of dissidents of China, followed by summary trials and convictions of several of the most prominent among them—Xu Wenli, Wang Youcai, and Qin Yongmin—raise the ugly specter of a renewed tightening on political freedom in the months leading up to the tenth anniversary of the Tiananment Square tragedy.

On Tibet, the Dalai Lama abandoned plans to use his recent visit to the United States to make far-reaching statements intended to open the door to negotiations with China, amid unmistakable signals from Beijing that it was not prepared to begin a dialog regardless of what he said. Meanwhile, China's persecution in Tibet has only intensified. The brutal tactics of brainwashing, intimidation, and torture—tools of the Cultural Revolution—are now in use in Tibet.

The United States can continue to make contributions toward systemic changes that will instill the rule of law in China, which would, for example, make summary trials a thing of the past. Congress failed to fund the President's rule of law initiative last year; we should not repeat that mistake this year. Congress and the Administration should continue to resist sanctions and economic penalties that will only make the situation worse, but we must develop a stronger policy to put pressure on China to begin a dialog with the Dalai Lama on providing autonomy for the people of Tibet. An important step was taken last month when Assistant Secretary of State for Population, Refugees and Migration Julia Taft was named the State Departments Special Coordinator for Tibet.

This resolution argues for an additional step the United States can take. It urges the Administration to support and work for the passage of a resolution condemning China's human rights abuses at the U.N. Human Rights Commission in Geneva.

Mr. President, I ask unanimous consent that precise individual documentation and statements of this be printed in the RECORD following my remarks. These statements were recently given by refugees coming out of China directly to some of our friends in Nepal.

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

(See Exhibit 1.)

Mrs. FEINSTEIN. I thank the Chair.

Whatever the reason for China's entrenchment, it now presents a serious challenge to strengthening of relationships between our two countries.

I happen to remain convinced that sustained, active dialog and engagement with the Chinese leadership is the wisest course, but in these discussions we must be frank and open and the interests of both our Nations must be served. The United States can continue to make contributions towards systemic changes that will instill the rule of law in China which would, for example, make summary trials a thing of the past.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Is it possible——

Mr. WELLSTONE. I say to my colleague, the problem is we are going to have a vote soon.

Mrs. FEINSTEIN. May I ask unanimous consent just for 2 minutes?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. FEINSTEIN. Congress failed to fund the President's rule of law initiative last year. We should not make that mistake this year. Congress and the administration should continue to resist sanctions and economic penalties that will only make the situation worse, but we must develop a stronger policy to put pressure on China to begin a dialog with the Dalai Lama and providing autonomy for the people of Tibet.

An important step was taken last month when Assistant Secretary of State for Population, Refugees, and Migration Julia Taft was named as the State Department's Special Coordinator for Tibet.

This resolution argues for an additional step the United States can take. It urges the administration to support and work for the passage of a resolution condemning China's human rights abuses at the United Nations Human Rights Commission in Geneva. While we should acknowledge China's progress in many areas and continue to encourage China in search of greater progress, we should also use the forum of the United Nations Human Rights Commission to let China and the world know that China's human rights abuses are unacceptable.

Ultimately, China's leaders must come to understand that the economic freedom that have until recently championed—and which they still know is necessary for China to fully modernize its economy—must advance together with social and political freedom. As in Hong Kong and Taiwan, China's ability to withstand economic turmoil will depend in part on the ability of Chinese citizens to make judgments for themselves. Political leaders cannot expect to draw a line between economic and political judgments. Both must be allowed to flourish hand-in-hand. And that means viewing the efforts of Xu Wenli, Wang Youcai, and Qin Yongmin to organize a more pluralist Chinese polity, and viewing the efforts of the Dalai Lama to promote dialogue and religious and cultural freedom, as encouraging signs of China's modernization, not as dangerous signs of China's instability.

EXHIBIT 1

TESTIMONY OF TIBETAN REFUGEES IN NEPAL—NOVEMBER 1998

(Names have been removed for their protection)

I rode on trucks and other vehicles many days' travel from Kham to Lhasa, where I purchased a business permit for Yuan 250 to travel onward. There, a younger cousin and I paid Yuan 1,200 each to a Nepali guide to smuggle us across the border at night. We completed our walk mostly at night.

I was a monk at Rinchen Lingpa monastery in Dzong, and had to leave because of a new policy reducing the number of monks from 45 to a maximum of 30. But already, severe economic conditions were forcing me to look for other opportunities; my father, who was imprisoned for 15 years after 1959, is 73 years old now and unable to support me and himself. Because of Dzong's proximity to the recent summer's flooding along the Yangtse, officials were coming and ''shaking down'' the monasteries for contributions to the relief efforts. Also, livestock, farm product and head taxes and other fees have increased steeply and consistently over the past few years, and especially so recently. So many people want to escape from Tibet, but most are afraid of getting caught, shot at or encountering great hardship along the way.

I would like to go to Drepung Monastery, in southern India, and resume my Buddhist practice there.

——

In Tibet, I lived for many years in Ko-lung, a Nyingma sect nunnery, except for one trip to India in 1994. Earlier, there were 60 nuns, and recently that number was officially reduced and limited to 45, along with enactment of other strictures such as a ban on all morning prayers [an important foundation of Tibetan Buddhist practice].

In April of 1998, I was drawn into an argument with the head nun, who accused me of being aligned with the Tibetan community in exile. (When I returned to Nagchu from my trip to India in '94, I was kept in solitary confinement for 20 days before being released). As a result, I was turned over to the authority in charge of the political re-education program, which I was inducted into. I, and others, were forced to renounce our allegiance to and relinquish all photos of the Dalai Lama (which we tried to hide), and to state in writing that Tibet is and always has been an inalienable part of China. However, knowing that I faced imprisonment in doing so, I refused to write that I agreed with their ''re-education'' points. I was not imprisoned, but fined Yuan 1,400. My parents and I realized that we were unable to pay my fine, and that without the nunnery there was nothing left for me there, so I decided to leave.

From the age of 15, I had been a monk at Ganden monastery, and a teacher and part time translator for tourists. I was expelled in September, 1996, along with 200 other monks as a result of suspicions that authorities had developed following the Ganden uprising on May 6 of that year: 50 officials had arrived at Ganden, and the monks began throwing stones. That night, the monastery was surrounded and about 100 monks were arrested the next morning; most of those are now serving 9–15 years sentences. During the night, I had helped a photographer escape with film, resulting in a news story that was broadcast on VOA wherein the photographer thanked the Ganden teachers for advising him to escape that night. I became very cautious, careful to clean my quarters and hide all my Dalai Lama photographs, but officials tracked me down on the basis of that VOA news report.

The situation in Tibet is getting worse, month by month. Monks are being expelled from monasteries, and now and entrance exam in which you have to write well in Chinese is required for every job, even low level jobs. The culture of Lhasa has also deteriorated, with Chinese prostitution and other vices found everywhere, now.

In Lhasa, I bought a fake internal travel pass to the border, and came with my pregnant wife. We paid Rs. 30,000/—and were smuggled across.

When I was 15, I left Amdo to train as a monk at Ganden, but I was there for less than 2 years. In 1987 and '89, I witnessed the uprisings and demonstrations in Lhasa, and was emotionally very moved by them. That's when I realized that I had to stand up to the Chinese, and I have been helping the Tibet cause since that time.

After 1992, I was constantly on a PSB (Public Security Bureau) watch list, and several times was harassed, interrogated and detained. I was first arrested in 1992, and was held in solitary confinement and interrogated and beaten for 8 days. Continuously, three policemen had me kneel on a cement floor and kicked me on the body and face. One of them did all the kicking and beating, one watched, and the other sat at a desk and took notes. They were Chinese and Tibetan, but I don't harbor ill feelings toward the Tibetans because I feel their circumstances in being there were not their fault.

They couldn't get any information out of me, so they fined me Yuan 6,700 and made me swear that I would never reveal the place of confinement—which looks like a normal government office, but with confinement rooms attached at the back. I believe that there are many other such places of confinement; I know others who have been similarly interrogated and beaten.

In 1993, I went on pilgrimage to India to attend His Holiness's Kalachakra initiation in Sikkim, and when I returned to Lhasa I had to hide and move my residence frequently, in order to avoid being arrested. Even my parents were being watched, in Amdo. I had opened a shop in Amdo with a friend, and he was arrested and sentenced to five years imprisonment, so I realized that I was in imminent danger of arrest.

In 1994, I returned to Amdo and changed my name, stopped wearing monks' robes, and stayed mostly in remote areas. But in August of 1995 I came back to Lhasa, and in October opened a restaurant there. In December of 1995, right at the time when the Chinese appointed their selection for the Panchen Lama, one of my teachers was arrested and kept in confinement, and I was arrested shortly thereafter. The PSB questioned me about my time in India, and tried to force me to agree that the Chinese-selected Panchen Lama was the genuine one. They closed and ransacked my restaurant, which they suspected of being a meeting place for people to talk about freedom for Tibet.

I was sentenced to 2 years in prison on 3 counts: for going to India to see the Dalai Lama, for running a restaurant suspected of being connected to the Tibet freedom movement, and for being suspected of engaging in political activity. I was first held at Gutsa prison, about 5 kilometers from Lhasa, for 10 months. I was kept chained and was beaten for the first 15 days (one of my testicles was crushed), and was given no food or water for the first 5 days. They offered food and water, trying to tempt me to tell them what I had been doing. I was beaten so much that I really thought I had died and gone to Hell. I had a cell that was only big enough to lie down in, with a pan to use as a toilet. Our child died during delivery, in June, 1996, when I was in prison.

On January 10, 1997, I was transferred to Tolong Dzong prison, where I stayed for the remaining 14 months of my sentence. I was released on April 2 of 1998, and then on May 30 was re-arrested by a plain clothes PSB officer, on political grounds, and held for 45 more days. After that, I had to report every month to the police, and was not allowed to travel. That's when my wife and I decided to leave for Nepal.

My wife gave birth to a boy on November 3. Now, my first priority is to find work, in order to repay a large loan that I own in Lhasa. I'd also like to learn at least some rudimentary English, to work for the Tibet cause, and to help my friends who are still in Tibet, many of them in prison.

My brother was killed by the Chinese in 1958, and since then the situation in Tibet has only been getting worse. In 1975 and '76, the state took possession of all the private farm lands in our area, and has been leasing them back to the farmers. Beginning this year, we have not been allowed to sell our crops (primarily barley and wheat) to the open market, but are forced to sell 70–80% of it to the government at a fixed rate that is about half the open market rate. And now, we're not allowed to keep pictures of the Dalai Lama even in our homes.

I came over a high pass, though we started as a group of only 18 and merged with other groups from Amdo and Lhasa.

This year at the Gawa monastery, where I was a monk, officials recently forced us to publicly denounce the Dalai Lama, and they now prohibit monks younger than 18 from joining the monastery. This is a very shrewd tactic on the part of the Chinese, because they understand that by the time young people are 18 they have already been exposed to modern distractions and bad habits, such as drinking and gambling and prostitution, which spoils their desire for religious practice. Historically (before 1959), our monastery had 800 people, but in recent years it has remained at around 300. About 3 months ago, though, 225 monks were expelled, including me and most of the senior monks. It is now nearly impossible to get admitted to a monastery—and entrance to Sera, Drepung or Ganden is impossible—because the officials are reducing the numbers of monks allowed at monasteries everywhere. Some of the Gawa monks have nowhere to go, and so they wait until the officials are gone and then discreetly join the activities in the monastery, hiding when necessary.

The Chinese have appointed their own Panchen Lama, and we don't even know where the genuine Panchen Lama is. I have been told that the public is prohibited from meeting the genuine Panchen Lama's parents.

Also, taxes have increased beyond what Tibetans can afford. We used to pay pasture taxes of 7 per yak and Yuan 200 per horse each year, but these have been raised recently, plus farmers and herders have to pay in-kind taxes of meat and butter each year to the authorities—taxes totaling about 30% of our total production. I don't have parents, nor any livestock, and all else that I owned I gave to the monastery. But now my brother and I have had to repay many debts that my parents accumulated, and we have no livestock as a source of income for this.

During the severe snowstorms of 1996, we heard on American radio that we would be receiving relief in the form of blankets and money. Some foreign donors did come, and in front of them the officials handed us blankets and Yuan 200 each, but after they left the officials returned and collected all the blankets and money. I think the Chinese are very skilled at tricking outsiders.

My brother (age 36) joined me on this trip, and we are relieved to finally be outside of Tibet. After an audience with His Holiness the Dalai Lama, I want to become a monk at the Sera Monastery in southern India.

Eighteen years ago, my parents owned a house near the Mosque. A few years ago, the authorities said they would tear down the house and provide us with improved housing there, in the same place. The new complex was built, but then promptly sold to developers. We did get compensation of Yuan 30,000, but this is half what the old house was worth.

My mother and I had a very small table on the Bargkor (market area and circumambulation route) where we sold cloth and shirts. We had to pay a Yuan 300 monthly fee to 3 different government departments—for a business permit, for the space itself and also income tax.

When I was around 10 years old, I remember getting tear gassed during the rioting, and then staying inside for several days. Nowadays, you might occasionally see a small group of monks or nuns demonstrating, but they never make it more than half a circuit around the Bargkor before being arrested. In August of this year, the authorities entered all the homes in our area, banging on doors loudly and threatening severe penalties, in a search for Dalai Lama photos. We had hidden all of ours ahead of time.

My parents and I decided that if our family was to get ahead financially, one of us would have to leave, and we agreed that I should go, hopefully to get an education. I wasn't able to study in Tibet because I didn't have a residency permit for Lhasa, and studying there is very expensive, anyway—as is living there, Right now we are paying Yuan 450–500 for tuition for my younger brother, which doesn't include his uniform or books. Each year it is getting worse. We don't have a family member in government service, but many Tibetans now are being fired, and you now have to take a written exam in Chinese for even a low level job. Tibetan language is hardly used in Lhasa, there are no high lamas left there, there are far fewer monks than there used to be, and anyone showing a sign to resistance to the Chinese is sentenced to 6–7 years' imprisonment. The Chinese immigrants are bringing infectious diseases to Tibet with them [likely in reference to STDs], while prostitution, gambling and night clubs are thriving.

In October 1997, four women from our village were called for sterilisation.

Two had children already and two did not. One evening the Chinese took the four of them to another place and sterilised them. Two got sick and the others remained healthy. About one month before this, officials from the birth control office came and summoned a meeting. During the meeting

the Chinese said that they would operate on women from the age of 18 to 40. They said that those women who didn't undergo the operation would be expelled from their jobs. All of them were farmers.

I heard from the people of the village that one evening a truck belonging to the birth control office arrived in our village and the 4 of them were taken away to get operated on, totally by force. The officials told the 4 of them that the government would pay everything and no problems would result from the operations. They said that one needed rest for 7 days after the operation, and should take proper medicine, and the food and expenses would be provided by the government. But the women were in bed for more than 2 weeks and hardly recovered, and the expenditures were paid by their families and not by the government.

I used to distribute booklets and other literature that dealt with our cause and also I put up posters. As a result, I was caught three times by the Chinese authorities and suffered from imprisonment and torture.

When I was first arrested, apart from handcuffing me, they gave me a few kicks and slaps but I wasn't beaten very badly. On the third day I was specifically charged with possession of a book. It was Friday and I was given the ultimatum to hand over any books or literature dealing with Tibetan affairs by Monday. When I reported on Monday, I was asked where the book was, I told them that I didn't have it and was once again imprisoned.

For the next two months I was interrogated by using all sorts of tactics but I refused to hand over the book. In the end, my friends paid 2000 yuan and I was released on the conditions that I report daily to the police, confine myself within the monastery and not engage in any subversive activity. I was also told to be an informer. If I did well as an informer, I would be paid secretly and if not I would be re arrested. For the next year I was constantly harassed by the police. Sometimes, they visited me in the middle of the night in my monastic room and asked me questions like whether I had been working sincerely for them and whether I was doing any subversive work.

In July 1994 I was arrested for the 3rd time by the Chinese authorities. I was bound in chains both on my hands and feet and taken to the local detention centre. This prison is an interrogation centre for those prisoners who had not confessed their crimes of mistakes. There were no permanent prisoners there. The main reason I was taken to this prison was to keep me away from contacting any Tibetans. While I was being interrogated at this prison, no one knew anything about my whereabouts. I learned later that on the day of my arrest my grandmother died, out of shock and worry.

The torturing began every day at 8 in the morning and went on till 9 in the evening. They adopted all sorts of methods to torture me. My hands were tied at the back in a most painful manner and they put electric rods in my mouth. They used the electric stick on me so many times, I can't say how many times. They made me kneel on the floor with a stick under my knees and another stick on the calves of my legs so that the skin was rubbed off my knees. At the same time my hands were handcuffed together on my back, with one arm over my shoulder and the other arm over my lower back. In addition to this, I received countless numbers of slaps and kicks throughout the day.

In the coldest month in Amdo, every morning before the sun rose, I was subjected to 2 hour cold baths and I was told to strip myself completely naked and then they kept on pouring buckets of icy cold water on me until I completely blacked out. Sometimes I was subjected to a treatment in which they hit with me with thin, sharp bamboo all over my body. After some time, my whole body became like a plucked chicken, very blue with patches of white. Sometimes after throwing countless buckets of ice cold water on me, they would bring me before a red glowing fireplace, if they felt I was about to faint. They gave me this type of torture for 15 days.

I was also fed very poorly with 2 glasses of black tea and some meagre food. I was almost starving because sometimes if I could chew a single pea, I used to feel very happy. However, no matter what type of torture they it was, I didn't admit or confess anything except the possession of the book, which I had already done earlier. I suffered rigorous torture for about 4 months in this prison and since I didn't confess anything they eventually transferred me. In the new prison I was chained and made to sit on a chair, and the security personnel kept me from sleeping for 14 days. The food given to me was the same as they gave to their pigs. I was charged for being a spy of the Tibetan government. The final verdict was that I was a counter-revolutionary who had been engaged in propagating their cause. Thus, I was sentenced for two years and 7 months imprisonment. They took away my political rights for a period of 2 years. After serving my imprisonment I was finally released at the beginning of 1997. After my release I was constantly harassed by the local police.

I was arrested and imprisoned because I called for Tibet's independence. At Gutsa detention center, we were placed in a room with a cement floor where there were no beds and blankets. It was mid winter, and they kept us for over 3 months without blankets, which they allowed only when our relatives brought them from home. We were given small amounts of food, just 2 dumplings per day. It didn't fill our stomachs.

When we were interrogated they questioned us about who was behind the demonstration, but we told them that we had done it independently. Then they beat us with the use of an electric baton. They put it everywhere, on my head, hands, mostly on the veins, and here where it is very painful. We would lose memory because of that. They also kicked us and slapped us in the face. They interrogated me three times a day, every day for one or two hours at a time. They asked the same questions and we wouldn't answer them properly. There were 3 or 4 police questioning us.

They kept us in Gutsa for one year and 9 months and interrogated us. After that they brought us to court to pass our sentences. I got 4 years imprisonment. They then took us to a hospital where we were supposed to get a medical check up. But they didn't give us any treatment and instead took one bottle of blood from each of us forcibly. Because of that we became thinner and thinner. Then finally they took us to Drapchi prison where we had to do work with wool for making carpets. There wasn't any education and the food was very poor. They treated the political prisoners very harshly while they treated normal prisoners better.

We were kept in the prison for a very long time and were not allowed to meet our family. We were able to receive small things such as things to eat. They didn't allow us to meet our family members except after we were sentenced. After our sentencing, they allowed us to meet our family, but only one person could visit at a time.

I suffered from a stomach disorder while at Drapchi, from food which was not properly cooked. We used to eat packaged noodles which led to stomach ailments, and whatever I ate, I had to vomit with blood. I suffered from this for about 8 months after I was released from prison. I start vomiting when the weather turns cold. In prison I asked to visit the hospital, but they only used to take (prisoners) to the hospital when they were almost dead. Otherwise they don't care for political prisoners.

When I was in prison there were some foreign visits but we were watched all the time so we couldn't talk to them. Before they came we were made to clean the rooms and then we had to do whatever work we had to do. They brought big pieces of meat to the kitchen and stuck up list of food telling the visitors that they give us such food. But in reality we didn't get to eat this meat. After the heads had left they took it away.

They put at least one female common law prisoner in each cell to watch the nuns so that we wouldn't talk about things like independence. She would tell the authorities information about us and because of that her sentence was decreased. They were put in a separate room because they feared that we would harm them. They were very happy in their rooms which were better than ours.

In Drapchi prison we were made to do exercises which were not for the purpose of our health. It was like military training. When we were doing the exercises we had to shout something in Chinese which meant that we were confessing to our mistakes and that we would come out to society as a new person. Once we understood the meaning of the words we protested and didn't say them. Then many soldiers came and beat us. It was during winter and at that time it is very cold in Tibet. We were made to stand on the cold cement floor in the shade barefooted for a whole day, our shoes and socks removed. This made our feet cold as ice. Then we had to run while they didn't give us any water. Some of us fell unconscious. If someone fell down they said we were not allowed to help. They also stopped the monthly opportunity for our families to visit us. We had to stand in the sun and put our faces in the direction of the sun as a result of which some of us had blisters on our face.

Mr. HUTCHINSON. Mr. President, I thank the Senator from California for her very significant statement. I know we have not always agreed on China, but I think that was a very candid and very honest statement. I appreciate her making it.

I want to publicly thank, on behalf of Senator WELLSTONE and myself, our staffs: On Senator WELLSTONE's staff, Charlotte Oldham Moore and John Bradshaw, for their very persistent and hard work on this issue; on my staff, Samuel Chang, for his hard work and continued interest in the human rights issues in China.

As I said, one of my heroes, and I think one that has been mentioned repeatedly, one that will be with us at the press conference tomorrow, is Wei Jingsheng, who spent about 20 years in solitary confinement in China back in the 1970s, arrested for his involvement at the Democracy Wall effort.

At that time he was sentenced to spend 14½ years in solitary confinement, went out and was involved in Tiananmen Square. He was truly a friend and truly a hero. I thought, when I visited with him in my office, while I was going on annual vacations, while I was rearing three boys and seeing them grow up and going out and

playing basketball with them and coaching their soccer games, this man, who is about my age, was languishing in a Chinese prison.

I recently read the book ''China Live'' by Mike Chinoy. Mike was the CNN correspondent and before that, the NBC correspondent—in Beijing, then Hong Kong. He went to China as a young man in the seventies, very idealistic, believing the Chinese regime was going to bring human rights and democracy and freedom to the people of China. He left disillusioned to a great extent, but he tells about the trial of Wei Jingsheng. I want to read this as I conclude. He talked about Wei Jingsheng, on October 9, 1979, going on trial.

Pictures from the proceedings were broadcast on Chinese TV. They showed a youthful-looking Wei, dressed in prison garb, his head shaved and bowed, listening to the verdict before a panel of stony-faced judges and a carefully selected audience of five hundred people. I had read his essays and seen for myself the hope generated by Democracy Wall. Now, working late at the NBC bureau in Hong Kong on the day Wei was sentenced to fifteen years in jail for ''counterrevolutionary incitement'', I was angry and upset.

Although intellectually I recognized that profound changes were still under way in China—holding out, over the long term, the possibility of a more humane society—it was hard to be neutral and dispassionate watching such a travesty of justice. My feelings became even stronger when I acquired a copy of the transcript of Wei's trial, which had been surreptitiously tape-recorded and distributed by other activists not yet under detention. Standing before his accusers, Wei refused to admit to any crime. Instead he forcefully defended his ideas of democracy. His courage in the face of a certain guilty verdict and long prison term was astonishing. I wished I could do something to help.

He said, ''I wished I could do something to help.'' Twenty years after that trial, things are not better in China, and we see a new round of the same kind of show trials, phony trials and repression. Mike Chinoy said, ''I wished I could do something to help.'' Ladies and gentlemen of the Senate, we have a chance today to do a little something to help. This year marks the 10th anniversary of the Tiananmen massacre. This is an incredibly important year in China and for the democracy movement in China. We can take an important step and cast an important vote with overwhelming bipartisan support for this resolution today.

I ask my colleagues to call upon the administration to sponsor this resolution in Geneva this summer, condemning the human rights abuses ongoing in China today.

Mr. President, at this time I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, I do have a unanimous consent request to propound, and I know we would, then, be prepared to go to a recorded vote. But before we do that, I want to take a moment to commend the distinguished Senator from Arkansas for the work he has done and the fact that he has been joined by the Senator from Minnesota in addressing this very important issue. I know they have been joined by a number of Senators on both sides of the aisle.

This is not something new with the Senator from Arkansas. Senator HUTCHINSON has been trying to emphasize his concerns about the terrible human rights policies in the People's Republic of China ever since he has been in the Senate. I know he worked on it last year. He has been trying to make the point this is a serious problem, and I think the justification for this serious expression is the fact that it is still not what it should be. He has been talking about it for quite some time, as have others, and there continue to be terrible human rights violations.

So I think it is appropriate that the Senate, in its second legislative action of this year, would express its very strong concern regarding this human rights situation in the People's Republic of China. I have read the resolution. I think it is well stated. And the timeliness is also very important. As we now are about to have the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, for the Senate to go on record taking a stand for this human rights position, I think, is very commendable. I am glad I have been able to work with Senator DASCHLE and both sides of the aisle to make it possible for us to consider this separately, to highlight the fact that we are not just sticking this on as a sense-of-the-Senate resolution in a bill, this is a Senate resolution that states clearly our concern and our position. I am very pleased to be supportive of my colleague's efforts.

I yield to the Senator from Minnesota.

Mr. WELLSTONE. I know Senator HUTCHINSON thanked the majority leader. I also want to thank the majority leader for his support in doing this. He is right. It is timely. We do want to ask for the yeas and nays.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDERS FOR MONDAY, MARCH 1, 1999 AND TUESDAY, MARCH 2, 1999

Mr. LOTT. Mr. President, before we go to the yeas and nays, let me propound my unanimous consent request. We have worked this out on both sides of the aisle with the chairman of our select committee with regard to the Y2K issue and the ranking member, Senator DODD. This will be the schedule, then, for the balance of this week and Monday and Tuesday of next week.

I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Monday, March 1, for a pro forma session only. Immediately following the convening on Monday, I ask that the Senate then adjourn over until 9:30 on Tuesday, March 2, and proceed immediately to consideration of S. 314, providing for small business loans regarding the year 2000 computer programs, and that there be 1 hour of debate to be equally divided between Senators BOND and KERRY of Massachusetts, with no amendments or motions in order.

I further ask that the vote occur on passage of S. 314 at 10:30 a.m. on Tuesday, and that paragraph 4 of rule 12 be waived.

I also ask that, immediately following the passage of that bill, Senator BENNETT be recognized to make a motion to recess the Senate in order to allow the Senate to hear confidential information regarding the Y2K issue in S–407 of the Capitol, and I further ask the Senate stand in recess for the weekly party caucuses between the hours of 12:30 and 2:15 on Tuesday, March 2.

I further ask at 2:15 on Tuesday, the Senate immediately proceed to S. Res. 7, having discharged the resolution from the Rules Committee, and there be 3 hours of debate, being equally divided between Senators BENNETT and DODD, with no amendments or motions being in order, and a vote to occur on adoption of that resolution at the conclusion or yielding back of that time.

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

PROGRAM

Mr. LOTT. Mr. President, in light of that order, the Senate will not be in session on Friday and will be in pro forma session only on Monday. The Senate will debate the Y2K loan program bill on Tuesday morning, with a rollcall vote on passage at 10:30 a.m. on Tuesday. Therefore, the next rollcall vote will be at 10:30 on Tuesday. Following that vote, the Senate will proceed to the briefing in S–407. I want to encourage Senators to attend this briefing because it does involve very important, classified information with regard to the Y2K issue.

At 2:15, the Senate will proceed to the funding resolution for the special committee on the year 2000 technology and related issues, for up to 3 hours.

I thank my colleagues for their cooperation and, again, I commend those who have been involved in S. Res. 45. I yield the floor.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN THE PEOPLE'S REPUBLIC OF CHINA

The Senate continued with the consideration of the resolution.

VOTE

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered on S. Res. 45.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—99

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Rockefeller
Burns	Hollings	Roth
Byrd	Hutchinson	Santorum
Campbell	Hutchison	Sarbanes
Chafee	Inhofe	Schumer
Cleland	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kennedy	Smith (OR)
Coverdell	Kerrey	Snowe
Craig	Kerry	Specter
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—1

Torricelli

The resolution (S. Res. 45) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 45

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas, according to the United States Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in China and Tibet and continues the coercive implementation of family planning policies and the sale of human organs taken from executed prisoners;

Whereas such abuses stem from an intolerance of dissent and fear of civil unrest on the part of authorities in the People's Republic of China and from a failure to adequately enforce laws in the People's Republic of China that protect basic freedoms;

Whereas such abuses violate internationally accepted norms of conduct enshrined by the Universal Declaration of Human Rights;

Whereas the People's Republic of China recently signed the International Covenant on Civil and Political Rights, but has yet to take the steps necessary to make the covenant legally binding;

Whereas the President decided not to sponsor a resolution criticizing the People's Republic of China at the United Nations Human Rights Commission in 1998 in consideration of commitments by the Government of the People's Republic of China to sign the International Covenant on Civil and Political Rights and based on a belief that progress on human rights in the People's Republic of China could be achieved through other means;

Whereas authorities in the People's Republic of China have recently escalated efforts to extinguish expressions of protest or criticism and have detained scores of citizens associated with attempts to organize a legal democratic opposition, as well as religious leaders, writers, and others who petitioned the authorities to release those arbitrarily arrested; and

Whereas these efforts underscore that the Government of the People's Republic of China continues to commit serious human rights abuses, despite expectations to the contrary following two summit meetings between President Clinton and President Jiang in which assurances were made regarding improvements in the human rights record of the People's Republic of China: Now, therefore, be it

Resolved, That it is the sense of the Senate that at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the United States should introduce and make all efforts necessary to pass a resolution calling upon the People's Republic of China to end its human rights abuses in China and Tibet.

Mr. FRIST. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minute each.

The distinguished Senator from Tennessee is recognized.

Mr. FRIST. Under a previous agreement, this time has been allotted to Senator COVERDELL or his designee, and I have been designated to oversee this next 45 minutes to an hour to talk about the Education Flexibility Partnership Act of 1999.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. FRIST. Mr. President, we will be discussing two critical areas as we address the education of our youth in this country. Those two areas are flexibility and accountability. Discussing this topic with me will be Senators CHAFEE, BOND, CRAIG, VOINOVICH, GREGG, HUTCHINSON, and COLLINS.

The issue that we will discuss is called Ed-Flex. Specifically, it is the Education Flexibility Partnership Act of 1999. The shorthand version is ''Ed-Flex.'' That is the way it will be referred to, I am sure, over the next several hours and the next several days as we look at this particular bill which I expect to come to the floor next week.

Let me begin by discussing what Ed-Flex is so people will know what we are talking about. It is really pretty simple. Ed-Flex is a State waiver program that allows schools and school districts at the local level to obtain or have the opportunity to obtain a waiver to carry out and accomplish a specific educational mission, but with flexibility free of Washington red tape, free of the administrative regulatory burden which too often—and we hear it as we travel across the State again and again—shackles them in terms of meeting those specific goals. These regulations are often well intentioned. We create them right here in this room in Washington, DC, and then we expect them to fit every local community. They simply don't fit. That is No. 1. That is what Ed-Flex is.

No. 2, we as a country recognize we are failing our children today in terms of education. We are trying hard, teachers are trying hard, local schools are trying hard, but we simply are not doing the job that our children deserve in preparing them for the next millennium.

Ed-Flex allows every State the option of participating in a demonstration program which has been enormously successful; this program was first established in 1994 and expanded in 1996. So we have a track record. Right now Ed-Flex is in 12 States. What this bill does is strengthen the accountability provisions and then gives all 50 States the opportunity to participate in Ed-Flex to help our States, to help our localities.

Education is primarily a local issue. That is where these decisions should be made. Washington must give these localities, these schools, these school districts, the flexibility they need in order to innovate, to do a better job, to do what they know is best.

Let me cite some examples that really make it clear to people. They understand Ed-Flex is a State waiver program that allows schools and school districts to accomplish goals free of red tape. Here are some examples:

In Maryland, Ed-Flex reduced class size for math and science students from 25 to 1 to 12 to 1. It has cut it in half. They wouldn't have been able to do it without Ed-Flex.

In Oregon, Ed-Flex allowed high schools and community colleges to work together to provide advanced computer courses to students who would otherwise not be able to receive this technical instruction.

A third example: In Kansas, waivers provide all-day kindergarten, preschool for 4-year-olds, and new reading strategies for all students. It would not be possible without Ed-Flex.

It is common sense. It is bipartisan. It is a plan that has been supported by every Governor in this country. It is one that we are going to move ahead, doing the Nation's business in a bipartisan way to accomplish what I believe is one of the most important goals before us, and that is to improve education in this country.

Now, that describes the flexibility, innovation, and creativity. The accountability is an important issue, because if you strip away Washington red tape, you have to be accountable. Accountability is built strongly into this bill. It is even tiered-in so that you have local accountability, State accountability, and Federal accountability to make sure that those missions are accomplished.

At the local level, schools have to demonstrate why this waiver is necessary, what the objectives will be; they have to have specific, measurable goals.

At the State level, there must be in place an accountability system in three ways: You have to have content standards, No. 1; No. 2, you have to have performance standards; and No. 3, you have to have assessment standards. Backing that up at the Federal level, the Secretary of Education is required to monitor the performance of States, and in fact the Secretary can terminate the State's waiver authority at any time.

So we have a three-tiered approach to accountability.

Ed-Flex expansion has passed twice in the Senate Labor Committee. It has the support of 38 Senators from both sides of the aisle. It has the support of the National Governors' Association. It has the support of the Democratic Governors' Association. The Secretary of Education and the President have all called for Ed-Flex expansion.

Last year, we ran out of time to pass Ed-Flex. It has already gone through the Health, Education, Labor, and Pension Committee this year. We need to keep the bill clean and simple. There will be an unfortunate tendency to put a lot of amendments on the bill and attach your favorite education bill. We have an opportunity to have a bill passed in this body next week, passed by the House of Representatives within a couple of weeks, and at the President's desk within 6 weeks. It is a simple message: Congress cares about education.

Congress respects local control, local innovation, local creativity. And we, by passing this bill, demonstrate to the American people that we can work together in the interest of our children, preparing them for that next century, the next millennium. Let's untie the hands of local government. Let them do the jobs they are entrusted to do. Ed-Flex is a modest bill, but an important first step at administrative regulatory simplification with strong accountability built in. I look forward to the Senate's consideration of this bill next week, again, with strong bipartisan support.

I thank the Chair. At this juncture, I will yield to my distinguished colleague from Rhode Island. I will yield to colleagues, and they can take from my time as we go forth over the next 45 minutes.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I thank the Chair and the manager of this legislation. I rise in support of this legislation introduced by the Senator from Tennessee, the Education Flexibility Partnership Act. Last week, while the Senate was in recess, I spent time in Rhode Island talking with educators about Ed-Flex. I had a group of educators from our schools come in; principally, they were principals of our schools. As a result of those conversations, I became a cosponsor of this legislation, Ed-Flex.

First, it is important to point out what it is not. It is not a block grant proposal. Senator FRIST's bill, which will be the next order of business, as I understand it, next week, expands a demonstration program, as he pointed out, for six States where it was created in 1994. Now, 2 years later, it is expanded from 6 to 12 States. This bill would permit all 50 States to benefit from it.

Now, what is this bill? Ed-Flex allows State departments of education to apply for waivers of Federal requirements for State administrative programs. Examples of these programs are: the title I program, the Eisenhower Professional Grants Program, and the Safe and Drug-Free Schools Program. The States must agree to waive any corresponding State regulations for these programs. If we are going to waive the Federal regulations, we are going to waive the State regulations as well. The States must have made demonstrable progress in creating and putting into place the challenging statewide content standards. In other words, States must have a place in statewide school reform, and that is what this is designed to do.

One of the best examples of how Ed-Flex can benefit schools was offered by an elementary school principal in my State when I talked to him last week. He noted that for several years, his school district's emphasis had been on raising achievement in math and science. Professional development had been squarely focused on math and science, and students in his school were showing the results through increased test scores. Now he would like to be able to use the funds he receives from the Eisenhower Professional Grants Program, which is targeted to math and science—he wants to use it for professional development in reading, have his teachers become better reading teachers. Ed-Flex would allow him to do that. Absent Ed-Flex, he could not use these professional development moneys for anything except science and math. He could not use it for reading. This permits this legislation to be used with this flexibility.

Since enactment of Goals 2000, States and school districts have been working hard to develop schoolwide reform plans that will improve the quality of education for all children. I believe this legislation will help give schools the needed reforms that they seek. It has, as was mentioned, strong bipartisan support. A companion bill, I understand, is moving through the House, and the President has indicated his willingness to sign it. So this is a hopeful sign for all of us, and I think it is excellent legislation. I commend it to my colleagues.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair, and I thank my colleague from Tennessee for his great leadership.

Mr. President, I rise in strong support of Ed-Flex because it gives States and local officials in 12 States now greater freedom from regulation in the use of Federal education dollars. We need to expand that. This is moving in the right direction. It is not all the way there. They should be encouraging innovation, creativity, and flexibility on the local level in regard to education. We should not be handcuffing teachers, principals, and others from trying to do what is right for the kids in their schools.

I think expanding Ed-Flex is a step in the right direction of putting our Nation's children first and not the red tape and bureaucracy.

Ed-Flex is a step in the right direction because it moves in the direction of putting decisionmaking back where it belongs, on the local and State level. It proposes consolidating funding and removing the strings that Washington has put on.

My colleague from Rhode Island has talked about his meetings with local educators in Rhode Island. Over the last 2 years, I have met with principals, teachers, superintendents, parents, and school board members in every section of my State. It is amazing what they tell me when I ask them about how our Federal programs are helping them. They say, ''They are burying us in red tape. We have to hire people to write grant applications, and to try to play 'Mother May I' with the Federal Government. We are taking away time from our task, which should be educating our children and providing them with a quality education.'' They say that too many of them—if they fight and finally get a competitive grant for 3 years, that grant runs out and then they are faced with taking away money from their basic programs of providing quality education to fund a Federal program that was stuffed down their throats.

At our best count, we have about 763 Federal education programs. I challenge every single one of my colleagues to go back home and ask the educators: Do you really need 763 different Federal prescriptions? Are they really helping you educate your children? I can tell you that the response from my State is overwhelming, and I believe it will be from your States as well.

When we think about the tremendous waste in time and bureaucracy with 4,500 people in the DOE, the bureaucracy overseeing them, and 13,000 at the

State bureaucracies, those are dollars that are not going to the classrooms. Who is accountable for education? Are we as a Congress? I don't think so. I don't think anybody elected us to a national school board. Ed-Flex is moving away from the concept that we have come to Washington to be a national school board.

I say to you, to the President, and I say to the Secretary of Education: If you want to run local education, run for the school board, or be a superintendent or a principal.

Now, I hope we can pass this bill cleanly out of here and send it on to the President, get it signed. Let's expand on this program. I will tell you one thing for sure. If they start adding amendments to it, I have something called a ''Direct Check for Education.'' Direct check for education would put the money directly in the schools, not on the basis of a complicated formula, but on the basis of average daily attendance. I have explained that program to school districts throughout my State.

I have a sampling of letters from school superintendents. I ask unanimous consent that these may be printed in the RECORD.

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

HARRISBURG R–VIII SCHOOL DISTRICT,
Harrisburg, MO.

Hon. CHRISTOPHER S. BOND,
U.S. Senator,
Washington, DC.

SENATOR BOND, The Harrisburg School District is in support of ''Direct Check for Education'' proposed by yourself. The Senator's office indicated funds available at $76.00 per pupil. The funds from this ''Direct Check'' would significantly enhance our educational offerings.

Sincerely,

WILLIAM E. VIEW,
Superintendent.

ROLLA PUBLIC SCHOOLS,
Rolla, MO, February 9, 1999.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: As per your request, I have reviewed your ''Direct Check'' proposal and am responding to your idea. I am very interested in what you are proposing through the ''Direct Check'' alternative. Our school district is, I assume, fairly typical of many within our great state in that we participate and offer many of the federally subsidized programs. Through your ''Direct Check'' proposal, our district will not only receive more dollars than it presently does, but also have the latitude to utilize those dollars as deemed appropriate by our Board of Education and this school system.

I fully understand the potential turf issues that you face with this ''Direct Check'' for Education proposal. I am also cognizant of the bureaucracy that is affiliated with each of these programs subsidized by federal education dollars. I am most appreciative of and agree with your assessment that this is substantive reform, and, therefore, our district would gladly offer any assistance that we might. If there is anything that we might do to further your ''Direct Check'' for Education proposal, please do not hesitate to ask. Again, we very much appreciate your concern for public education and this demonstration of a return to local control.

Sincerely,

LARRY E. EWING, Ed. D.,
Superintendent of Schools.

CARTHAGE R–9 SCHOOL DISTRICT,
Carthage, MO., February 10, 1999.

Senator CHRISTOPHER S. BOND,
Russell State Office Building,
Washington, DC.

DEAR SENATOR BOND: I appreciate the recent opportunity to attend the news conference in Joplin, Missouri, concerning your Direct Check proposal. Likewise, it was encouraging to receive your recent correspondence concerning the proposal.

On behalf of the Carthage R–9 School District in Carthage, Missouri, I want to express our strong support for the proposal. It is our belief the plan will bring about equity and benefit our students in numerous ways.

Your work to reform this payment process is highly valued. If at any time our district can be of service to you, please let us know.

Sincerely,

KENNETH C. BOWMAN, Jr.,
Superintendent of Schools.

VALLEY R–VI SCHOOLS,
Caledonia, MO.

CHRISTOPHER S. BOND,
U.S. Senator,
St. Louis, MO.

DEAR SENATOR BOND: I am writing to let you know that I fully support your ''Direct Check for Education'' proposal. After so many false promises by lawmakers regarding help for education, your idea is one that I have hoped to see for many years. It should truly be the job of local decisionmakers to decide how funds are spent on each school. We do not mind being held accountable for producing results when we have the freedom to spend dollars as the local board sees fit. I congratulate you for the stand you have taken on this issue. I doubt it is popular among other lawmakers, because it will no doubt rock the boat in some circles.

Again, thank you for this initiative.

Sincerely,

LARRY GRAVES,
Superintendent.

BLUE SPRINGS SCHOOL DISTRICT,
Blue Springs, MO, February 8, 1999.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: I am writing in response to your proposal to include a ''Direct Check for Education'' into the reauthorization of the Elementary and Secondary Education Act.

The Blue Springs R–IV School District overwhelmingly supports such a proposal. The ''Direct Check'' proposal would allow us, at the local level, to make the decisions we need to make without the restrictions that are often applied at the state and federal levels.

We encourage you to press forward with this initiative.

Sincerely,

CHARLES MCGRAW,
Superintendent.

REEDS SPRING R–IV SCHOOL DISTRICT,
Reeds Spring, MO, February 9, 1999.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: Your ''Direct Check'' proposal does what legislation should do. It puts the money where it can do the most good. Leaders in local schools will be able to address specific needs of students rather than conform to directives from bureaucratic number crunches.

Respectfully,

Dr. BILL WHEELER,
Superintendent.

KIRBYVILLE PUBLIC SCHOOL,
Kirbyville, MO.

Senator CHRISTOPHER BOND,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BOND: ''Direct Check'' is one small ''step'' in the right direction. Sending tax money back to the people it came from has never been a bad idea. Eliminating federal and state bureaucratic taxpayer payrolls has always been a good idea but appears to be an impossibility.

Local boards of education should be held accountable for the quality of public education programs within their own communities. If state and federal governments want to support programming efforts through certification standards, a simple process that ties certification to funding would seem appropriate. If student performance is the primary indicator used for certification, it shouldn't require multi-billion dollar bureaucracies to manage the process.

Public education in America is in serious trouble. Solutions to the problems will require a comprehensive approach from every level, i.e., federal, state and local. I applaud your leadership with this effort at the federal level.

I encourage you to look for different funding approaches for public education. The local property tax is a very useful tool, but it has been extended beyond its limits. State funding is also very useful and has been a lifesaver for many Missouri Schools. However, the ''Big Dogs'', i.e., the industries that produce ''adult'' products, when used as directed can kill, have been allowed to advertise their products over airways owned by the federal government without regard to the collateral damage to the minds of our youth.

Public education should not be required to spend taxpayer money to remediate problems cause by these irresponsible industries that target the youth of our nation as future addicts of their products. It is my understanding that the top five contributors to the nations two political parties are: the tobacco industry, the liquor industry, the movie (media) and music industries and trial lawyers. Local taxpayers should not be the only responsible agent for the costs associated with drug education, violence prevention, sex education and character development programs for public schools. If the ''Bid Dogs'' are going to play the game they should have the opportunity to pay for the dance.

Sincerely,

LONNIE SPURLOCK,
Superintendent

WEBB CITY SCHOOL DISTRICT R–7,
Webb City, MO, February 4, 1999.

Senator CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: Please accept my enthusiastic support for the ''Direct Check'' education initiative you are sponsoring. It is my opinion that a program of this nature is long overdue. Those of us who have spent a career in education have repeatedly experienced the jubilation of anticipation that arose from promises made by the Federal Government toward education. Unfortunately, however, excitement was then always tempered by the reality of the red tape that accompanied the promise. As the result, frustration was generally the only product forthcoming.

It is my opinion that one size does not fit all in anything, especially education. I would welcome your program and see it as an opportunity for real improvement of results that would arise from federal dollars that flow toward education. You can count on me as a supporter of your efforts.

Sincerely,

RONALD LANKFORD,
Superintendent.

PEMISCOT COUNTY
SPECIAL SCHOOL DISTRICT
Hayti, MO, February 5, 1999.

SENATOR BOND, As a school administrator, parent, and taxpayer, I would like to commend your Direct Check efforts and offer my support in its passage.

I must remind myself daily that, even though some decisions appear to be more easily made from our Central Office, the best decisions are those that are made from the source of need.

The Direct Check concept would allow the decisions about utilizing education funds to rest in the hands of our constituents without losing some of the funds in state administrative procedures. I feel confident that our Board of Education indeed represents the wishes of our constituents and frequently engages in dialogue with parents and students to determine educational needs.

Thank you for your efforts. Please don't hesitate to contact me for additional support.

NICHOLAS J. THIELE,
Superintendent.

Mr. BOND. Mr. President, the direct check for education doesn't block grant education funds; it doesn't affect title I or include vocational education, special education, or Eisenhower Professional Development; it just says send the money directly back to the school districts, eliminating the time spent reviewing grant applications and the paperwork burden. It replaces a cumbersome and costly process with a resource of flexible funding.

Do we need 100,000 new teachers? In many small school districts, they figure it comes out to about .16 students for their entire district, or .1. How do you hire .16 teachers? Some districts may need to use that money to pay more so they can keep good teachers. This would allow them to do it. Some of my colleagues say you will take power away from the States and the States ought to be running it. I say the State regulations can still stay in effect, but the accountability is going to be at the local level.

We have school boards that we elect to take care of our educational needs and to make sure that our children get a quality education. I have a really radical proposal: Let's go back to the old system where school boards are responsible through the superintendents and principals and teachers and allow them to use the good ideas. We have lots of good ideas up here, and we ought to offer those voluntarily and say: Here is a good idea; do you want to try it?

The President just came up with a whole new series of standard things he wants to do for every school district in the Nation. They may well be good ideas. If you were a school superintendent, they might be just the thing to do. Let's suggest to them that these are things they might want to require. They may have a different way of going about it. I am willing to take the chance on putting that money in the hands of the people, the local educators who know our kids, know kids' names, and know their problems.

I believe Ed-Flex is a tremendous step in the right direction. I urge that we pass it without amendment. If we do start amending it, I am going to give my colleagues an opportunity to vote on sending the money directly back to the schools. Let's be radical, and let's do something that can make a difference.

Mr. President, I thank the Chair.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I join my colleague from Missouri and others who have spoken on the floor in relation to the legislation that we will begin to debate next Tuesday, I believe, Senate bill 280. We are calling it the Ed-Flex bill because of a demonstration project that has now gone on in 12 other States in our country where school districts have demonstrated that, given the flexibility to move dollars around, they can accomplish great things for the young people they are responsible for educating.

So for the rest of our country, I think the Senator from Missouri and I want to see a similar kind of flexibility.

What does it mean? It is very clear what it means. It means that when it comes to educating the young people of our country, we basically trust parents a great deal more than we trust bureaucrats.

For a long time, we felt that the promotion of education in our country would come only if you could have a national department of education, and from that would flow all good things to the rest of the country, and they would serve as the leaders to project our States and our school districts into the dynamics of improving our public education system. We found out that while there is a department of education necessary on occasion, that the real energy comes from a local school district, or a State, or a group of parents who do not like what they see, or the direction their children's education is heading in, and they want to make changes.

I am not at all opposed to public education. How could I be? I, my wife, and all of our children are the products of the public education system. And we are very proud of it. In Idaho we have a very good public education system that could be a great deal better. The Governor of the State of Idaho, former Senator here in this body, just elected, has recognized in our State that one of the greatest needs is in the area of reading. Should he be allowed, along with local school districts, to shift to more concentration on reading from the first grade through to the fourth or fifth grade? If that is what Idaho needs, that is what he should be allowed to do. Even within that context, in some school districts in our State reading has already been a higher priority, and those students are doing better.

In the State of Texas, which has been able to operate under this demonstration project that we now want to send nationwide, the students there are outperforming others, because once again school districts are allowed to focus, to target, and on their standardized test scores they are moving up faster than they are in other States.

In Maryland, students are receiving a one-on-one tutoring—again, a demonstration on the part of the school districts that in Maryland they needed to focus on reading. That one-on-one relationship might otherwise be denied under the concept that a one-size education program fits all which would not have allowed the students to do so.

There are a good many stories out there. It is from those stories, those clear examples of understanding, that we bring S. 280 to the floor. I think it has the kind of dynamics we ought to be involved in. For some time we Republicans have recognized that bureaucracies just don't educate. They burn up a lot of money. They direct a lot of very well-meaning people sometimes in the wrong directions.

Where it works is when the money gets to the local levels where parents, along with their educators, can determine what the needs are in a given area. That, of course, has always historically produced one of the most dynamic public systems in the Nation, in the world, and that is our public education system, stalled out in a good number of years simply because it did not have the flexibility to respond.

At this level we are going to put more dollars into education. We believe that is a high national priority. Unlike those of the past where money should have come from the State and local units, we are committed in our opportunity of surplus years to put some of those dollars into education, and in so doing, we don't want them to get hung up here where 25 or 30 percent will be spun over into bureaucratic inertia. We want them to flow directly to our units of education at the local level.

Ed-Flex, Senate bill 280, offers us that opportunity. We begin to debate it next week. I hope we can have strong bipartisan support in what is an extremely valuable initiative.

I yield the floor, Mr. President.

Mr. VOINOVICH addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise in strong support of Senate 280, a bill to extend educational flexibility to all of the 50 States.

One of the nice things about becoming a Member of the U.S. Senate is that I am going to have an opportunity as a Member of Congress to promote some of the programs I lobbied for while I was mayor of the city of Cleveland and

president of the National League of Cities, and programs that I promoted as Governor and chairman of the National Governors' Association.

Way back in 1991, we did a study in the State of Ohio in regard to our department of education to find out if there were ways we could change its direction. One of the things we discovered was that there were all kinds of reports that needed to be filed. What was astounding is that half the reports that were being filed by school districts were to the Federal Government and the Federal Government was only participating to the extent of about 6 percent of the money that was being spent in those school districts.

So at that time I came to Washington and I met with Lamar Alexander, who was at that time the Secretary of Education, and said to him that something had to be done about this. At that time he started to put some things together. I think he may have coined the word ''Ed-Flex.'' Also, Secretary Riley, an enlightened former Governor, realized that the Department of Education could be of help to the States. They extended the right to local State secretaries to grant waivers to local school districts where they wanted to use certain Federal programs for different purposes.

Prior to—we have to put this in perspective—Ed-Flex, if a local school district had a Federal program and they wanted to use it differently, they had to go to their respective State capital, kiss the ring of the superintendent of education, and then that superintendent of education would have to go to Washington and do the same thing.

So Ed-Flex basically says to those States that want to participate, if you put together an overall plan of how you are going to in your own State eliminate a lot of excess regulations, if you will put together an overall plan on how you intend to take these Federal dollars and use them better to really make a difference for the kids in the classroom, we will allow you the authority that we have in Washington to grant those waivers to the local school districts—in Ohio, 611 of them.

One of the really unique things that came about as a result of Ed-Flex in our State was that every school district had to prepare eight reports to the State department of education for Federal money, and then they would submit eight to the Federal Government. Today, they only provide one report to the State, and the State provides one to the Department of Education.

I think it is important also to point out that Ed-Flex is just the beginning of education reform in the 106th Congress. I would like to congratulate my colleagues on the Republican side and on the Democratic side for their willingness to allow Ed-Flex to be the first step in education reform in this session of Congress.

We all know that there are different ideas on how we need to reform education. The President has his ideas and some of us have a little different idea. You have heard from Senator BOND of Missouri about his program.

Many of us believe that the first thing we ought to do before we reauthorize elementary and secondary education is to inventory the 550 education programs that the GAO says we have or the 760 that the Congressional Research Service says we have and figure out what we are doing there, get rid of the ones that are not working, consolidate the money or save it, put it into a block grant, and send it back to the States and local governments so they can do a better job with the money we are making available to them. In other words, be a better partner with State and local government because they have the major responsibility for education in this country.

I am looking forward to working with my colleagues to see if we can't come up with a program that is really going to make a difference for our boys and girls throughout the United States of America.

In Ohio, this program has only really been in existence for 2 or 3 years, and there are some who say, why aren't you doing a lot more with it?

One of the things that needs to be emphasized is that school districts are interested in moving forward and taking advantage of Ed-Flex, but they are being very careful about when they ask for a change in the waivers and use the money differently because they want to make sure, if they ask for a change in the waiver, in fact they are really going to make a difference for the kids. They don't want to do this just to go through the motions.

In our State, we have testing in the fourth, sixth, and ninth grades, and we have a tough high school proficiency test. One of the things we are trying to do is to bring up the test scores in those first two tests, fourth and sixth grade. Through the use of Ed-Flex, we have been able to allow a local school district to use the Eisenhower professional grant money in a different way than is required under the Federal statute, and they are taking that money and putting it into emphasizing reading and social studies. We have seen, as a result of reallocating those resources, a marked improvement in the students' performance on their fourth- and sixth-grade proficiency tests.

I would love to see the rest of this country take advantage of this Ed-Flex Program so that they can do the same thing for their boys and girls. So I strongly urge that we pass this Ed-Flex legislation, as I say, the first phase of our education reform program.

I would like to underscore one other thing. One of the most important things the Congress of the United States did was to reform the welfare program in the United States of America. Prior to that reform, it was an entitlement program. We came and we lobbied Congress and said change it to a block grant, give us the flexibility so we can make a difference for our customers, the recipients of the welfare program.

We have seen a dramatic change in what is happening in our welfare program. For example, in my State we have 560,000 fewer people on welfare—a 60-percent reduction since 1992—because we have given the people closest to the customer the power and the authority to make a difference in their lives.

We never would have had welfare reform in the United States if it had not been for the fact that waivers were granted to the States prior to welfare reform and, as a result of that, Governors were able to show that with flexibility we can really make a difference in people's lives.

Ed-Flex will give Governors and local school district people that authority to change some of these Federal programs, these one-size-fits-all programs, change them and make a difference for our youngsters, and it will be a way we can show America that if you give people closest to the kids, the parents, the teachers in the classroom, give them the power and the authority to take those dollars and utilize them in a way that is really going to make a difference in the lives of our children, we will see the most revolutionary change and measured improvement we have seen in this country in terms of our public education system.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. I thank the Chair.

I want to applaud my colleagues who have been in the Chamber speaking of education reform, and my colleagues on the Republican side I think have come forward with a very progressive and innovative reform program for education. I know Senator VOINOVICH from Ohio led the way in education reform in that State.

But Ed-Flex, providing those waivers for State educational establishments to be able to avoid the kind of heavy-handed bureaucratic mandates that are imposed upon them; the Dollars to the Classroom Bill, which I am sponsoring, which would consolidate 31 of those hundreds of education programs and allow new flexibility to State governments in ensuring that 95 cents of every dollar get to the classroom as opposed to the 65 cents that currently get there; and the proposal to increase funding for disabilities programs, mandates that we placed on local schools but have not funded, I think are all very important ingredients to our education reform package which will truly lead to improvement in education in this country.

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

Mr. HUTCHINSON. I thank the Chair. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Ohio is recognized.

Mr. VOINOVICH. I thank the Chair.

(The remarks of Mr. VOINOVICH pertaining to the introduction of S. 468 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for not to exceed 8 minutes.

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

Ms. COLLINS. Mr. President, I rise today to add my voice to those who are sponsoring the Education Flexibility Partnership Act of 1999 which would afford states important exemptions from burdensome federal regulations. Indeed, the bill would expand a 12-state demonstration program to all 50 states, and would allow for the waiver of statutes and regulations that hinder State and local educational improvement plans. I thank my colleagues, Senator FRIST and Senator WYDEN, for their leadership on this innovative legislation. It is, indeed, a landmark bill that I am confident will improve the performance of our Nation's public schools by placing the control back where it belongs—in the hands of teachers, parents, school board members and the administrators of local school districts.

I am delighted to join my colleagues as an original cosponsor of this legislation, because I am confident that it will improve the academic performance of students in my home State of Maine and in States across the Nation. Our Nation's public school system is the foundation upon which the American dream is built. Time and time again, we see that education is the difference between poverty and prosperity, ignorance and understanding.

There is no doubt that America's public schools are in need of a boost, but not one that is dictated by the Federal Government in a ''one size fits all'' approach. Rather, we need a boost for our Nation's schools; a boost conceived of and built from the bottom up by the people who know best what our students need; namely, educators and administrators at the State and local levels.

The Ed-Flex plan does just that by cutting the bureaucratic strings that now entangle Federal education dollars. It would allow local communities to spend Federal dollars as they think best, as long as their programs accomplish the objectives of Federal guidelines.

In short, the Ed-Flex bill will help our public schools attain and, indeed, in many cases exceed Federal standards without resorting to a ''Washington knows best'' approach.

I note, Mr. President, that this approach is totally contrary to that proposed by the Clinton administration. The President wants to be the Nation's principal. He wants to decide everything from promotion policies to curriculum standards. That is not the approach that this bill takes. Rather, this bill reflects our philosophy that those who are most committed and best able to improve education are found at the State and local level—our parents, our school board leaders, our principals, and our teachers.

In Maine, our students rank near the top in many national tests. The State Department of Education, the State's elementary and secondary schools and the University of Maine have worked diligently to design and use challenging statewide learning standards.

National test results show that these efforts have been successful. Even more important, they demonstrate that a strong K–12 education system designed and supported by State and local officials, school board members, teachers, and parents can produce first-rate students.

And, indeed, I am very proud of the accomplishments of Maine schools.

Dozens of schools across the country have participated in the current Ed-Flex Partnership Program. They have proven that test scores and learning increase most rapidly when guided by locally designed programs, not by Federal ones. We need to expand the Ed-Flex Program so that students in every State can reap these same benefits.

Public schools in Maine and across the Nation have made a good-faith effort to repair the deteriorated foundation of our system of public education. There is, however, much more that needs to be done. Our States cannot do it alone. They need assistance but not the dictates of Washington.

The Education Flexibility Partnership Act of 1999 directly addresses the need for change within public schools by putting the power to plan, brainstorm, build, and implement back in the hands of State and local communities. Expanding the opportunity for the Ed-Flex Program will give every State the chance to experiment and innovate and to chart a path for better schools. I urge my colleagues to join me in supporting this very important initiative.

Thank you, Mr. President. I yield back the remainder of my time.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Chair and welcome the Presiding Officer in that very important position that he has undertaken. We all have had an opportunity to do it in our careers.

I ask unanimous consent to proceed for up to 5 minutes. I take it we are in morning business.

The PRESIDING OFFICER. The Senator has that right.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 469 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BREAUX. I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent to speak as in morning business. Are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business, and there is a grant of 5 minutes per Senator.

Mr. GREGG. I thank you.

Mr. President, I rise today in support of the Ed-Flex bill we are going to take up next week, which has been brought to the floor by Senators FRIST and WYDEN and which is an excellent piece of legislation, a commonsense idea. The Ed-Flex bill simply gives freedom to the States to assist local school districts in meeting the particular needs of their particular students.

As a former Governor, I was very frustrated when I would receive Federal funds that were chock full of strings and Federal directions—strings that limited the ability of local school districts to address the educational needs of their students.

Had Ed-Flex been an option when I was Governor, schools could have chosen whether they would use Federal funds to hire more math teachers or instead if they wanted to use them to hire more reading teachers. Those choices should have been dependent upon the particular needs of each school.

They should have been dependent upon the particular needs of the students. Instead, those choices were being made by the Federal Government.

Under the current system, 38 States are prohibited from issuing the type of waivers the Department of Education can issue under the Ed-Flex Program. New Hampshire is one of those States. This means that someone at the Department of Education who doesn't even know the name of one student at, for example, the Rumford Elementary School in Concord, NH, has more authority over whether the Rumford Elementary School principal and the Rumford schoolteachers can decide

whether they need math help or reading help for that student than the principals and the teachers have. It is difficult to fathom that some of my colleagues believe that the Federal bureaucrat, however well-intentioned, rather than a Concord school district principal or a Concord elementary district schoolteacher or a parent is a better judge of what a child needs in the Rumford Elementary School than they are.

It is hard for me to understand how we can turn to a Federal bureaucracy to make decisions about local schools rather than have the local schools make decisions about how the education should proceed.

This philosophy of Federal control over local education is insulting to the principals, to the teachers, to the superintendents, to the school board, to the parents. And more importantly, it is counterproductive because it doesn't put the resources where we need them. It doesn't help the student with the needs that that student has been identified as needing by the local school district, but rather with a set stringent regulated framework which has been determined by a Federal bureaucracy.

Furthermore, this philosophy of Federal control is unjustified. Twelve Ed-Flex States, in the words of Secretary Riley, have used their authority to grant waivers ''judiciously and carefully.'' There is no compelling reason to delay expansion of Ed-Flex authority to all the States. In fact, Secretary Riley, President Clinton—both of whom are former Governors—and the National Governors' Association support expanding Ed-Flex to all 50 States. I congratulate the President and I congratulate Secretary Riley for his support of this initiative.

With that said, Ed-Flex is a modest but important first step to driving more flexibility and control to the locals, thereby giving them the schools to improve education. However, it still leaves the bulk of decisionmaking and control regarding Federal education programs in the hands of the Department of Education rather than with the States and local communities. I hope that later on in this year we will address those additional regulations.

At this time, we are taking up Ed-Flex. That, at least, is a first step and a positive step. Ed-Flex is a bipartisan, widely supported bill with proven effectiveness. We should take this opportunity to provide much needed flexibility to the States.

Finally, I take this opportunity to commend Senator FRIST and Senator WYDEN for their diligent, bipartisan effort to expand Ed-Flex to all 50 States. They led the fight last year to ensure that all States benefit from the increased flexibility and innovation that Ed-Flex provides. I thank them for their efforts to bring Ed-Flex again to the floor of the Senate.

I believe the very fact that Ed-Flex will be considered on the Senate floor next week sends a clear signal to the American public that the top priority of this Senate is education and educational programs that are sensitive to the needs of the parents, the students, and the local schools. Ed-Flex is proof positive that the Senate is prepared to hit the ground running and promote proven educational reform measures such as the expansion of the Ed-Flex Program. I hope that in a strong, bipartisan manner we can work together to pass Ed-Flex and give the Governors, the local schools, the parents, teachers, and the principals this much needed tool which will free them from much unneeded Federal regulation.

Mr. BIDEN. Mr. President, may I make a parliamentary inquiry? How are we operating at the moment?

The PRESIDING OFFICER. The Senate is in morning business and the general grant is each Senator speaking has 5 minutes.

Mr. BIDEN. I see the distinguished Senator from Maine is on the floor, ready to speak. The statement may take me as long as 10 minutes. I ask unanimous consent I be able to proceed for 10 minutes.

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

RABBI HERBERT E. DROOZ: ''THE RABBI SPEAKS''

Mr. BIDEN. Mr. President, it is with great honor, yet immense sadness that I stand today to pay tribute to a man—Rabbi Herbert Drooz—whose spirit, vision, and voice will live on for generations to come in my State of Delaware.

As a respected religious leader and social activist for 30 years, he was a builder—literally and figuratively—who dreamed big and made big things happen.

When I got back to Delaware from law school—I went out of State, we didn't have a law school in the State at the time, in 1968—Rabbi Drooz was one of the first civic activists that I came in contact with. He oversaw the building of a new synagogue for the reform congregation of Beth Emeth, that he led, which is now the largest synagogue in Delaware, along with the construction of the school on Lea Boulevard, not far from where I had gone to school in Wilmington, Delaware. These two buildings stand as not only monuments to his vision and his dedication to religious service, but they also had the very practical impact of enhancing the region and the neighborhood, and causing people to invest not only physically and financially, but psychologically in our city.

He built a community esprit de corps as well—founding the Delaware Chapter of the National Conference of Christians and Jews, which recently was renamed the National Conference for Community and Justice, which is one of the most significant civic organizations and moral barometers in my State. At the University of Delaware, my alma mater, he organized the popular student Hillel group. When I was a student at the University of Delaware in 1961 to 1965, it had a very small Jewish student body. It now has a vigorous, engaged and involved Jewish student body, and the Hillel group at the University is, again, a major force for justice, focusing on the moral dilemmas of our time.

What most Delawareans remember about Rabbi Drooz was his voice. He was known as the Rabbi who speaks. Every Sunday morning, you could turn on WDEL radio station, one of the largest radio stations in my State, and hear his words of wisdom and compassion, on a program that was titled, ''The Rabbi Speaks.''

He spoke to and reached out to more than Delaware's proud Jewish community. He was one of the first people who went the extra mile to reach out to the non-Jewish community.

He spoke during times of social unrest in my State. He spoke about more than religious issues. In 1954, he used his leadership and oratorical skills to speak out forcefully against the racist hatred exhibited by a militant in the southern part of my State, in a city called Milford, who tried to defy the U.S. Supreme Court's decision in Brown v. the Board of Education, to end racial segregation in our public schools. It may come as a surprise to many, but to my great shame, my great State has the blot upon its history that we were segregated by law, and in 1954 it was not particularly popular to speak out on that issue.

His words from the Beth Emeth pulpit still ring out.

He questioned, quote:

> Why no leader has risen from among the citizens of Milford to combat this merchant of hate from another. We have been tardy. Hath not one God created us? Why do we deal treacherously, brother against brother?

The Rabbi speaks, indeed. He spoke, and he spoke at a time when few were willing to speak.

In 1966, he joined with bishops from the local Catholic and Episcopal dioceses in leading the Methodists and Presbyterians in opposing American involvement in the war in Vietnam—not very popular at the time and not always popular among his congregation.

Rabbi Drooz led the Rabbinical Association of Delaware for two terms as President. He spoke out as a board member on the board of the Fair Housing Council, Pacem In Terris, the American Red Cross, the Mental Health Association, and Delaware's Urban Coalition.

Everything that mattered, every issue that required some moral bearing, every issue that people tended to shy away from because they were controversial, Rabbi Drooz spoke out.

A point of personal privilege, Mr. President. You know as a former Governor and a former mayor and a Senator now, occasionally things get said about us that are totally untrue. We never fail to forget those voices in the community who have significant standing, who are willing to risk their reputations to speak out for us.

Rabbi Drooz spoke out for JOE BIDEN, too. He spoke out for me at a time that could have stopped me in my tracks from winning the election in 1972.

Please allow me this point of personal privilege to tell this brief story. Just days before that election, I was falsely accused of being anti-Semitic in an unfounded charge by a disgruntled, former campaign worker. I was 29 years old. Hardly anybody knew me. Those who knew me knew, and my record as a Senator has demonstrated, I am far from an anti-Semite. As a matter of fact, I am accused these days by my opponents of being the other way.

At the time, as a 29-year-old guy from a family with no influence or money running for the U.S. Senate in a year when George McGovern was being trounced in my State. I was accused in this sort of Pearl Harbor sneak attack the weekend before the Tuesday of being an anti-Semite, and it was printed in our largest paper.

Rabbi Drooz immediately went into action on the Sunday prior to the election. Rabbi Drooz organized a meeting of Delaware's Jewish community, enlisting the support of the very influential Governor of Pennsylvania who happened to be Jewish, Milton Shapp. Rabbi Drooz spoke out for JOE BIDEN and supported me against this untrue, unfair accusation. Needless to say, he was effective in setting the record straight, or I would not be standing here today. The mere fact that Rabbi Drooz said, ''I know JOE BIDEN,'' was good enough for the entire community in my State.

I will forever hold Rabbi Drooz in the highest esteem for his courage, his leadership, his boldness and for getting me back on my feet at a time when I needed his courage, leadership and boldness the most.

After I became a Senator, on a regular basis I would brief Rabbi Drooz on the situation in the Middle East. He would put together people for me to speak to. Seldom did we disagree, but when we did, there was no question about my independence, and he never questioned whether or not I should be.

Rabbi Drooz was a fighter to the end. Alzheimer's stole his mind, but not his spirit. Just six months before he died, as an octogenarian, he agreed to participate in a study for Alzheimer's to test new medication.

Mr. President, in conclusion, I point out that I truly believe his spirit lives on in his son Daniel and his daughter Johanna, his brother Arnold and his six grandchildren. They are respected in the community and continue to participate in the community.

I say goodbye to Rabbi Drooz. Shalom and peace be with you, my friend, and may all that you did for the good of Delaware be remembered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized under the previous order for 1 hour.

Mr. DURBIN. Thank you, Mr. President.

EDUCATION IN AMERICA

Mr. DURBIN. Mr. President, during the course of this 1 hour I will be yielding to other Members on this side of the aisle. We will be discussing a range of topics, primarily focusing on questions of education.

Let me say at the outset, Mr. President, last week I journeyed back to my home State of Illinois—a welcome interlude from our impeachment proceedings—to address issues which I consider to be very critical to the future not only of my State but this Nation. In the span of 4 days I visited a variety of communities and had nine different meetings with educators, teachers, administrators, students, parents, and interested people in the community to talk about the state of education. It was an eye-opener.

As we started to discuss education from a brand-new perspective, to throw out some of the assumptions and some of the rules, to take a look at education today, I found that there were three basic fallacies in educational thinking today which these educators understood and many in Congress do not. The first fallacy is the belief that children start to learn at age 6, and therefore, we have a social responsibility to put children in school at age 6.

Any parent will tell you, and certainly those who study the issue can confirm it, children start learning at a much earlier age. Teacher after teacher told me of students who showed up in kindergarten already far behind where they should be—students who had fallen behind because of family problems or the lack of family initiative or the lack of exposure to an educating environment. Of course, it took the teachers a long time to bring these kids up to speed. They challenged the premise, the assumption, that education starts at the age of 6.

When I asked my staff, incidentally, to research why we put kids in school at age 6, they couldn't find a reason. We looked at history. We asked the experts. They couldn't come up with a reason. The best we came up with is most kids can sit still at age 6, and in the old days that is what a classroom was all about—kids sitting still at their desks. It is not the modern threshold and should not be the threshold education of decision.

The second notion we challenged is the premise of the schoolday. Why on God's green Earth are students dismissed from school at 3 in the afternoon? Why? There was a day, of course, when they would go home to a parent or their parents, but the days of Ozzie and Harriet with cookies and milk waiting for the kids, I am afraid, are long gone. Most kids have no adult supervision. I am not surprised to find reports from those who know that kids, between the hours of 3 o'clock and the arrival of an adult for supervision at, say, 6 o'clock, are the kids most prone to get in trouble—kids who are involved in scrapes with the law, exposure to drugs, gang activity, teen pregnancy. These things are happening during unsupervised hours.

That is why when we discussed in our proposals on Capitol Hill afterschool programs, it is in the best interest of all of these children—those who are coming out of school who need remedial help, as well as those who are doing well in school and need enrichment.

The final point that came through loud and clear is that summer months with 3 months of vacation is something that we all look forward to as kids, but it doesn't make as much sense anymore. There was a time when kids needed the summer months off to go work on the farm. Not many kids do that anymore. Frankly, kids need an opportunity to do something constructive, positive, and supervised during the summer months, as well.

I am happy the democratic proposal on education addresses these three issues and addresses many others. At this point, I will yield to several of my colleagues who have joined me on the floor.

I see my colleague from California, Senator BOXER. I am happy you have joined in this discussion. I yield to the Senator as much time as she needs to express her thoughts on this issue.

Mrs. BOXER. I ask my colleague if he would engage in a colloquy. I don't have a speech, but I was so moved by what the Senator just described as what we need to do.

Oftentimes I wonder if the Senator would agree that what we see happening here with the leadership on the Republican side is that they know that education is a key issue and they bring before the Senate these very narrow bills. For example, last time we had a bill that would have given a benefit of about $7 a year, allowing some children to get $7 more to go to a private school. We were arguing that we needed a broader vision.

I say to my friend, does he not see this in somewhat the same fashion? We have a narrow bill when, as the Senator says, we need to look at afterschool, we need to look at more teachers, see that the classrooms are smaller; we need to look at what is happening to kids when they need mentoring. We have to look at what kind of classrooms they are in. And my colleague misses Senator Moseley-Braun, who worked so hard on school construction. I wanted to ask my friend if he saw a pattern here developing where certain folks take a poll and they see there is an important issue, and they come back with a very narrow answer when what we need is a broader vision for the next century.

Mr. DURBIN. I agree with the Senator from California. There is no doubt that the funding for education is primarily State and local. The responsibility follows the funding. But we are remiss at the Federal level if we don't realize we have an important role here. As I have traveled around and have spoken to school administrators, the

source of the funding was secondary. They were talking about solving problems and what to do with those problems.

I see that we have been joined by the Senator from Washington, Senator MURRAY, who was a teacher in the classroom before she came to the Senate. I welcome her to join us in this colloquy. She knows, as well, that there are practical problems. When the administration starts talking about technology in schools, they are sometimes heartened by the fact that they have the new computers, but they quickly add, ''Senator, don't forget, we have to bring the teachers up to speed now.'' Many teachers my age, as decrepit as I am, and even older, are trying to become well versed in technology in order to keep up with the students. If the kids don't get the technology and the teachers don't get the training to give it to them, then we are all going to be losers. I agree, that is a central part of this.

Mrs. BOXER. Mr. President, I am going to finish quickly because I want to give the Senator from Washington the floor.

When I think about kids and schools, I think about Senator MURRAY because of her hands-on experience. But I can tell you that as a parent—now a grandparent—decrepit as you are, I say to the Senator from Illinois, and even a little more, in my younger days, I volunteered to work in the auxiliary, going down to schools in San Francisco where they needed volunteers, and this whole issue of keeping the kids busy after school is an education issue and it is a crime issue. A lot of people hear say they are tough on law and order. What better way than to give our children something to say yes to?

The FBI tells us that between 3 o'clock and 6 o'clock are the hours kids get into trouble, when juvenile crime peaks. You don't need a degree in criminology and psychology to know that this makes sense. The President has a tremendous expansion of ''after school'' in his budget. We need to talk about that when we get this Ed-Flex bill before us. Kids should not be going into classrooms where they can't read because it is so musty. I have been in those rooms. I had to run out of one particular classroom in Sacramento, which was so musty because there were leaks that hadn't been fixed; it was a disaster. To think that our children are in that atmosphere—that is not right.

After school children need to be kept busy, and during school they need small class sizes. We know what we have to do when we get a little bill that is very narrow here. And it may make some people feel happy that they are doing something. But I think it is our obligation—those of us on both sides of the aisle who care about our children—to point out that just passing a bill that has the title ''education'' in it doesn't mean that we are really doing right by our kids. It is just a sham. I am very proud to be here with my colleagues, and I am very much looking forward to this debate on the Ed-Flex bill, to make it a bill that really meets the needs of our young people.

I yield back to my friend, Senator DURBIN.

Mr. DURBIN. I thank the Senator from California. I notice that the Senator from Nevada is on the floor, and I know he wants to address some education issues. I will be happy to yield to the Senator from Nevada, Senator REID.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, first of all, I want to express my appreciation to the senior Senator from Illinois for arranging this opportunity for us to talk about education.

Mr. President, what I want to talk about today is an amendment that Senator BINGAMAN from New Mexico and I are going to offer on the Ed-Flex bill. Senator BINGAMAN and I offered this amendment, which passed the Senate last year. The problem has gotten no less complicated and no less important. Every day in America 3,000 children drop out of high school; that is 500,000 a year. This is something about which this country should be embarrassed. ''So what,'' some say. Well, each child who drops out of high school is less than they could be.

It also complicates societal matters by increasing the cost of welfare and the criminal justice system. It even complicates increasing costs in our educational system.

If you look at the people in prison, 82 percent of the people in prison are high school dropouts. I repeat, 82 percent of the people in our prisons are high school dropouts. That should say it all.

We need to be concerned about high school dropouts. We know statistically without any question that the children of dropouts have a much higher dropout rate than those who finish high school.

The median income of college graduates is more than three times that of high school dropouts. The probability of falling into poverty is three times higher for high school dropouts than those who had finished high school. Unemployment rates of high school dropouts are more than twice those of high school graduates.

The statistics are replete with evidence that we should do something about this. What should be done? There are a number of things that we can do.

But the legislation that has been offered by Senator BINGAMAN and I, which will be an amendment to the legislation that will be before this body next week, would establish a department within our Department of Education whose sole function, sole responsibility, would be to focus on high school dropouts.

There are programs around the country that some of the school districts have adopted mostly on a very small basis that work, and work quite well. We want someone to be gathering information to find out which of these programs work and which programs don't work.

We would provide $30 million a year for this program, and a total of $150 million.

Think of the money it costs us to keep people in prison. Is it $20,000 a year? Is it $30,000 a year. It is a huge amount of money to keep somebody in prison. Remember, Mr. President, that 82 percent of the people in prison are high school dropouts.

Our legislation would establish within middle and high schools around the country—those that have high dropout rates—an ability to compete for grants that would enable them to implement proven and widely replicated models of comprehensive reform.

The State of Nevada, I am not proud to say, leads the Nation in high school dropouts. I wish we didn't, but we do. We worked on a number of programs, one of which I am sure will be, if this legislation passes, one of the model programs. It is a program in Carson City, NV, our capital, where Hispanics are in a program called Ola, Carson City. It is a program where these young Hispanic students have a little TV station. They do TV programs. It has kept scores of these young people occupied and in high school. They are proud of the fact that they are going to be high school graduates. This is a program that has been going for 6 years.

Mr. President, I don't know of anything that we could do that would be more important in the education field than keeping our young people in school; in high school. There are 3,000 dropouts a day; 500,000 a year.

I hope that as we proceed through this debate, we will understand that the problems are not the same with every ethnic group.

For example, in the State of Nevada, 25 percent of the students—actually more than 25 percent of the students—in our Clark County school district, Metropolitan Las Vegas area, are Hispanic children. I am sorry to report that the Hispanic children have a dropout rate that is about 20 percent higher than any other ethnic group. Some ask why. There are a number of reasons. Most of the Hispanic students in Nevada come from Mexico. Mexico doesn't have a tradition of public education. There are at times language problems. And also one of the problems is Hispanics have such a great work ethic. They are willing to work as young kids, and they perform so well that their employers really do not in any way inspire these young people to complete high school. As a result of that, they are doing the same thing when they are 55 years old that they are doing when they are 16 or 17 years old.

We need to recognize that within a few years. In fact, by the year 2030, in America, Hispanics will make up 20 percent or more of our population. The Hispanic leaders in this country know

that the most important thing for them is educating their youth. We have to participate so that we join with the Hispanic leaders in this country to keep Hispanic youth in high school.

I hope that we all realize that this legislation, the Ed-Flex bill, is something that gives us a vehicle to focus on education.

I heard the Senator from Illinois talk about the fact that we no longer are an agrarian society. Why should kids be out of school 3 months out of the year in the summertime? Should we have year-round school? That is a debate that should take place.

I remember when I went to the State legislature almost 30 years ago I talked about year-round schools. People laughed at me at the time. But now in Nevada we have year-round schools in a number of places, mainly because of the population growing so large they can't build the schools fast enough. And now we have year-round schools.

In short, Senator BINGAMAN and I are going to do everything we can to see that this legislation passes.

I, again, express my appreciation to the Senator from Illinois for allowing me to come and speak on this very important issue.

Mrs. MURRAY. Mr. President, will the Senator from Nevada yield for a question?

Mr. REID. Yes. I also say, before yielding, as the Senator from Illinois has already pointed out, that it is tremendous to have someone who has been in the classroom teaching children. We talk about it from an outside perspective, but the Senator from Washington has been in effect in the trenches.

Mrs. MURRAY. I thank the Senator from Nevada.

I wanted to ask a question and share a story with him, because I think what we are talking about in terms of the dropout prevention is so important today.

I am sure the question that the Senator from Nevada hears so often, and the Senator from Illinois hears so often in these debates today is, What role does the Federal Government have in this? Should this be a local decision? Should we just hand the dollars down to our local districts?

What I want to share with you is that I met with a number of students last week in Washington State who had fallen through the cracks. I come from a State where the constitution says it is the paramount duty of the State to provide funding for education, and we do a good job. But we are struggling like everyone else with our budgets at home. This school happened to be in a district that has well-founded schools. This was a young student who had fallen through every single crack and dropped out of school. What brought him back was the Federally funded School-to-Work Program. When I asked the student if the Federal Government had a role, he said, ''Absolutely yes. You need to be there when everybody else fails.''

I am wondering if the Senator from Nevada has heard that as well.

Mr. REID. I say to the Senator from Washington, without question, the answer is yes. There are programs that work. I would also say that the Federal Government has to identify national problems in all areas. Education is an area where we have to identify national problems. I believe that if there was ever a problem that this country has, it deals with high school dropouts.

I repeat. There are 3,000 children a day dropping out of school. Can you imagine how much better society would be if we could keep only 500 of those children in school so that we only—and I emphasis ''only''—had 2,500 children dropping out of high school a day.

I have heard every day the constant refrain that the Federal Government has no business dealing with local education.

The program that Senator BINGAMAN and I are sponsoring is a program that gives local school districts absolute control. We are not telling them what to do. All we are saying is we are going to be a resource for you. Washington, DC, is going to be a resource. We have all of these programs that we have analyzed and evaluated. Here is how they work. If you have a problem in your school with a dropout, make an application and we will give you a grant and we will extend the money to the local school districts. They can implement the program, if they think it will help their kids.

Mr. DURBIN. Mr. President, if the Senator from Nevada will yield, I think it is interesting to step back for a second and look at what Congress does. We believe that because there is a problem of crime in America, we should Federalize a lot of crimes. Even the Chief Justice of the United States recently noted that if we continue this trend of Federalizing crime, we are going to dramatically change law enforcement in the United States. The enforcement of laws involving crime used to be a State and local responsibility. But because of our interest on Capitol Hill in crime, we continue to Federalize more and more crime. Yet, when it comes to prevention programs such as the one suggested by the Senator from Nevada, many people argue, ''Keep your hands off.'' If you want to prevent crime, it has to be done at the State and local basis.

I hope we can find a balance here.

As I traveled around Illinois, I found some extraordinary ideas coming out of local school districts about afterschool programs, bringing kids up to the reading levels in school, remedial activities, and the like. I want to express that.

I notice the Senator from Nevada was careful to say that he wanted to see this local creativity, that we were not going to send down a Federal rule book, a manual of instruction. We are looking for results. We want accountability. I think if we take that approach, we can build Federal programs that are welcomed at the local level, and not rejected.

Mr. REID. I say to my friend from Illinois, I keep throwing these statistics out because to me they are overwhelming. They are mindboggling. I didn't take a lot of mathematics courses in high school or college. But I don't have to be a mathematician to understand that 82 percent of people who are in prison who are not high school graduates, that there is some reason people who do not graduate from high school are more likely to go to prison. We have to recognize if we can keep kids in high school, we are going to keep them out of prison. I don't know how much more we need to talk about prevention. That is one of the biggest prevention programs. We don't need to build youth centers, although that is a help. We don't have to come up with new inventions every day to keep kids in school to realize that if we keep them in school we keep them out of prison.

Mrs. MURRAY. Mr. President, I thank the Senator from Illinois. I thank the Senator from Nevada for his work on this extremely important issue and wish him well as he offers this amendment next week on this important bill. I thank my colleagues for allowing us today to talk about issues that are really going to make a difference in our classrooms across the country.

Mr. President, across this country families are having conversations at their breakfast tables about how we can improve education. They are talking about reducing class size. They are talking about afterschool programs. They are talking about dropout prevention. They are talking about teacher training, because parents know that is what is going to make a difference for their own child, for their family, for their neighborhood, and for their community. That is the type of conversation we need to be having on this floor in this Senate in this Congress, as well. I am delighted that we are finally going to have the opportunity to do that.

Mr. President, I am pleased that one of the first bills that is going to be considered is S. 280, which is the Ed-Flex bill. It is a bill that will help States develop new and innovative programs, and it is an important issue and one that I am glad we are going to address and that I am happy to support.

I think it is really important to note that merely improving the process is not enough. We also have to make an immediate and a direct impact on the overcrowded classrooms that our children across this country find themselves in every single day in this country.

That is why I am going to be introducing an amendment that will authorize a 6-year effort to continue to help local school districts hire 100,000 new, well-trained teachers nationally to begin to reduce class size in first through third grade where it will have the most impact.

My amendment builds on the bipartisan success of last year's agreement. It is based on local control and flexibility, and it focuses on improving teacher quality, which is so important. Local school districts will make all the decisions about hiring and training their new teachers. Any school district that has already reduced class size in those early grades to 18 or fewer students will be able to use the funds to either further reduce class size in the early grades or to reduce class size in other grades or carry out activities to help improve teacher quality.

My amendment will also provide accountability and ensure that schools communicate with parents which is so essential today. These funds are supplementary, and they cannot replace current spending on teachers or teachers' salaries. School districts will be required to send a report card in easily understood language to their local community including information about how achievement has improved as a result of reducing class size, and they won't have to fill out any new forms. Reducing red tape and improving local decisionmaking in education programs is a bipartisan effort, and both Ed-Flex and my class size reduction amendment accomplish both.

Last year's bipartisan agreement that we reached included my legislation to provide $1.2 billion as a downpayment on the goal of hiring 100,000 new teachers, and it did it without requiring any new reports or any new forms. Governors and legislators across this country are now responding to our budget agreement last year and addressing this at their local levels. Local school districts are putting together their budgets right now as we speak and teachers are writing their lesson plans for next year with the expectation that we will deliver on the promise that we made to them last year. They are all counting on us. We must take this opportunity to now fulfill our commitment to reduce class size.

Mr. President, smaller classes mean a better education for children. Studies have shown it. Teachers know it. Parents know it. And they know it from experience. I have seen it with my own eyes. Controlling a room of 30 children is not teaching. It's crowd control. We need to return to teaching.

Just yesterday, I heard from Christi Rennebohn-Franz, who is a first and second grade teacher in Pullman, WA, and she wrote and told me that ''without small class sizes, we cannot reach all children and give them the time that they deserve. If you have too many students in your class, you go home every day knowing that you came up short giving them the attention they need.''

Another teacher from Fircrest, WA, wrote to me to say that ''since I teach at an at-risk school, lower class size means that I can more effectively work with students on a variety of problems they bring to my classroom every day.''

Mr. President, I am looking forward to working with Senators from both sides of the aisle to ensure that we meet our promise to these teachers and all the other parents and students across America to reduce class size and truly make a difference in the education of our children and our country's future.

Thank you, Mr. President. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I checked with the Republican cloakroom. I ask unanimous consent that morning business be extended a half an hour.

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

EDUCATION IN AMERICA

Mr. DURBIN. Mr. President, as the Senator from Nevada said earlier, many of us have theories on education as parents who watched our kids go through school and met with teachers and administrators. The Senator from Washington has spent enough time in classrooms to teach all of us, and I think her suggestions are very valuable suggestions.

What I have found as I have traveled around my state, and I think other Senators have as well, is that the basics of what they need in education and a helping hand can make such a difference.

When we talked about after school programs in school district after school district, they said, Senator, can you help us with transporting the kids safely from a school to an after school program and back home again?

A practical concern that stops them from doing things that are so important. And I think there are ways we can help here. Yesterday, we passed an important bill about military salaries. We decided to put $11 billion more in the bill than the President's budget requested, and many of us raised questions about where that figure came from, why there had been no hearings on it. And they said, of course, we want to help the military. We all do. But it really raises the question, if we were to come up with $11- or $12-billion today for education for after-school programs, I am afraid there would be a firestorm of opposition. People would say, wait a minute, you didn't have a hearing; it's too much of an undertaking by the Federal Government. I really hope that we can get this priority right.

People across America identify education as the No. 1 concern. I think it's because of their personal experience and also the realization that opportunity in this country comes with achievement, achievement in school is really I guess the best way to get started on a good life in America and many other places.

I am happy today to join with the Senator from Washington to discuss this. Isn't it interesting, President Clinton's suggested 100,000 more teachers to reduce classroom size. My Republican Governor in Illinois, in the State of the State message, George Ryan, suggested 10,000 new teachers for our State. The reaction from local school districts? ''Where are we going to put them? We need classrooms. You can't just give us more teachers and expect smaller classroom sizes without new classrooms.''

That is why the President's proposal to help school districts modernize their schools, expand their schools, build new schools is really a timely suggestion. The GAO report a few years ago said that we need 6,000 new schools in America by the year 2006. One-third of all schools in America, serving 14 million kids, need extensive repair and replacement. So I think we understand that the President's proposal for teachers and classrooms is the only sensible way to have class room size reduction in a way that will be handled effectively.

Mrs. MURRAY. Will the Senator from Illinois yield on that point.

Mr. DURBIN. I am happy to yield.

Mrs. MURRAY. Mr. President, the Senator from Illinois brought up an extremely important point, and that is that hiring new teachers is one part, hiring well trained teachers is the second part, and providing classrooms for them clearly is a critical part. That is one of the reasons why in my amendment we make sure that it is very flexible language, so that local school districts that do have a school construction, a very real school construction crunch can use those dollars in a very flexible way so the teachers can work jointly in classrooms, that it isn't just one teacher per classroom, that we can do some local ways of providing extra one-on-one help with youngsters who need it the most.

We also must address the school construction problem. It is a real challenge to crumbling schools that exist across our country where our kids are in unsafe classrooms, where they are crowded simply because there is no space to put them. It is an area we have to address, and I am delighted the Senator from Illinois recognizes that.

Mr. DURBIN. I thank the Senator from Washington. I have noted this on the Senate floor before, but it struck me that at the turn of the last century one of the most amazing things that happened in America was that between the years 1890 and 1920 we built in America on average one new high school every day. We started our new century with a dedication to public education. We Democratized education unlike any country in the world. And we said, whether you are rich or poor, you are going to have a chance to go to high school.

That wasn't a Federal mandate. That sprung up from local communities that said, if we are going to build a community in Washington or Illinois, and it is going to be a real community, we are

going to have a real high school, we are going to hire teachers, and we will have all the kids go to school.

Look at the benefits we have reaped as a nation because of that kind of forward thinking, that kind of vision that said in 20th century America will be different, our commitment to education will be different. And look what we have seen as a result of it. We have gone from the Wright Brothers at Kitty Hawk to a space program; we have gone from Henry Ford's tin lizys* moving across that assembly line to the point where we have the most modern computer chip factories in the world here in the United States.

I don't think it is a coincidence. I think what happened here is the fact that we dedicated ourselves to improving our work force and elevating the intelligence and training and skills of Americans. And look at the benefits we reaped. We had an American century in the 20th century. Will we have an American century in the 21st? If we take a view that it is a hands-off subject and we can't talk about that in Washington and the people at the local level can't raise the money we are missing another opportunity.

But to bring in talented teachers to have smaller classroom sizes, to have more modern classrooms, has to be an investment of the 21st century to continue what has become the American way of doing things. I want to salute not only Senator MURRAY and Senator REID by those who have joined us in supporting the President's program. I think it is a program that is balanced, a program that takes a portion of this surplus, a surplus we worked hard to put together, and says we are going to put that portion into education. It's an investment that will pay off in generations to come. At this point I don't know that any other Senators are seeking time on the issue of education, and, Mr. President, I would reserve the remainder of my time or yield perhaps to the Senator from Florida if he would like to speak on another subject.

The PRESIDING OFFICER. The Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mr. Colton Campbell, Mr. Bryan Giddings, Ms. Lisa Page, and Ms. Marilyn Lewis of my staff be afforded the privilege of the floor during the duration of my remarks.

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

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 483 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRAHAM. 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. KERREY. 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. KERREY. Mr. President, I understand we are in morning business and Senators are permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. That is correct.

Mr. KERREY. I ask unanimous consent to speak for such time as necessary to get through this stack of paper.

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

A NEW GOVERNMENT IN IRAQ

Mr. KERREY. Mr. President, on the heels of passing a much-needed pay and benefits increase for the men and women who give up their freedom to serve us in our armed services, I want to direct my colleagues' attention to one longstanding military mission these men and women have been assigned. That is the mission of containing the threat of Saddam Hussein in Iraq.

Mr. President, I do this for a couple of reasons. First is that I have argued for a stronger military operation in Iraq. Indeed, I have argued to change the objective from containment to replacement. And oftentimes people come back and say, well, if we do that, we will risk lives.

I would like to describe to my colleagues—in fact, we have a military operation going on today, have had since 1991; and this military operation is costing us dearly both in lives and in money.

Mr. President, last Tuesday I had the opportunity to give a speech to the cadets at the Air Force Academy in Colorado Springs and they asked me to speak on patriotism, for which I was only too anxious to oblige.

I talked to them about something that I think is causing the decline in enrollment—in addition to the inadequate pay and retirement benefits—and that is that Americans are less willing to volunteer for service in our Armed Forces as a consequence, in my judgment, of our not doing enough to tell them —especially our younger citizens—the stories of heroism which are being written every single day by the brave men and women who wear the uniform of one of our services. Instead of role models of people who have given themselves to a higher cause, Mr. President, unfortunately our young people are being told an increasing number of stories, especially on television, of self-gratification and indulgency. It is no wonder as a consequence that a patriotic decision to serve seems like a nonmainstream choice.

Before I gave my speech at the Academy, the superintendent warned me I needed to remember how young my audience was. ''Half your audience,'' he said, ''wasn't even 10 years of age when Saddam Hussein invaded Kuwait in 1990.'' Mr. President, I must tell you that gave me some pause because that seemed like yesterday that happened, but, in fact, a great deal of time has expired since then.

For me, the statement was more than just a reminder to be careful what language I used when talking to these young people, but also a wakeup call not to take for granted the military mission that we have in place in Iraq today. It is a dangerous military operation. It is a military operation that costs us a great deal of money, and I hazard a guess that most of us who have looked at the objective of containing Saddam Hussein would say that the mission is dangerously close to unraveling.

This military strategy began in August 1990 when Saddam Hussein invaded Kuwait. In response to this active aggression, the United States, under President Bush's leadership, assembled and led an international coalition of forces against Iraq. It was a costly war, both in terms of our financial commitment but also in terms of the human cost to the more than 540,000 men and women in our military forces deployed to the Persian Gulf. Sixty billion dollars was spent prosecuting the war, but this does not compare to the price paid by 389 American families who lost loved ones in Operation Desert Storm.

At the end of the war, most Americans assumed our military commitment to Iraq would come to an end. After all, the war had been fought. We had been victorious. Saddam Hussein had sued for peace. It was time to bring home the troops. But almost from the beginning, Saddam Hussein refused to abide by the terms of the cease-fire agreements his government had signed. From violating the no-fly zones to obstructing the work of weapons inspectors to provoking troop deployments, Iraq's continual challenges and our policy of containment forced us to maintain a very strong military presence in the region. With each crisis generated by the Iraqi regime, the United States and our allies responded to the deployment of more troops and at times with the use of military force. While it is difficult to quantify the monetary cost of the numerous redeployments and military confrontations that have taken place with Iraq over the last 8 years, it is even more difficult to quantify the effect these deployments have had on our troops. How many families have had to be separated for months at a time? What has been the cost in morale for troops deployed to the Desert?

We must also examine the broader costs of our military strategy in Iraq. The continual need for large numbers of American troops in Saudi Arabia has created a strong sense of resentment throughout the Arab world, and it has also increased the danger of terrorist acts against Americans.

Again, I have urged a different military strategy with a different objective

in the past. The reason I bring this story to the floor, Mr. President, is oftentimes people will say, ''Americans don't want to risk the lives of our soldiers, sailors, airmen and marines in a military operation.'' In 1996, 19 Americans were killed in the Khobar Towers bombing and they died as a result of the anger directed at the American military presence in the gulf. Indeed, the terrorist bombings of U.S. Embassies in Nairobi, Kenya, and Dar es Salaam, in which 12 Americans were killed, were directed by Osama bin Laden, a man who had been stripped of his Saudi citizenship for financing Islamic militants in Algeria, Egypt, and Saudi Arabia. Today, bin Laden remains at large and remains a significant threat not just to people of the world but especially to American citizens around the world. The reason he is a threat and the reason he has killed not just Americans but Kenyans is we are deploying a military operation in Saudi Arabia. It is our presence that he objects to. It is our presence and our military strategy that is being met with his terrorist activities.

Again, I raise these points because I think we have a tendency to forget the price that we paid for our policy in Iraq. We forget the price that we are paying today for our policy in Iraq. This policy has been described as containment. It has been expensive and, in my judgment, it has failed. Recent events may indicate that there is a light at the end of the tunnel. The Iraqi people may be closer to their freedom than at any time in years. America must be prepared for sudden change in that country.

The Iraqi people are suffering. The Iraqi regime of Saddam Hussein is among the most brutal and repressive in the world. Americans can be proud of the leading role we are playing in confronting this dictatorship. Last fall President Clinton and Congress took a big step towards delegitimizing Saddam by passing and signing the Iraqi Liberation Act. The world was placed on notice that America wanted to see Saddam's dictatorship gone and would work with democratic opposition groups to attain that goal.

The administration and our British allies took another big step in December with the Desert Fox airstrikes. By attacking the underpinnings of Saddam's power, the Special Republican Guards and the intelligence services, Operation Desert Fox reduced Saddam's ability to terrorize his people and showed Iraqis we and our allies were truly opposed to Saddam in a way previous air campaigns had not done.

Saddam responded to Desert Fox by undertaking regular violations of the northern and southern no-fly zones, trying to entice allied aircraft into air defense missile ambushes. The allied counter has been highly effective. Rather than simply chasing retreating Iraqi aircraft, United States and allied warplanes have been attacking the Iraqi air defense missile and radar and communication sites, which would support such ambushes. Almost every day so far in 1999 we have attacked some Iraqi air defense installation in response to a no-fly zone violation. The effectiveness and readiness of Saddam's air defense forces decline daily. Equally important, the complete impotence of Saddam's military relative to the allies is made plain to all Iraqis. In military terms, the Iraqi regime has never looked weaker.

Last weekend, the world saw signs of a political rally to match the decline of Iraq's military. The Grand Ayatollah of the Shiites, the spiritual leader of 65 percent of Iraqis who are Shiite Muslims, was murdered Thursday night with two of his sons. According to press reports, the Grand Ayatollah had reportedly opposed the regime's directive to all Muslims that they pray at home rather than at Friday services in mosques. Opposition sources said the Grand Ayatollah had preached against the regime and had blamed it for the misery of Iraqis. Perhaps for these reasons, Shiite Muslim Iraqis suspected the government of the crime and took to the streets in Baghdad and in several southern cities.

The Iraqi opposition groups claim scores, perhaps hundreds, of Iraqis were killed in the government's harsh response. Two other Shiite leaders of international reputation have also been mysteriously murdered in southern Iraq within the last year. The murder of the Grand Ayatollah, coming on these earlier murders and in the background of longstanding Shiite resistance to Saddam's regime, sparked demonstrations and violent government responses in Baghdad and several other cities, according to opposition reports. By Sunday night, the regime had apparently quelled the demonstrations. The human cost and the extent of continuing Shiite hostility to Saddam's regime are simply not known to us, but the episode demonstrates the Iraqi government's lack of legitimacy in the eyes of its people, as well as the extent to which Saddam would go to suppress any opposition. The episode reveals a weakening Iraqi regime lashing out in an increasingly desperate effort to maintain power. When dictatorships act this way, it may signal that their end is near.

But when the end comes, it may come quickly. The question will be, Is America prepared for the end? If we have done our homework on the various Iraqi opposition groups and actively supported the groups which qualify under the criteria set forth in the Iraq Liberation Act, we will be well positioned to help Iraq make the transition to democracy. However, if we delay full implementation of the act and take a wait-and-see posture toward the opposition, we should not be surprised if our influence on events in post-Saddam Iraq is slight. Similarly, if we do not have humanitarian supplies ready to be forwarded to Iraq as soon as Saddam falls, and if we do not have international consensus for forgiving the debts of a post-Saddam Iraq, we should not be surprised to see him replaced by another hostile dictator.

Mr. President, we have a vital national interest in Iraq's future. The lives of young Americans are invested there—our honored dead from the gulf war, as well as from the terrorist attack on Khobar Towers. The valor of our young warriors—now being demonstrated daily in the skies over Iraq—is invested there.

Tens of thousands of soldiers, sailors, airmen and marines have spent months of their lives on deployments to the Persian Gulf and to Turkey in support of the U.S. policy to contain Iraq. We have invested billions of dollars supporting this policy: $1.36 billion on deployments in fiscal year 1998 alone, and $800 million so far in fiscal year 1999.

The American people have made this heavy investment and they have the right to a good return—a democratic Iraq at peace with its neighbors and with its people, so we can bring our troops, ships, and planes home for good. To attain this return, we must be ready for an internal crisis in Iraq, which could occur sooner than we expect.

Mr. President, on later occasions, I intend to come to the floor to describe why I believe a policy other than containment is necessary. I understand there are people who are very suspicious and very guarded in their assessments of our success. But I ask them merely to look at previous examples of where the United States of America has been successful in the face of considerable skepticism about our ability to get that done.

In addition, Mr. President, we have, as I have tried to outline here, a considerable military investment and a risky operation going on today that puts every single one of these men and women, their health, safety, and well-being at risk, and we should not and dare not take that for granted.

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. 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.

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that morning business be extended, with Senators permitted to speak for up to 10 minutes each.

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

ADMINISTRATION POLICY IN KOSOVO

Mr. NICKLES. Mr. President, I wish to speak on a couple of issues that concern me greatly in the arena of foreign policy.

First, a couple of comments concerning the administration's recent policies in Kosovo. I am very, very concerned that the administration, in the negotiations in France, is making a mistake. I hope that is not the case. I wish that is not the case. Maybe I don't have all the information the administration has. But I have been to Kosovo. I have been in Pristina. I have met with Mr. Milosevic. I do happen to think he is a tyrant. I think he has conducted a lot of atrocities in Bosnia and Kosovo against people—right now the Albanians in Kosovo. I think he is a bad guy. I think the international community needs to stand up to him.

But I am very, very concerned about the administration's policy, or objective, where they are talking about committing 4,000 U.S. troops out of a contingency of 28,000, where they are sending our military in without a militarily achievable objective and without an exit strategy. I am really concerned because I think we are going to be there for a long, long time. It seems like we are duplicating what happened in Bosnia, which the administration calls an outstanding success. But it looks to me like we are stuck in Bosnia. We are spending billions and billions of dollars there. Nobody seems to know exactly how much money we have spent in Bosnia. I heard some people say we have already spent $12 billion in Bosnia. Some people say the real figure is closer to $20 billion or $22 billion. But we are spending billions of dollars.

I remember in 1995 the President, when he committed the troops, said they would only be there for a year. As a matter of fact, the year would expire right around election time in 1996. He thought he was going to get them out before election time. But he didn't. Then he said he would extend them another year. And now they are on 3 years plus, and they are still in Bosnia, and we know they will be in Bosnia for a long, long time.

I visited our troops there. They are very dedicated and very committed. They are also very, very expensive peacekeepers. I have urged the Secretary of Defense and the Secretary of State, that if we are going to get involved in Kosovo let s not repeat what we have done in Bosnia. It is not the same amount of cost and consternation for European troops, who live in Poland or live in Germany or live in Italy, to spend a little time in Bosnia or Kosovo as it is for somebody in the United States. They are able to go home at various points. We are not able to do that. We are awfully expensive.

So I just make the point that I am very concerned about the administration's strategy. I am concerned about this idea that if we just get the Kosovars to agree, then we can bomb Mr. Milosevic and he will now be a compliant partner for peace. That has not proven to be the case. I don't think it will be the case. I think we will be stuck there for a long time.

That is the main point I wish to bring as far as my objective. I don't see an exit strategy. I am afraid that we will be there for tens of years instead of 1 year or a very short period of time.

Mr. President, I make those comments on Kosovo.

FAILED POLICY ON IRAQ

Mr. NICKLES. Mr. President, the primary reason I came to the floor this afternoon is to speak about the administration's failed policy on Iraq. I say it is a failed policy. I wish that weren't the case, but it is. It is a failed policy.

The administration, this administration, President Clinton, inherited a situation where President Bush and the Secretary of State had won the war with Iraq. We achieved our military objective, which was to get Iraq out of Kuwait. We stated that was our objective. We accomplished that objective. We came home. We implemented sanctions against Iraq for its invasion of Kuwait in the summer of 1990. We had a total embargo on Iraqi products, including oil. Oil was the No. 1 product, or commodity, that Iraq exported. It provided 95 percent, I believe, of its foreign currencies.

We put that embargo on because they invaded a neighbor. And, frankly, they probably intended to invade other neighbors—maybe Saudi Arabia—and really became the dominating power in the Persian Gulf. We didn't think that was right. We sent 550,000 troops. We stopped them. We kicked them out of Kuwait, and we imposed sanctions to make sure that we would get rid of their weapons of mass destruction, because we knew they were building chemical and biological weapons and possibly nuclear weapons.

And so we set up an international regime called UNSCOM to inspect to make sure they wouldn't be doing this again, that they wouldn't be building these weapons of mass destruction to cause more problems for their neighbors and surrounding countries in the foreseeable future. The entire world community supported us, applauded us in that effort. I think we had 30 countries that were involved in the coalition aligned against Iraq in 1990, 1991, 1992. That is what President Clinton inherited.

Well, what has happened since? Let me walk you through what has happened since.

Saddam Hussein and the Iraqis and the Iraqi Government have really baffled the Clinton administration and, in my opinion, they have beaten the Clinton administration if you look at their objectives.

I will show you. The war was in 1991. They were producing over 2 million barrels of oil per day in 1990. After the embargo, they averaged—in 1991, 1992, 1993, 1994, 1995, 1996, about 4- or 500,000-barrels per day. We really curtailed their production. Basically, we had the implied reward that said, if you will allow arms control inspectors—if we know that you are not building weapons of mass destruction, we will allow you to produce more oil, there won't be an embargo, but we have to know that you are not building weapons to export throughout the world.

What did this administration do? Well, we had a conflict. Actually it happened in 1994 and 1995; Iraq amassed about 80,000 troops near the Kuwaiti border. We started activating troops. We said, well, we wouldn't let this stand; we will respond militarily, if necessary, and then the problem went away. How did they go away? In April of 1995, the United Nations approved Resolution 986, and this resolution allowed Iraq to sell $2 billion worth of oil every 6 months, $4 billion of oil per year.

Well, you might notice, all right, this happened in April of 1995. Their oil infrastructure took awhile to be rebuilt, but, as a result of the U.N. resolution, a couple of years later they doubled their oil production. And this was supposedly to get their cooperation. We didn't have to go to war at the time. We were able to, supposedly, have arms control inspectors, and so they had a little cooperation.

In March of 1996, Iraq blocked inspections. In June of 1996, we passed U.N. Resolution 1060 that deplores the refusal of Iraqi authorities to allow access to sites designated by UNSCOM. In August, Iraq launched a campaign against the Kurds. The United States launched a few cruise missiles. The crisis continues. Our arms control inspectors are continually denied access.

In June of 1997, Iraq demands that UNSCOM finish their business. In June, the United Nations passed a resolution that demands—demands—Iraq comply fully with UNSCOM. In October of 1997, Iraq bars American inspectors totally. In October, the United Nations passed Resolution 1134 which condemned Iraq's refusal to allow UNSCOM access to certain sites. Boy, the United Nations is standing tough.

In November of 1997, we passed another resolution, Resolution 1137. We, again, condemned Iraq because they wouldn't allow these arms control inspectors to have access. We are getting close to finding their weapons of mass destruction.

Now, this is only a year ago. A year ago in January this administration was sending 35,000 troops to the Persian Gulf. We are getting ready to go to war again. We are going to have a significant strike. We had significant debate in this body: Is this the right thing to do? Will this bring about compliance? The administration is getting close to going to war. And then what happened? The standoff continues. The inspectors are not allowed access to any of these

sites. And then you might remember, the Secretary General of the United Nations, Kofi Annan, well, he flies to Baghdad and they come to an agreement. Peace is at hand. Arms control inspectors will be allowed back in.

Well, guess what. There was a little deal made that not too many people were aware of. I venture to say there weren't two colleagues in the Senate who were aware the administration already cut a deal with Iraq and on U.N. Resolution 1153, they allowed Iraq to sell $5.2 billion worth of oil every 6 months; in other words, allowed Iraq to more than double its oil sales.

This is in February of last year. One year ago, February of 1998, the administration signed a deal. We are getting ready to go to war with Iraq because they wouldn't let us have our arms control inspectors in, and all of a sudden we delegate the authority to the Secretary General. He runs to Baghdad. They signed a deal. Everybody is shaking hands. War is avoided. Everybody can be at ease—no real problems now. We have an agreement. We have Kofi Annan's signature. We have the Iraqis saying they are going to comply; they are going to let in arms control people. And, yes, there was a little deal that they could double oil sales, the Iraqis could double their oil exports to as much as $5.2 billion of oil every 6 months. That was February, a year ago, 12 months from this time.

What happened last August? Let's see. Last August, the Iraqis stopped inspectors again. Now, they have done this repeatedly.

What happened in September and October? They announced they would no longer cooperate. We withdrew the inspectors because they weren't doing anything. They were sitting in hotel rooms. They weren't allowed to have any inspections. And so we started saying this is not satisfactory.

President Clinton, again, he is talking tough—we are going to go to war. We are going to bomb them. We have the international community on our side now because they kicked the arms control inspectors out. We have the international community on our side. We are ready to go.

Well, the administration wasn't ready to go to war so we will give peace a little more of a chance. And we gave peace a little more of a chance, but they still didn't cooperate. We negotiated more. And so in September the United Nations passed another resolution demanding Iraq cooperate. That was in September.

In November, we passed another resolution, U.N. Resolution 1205. We demanded that Iraq cooperate. And then in December we had 3 days of bombing, December 17, 18, and 19. Iraq didn't cooperate. We had 3 days of bombing. Some people called them the impeachment bombings. They happened to be on the day of impeachment. Maybe that is coincidence; maybe it isn't. I don't know.

So we had 3 days of bombing. Boy, that taught them a lesson because they weren't complying, and we are going to make sure they are going to comply. So we bombed them for 3 days. And then what happened? And I don't know if anybody can read this or not, but then on December 23 ''U.S. Offers To Raise Crude Sales Cap.'' Just days after the bombing, Clinton administration officials are negotiating to lift the oil sales cap.

My point is that we have rewarded Iraq three times in the past for noncompliance with arms control inspectors by raising the oil sales cap. In April of 1995, we allowed them to go from a total embargo to where they could sell $2 billion of oil every 6 months.

That was in April of 1995. Why? Because they weren't allowing the inspectors. Then in February of 1998—again, we are ready to go to war, Kofi Annan, negotiates this deal that will allow them to double it again. So, yes, we had a promise that the inspectors would be allowed to have access. Maybe they had access for a few months. The inspectors start getting close to finding something and Saddam Hussein kicks them out again. We threatened to go to war again. This time we actually did bomb them for 3 days and then, guess what. Days later, we can't wait; we run back and say, hey, we are going to reward you for your noncompliance. That has been the administration's policy dealing with Iraq. Let's reward their noncompliance with arms control inspectors. Let's reward them; we will let them sell more oil. And that is exactly what has happened.

This was the administration's statement days after the bombing. But it is interesting. And this was made by Tom Pickering.

Incidentally, I might mention, Mr. President, we are trying to get the administration to testify at a hearing, and they have been very reluctant to do so. But I think we have a commitment from Secretary of Energy Richardson, and I hope we will have Secretary Albright, or at least Under Secretary Pickering to testify, to explain this position.

His statement is interesting. It says:

> Outlining U.S. policy in the wake of last week's airstrikes against Iraq, Undersecretary of State Thomas R. Pickering said the United States would be prepared to review the economic sanctions imposed on Iraq after the 1991 Persian Gulf War if Iraqi President Saddam Hussein gives guaranteed cooperation to U.N. weapons inspectors. If not, the sanctions will remain in place in perpetuity and the United States will use force as needed to block weapons development.

In other words, if Iraq doesn't give cooperation, we are going to guarantee that those sanctions will remain in place forever. That was our administration's policy on December 23, just days after the bombing.

Well, guess what. I am critical of this administration. Their policy here, 3 weeks later, on January 14—again in the Washington Post, it says, ''Gore Signals Flexibility on Iraq Sanctions; France Proposes Ending Oil Embargo, Changing Weapons Inspections.''

But guess what. Vice President GORE proposed eliminating weapons sanctions. That is our own Vice President who said that. Three weeks after we said we would never lift sanctions unless we had total cooperation, we had the Vice President of the United States talking about—I will just quote part of the article:

> A ceiling on how much oil Iraq can sell to provide humanitarian aid to its people should be lifted and the approval process streamlined, Vice President Gore said tonight. . . .

''The ceiling should be lifted.'' He didn't say in exchange for cooperation. He didn't say in exchange for having arms control inspectors in. He just said we should lift it. That is very inconsistent, totally overriding what the Under Secretary said 3 weeks before, but totally consistent with what this administration has done.

What this administration has done—Saddam Hussein has tested them. He has pushed them up to the edge of going to war, defied arms control, defied the international community and the arms control community—by kicking the inspectors out. We would talk tough, and then at the last second we would say, ''Well, wait a minute, just give us a little inspection, let us have some inspections, let us do it, and you can sell more oil.''

So what has happened? The Iraqis have done just that. Their oil sales have gone way up. Guess what. They have no inspections—none—zero. They are selling as much oil today as they were prior to the war. That is 95 percent of their currency that they earn for all sorts of things.

The administration will say this is only used for food or humanitarian reasons. Hogwash. Money is fungible. If they are ready to take care of humanitarian needs with this money, that means with the other money they have, they can use that to buy arms and weapons and anything else they desire—maybe more castles that they happen to have.

So the administration's policy has been a total disaster. Here is just the oil production charts. It shows for years, 1996 and so on, they were only producing 550,000 barrels a day. Then the administration policy where they allow more and more changes—and you notice now we are up to over 2½ million barrels per day, exactly 2 million barrels a day more than it was in 1996. That has also had the consequence of glutting an already flooded market and is driving a lot of producers totally out of business—totally out of business.

We have a depression going on right now in the oil industry. You have 111 oil rigs running today. Last year we had 372. You go from 370 rigs to 111 in 12 months, and part of the reason happens to be this administration's policy dealing with Iraq.

So I have some concern on what is happening with the domestic oil industry. But my biggest concern is that the administration has had a habit of rewarding Iraqi noncompliance with

more oil sales. Now the administration's policy, as stated by the Vice President of the United States, is we should not have a cap on oil sales.

Incidentally, we do not need—or, they don't say this, but we do not have arms control inspectors in; so there is no connection. We are not saying, ''Hey, you can sell all the oil you want to; all you have to do is make sure we have access, have arms control inspection; then we'll take all the embargo off.'' That should be our policy. But until they do that, we should keep the embargo on. Let's put a little squeeze on.

I said, ''What are we doing today?'' We are flying daily flights over the no-fly zones. They are shooting at our pilots. Thank goodness they haven't been successful yet. But how successful is our policy? We have already proven to Saddam Hussein, if he denies us, we will reward him. That is what we have done. This is what this administration has done throughout their policy.

Our administration policy has been pretty poor in dealing with Iraq. We have continued to reward their noncompliance, going all the way back to April 1995, and I think it has made the world a lot more dangerous as a result. Saddam Hussein is able to produce all the oil he wants. He is able to generate the moneys he needs, able to build the weapons of mass destruction without anybody checking him whatsoever—not the United States, not the United Nations. As a result, the world is a much more dangerous place.

The administration should be held accountable for their failed policies in Iraq. I also think it is important that we speak up now so we don't have failed policies in Kosovo.

Mr. President, I ask unanimous consent to have the newspaper articles and tables to which I referred printed in the RECORD, and I yield the floor.

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

[From the Washington Post, Dec. 23, 1998]

U.S. OFFERS TO RAISE IRAQI CRUDE SALES CAP

(By Thomas W. Lippman)

The Clinton administration offered yesterday to allow Iraq to export more crude oil to raise money for food and medicine, but held out little prospect that Iraq can escape from other U.N. economic sanctions any time soon.

Outlining U.S. policy in the wake of last week's airstrikes against Iraq, Undersecretary of State Thomas R. Pickering said the United States would be prepared to review the economic sanctions imposed on Iraq after the 1991 Persian Gulf War if Iraqi President Saddam Hussein gives guaranteed cooperation to U.N. weapons inspectors. If not; the sanctions will remain in place ''in perpetuity'' and the United States will use force as needed to block weapons development, he said.

Given the administration's conviction that Saddam Hussein will never give the inspection force known as UNSCOM the unfettered access that the United States and Britain demand—a view supported by official Iraqi pronouncements this week—Pickering's statement amounted to a declaration that Russia, France and other advocates of modifying the inspection system and the economic sanctions will confront strong U.S. and British opposition.

Senior U.S. officials have made clear that they will not return to the previous situation in which Iraq promised to cooperate with inspectors and then obstructed their work, controlling the agenda and forcing Washington to choose between military force or breaking its word to defend the inspections.

Pickering's tone, however, was conciliatory toward the Security Council. He welcomed Russia's announcement that its ambassador to Washington, recalled last week for ''consultations,'' will return this week.

He also raised the possibility of U.S. assent to an increase in the amount of crude oil Iraq is allowed to sell through U.N.-supervised channels to buy food and medicine. Now Iraq is permitted to sell $5.2 billion of oil every six months.

Administration officials described Pickering's remarks as part of an effort to assuage anger in the Security Council about the four days of U.S. and British airstrikes.

Russia in particular has complained that the strikes circumvented the will of the Security Council and violated international law. Foreign ministry spokesman Vladimir Rakhmanin said in Moscow yesterday that ''there is now a chance to reaffirm the leading role of the Security Council,'' an important objective for Russia because its veto in the council is one of its few sources of diplomatic leverage over Washington.

France, which also opposed the strikes, has proposed a modification of the inspection system to make it more palatable to Iraq. Both countries have called for the replacement of UNSCOM Chairman Richard Butler, who is anathema to the Iraqis.

Senate Armed Services Committee Chairman John W. Warner (R–Va.) said the president should ''seize the initiative'' to make a deal with the Russians, French and other nations to restructure UNSCOM.

But Pickering said UNSCOM was created to be a technically competent weapons inspection force and should not be replaced by an alternate mechanism developed for political reasons.

[From the Washington Post, January 14, 1999]

GORE SIGNALS FLEXIBILITY ON IRAQ SANCTIONS—FRANCE PROPOSES ENDING OIL EMBARGO, CHANGING WEAPONS INSPECTIONS

(By John M. Goshko)

UNITED NATIONS, Jan. 13—A ceiling on how much oil Iraq can sell to provide humanitarian aid to its people should be lifted and the approval process streamlined, Vice President Gore said tonight as Security Council members searched for agreement on how to deal with Iraq in the aftermath of a U.S.-led bombing campaign.

France proposed ending the embargo on Iraqi oil sales and replacing intrusive weapons searches by the United Nations with a plan that would ensure that Iraq does not acquire more of the weapons of mass destruction forbidden by the council following Iraq's defeat in the 1991 Persian Gulf War. Until now, the focus of U.N. efforts has been on locating and destroying any prohibited weapons in Iraq's existing arsenal.

Iraqi resentment of that policy caused President Saddam Hussein's government to defy the inspectors from the U.N. Special Commission (UNSCOM) and led to American and British air and missile strikes against Iraq from Dec. 16 to 19. Since then, the defiant Iraq government has refused to permit UNSCOM to return, and the U.N. council has been divided about how to coax or force Iraq to resume cooperation.

The division has been especially deep among the Security Council's five permanent members, each with the power to veto any decision. Gore's speech tonight to the Israel Policy Forum in New York was designed to show U.S. openness to the flexibility France, Russia and China have sought as a way to ease the crippling economic sanctions.

''The United States is looking at ways to improve the effectiveness of humanitarian programs in Iraq, including lifting the current ceiling on funds which can be used to purchase food and medicine,'' Gore said of the oil-for-food program, now capped at slightly more than $5 billion a year.

The goal is twofold: to keep the permanent Security Council members, which also include Britain, united, and to demonstrate that the fight is with President Saddam Hussein, whom Gore called ''a ruthless dictator ruling unjustly,'' and not with the Iraqi people themselves.

''It was Saddam's regime that for four long years, at great cost and human suffering, refused to allow his people the benefits of this program,'' Gore said. ''Saddam has consistently shown he has cared more about developing weapons of mass destruction than developing the welfare of his people.''

Gore's remarks reflected a position stated by other administration officials soon after the bombings began last month: The United States would agree to lift the ceiling on oil exports for humanitarian needs but will not go as far as lifting the sanction entirely. Gore added that U.N. approval of what Iraq can purchase with its modest oil profits, which can take weeks or months, should be revised to speed the approvals.

Earlier today, State Department spokesman James P. Rubin said the French proposal contains ''some positive elements that deal with the essential task of ensuring that Iraq does not rearm and is disarmed.''

The French plan calls for:

Long-term weapons monitoring under a ''renewed control commission'' that would either replace or substantially modify UNSCOM ''so that its independence will be ensured and its professionalism strengthened.'' Monitoring ''would no longer be retrospective but would become preventive,'' relying on sensors and television cameras to keep track of what Iraq does in the future.

Ending the embargo on Iraq's sales and exports of oil, its principal commodity. Under present council resolutions, the sanctions are supposed to remain in place until the council determines that Iraq no longer has prohibited weapons.

A program of strict economic and financial controls allowing the United Nations to monitor Iraqi oil sales and ensure that export revenue is not used to acquire new military equipment or dual-use items. However, this monitoring would not interfere with the purchase of legitimate civilian goods and services.

[From the Washington Post, January 15, 1999]

U.S. SEEKS TO ALTER IRAQ ''OIL FOR FOOD'' PROGRAM

(By John M. Goshko)

UNITED NATIONS, Jan. 14—The United States tried today to defuse growing international criticism of American-backed sanctions on Iraq by proposing eliminating the ceiling for how much oil Iraq can sell abroad as long as the proceeds are used to buy food and medicine.

The proposal was presented by acting U.S. Ambassador A. Peter Burleigh as the Security Council renewed its search for agreement on how the United Nations should deal

with Iraq in the aftermath of last month's U.S.-led bombing campaign. The U.S. plan followed a more far-reaching proposal by France that would end the embargo on Iraq oil sales and replace intrusive U.N. weapons searches with a program to monitor any future attempts by Iraq to obtain weapons of mass destruction.

The 15-nation council's consensus on Iraq, intact through most of the decade since Saddam Hussein's 1990 invasion of Kuwait was repelled by U.S.-led forces in the Persian Gulf War, has crumbled in recent months because of differences among the five permanent members with the power to veto any decision. The divergences have pitted the United States and Britain, both insistent on maintaining a hard line, against Russia, France and China, which advocate a more flexible and tolerant approach.

Burleigh told reporters that Washington does not regard its proposals as ''an alternative to the French plan'' because the U.S. ideas deal only with humanitarian issues and do not address the question of how best to pursue Iraqi disarmament. He said the United States disagrees with France's approach to arms inspections, which would shift the focus of U.N. efforts away from locating and destroying prohibited weapons in Iraq's existing arsenal.

''The U.S. government does not believe that it is documented that the disarmament process for Iraq has been completed,'' he said. ''It appears that the French proposal makes that assumption—either that Iraq is disarmed or that there is nothing further to be known.''

The United States, he added, believes that overseeing Iraqi disarmament should continue to be the responsibility of the U.N. Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), the two organizations originally assigned that job by the Security Council. The UNSCOM and IAEA inspectors left Iraq before last month's bombing, and Iraq has vowed that those from UNSCOM, which it charges are American spies, will not be allowed to return.

The U.S. proposals would overhaul aspects of the ''oil for food'' program designed to allow Iraq to reduce suffering caused by the broad U.N. sanctions on the economy. In addition to liberalizing Iraq's opportunities for oil sales, the U.S. proposals call for streamlining procedures for approving Iraqi contracts to buy food and medicine, and allowing Iraq to borrow money from an escrow account held by the United Nations to finance such purchases on condition the funds are repaid when Iraqi oil sales reach a higher level. The plan also would expand U.N. programs for the health and welfare of Iraqi children and make it easier for Iraqi Muslims to make the pilgrimage to Mecca.

But the most important U.S. proposal was to end restrictions on how much oil Iraq can sell under the oil-for-food exemption. At present, Iraq may sell $5.25 billion worth of oil every six months under tight U.N. controls. As a practical matter, its oil industry, which is badly in need of repair and modernization, has been barely able to produce and sell about $3 billion worth of oil each six months.

To help alleviate that problem, Burleigh said, the United States is willing to relax the scrutiny it has applied to contracts for spare parts and other equipment needed to get the Iraqi industry working better. But he warned that Washington opposes any equipment purchases that would increase Iraq's ability to refine its oil domestically because the refined product could be smuggled out of the country, with the proceeds being pocketed by the regime rather than put to humanitarian purposes.

''Our problem is with the Iraqi government; we have no quarrel with the Iraqi people,'' Burleigh told reporters. He repeated the frequent U.S. contention that Saddam Hussein's government has failed to take advantage for the oil-for-food program in order to use the propaganda value of the populace's deprivation to win international support for ending sanctions.

The growing sense in many countries that the sanctions have outlived their usefulness seemed a major factor in spurring the U.S. proposals. It is an open secret that a growing majority of countries on the Security Council favor or are leaning toward lifting the sanctions. If the trend continues, many diplomats here believe the United States soon may be so isolated that it would be able to maintain the sanctions only by using its veto. In that case, the same diplomats predict, it would be only a matter of time before Arab countries and possibly France and Russia, which are in line to win concessions in the Iraqi oil industry, start to break the embargo.

By proposing measures that could relieve substantially the shortages and hardships affecting the Iraqi people, the United States hopes to turn aside the mounting pressure for ending sanctions. And if the Iraqi government, which has accepted the oil-for-food program with great reluctance, fails to take advantage of any liberalized opportunities, Washington, would be able to argue that the continued plight of the people is the fault of Saddam Hussein.

Whether the U.S. move will succeed was not immediately clear. Delegates from other council nations said they would have to study the U.S. proposals more closely and consult with their governments before making any judgments. Iraq's ambassador to the United Nations, Nizar Hamdoon, was quoted by Reuters as saying the U.S. proposal was meaningless. ''It is a cover up for their entire Iraq policy,'' he said.

Most attention for the moment was on the French plan, whose elements were made known to council members earlier in the week and have been the subject of informal discussion among various delegations. Delegates said privately that given the strong U.S. opposition to ending sanctions outright and Washington's continued insistence on tough inspections, there seems little chance of the French plan being accepted in anything like its present form.

But as French diplomats said, the potential value of their plan is as ''a catalyst'' that might stimulate fresh thinking about Iraq and eventually lead to a narrowing of the differences that recently have paralyzed the council.

IRAQ TIMELINE

Iraq	US response
1990:	
Aug.—Iraq invades Kuwait.	UN Resolution 661 bars the export of oil.
1994–1995:	
October—Iraq amasses 80,000 troops on the Iraq/Kuwait border.	April 1995—approved UN Resolution 986. This resolution allows Iraq to sell $2 billion in oil every six months.
1996:	
March—Iraq blocks inspections.	June—UN Resolution 1060 deplores the refusal of Iraqi authorities to allow access to sites designated by UNSCOM.
Aug.—Iraq launches a campaign against the Kurds.	Sept.—U.S. launches cruise Missile attacks.
1997:	
June—Iraq demands UNSCOM finish.	June—UN Resolution 1115 ''Demands that Iraq cooperate fully with UNSCOM.''
Oct.—Iraq bars American inspector.	Oct.—UN Resolution 1134 condemned Iraq's refusal to allow UNSCOM access to certain sites.
	Nov.—UN Resolution 1137, another condemnation of Iraq's action.
1998:	
Jan.—Iraq continues standoff.	Feb.—UN Resolution 1153 allows Iraq to sell $5.2 billion in oil every six months.
Aug.—Iraq stops inspections of new facilities.	Sept.—UN Resolution 1194 demands Iraq cooperate.
Oct.—Iraq announces it will no longer cooperate with UNSCOM.	Nov.—UN Resolution 1205 demands Iraq cooperate.
	Dec.—Three day bombing campaign.
1999:	
No UNSCOM activity ..	Press reports possible removal of oil sale caps.

WORLD OIL PRODUCTION: PERSIAN GULF NATIONS, NON-OPEC AND WORLD

[In thousand barrels per day]

	Persian Gulf Nations[a]	Selected Non-OPEC Producers									Total Non-OPEC	World
		Canada	China	Egypt	Mexico	Norway	Former U.S.S.R.	Russia	United Kingdom	United States		
1973 average	20,668	1,798	1,090	165	465	32	8,324	NA	2	9,208	25,050	55,679
1974 average	21,282	1,551	1,315	150	571	35	8,912	NA	2	8,774	25,366	55,716
1975 average	18,934	1,430	1,490	235	705	189	9,523	NA	12	8,375	26,058	52,828
1976 average	21,514	1,314	1,670	330	831	279	10,060	NA	245	8,132	27,018	57,334
1977 average	21,725	1,321	1,874	415	981	280	10,603	NA	768	8,245	28,814	59,707
1978 average	20,606	1,316	2,082	485	1,209	356	11,105	NA	1,082	8,707	30,694	60,158
1979 average	21,066	1,500	2,122	525	1,461	403	11,384	NA	1,568	8,552	32,094	62,674
1980 average	17,961	1,435	2,114	595	1,936	528	11,706	NA	1,622	8,597	32,994	59,600
1981 average	15,245	1,285	2,012	598	2,313	501	11,850	NA	1,811	8,572	33,595	56,076
1982 average	12,156	1,271	2,045	670	2,748	520	11,912	NA	2,065	8,649	34,703	53,481
1983 average	11,081	1,356	2,120	727	2,689	614	11,972	NA	2,291	8,688	35,759	53,256
1984 average	10,784	1,438	2,296	822	2,780	697	11,861	NA	2,480	8,879	37,047	54,489
1985 average	9,630	1,471	2,505	887	2,745	788	11,585	NA	2,530	8,971	37,801	53,982
1986 average	11,696	1,474	2,620	813	2,435	870	11,895	NA	2,539	8,680	37,952	56,227
1987 average	12,103	1,535	2,690	898	2,548	1,022	12,050	NA	2,406	8,349	38,149	56,666
1988 average	13,457	1,616	2,730	848	2,512	1,158	12,053	NA	2,232	8,140	38,413	58,737
1989 average	14,837	1,560	2,757	865	2,520	1,554	11,715	NA	1,802	7,613	37,792	59,863
1990 average	15,278	1,553	2,774	873	2,553	1,704	10,975	NA	1,820	7,355	37,371	60,566
1991 average	14,741	1,548	2,835	874	2,680	1,890	9,992	NA	1,797	7,417	36,932	60,207
1992 average	15,970	1,605	2,845	881	2,669	2,229	—	7,632	1,825	7,171	35,814	60,212
1993 average	16,715	1,679	2,890	890	2,673	2,350	—	6,730	1,915	6,847	35,119	60,238
1994 average	16,964	1,746	2,939	896	2,685	2,521	—	6,135	2,375	6,662	35,482	60,992
1995 average	17,208	1,805	2,990	920	2,618	2,768	—	5,995	2,489	6,560	36,327	62,331

WORLD OIL PRODUCTION: PERSIAN GULF NATIONS, NON-OPEC AND WORLD—Continued

[In thousand barrels per day]

	Persian Gulf Nations[a]	Selected Non-OPEC Producers									Total Non-OPEC	World
		Canada	China	Egypt	Mexico	Norway	Former U.S.S.R.	Russia	United Kingdom	United States		
1996:												
January	17,265	1,788	3,115	920	2,795	3,085	—	5,839	2,600	6,495	36,964	63,455
February	17,340	1,718	3,100	920	2,800	3,165	—	5,944	2,625	6,577	37,271	63,856
March	17,390	1,814	3,050	920	2,870	2,990	—	5,830	2,570	6,571	37,019	63,704
April	17,180	1,854	3,020	920	2,860	3,160	—	5,839	2,467	6,444	37,104	63,559
May	17,190	1,768	3,195	920	2,875	2,980	—	5,866	2,512	6,394	37,037	63,558
June	17,305	1,829	3,205	920	2,880	3,150	—	5,839	2,457	6,458	37,225	63,885
July	17,395	1,808	3,150	920	2,870	3,201	—	5,813	2,537	6,338	37,236	63,976
August	17,325	1,872	3,130	920	2,830	3,022	—	5,857	2,385	6,360	36,886	63,646
September	17,425	1,854	3,140	920	2,860	3,095	—	5,826	2,517	6,482	37,271	64,111
October	17,385	1,936	3,165	920	2,860	3,005	—	5,813	2,642	6,481	37,528	64,468
November	17,355	1,889	3,190	930	2,860	3,210	—	5,909	2,743	6,476	37,966	64,926
December	17,842	1,905	3,115	930	2,900	3,198	—	5,830	2,760	6,506	37,989	65,501
Average	17,367	1,837	3,131	922	2,855	3,104	—	5,850	2,568	6,465	37,290	64,054
1997:												
January	18,040	1,874	3,210	885	2,940	3,268	—	E 5,789	2,693	6,402	37,941	65,676
February	18,245	1,920	3,240	885	2,970	3,263	—	E 5,729	2,660	6,514	38,041	65,041
March	18,460	1,900	3,215	890	2,970	3,063	—	E 5,772	2,638	6,452	37,883	66,018
April	18,615	1,823	3,230	890	2,945	3,388	—	E 5,893	2,515	6,441	38,171	66,571
May	18,385	1,737	3,275	880	2,990	3,194	—	E 5,902	2,315	6,474	37,738	65,908
June	17,980	1,835	3,220	870	3,005	3,025	—	E 5,902	2,135	6,442	37,343	65,128
July	17,965	1,889	3,190	880	3,035	3,194	—	E 5,923	2,447	6,409	37,786	65,576
August	18,975	1,895	3,190	870	3,080	2,890	—	E 5,945	2,407	6,347	37,534	66,474
September	19,005	1,930	3,195	860	3,105	2,927	—	E 5,958	2,483	6,486	37,907	66,827
October	19,045	1,956	3,195	860	3,087	3,209	—	E 5,954	2,610	6,467	38,301	67,361
November	18,810	1,970	3,158	860	3,085	3,192	—	E 5,945	2,602	6,459	38,342	67,207
December	18,416	1,985	3,090	860	3,056	3,229	—	E 5,893	2,700	6,531	38,536	67,007
Average	18,496	1,893	3,200	874	3,023	3,153	—	E 5,884	2,517	E 6,452	37,955	66,317
1998:												
January	19,061	1,912	3,240	860	3,085	3,293	—	E 5,979	2,597	E 6,438	38,514	67,458
February	19,513	1,944	3,155	860	3,140	3,230	—	E 5,997	2,583	E 6,538	38,578	67,989
March	19,380	1,952	3,170	860	3,160	3,123	—	E 5,962	2,600	E 6,465	38,468	67,863
April	19,680	1,988	3,140	860	3,140	3,160	—	E 5,876	2,602	E 6,484	38,361	67,674
May	19,680	1,943	3,210	870	3,149	2,917	—	E 5,789	2,499	E 6,384	37,923	67,168
June	19,225	1,932	3,260	870	3,050	3,140	—	E 5,928	2,495	E 6,290	38,188	66,888
July	19,290	2,045	3,200	880	3,120	3,120	—	RE 5,923	2,525	E 6,322	R 38,290	R 66,855
August	19,250	R 2,016	R 3,180	R 870	3,055	2,440	—	E 5,910	R 2,536	E 6,276	R 37,487	R 65,772
September	19,385	2,033	3,160	870	2,906	2,896	—	E 5,902	2,632	E 6,069	37,567	65,932
9-Mo. Avg	19,383	1,974	3,191	867	3,090	3,033	—	E 5,918	2,563	E 6,362	38,149	67,059
1997 9-Mo. Avg	18,408	1,866	3,218	879	3,005	3,133	—	E 5,869	2,476	6,440	37,808	66,022
1996 9-Mo. Avg	17,313	1,812	3,123	920	2,849	3,093	—	5,850	2,519	6,457	37,110	63,748

[a] The Persian Gulf Nations are Bahrain, Iran, Iraq, Kuwait, Qatar, Saudi Arabia, and the United Arab Emirates. Production from the Neutral Zone between Kuwait and Saudi Arabia is included in ''Persian Gulf Nations.''

R=Revised. NA=Not available.—=Not applicable. E=Estimate.

Notes: (1) Crude oil includes lease condensate but excludes natural gas plant liquids. (2) Monthly data are often preliminary figures and may not average to the annual totals because of rounding or because updates to the preliminary monthly data are not available. (3) Data for countries may not sum to World totals due to independent rounding. (4) U.S. geographic coverage is the 50 States and the District of Columbia.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I thank the Chair.

(The remarks of Mr. ABRAHAM pertaining to the introduction of S. 482 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ABRAHAM. Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

OPERATION WALKING SHIELD

Mr. DORGAN. Mr. President, this Congress, now that it will turn its attention to the committee structure and the agenda that will be developed in the authorizing committees and Appropriations Committee, will talk about a lot of different issues, will describe many different priorities. Among those priorities will be, for example, a piece of legislation we just passed in the Senate dealing with military pay. I assume that very soon there will be a national missile defense bill that will come to the floor that will be subject to dramatic and interesting debate, and there are a range of these kinds of issues. I want to raise one issue today that I think we ought to act on with some priority.

There is a program that not many people know of called Walking Shield. It is a program to move houses that are surplus houses scheduled to be demolished on our military bases when those houses are to be replaced with more modern houses. Instead of demolishing the old houses, they are now moved out increasingly under the project Operation Walking Shield and moved to Indian reservations where there is a desperate need for good housing.

Operation Walking Shield is a wonderful program that takes houses that would have been demolished and moves them to a foundation someplace on an Indian reservation to provide housing for those Americans who do not have housing.

We have a real emergency in this country, particularly on Indian reservations, dealing with housing, health care, and education.

I want to read a few paragraphs from a letter to describe this emergency and why this Congress must respond to it with some priority and why I hope the President will do the same.

I want to read about a woman named Sarah. Her name was Sarah Swift Hawk. Sarah died January 2. Sarah Swift Hawk died on the Rosebud Indian Reservation in South Dakota. She froze to death. Let me read to you a letter that describes the circumstances leading to Sarah's death:

The night of January 2 was truly a dreadful night for the Swift Hawk family. They had run out of propane to heat their house. They also had no wood for their wood stove, although they tried desperately to obtain some wood, but without any success.

The Swift Hawk house is but one of 100,000 terribly substandard houses that exist on our nation's Indian reservations. The house had only thin plastic sheeting covering two large openings where windows were supposed to be. As night fell, and the temperature plummeted from 16 degrees below zero to 45 degrees below zero, Sarah's daughter and her son-in-law, who live in the same house with their six children, put two blankets on Sarah in an attempt to keep her warm. The mother then took the other two blankets they had, and placed them over her six children who were all huddled together on the floor where she and her husband would also sleep. Since there was only one cot in the house, that bed was given to Sarah who was the grandmother in the family. Everyone else in the Swift Hawk family has to sleep on the floor because the family is too poor to buy any furniture.

When the Sun came up on Sunday morning, January 3rd, the daughter got up from the floor to check on her mother, and she found that her mother had died during the night, frozen to death as a result of exposure to extreme cold. Fortunately, the body heat from the parents and the children, all huddled together on the floor, kept them alive that terrible night.

Sarah Swift Hawk's needless death is repeated again and again on our nation's Indian reservations, particularly those in the Northern Plains States.

This is a letter from Phil Stevens. Phil Stevens runs the program called Walking Shield. I have met with him a number of times, helped them on legislation to try to move some houses to Indian reservations. I have seen the joy on the faces of those who received a home—one put on a foundation for them—a home that they could move into for the first time, a home for their children. But, frankly, there is just a trickle—a few hundred homes here and

there to meet the needs that are so desperate of people like Sarah Swift Hawk and her family.

When you hear stories like this you think, well, that happens in a Third World country someplace, someone laying down and freezing to death in their home. This wasn't a Third World country, it was in our country.

The poverty in these areas is so desperate, housing so inadequate, the health care so minimal and the education needs so substantial. And frankly, we have so many other priorities that folks come to the floor of the House and the Senate and they debate this or that with great gusto, and as we do, Sarah Swift Hawk dies, frozen to death in a house, a house without windows, a house with thin plastic sheets where windows should have existed at 45 degrees below zero.

Is that a shame? Yes. I think it is shameful that this happens in our country. This is not some mysterious illness for which there is not a cure. We know this happens, and we know how to address these questions.

I hope President Clinton and the 106th Congress will decide that these are emergency conditions that exist in housing, health care, and education on our Indian reservations and that we ought to address them.

I have spoken on the floor previously about a third grader in a school in Cannon Ball, ND, a young Native American girl who said to me, ''Mr. Senator, will you be building us a new school?'' Because that young third grade Indian child goes to a school that is not fit. It is not a school that Members of the Senate would send their children to, and it is not the fault of the school board, not the fault of the superintendent, and not the fault of the teachers who are trying very hard.

This is a school without a tax base, 150 kids, one water faucet, two bathrooms. They cannot connect to the Internet because about half the school is too old, too condemned, not able to access the wiring. This is a school that is in desperate need of repair. One of the rooms has sewer gas seeping up into it that requires the room to be evacuated occasionally because they can't keep children in a room where the sewer gas keeps backing up. That is the kind of school we have a third grader walk through the door of, and we say to that third grader, ''This is your school.''

Are we proud of that? I don't think so. Ought we do something about it? Does that young third grader's life depend on us doing something? It does, and we should.

We all know the problems in health care. I just met with a group a few minutes ago, this afternoon. Let me just tell you about health care for a moment. This group was talking about foster children. On one of the reservations, a young 4-year-old boy had been in two foster homes and was being moved again, and the caseworker noticed some substantial stench when he was in the vicinity of the 4-year-old boy.

What was it that smelled so bad? A 4-year-old boy wearing a cast on his arm because he had a broken arm, but through two foster homes no one had bothered to take him back to the doctor and the cast had been on 6 months. He had gangrene on his arm. Now, is that an emergency in health care? I think so. It is just a symptom, just the tip of the iceberg of massive problems—massive problems—that exist in health care, education and housing.

You know, I am talking now about the problems on Indian reservations. I want to tell you about pinning medals one day on the pajamas of an Indian named Edmond Young Eagle, a Native American who grew up on the Standing Rock Reservation, Fort Yates, ND, a proud member of the Standing Rock Sioux Tribe.

He went overseas to fight for this country—Africa, Europe—fought for America in the Second World War. And if you look at the Indian population of this country and the percentage of veterans they have and who fought in our country's wars, you will find a very high percent of the Indian population went off to fight for this country. Edmond did—fought across the world in the Second World War.

When I met Edmond, he was dying, laying in a VA hospital. His family had contacted me and said Edmond had never received his medals for his service in the Second World War. They wanted to know if there was any chance to get these medals he was owed from the Defense Department before he died. I got the medals and I took them to the VA hospital on a Sunday morning in Fargo, ND.

Edmond Young Eagle had lung cancer. I did not know it that Sunday morning, but 7 days later Edmond Young Eagle would die from lung cancer. But that Sunday morning they cranked up his bed to a sitting position, and he was wearing his pajamas. And in a ceremony, witnessed by his doctors and nurses and his sisters and some people who had come from the Old Soldiers Home, I pinned medals on Edmond Young Eagle's pajamas, the medals he had earned for his service to our country in the Second World War.

And this man dying of lung cancer said to me, ''You know, this is the proudest day of my life.'' I thought to myself, what a paradox it is that this man, who served his country honorably in the Second World War, fought for America's freedom, and then never had much the rest of his life, at the end of his life, lying in the hospital, suffering from lung cancer, felt so strongly about his service to his country and was so proud of receiving medals from his country for his service to America that he said it was one of the proudest days of his life.

We have a responsibility, it seems to me, to the memory of Edmond Young Eagle, to the third grade girl that I talked about going to a school that ought to be improved, to the memory of Sarah Swift Hawk, who goes to sleep in a house at 45 below zero, and dies in her sleep, freezes to death, we owe it to these folks—to their memories, to their children—we owe it to them to do something about these issues on an emergency basis.

There are a lot of things that we will debate back and forth on the floor of this Senate, as I said—defense policy, education policy, health care policy—so many issues day after day. But these are the kinds of things that we must put at the front of the line, to say people ought not to be freezing to death in our country because they run out of fuel in the winter, because they live in houses that ought not be inhabited in the winter, because they do not have housing, because they do not have health care. We can do something about this.

Let me conclude again by saying, I am trying to see that the White House determines this is a priority and an emergency, that we have an emergency, a housing emergency and health care emergency on our Indian reservations that we ought to address.

This isn't a case where any of us can just say, well, gosh, that is somebody else's problem. It is not somebody else's problem.

When we have young children who are not receiving the medical attention they need, who are put in foster homes that are unsafe and where they are beaten—I ve told a story about a young girl with her nose broken, hair pulled out at the roots, her arm broken in a foster home, placed in a foster home by one worker who had 150 cases to work on.

So you put a child at age 3 in a foster home without understanding what kind of home this is. And then there is a drunken party, and a 3-year-old girl gets her arm broken, her nose broken, and her hair pulled out by the roots. Is that what we want in this country? Of course not. It is our responsibility to address these issues. And it is, indeed, an emergency when a 3-year-old girl is beaten, when a third grade girl is denied an adequate education, when a grandmother named Sarah Swift Hawk freezes to death. These are emergencies. And we need to do something about them.

I am hoping the White House will declare these as emergencies. And I am hoping the Congress will understand that we can, with a small investment, make life so much better for a lot of folks who matter in this country—folks like Edmond Young Eagle—who have served this country with great distinction and great honor. In their memory, and just because it is the right thing to do, our country has a responsibility to decide this is a priority.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes.

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

(The remarks of Mr. GRAMS pertaining to the introduction of S. 487, S. 488, S. 489, and S. 490 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

BLACK HISTORY MONTH

Mr. DASCHLE. Mr. President, Dr. Carter G. Woodson was the son of former slaves. He believed passionately that the solution to injustice was education. If Americans from different backgrounds could learn to see our similarities and appreciate our differences, he believed, we could end the fear that is at the heart of racial discrimination.

So, in February 1926, Dr. Woodson proposed the first Negro History Week as a way to preserve African American history and promote greater understanding among all Americans. Over the years, as the civil rights movement progressed, Negro History Week evolved into what we now know as Black History Month.

This month, as our nation once again pauses to reflect on the achievements and experiences of African Americans, we celebrate the birthdays of several renowned leaders, including Frederick Douglass, Rosa Parks, and Barbara Jordan. We also celebrate the founding 90 years ago of the National Association for the Advancement of Colored People, one of this century's most powerful engines for social and economic justice.

It is right and fitting that we acknowledge such famous people and important milestones. But it is also important to recall the contributions of other African Americans who were less well known, but who contributed much to their communities. Today I want to pay tribute to two such men from my home state of South Dakota: Oscar Micheaux and Ross Owens.

Oscar Micheaux was a gifted, early filmmaker who settled in Gregory, South Dakota, in the early 1900s. His company, the Micheaux Film Corporation, was responsible for producing films that ran counter to Hollywood's negative portrayal of African Americans at that time.

Ross Owens was a 1925 graduate of my alma mater, South Dakota State University. Not only was he inducted into SDSU's Athletic Hall of Fame, but his masters thesis, ''Leisure Time Activities of the American Negro Prior to the Civil War'', became a classic in African American history and physical education.

One can only wonder what else Mr. Micheaux and Mr. Owens might have achieved had they been born later, after the civil rights movement toppled many of the barriers to equality that existed during their lifetimes.

Today, thanks to the vision of leaders like Dr. Martin Luther King, Thurgood Marshall and John Lewis, as well as countless other Americans whose names are less well known but whose courage was no less real, many of those barriers are gone. Our nation no longer tolerates legal discrimination. We no longer permit injustices like poll taxes, ''separate but equal'' schools, and segregated public facilities. We have moved closer to that ideal on which our nation was founded: that all men—and women—are created equal. And we are all better for it.

Today, as our country thrives, millions of African Americans are sharing the benefits of the best economy in decades. But not all African Americans have been given the opportunity to share in America's economic progress. Not all of the barriers have been torn down. There is still work to be done. As we prepare to enter the new century, we must remain committed to equal educational opportunity, and economic and social justice—for all Americans.

This month, as we celebrate Black History Month, let us recall the words of the poet Langston Hughes, who wrote of a land ''where opportunity is real, life is free, and equality is in the air we breathe.'' And let us rededicate ourselves to finishing the task of establishing that land here, in the United States.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 24, 1999, the federal debt stood at $5,620,229,439,635.41 (Five trillion, six hundred twenty billion, two hundred twenty-nine million, four hundred thirty-nine thousand, six hundred thirty-five dollars and forty-one cents).

One year ago, February 24, 1998, the federal debt stood at $5,522,503,000,000 (Five trillion, five hundred twenty-two billion, five hundred three million).

Five years ago, February 24, 1994, the federal debt stood at $4,541,555,000,000 (Four trillion, five hundred forty-one billion, five hundred fifty-five million).

Ten years ago, February 24, 1989, the federal debt stood at $2,722,784,000,000 (Two trillion, seven hundred twenty-two billion, seven hundred eighty-four million).

Fifteen years ago, February 24, 1984, the federal debt stood at $1,454,599,000,000 (One trillion, four hundred fifty-four billion, five hundred ninety-nine million) which reflects a debt increase of more than $4 trillion—$4,165,630,439,635.41 (Four trillion, one hundred sixty-five billion, six hundred thirty million, four hundred thirty-nine thousand, six hundred thirty-five dollars and forty-one cents) during the past 15 years.

SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

Mr. ASHCROFT. Mr. President, I rise today in strong support of S. 4, The Soldiers', Sailors', Airmen's, and Marines' (SSAM) Bill of Rights Act of 1999. This bill addresses critical personnel and retention issues in our nation's armed forces and hopefully will arrest the accelerating decline in military readiness. I commend the distinguished chairman of the Senate Armed Services Committee, Senator WARNER, and the Committee as a whole for reporting this legislation.

I have been concerned for quite some time with declining defense budgets and increased deployments overseas. Those who defend the United States often are the first casualties of budget cuts here at home, even as they have been deployed overseas more frequently than ever before. Declining morale in our armed forces and diminished military readiness are national security legacies this Administration is leaving, legacies I hope the Senate will begin reversing with the passage of S. 4.

Our military is hemorrhaging due to poor morale, plentiful private sector opportunities in a robust economy, and burdensome deployment schedules. The pay and benefit provisions in S. 4 will be critical to arrest declining morale and diminished readiness. As General Hugh Shelton, Chairman of the Joint Chiefs, stated before the Senate Armed Services Committee last September, ''. . . we must act soon to send a clear signal to the backbone of our military, our mid-grade commissioned and noncommissioned officers, that their leadership and this Congress recognize the value of their service and their sacrifices and that we have not lost sight of our commitment to the success of the all-volunteer force.''

Mr. President, the Administration has taken too long to address the morale and retention problems undermining the readiness of our armed forces. Senior Pentagon officials downplayed evidence of growing personnel and readiness problems for months, but finally began addressing these issues squarely before the Senate Armed Services Committee last September. General Shelton stated that ''. . . our forces are showing increasing signs of serious wear. Anecdotal initially, and now measurable, evidence indicates that our readiness is fraying and that the long-term health of the total force is in jeopardy.''

A cursory survey of declining defense budgets and increased operations around the world certainly provides the factual background to support General Shelton's statement. For many leaving the forces today, military compensation and benefits simply do not justify extended deployments away from home.

Our military is doing more with less. Defense spending has declined in real terms by 27 percent since 1990. Military procurement spending has declined by a staggering 54 percent during that same time period. In the midst of this dramatic downsizing, the pace of operations abroad has risen dramatically. In the 1990s, operational missions increased 300 percent while the force structure for the Army and Air Force

was reduced by 45 percent each, the Navy by approximately 40 percent, and the Marines by over 10 percent. President Reagan deployed U.S. forces 17 times during his eight year term. During his four-year term, President Bush deployed U.S. forces 14 times. During the six year tenure of President Clinton, however, the U.S. armed forces have been deployed over 46 times. Contingency operations during this Administration have exacted a heavy cost (in real terms): $8.1 billion in Bosnia; $1.1 billion in Haiti; $6.1 billion in Iraq.

Diminished resources, inadequate benefits, and increased deployments are taking a serious toll on the health of our armed forces. Our Air Force pilots defeat Iraq's forces soundly on the battlefield, but Saddam is winning a war of attrition when it comes to pilot retention. The Air Force has experienced a 14 percent decline in readiness since 1996 and ended 1998 with a 700 pilot shortfall that could grow to 2,000 pilots by 2002. Air Force second-term reenlistment rates have dropped 13% in the last 5 years.

The Navy was 7,000 recruits short in 1998 and reports diminished deployed readiness due to personnel shortages, such as a 9% shortfall in junior Surface Warfare Officers. The non-deployed readiness of carrier air wings is at its lowest level in a decade.

Retention rates for critical personnel in all services is suffering. Declines in retention of critical personnel since 1995 are very troubling: Air Force enlisted aircrew with 7 years service declined from 83 to 55 percent; Air Force AWAC personnel with 5–8 years service declined from 56 to 35 percent; Army aircraft armament personnel with 8 years service declined from 72 to 47 percent; Army chemical operations specialists with 5–8 years service declined from 69 to 51 percent; Marine aircraft avionics technicians with 9–12 years service declined from 76 to 63 percent; and Navy electronic technicians with 9–12 years service declined from 77 to 63 percent.

The Soldiers', Sailors', Airmen's, and Marines' (SSAM) Bill of Rights Act of 1999 addresses these problems on several fronts. The legislation contains important provisions to address immediate needs and establishes longer-term mechanisms to improve retention of military personnel. The bill provides for an across the board pay increase of 4.8 percent. The pay table is reformed to benefit critical mid-career personnel the most. Retirement system reform gives military personnel with 15 years of service the option of remaining in the Redux retirement plan and taking a $30,000 cash bonus or returning to a pre-Redux system with retirement at 50 percent of base pay and no COLA caps.

Retirement opportunities also are enhanced by allowing military personnel to contribute 5 percent of their base pay tax-free to a Thrift Savings Plan (TSP). A special retention initiative is also provided where the Secretary of Defense can choose to offer 5 percent matching TSP contributions to critical personnel for six years in return for a six year commitment. Finally, there is a special subsistence allowance to address the intolerable condition of 12,000 military personnel on food stamps. In the U.S. military, the finest fighting force in the world, there should never be families who are so poorly provided for as to need food stamps. The monthly subsistence allowance in this legislation, in addition to other pay reforms, will help end this disgraceful treatment of thousands of military personnel.

The need for this legislation cannot be more obvious. Our troops maintain a constant presence in the Persian Gulf, East Asia, and Europe. Now in Bosnia two years past the original deadline, American soldiers could face yet another prolonged nation-building exercise in Kosovo if this Administration has its way. These troops have been asked to achieve more missions with fewer resources and less manpower, and the signs of fraying readiness and declining morale are mounting.

In addressing current readiness and funding problems, Administration officials repeatedly have said personnel issues were their first priority. General Shelton testified last September: ''. . . if I had to choose the area of greatest concern to me, I would say that we need to put additional dollars into taking care of our most important resource, the uniformed members of the armed forces.''

General Shelton is right to place the highest priority on our military personnel. The defense of this country, in the final analysis, is essentially a personnel issue. Admiral Chester Nimitz stated in 1950: ''Our armaments must be adequate to the needs, but our faith is not primarily in these machines of defense but in ourselves.'' General Shelton seems to concur with that statement when he says: ''The best tanks, the best planes, the best ships in the world are not what makes our military the superb force that it is today . . . Advanced technology and modern weapons are important . . . But even the finest high-tech equipment will never be the determining factor on the battlefield. The most critical factor for both current and future readiness are our men and women . . . in uniform today.''

Our military personnel are our greatest resource, and our failure to take care of them our greatest oversight. No soldier should have to worry about feeding his family as he defends his country. No military family should be repeatedly divided by constant deployments.

We entrust our soldiers, sailors, airmen, and marines with the responsibility given to our nation as a whole: the defense of liberty. How we provide for those men and women in uniform reflects on how seriously we take that mission, on how seriously we safeguard the blessings of liberty. I urge passage of this legislation to improve much-needed benefits for those who defend the United States and the cause of freedom abroad.

BLACK HISTORY MONTH

Mr. SARBANES. Mr. President, every February, since Dr. Carter G. Woodson first initiated the idea in 1926, Americans have celebrated the contributions of African-Americans to our history, literature, arts, sciences, politics and every other facet of American life. What was in the beginning only a week-long event, has blossomed into a month-long celebration.

This year's theme, as selected by the Association for the Study of Afro-American Life and History (ASALH), is ''The Legacy of African-American Leadership for the Present and the Future.'' This theme captures one of the primary objectives of Dr. Woodson in creating this annual celebration. Dr. Woodson believed that you must look back in order to look forward. He dedicated his entire life to the research and documentation of African-American history, and his efforts were intended to educate and inspire contemporaneous and future generations of Americans.

In keeping with this theme and Dr. Woodson's vision, I rise today to share with my colleagues of the Senate and the American people a few of the legacies of outstanding African-Americans from Maryland. While this is not an exhaustive listing, it exemplifies the legacy of African-Americans in the areas of science, engineering, abolitionism, literature, religion, theater, education, civil rights, law, business, athletics, diplomacy and politics. I believe you will find—as I have found—their stories and accomplishments inspiring, and it is my fervent hope that today's African-American youth will find in these men and women role models to inspire their own efforts as we move into the 21st Century.

Benjamin Banneker (1731–1806) of Ellicott's Mill, Maryland is credited with building the first clock in America in 1753. He was an inventor, scientist and surveyor who played an important role in the layout and design of our nation's capital city.

Harriet Tubman (1820–1913) of Dorchester County, Maryland escaped from slavery and was responsible for assisting more than 300 slaves reach freedom in the north through the underground railway.

Francis E.W. Harper (1825–1911) of Baltimore, Maryland was the first African-American writer to have a published short story. She also had her poetry and other verse published, including a novel in 1892.

Billie Holiday (1915–1959) of Baltimore, Maryland is to this day regarded as one the greatest jazz vocalists in history, and as one of America's premier artists of the 20th Century.

Zora Neale Hurston (1891–1960) of Baltimore, Maryland was a distinguished author, folklorist and anthropologist.

Charles Randolph Uncles (1859–1933) of Baltimore, Maryland became the first African-American priest ordained in the United States on December 19, 1891, beginning a line of American ministers that has included Martin Luther King, Jr. and the Reverend Jesse Jackson.

Eubie Blake (1883–1983) of Baltimore, Maryland was a popular ragtime pianist and composer who first learned to play the piano at age six and went on to break color barriers on Broadway and theaters across the nation.

Mary Church Terrell (1864–1954) of Annapolis, Maryland was an outstanding educator and early civil rights leader.

Edward Franklin Frazier (1894–1962) of the Eastern Shore of Maryland was a teacher of mathematics, professor of sociology and author who created and furthered the academic knowledge and understanding of the African-American community.

Clifton Wharton (1899–1990) of Baltimore, Maryland became the first African-American foreign service officer named chief of an American mission overseas when he was appointed U.S. Minister to Romania in 1958.

Leon Day (1916–1995), a Hall of Fame baseball player from Baltimore, Maryland, was one of the most consistently outstanding pitchers in the Negro Leagues during the 1930's and 1940's. His consistency was interrupted only by two years of service in the Army during World War II where he distinguished himself on Utah Beach during the Allied invasion of France.

Reginald F. Lewis (1942–1993) of Baltimore, Maryland created first African-American law firm on Wall Street and led the first African-American owned company with annual revenue exceeding $1 billion.

Thurgood Marshall (1908–1993) of Baltimore, Maryland served as chief counsel for the National Association for the Advancement of Colored People Legal Defense and Educational Fund (NAACP-LDF) at a time when the NAACP brought, argued and won Brown v. Board of Education, the seminal 1954 civil rights Supreme Court case. He went on to serve his nation as a federal Appellate Court judge, Solicitor General, and the first African-American member of the United States Supreme Court.

I am also sorry to report that Maryland recently lost one of its legal and political leaders when Judge Harry A. Cole passed away earlier this month. Judge Harry A. Cole was both the first African-American to hold the office of an Assistant State Attorney General in Maryland, and the first African-American named to the Maryland Court of Appeals, which is my State's highest court. During his fourteen year tenure on the Court of Appeals, Judge Cole distinguished himself with his scholarly and independent opinions, and we will miss him dearly in Maryland.

Mr. President, as this short account makes evident, Maryland is and has been proud to be the home of some of America's greatest African-Americans. These are people who did not let economic or racial barriers stop them from reaching their goals or achieving their dreams. These outstanding individuals, and many others from Maryland and across the United States, have opened doors and set high standards for later generations of African-Americans. Most importantly, however, these are people who continue to serve as role models for all Americans.

Indeed, the State of Maryland continues to be blessed and enriched with outstanding African-American leaders who have built on Maryland's rich African-American legacy. I speak here of such individuals as Baltimore Mayor Kurt Schmoke and NAACP President and CEO Kweisi Mfume.

I would like to observe that the State of Maryland is currently benefiting from a continued growth in our African-American population. Between 1990 and 1997, when the last set of complete figures were available from the Census Bureau, the number of African-Americans calling Maryland ''home'' grew to 1.4 million—an increase of 200,609 people. This makes Maryland the state with the eighth largest African-American population in the United States. Nearby Prince George's County was second in the nation in terms of growth during this seven-year period with 68,325 new African-American residents.

Mr. President, in closing, Maryland is fortunate to have such a rich legacy of African-American leadership as well as a growing population of young African-American men and women to whom this legacy will provide inspiration and examples. As I noted at the outset, Dr. Woodson believed in looking back in order to look forward. As I look back at the deeds and accomplishments of the Marylanders listed above, and of the many outstanding African-Americans who have contributed to American science, engineering, abolitionism, literature, religion, theater, education, civil rights, law, business, athletics, diplomacy and politics, I see much to inspire our forward march into the next century, during which I hope we will eradicate forever the scourge of prejudice and racial bias from our society.

DEATH OF LAUREN ALBERT

Mr. SPECTER. Mr. President, on February 18, 1999, Pennsylvania lost one of its finest citizens, with the death of Lauren Albert.

I had the pleasure to know Mrs. Albert. She was the mother of three wonderful children, Stuart, Elliot, and Emily and the husband of one of Pennsylvania's finest orthopedic surgeons, Todd J. Albert, M.D. For seventeen years, Lauren had served at the side of Richard I. Rothman at the Rothman Institute and Reconstructive Orthopedic Associates. She was a leader in our community.

As fate would have it, Lauren and her husband Todd were traveling with eight other Pennsylvanians, including my son Shanin and his wife Tracey. Also on the trip were Barbara and Richard Barnhart, Leslie and Al Boris and Jaimie and David Field.

Lauren was killed when the Land Rover in which she was a passenger was caused to tumble down a mountainside of the High Atlas Mountains. Her husband and the Barnharts were passengers in the same vehicle.

I was notified of the accident as soon as the party had access to a telephone. Contemporaneously, the Department of State, our Ambassador in Rabat, Edward Gabriel and our Consul general in Morocco, Evan G. Reade, Casablanca, were notified.

Consul Reade, accompanied by other Embassy officials, immediately flew to meet the Americans in nearby Ouerzazate.

Although Consul Reade had been in Morocco for only 8 months, he immediately assumed control of the situation and worked to solve complex and pressing problems.

First, there was a significant question of the medical stability of the three surviving passengers. Consul Reade and I worked in tandem with the Department of Defense, particularly Colonel Joe Reynes, Executive Secretary to the Secretary of Defense. Over the next several hours, well through the night, local time, Colonel Reynes worked diligently to place a military medical aircraft in Europe on alert to fly to Morocco. An enormous amount of work was undertaken with our military's European command, the State Department, Moroccan officials, Consul Reade in Ouerzazate and Ambassador Gabriel in Rabat.

In the final analysis, a medical evacuation was not needed. Nonetheless, it was most reassuring to know that our military could be counted upon to assist.

Second, Consul Reade, working in connection with others in the State Department, were instrumental in accomplishing the rapid evacuation of the three injured passengers as well as the remainder of the party from Morocco. This was accomplished through detailed coordination and airport assistance for four commercial flights enabling all to return home safely by 5:30 p.m. on the following day.

Third, Consul Reade arranged for the return of the body of Lauren Albert to Pennsylvania. For numerous reasons, this process is highly complicated. Consul Reade arranged, with the assistance of the Morocco officials, to have Mrs. Albert's body returned to Pennsylvania on Sunday, February 21, 1999. This permitted a timely funeral and burial, which was very important to the Albert family.

Finally, I wish to recognize the superb assistance of Lt. Colonel Driss Ferar, Commandant of the Morocco Police in the Ouerzazate region. Colonel Ferar was notified of the accident within minutes. He sped to the scene in the High Atlas Mountains, an hour and

a half away from his headquarters. He immediately assumed control and effectuated the safe return of the party to Ouerzazate that night. Colonel Ferar made sure that the entire party was comfortable and led Dr. Albert, the tour director, and my son to his office which served as a center for all the operations that evening and well into the night. Colonel Ferar worked on the matter without interruption and without attending to any of his other important duties until 2:00 a.m. In addition to offering his valuable assistance in all aspects of this tragedy, Colonel Ferar was also unfailingly courteous and helpful. He had his family make dinner for all of the concerned, which was brought into the Police Headquarters. He offered his wisdom and counsel to Dr. Albert. Since the party has returned to the United States, Colonel Ferar has forwarded a gift to the Albert family. I am informed that Colonel Ferar has been of similar assistance to Americans who have suffered grievous injuries in this region of Morocco in the past. Colonel Ferar is to be highly commended for his commitment to duty and to the very personal human needs of all concerned.

The tragic death of Lauren Albert leaves an indelible mark on the fabric of our community. Our prayers are with Dr. Albert and his family. We are grateful to the American and Moroccan officials, who accomplished everything possible to help with this tragedy and assure the safe and speedy return of our citizens.

SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS

Mr. FEINGOLD. Mr. President, I rise today to make a few remarks concerning S. 4, the military pay and benefits bill. Senator WARNER, the esteemed new chairman of the Armed Service Committee, has begun what I'm sure will be a distinguished tenure by addressing an issue of critical importance. I don't know if there is a more vital resource in this nation than its men and women in uniform.

Without question, certain services have a recruiting and retention problem. For a variety of reasons, officers and enlisted members are leaving the Army, Navy, and Air Force in droves, and these services are having problems bringing new people on board. Serious questions remain unresolved about the cause of this problem, or its best solution, yet we will probably vote out the bill this week without those answers, and with little concern for its fiscal impact.

I am extremely concerned that this bill came out of the Armed Services Committee without the benefit of a single hearing and with little understanding of its effects on the budget. The rush to pass this bill is perplexing. We would normally address military pay raises, retirement reform, and the other bill provisions during consideration of the annual defense authorization bill. This course only makes more sense given the uncertainty we face regarding the budget impact of this bill. It would give the Senate ample opportunity to answer the myriad questions surrounding the bill's cost and budget implications.

Mr. President, there are some significant budget concerns raised by this bill. It increases both discretionary spending and entitlement costs, and all of its costs are heavily back loaded.

According to CBO, S. 4 increases discretionary spending by $40.8 billion over the next 10 years. In addition, the bill's costs rise each year, reaching $6.5 billion by 2009, and would continue to rise for a number of years after that.

The bill increases entitlement costs by $13.2 billion over the next 10 years. Again, this figure does not fully reflect the eventual price tag as costs rise over time. CBO estimates that when the provisions of S. 4 are fully phased in, the entitlement costs for pensions would result in increased costs of $5 billion a year. Similarly, the additional costs for so-called readjustment benefits, essentially education benefits, would rise, and by 2009 would increase by $2.5 billion per year.

According to the Center for Budget and Policy Priorities, when fully in effect, the bill as a whole would cost at least $15 billion per year, and possibly more. Most notably, none, let me repeat that, Mr. President, none of this is offset.

Due to these effects on the budget, the bill is subject to not one, but three 60-vote points of order: (1) It exceeds the Armed Services Committee's allocation for entitlement spending for fiscal years 1999 through fiscal year 2003; (2) It breaches the revenue floor by decreasing income tax revenues from the Thrift Savings Program provision; and (3) It has PAYGO problems because none of the new mandatory spending and tax revenue losses are offset.

Mr. President, strictly from a budget point of view, regardless of the pay and pension policies in the bill, this can be fairly characterized as a budget buster. An eventual cost of $15 billion per year is large, and at the very least should be considered as part of an overall budget, not rushed through before we have passed a budget resolution.

There are other concerns, Mr. President. The biggest question is whether this bill will actually improve recruitment and retention. Just this week, the General Accounting Office offered preliminary data on a study showing that money has been overstated as a factor affecting decisions to stay in or leave the military. Instead, GAO found, in a survey of more than 700 service members, that issues like a lack of spare parts; concerns with the health care system; increased deployments; and dissatisfaction with military leaders have at least as much effect on retention, if not more, than money. GAO is expected to finish the report in June.

Not only that. The Defense Department and the Congressional Budget Office are expected to have their own reports in the coming weeks and months. Why not wait until then? Let's make sure we're doing the right things to maintain the world's best armed forces.

Mr. President, I'd like to address some specific provisions in the bill. As we are all now well aware, the military pension system was changed in 1986. At the time, many, including those in President Reagan's Defense Department, argued that the pension system encouraged many of our servicemembers to leave the services early. They had the benefit of several years of study and hearings to reach that conclusion.

My late colleague from Wisconsin, the former Secretary of Defense Les Aspin, devoted much of his career to shaping the world's best and most feared military. At the time we changed the military pension system, he voiced considerable concern that the pension benefits were so generous to those with 20 years of service, and still at a relatively young age, that they provided incentive to leave for the private sector, rather than stay in the service.

Our former Armed Services Committee Chairman, Sam Nunn, stated that ''returning to the old system would reduce—not strengthen—the willingness of personnel to remain in the service.'' That is a heady statement from a colleague whose judgment on defense issues is still widely respected by those serving in this body today.

Just back in October, then-Chairman THURMOND and Senator LEVIN, the committee's ranking member, proclaimed that any change to the pension system should be subject to ''careful analysis.'' As yet, I haven't seen one. And I would like to see that careful analysis before moving forward with this bill.

I have heard from the men and women out on the front lines. According to what I've heard, they are leaving because of ever-increasing deployments to uncertain destinations, ever-widening time away from their families, and dwindling advancement opportunities. Like anyone else, they want to see a better quality of life.

I won't disagree with the view that many servicemembers need a raise. And I firmly believe that they should receive one, especially the enlisted folks, many of whom could be getting more money by flipping burgers at the closest fast food joint. These men and women have chosen to represent our country. They deserve to be paid adequately.

Ultimately, though, Mr. President, too many questions about this bill remain unanswered. I, and I hope many of my colleagues, would like to know how this bill will affect our budget now and in the future. We just extricated ourselves from a budget quagmire. Shouldn't we have all the answers about a bill that will cost $55 billion over the next 10 years before we vote on it? I just seems like common sense

to me. If we were to find that this bill won't harm Social Security and other important programs, and it will actually improve recruitment and retention, I would support it fully. Short of those answers, I cannot support putting our nation's budget on the precipice of disaster.

Mr. President, we have time this year to hold hearings; to hear from officers and enlisted men and women; to hear from service chiefs; to receive expert studies. There is no reason to rush this important legislation.

I yield the floor.

REPORT ON THE ADMINISTRATION OF THE COASTAL ZONE MANAGEMENT ACT (CZMA) FOR FISCAL YEARS 1996 AND 1997—MESSAGE FROM THE PRESIDENT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit the Biennial Report to Congress on the Administration of the Coastal Zone Management Act (CZMA) of the Office of the Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA) for fiscal years 1996 and 1997. This report is submitted as required by section 316 of the CZMA of 1972 as amended, (16 U.S.C. 1451, et seq.).

The report discusses progress made at the national and State level in administering the Coastal Zone Management and Estuarine Research Reserve Programs during these years, and spotlights the accomplishments of NOAA's State coastal management and estuarine research reserve program partners under the CZMA.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1999.*

REPORT CONCERNING THE NATIONAL EMERGENCY RELATING TO CUBA AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—MESSAGE FROM THE PRESIDENT—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 1999, to the *Federal Register* for publication.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1999.*

MESSAGES FROM THE HOUSE

At 12:01 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 409. An act to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public.

H.R. 436. An act to reduce waste, fraud, and error in government programs by making improvement with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes.

H.R. 438. An act to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes.

ENROLLED BILL SIGNED

At 12:42 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 433. An act to restore the management and personnel authority of the Mayor of the District of Columbia.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 409. An act to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Governmental Affairs.

H.R. 436. An act to reduce waste, fraud, and error in Government programs by making improvement with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes; to the Committee on Governmental Affairs.

H.R. 438. An act to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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–1939. A communication from the Secretary of Defense, transmitting, pursuant to law, the Department's report entitled ''Theater Missile Defense Architecture Options in the Asia-Pacific Region''; to the Committee on Armed Services.

EC–1940. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Iraq that was declared in Executive Order 12722; to the Committee on Banking, Housing, and Urban Affairs.

EC–1941. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's annual operations report for fiscal year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1942. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a request for the approval of the consolidation of certain judicial offices in the Southern District of West Virginia; to the Committee on the Judiciary.

EC–1943. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Documentation of Nonimmigrants Under the Immigration and Nationality, as Amended; Photograph Requirement'' received on February 17, 1999; to the Committee on Foreign Relations.

EC–1944. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the Agency's proposed budget for fiscal year 2000 and a response to the General Accounting Office's report ''Government-Sponsored Enterprises: Federal Oversight Needed for Nonmortgage Investments''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1945. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Use of Physical and Scientific Consultants in the Medical Consultant Program'' received on February 19, 1999; to the Committee on Environment and Public Works.

EC–1946. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendment to National Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, and Electric Arc Furnaces Constructed After August 17, 1983'' (FRL6234–8) received on February 19, 1999; to the Committee on Environment and Public Works.

EC–1947. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Student Assistance General Provisions'' received on February 17, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1948. A communication from the Deputy Executive Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Changes to the Medicare+Choice Program'' (RIN0938–AI29) received on February 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1949. A communication from the Deputy Executive Secretary, Department of Health and Human Services, transmitting,

pursuant to law, the report of a rule entitled ''Head Start Program'' (RIN0970–AB31) received on February 17, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1950. A communication from the Chief of the Regulations Branch, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Gray Market Imports and Other Trademarked Goods'' (RIN1515–AB49) received on February 19, 1999; to the Committee on Finance.

EC–1951. A communication from the United States Trade Representative, Executive Office of the President, transmitting, a draft of proposed legislation to authorize appropriations for the Office of the United States Trade Representative for fiscal years 2000 and 2001; to the Committee on Finance.

EC–1952. A communication from the Chief of the Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Determination of Issue Proce in the Case of Certain Debt Instruments Issued for Property'' (Rev. Rul. 99–11) received on February 19, 1999; to the Committee on Finance.

EC–1953. A communication from the Chief of the Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 99–11) received on February 19, 1999; to the Committee on Finance.

EC–1954. A communication from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Notice of Bidding Systems, Sale 172'' received on February 17, 1999; to the Committee on Energy and Natural Resources.

EC–1955. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Alaska Regulatory Program'' (Docket AK–007–FOR) received on February 17, 1999; to the Committee on Energy and Natural Resources.

EC–1956. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Utah Abandoned Mine Land Reclamation Plan'' (SPATS No. UT–032–FOR) received on February 17, 1999; to the Committee on Energy and Natural Resources.

EC–1957. A communication from the Executive Director of the American Battle Monuments Commission, transmitting, a draft of proposed legislation entitled ''The World War II Memorial Fund Raising Enabling Act''; to the Committee on Energy and Natural Resources.

EC–1958. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, a draft of proposed legislation entitled ''The Hoover Dam Miscellaneous Sales Act''; to the Committee on Energy and Natural Resources.

EC–1959. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board's annual report under the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–1960. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to the Committee's Procurement List dated February 17, 1999; to the Committee on Governmental Affairs.

EC–1961. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the Administration's annual report under the Government In the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–1962. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's performance plan for fiscal year 2000; to the Committee on Governmental Affairs.

EC–1963. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the Statement of Federal Financial Accounting Standards No. 10, ''Accounting for Internal Use Software'' received on February 17, 1999; to the Committee on Governmental Affairs.

EC–1964. A communication from the Vice President for Governmental Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, Amtrak's 1998 Annual Report, and Amtrak's fiscal year 2000 Legislative Report and Grant Request; to the Committee on Commerce, Science, and Transportation.

EC–1965. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Regulations Governing Restrictive Foreign Shipping Practices, and New Regulations Governing Controlled Carriers'' (Docket 98–25) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1966. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Amendments to Rules of Practice and Procedure'' (Docket 98–21) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1967. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction'' (I.D. 020999F) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCONNELL, from the Committee on Rules and Administration, without amendment:

S. Res. 51. An original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library.

S. Res. 52. An original resolution to authorize the printing of a collection of the rules of the committees of the Senate.

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EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

T.J. Glauthier, of California, to be Deputy Secretary of Energy.

Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of Energy (Non-Proliferation and National Security).

By Mr. SHELBY, from the Select Committee on Intelligence:

James M. Simon, Jr., of Alabama, to be Assistant Director of Central Intelligence for Administration. (New Position)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. JEFFORDS:

S. 466. A bill to provide that ''Know Your Customer'' regulations proposed by the Federal banking agencies may not take effect unless such regulations are specifically authorized by a subsequent Act of Congress, to require a comprehensive study and report to the Congress on various economic and privacy issues raised by the proposed regulations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DeWINE (for himself and Mr. KOHL):

S. 467. A bill to restate and improve section 7A of the Clayton Act, and for other purposes; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. THOMPSON, Mr. LIEBERMAN, and Mr. DURBIN):

S. 468. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Governmental Affairs.

By Mr. BREAUX (for himself, Mr. CONRAD, Mr. BURNS, and Mr. BAUCUS):

S. 469. A bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. WARNER, Mr. BOND, Mr. GRAHAM, and Mr. GORTON):

S. 470. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway infrastructure construction; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. JEFFORDS, Ms. COLLINS, Mr. COCHRAN, and Mr. ABRAHAM):

S. 471. A bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. REID, Mr. CONRAD, Mr. HOLLINGS, Mr. JOHNSON, Mr. DURBIN, Ms. COLLINS, Mr. DASCHLE, and Mr. DORGAN):

S. 472. A bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 473. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and interest on student loans; to the Committee on Finance.

By Mr. SCHUMER:

S. 474. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for contributions to education individual retirement accounts, and for other purposes; to the Committee on Finance.

S. 475. A bill to amend the Higher Education Act of 1965 to increase the amount of loan forgiveness for teachers; to the Committee on Health, Education, Labor, and Pensions.

S. 476. A bill to enhance and protect retirement savings; to the Committee on Finance.

S. 477. A bill to enhance competition among airlines and reduce airfares, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 478. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of a principle residence within an empowerment zone or enterprise community by a first-time homebuyer; to the Committee on Finance.

S. 479. A bill to amend title XXVII of the Public Health Service Act and other laws to assure the rights of enrollees under managed care plans; to the Committee on Health, Education, Labor, and Pensions.

S. 480. A bill to amend the Truth in Lending Act to protect consumers from certain unreasonable practices of creditors which result in higher fees or rates of interest for credit card holders, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 481. A bill to increase penalties and strengthen enforcement of environmental crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. LOTT, Mr. ASHCROFT, Mr. HELMS, Mr. INHOFE, Mr. BUNNING, Mr. DEWINE, Mr. COCHRAN, and Mr. MACK):

S. 482. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. GRAHAM, and Mr. VOINOVICH):

S. 483. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

By Mr. CAMPBELL:

S. 484. A bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 485. A bill to provide for the disposition of unoccupied and substandard multifamily housing projects owned by the Secretary of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 486. A bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methoamphetamine production, trafficking, and abuse in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMS (for himself and Mr. ASHCROFT):

S. 487. A bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals; to the Committee on Finance.

By Mr. GRAMS:

S. 488. A bill to amend the Internal Revenue Code of 1986 to repeal the taxation of social security benefits; to the Committee on Finance.

S. 489. A bill to provide an automatic tax rebate when the Federal tax burden grows faster than the personal income of working Americans, and for other purposes; to the Committee on Finance.

S. 490. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. ABRAHAM, Mrs. BOXER, Mr. COCHRAN, Mr. BREAUX, Mr. DODD, Mr. DEWINE, Mr. DURBIN, Mr. DOMENICI, Mr. EDWARDS, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HOLLINGS, Mr. GREGG, Mr. INOUYE, Mr. HAGEL, Mr. KENNEDY, Mr. LUGAR, Mr. KERREY, Mr. MURKOWSKI, Mr. KERRY, Mr. ROTH, Mr. KOHL, Mr. SESSIONS, Mr. LAUTENBERG, Mr. SHELBY, Mr. LEVIN, Mr. SMITH of New Hampshire, Mr. LIEBERMAN, Mr. SMITH of Oregon, Ms. MIKULSKI, Ms. SNOWE, Mr. MOYNIHAN, Mr. STEVENS, Mrs. MURRAY, Mr. THOMAS, Mr. REED, Mr. THOMPSON, Mr. REID, Mr. WARNER, Mr. ROBB, Mrs. HUTCHISON, Mr. ROCKEFELLER, Mr. HATCH, Mr. SARBANES, Mr. SCHUMER, and Mr. TORRICELLI):

S. Res. 50. A resolution designating March 25, 1999, as ''Greek Independence Day: A Day of Celebration of Greek and American Democracy''; to the Committee on the Judiciary.

By Mr. MCCONNELL:

S. Res. 51. An original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 52. An original resolution to authorize the printing of a collection of the rules of the committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

By Mr. HUTCHINSON (for himself, Mr. BUNNING, Mr. SPECTER, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. SESSIONS, Mr. ASHCROFT, Mr. DEWINE, Mr. JEFFORDS, Mr. HELMS, Mr. DORGAN, Mr. MURKOWSKI, Mr. ABRAHAM, Mr. COVERDELL, Mr. GRAMS, Mr. THURMOND, Mr. ENZI, Mr. WELLSTONE, Mr. HATCH, Mr. BROWNBACK, Mr. REID, Mr. ROBB, Mr. BIDEN, Mrs. HUTCHISON, Mr. CONRAD, Mr. KENNEDY, Mr. BINGAMAN, Mr. BAUCUS, Mr. JOHNSON, Mr. EDWARDS, Mr. LEVIN, Mr. SARBANES, Mr. BURNS, Mr. CLELAND, Mr. REED, Mr. DASCHLE, Mr. CAMPBELL, Mr. LAUTENBERG, Mrs. BOXER, Mr. KOHL, Ms. LANDRIEU, Mr. KERREY, Ms. COLLINS, Ms. MIKULSKI, Mrs. LINCOLN, and Mr. LIEBERMAN):

S. Res. 53. A resolution to designate March 24, 1999, as ''National School Violence Victims' Memorial Day''; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. FRIST, Mr. BIDEN, Mr. JEFFORDS, Mr. WELLSTONE, and Mrs. FEINSTEIN):

S. Res. 54. A resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS:

S. 466. A bill to provide that ''Know Your Customer'' regulations proposed by the Federal banking agencies may not take effect unless such regulations are specifically authorized by a subsequent Act of Congress, to require a comprehensive study and report to the Congress on various economic and privacy issues raised by the proposed regulations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FINANCIAL INSTITUTIONS PRIVACY ACT OF 1999

Mr. JEFFORDS. Mr. President, I rise today to introduce the ''American Financial Institutions Privacy Act of 1999.'' This legislation will delay the implementation of the ''Know Your Customer'' regulations proposed by the federal banking agencies. Additionally, this legislation would require these agencies to perform a comprehensive study, to be submitted to Congress in 180 days, on the privacy, freedom of association and economic issues implicated by these regulations. Only with Congressional authorization will these regulations be allowed to take effect.

These regulations mandate that banks identify each customer, find out the normal source and use of his or her funds and then watch transactions in the account to see if they deviate from ''normal'' and ''expected'' patterns. If the unexpected transactions seem ''suspicious'' banks are required under current law to report them to the Suspicious Activity Reporting System, a federal database that can be searched by the Internal Revenue Service, bank regulators, the FBI and other federal agencies.

Mr. President, I have heard from my constituents expressing great concern over the privacy implications of these regulations, and I think a resolution recently adopted by the Vermont House best expresses the concerns of Vermonters. The resolution states,

''. . .the regulation will result in a substantial invasion of privacy and an illegal search in violation of innocent customers' rights. . . .'' I will include a complete copy of this resolution in the RECORD.

The stated purpose behind these rules is to guard the banking system against harm from those who would launder money from drugs and other criminal activities. This is an admirable goal and one that is important in our continuing battle against crime. However, these regulations have moved beyond just a tool used to combat crime and into the realm where the government needs to know all of your personal, financial information. This is an unacceptable change.

Mr. President, the study is a necessary part of this legislation and will give Congress the factual basis to evaluate the effects of this regulation on people's privacy and freedom of association, as well as its economic implications. These facts will allow Congress to properly evaluate the regulations and reach a final determination on the regulation's ultimate fate. The study will also give the federal banking agencies time to consider clarifications to the regulations, or rescind them.

I would encourage all of my colleagues to join me as cosponsors of the American Financial Institutions Privacy Act of 1999 and help stop this privacy infringement on all Americans.

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

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

STATE OF VERMONT—J.R.H. 35

Whereas, the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), the Office of Thrift Supervision (OTS) and the Federal Reserve have proposed to issue a new regulation requiring banks to develop and maintain ''Know Your Customer'' programs, and

Whereas, as proposed, the regulation would require each bank to develop a program designed to determine the identity of its customers, determine its customers' sources of funds, determine the normal and expected transactions of its customers, monitor account activity for transactions that are inconsistent with those normal and expected transactions, and report any transactions of its customers that are suspicious, and

Whereas, in order to carry out the proposed regulation, banks will be forced to probe into the legitimate activities of its customers and into the sensitive private affairs of its customers, and

Whereas, the proposed ''Know Your Customer'' program would substantially change the relationship between banks and their customers, and

Whereas, the regulation will result in a substantial invasion of privacy and an illegal search in violation of innocent customers' rights under the constitutions of both the United States and Vermont, and

Whereas, the proposed regulation is clearly beyond the scope of authority granted the agencies by Congress, now therefore be it

Resolved by the Senate and the House of Representatives:

That the FDIC should not be allowed to issue this ''Know Your Customer'' regulation, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Federal Deposit Insurance Corporation, the Office of the Comptroller of Currency, the Office of Thrift Supervision, the Federal Reserve, the banking committee of the United States House of Representatives, the banking committee of the United States Senate and Vermont's congressional delegation.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

By Mr. VOINOVICH (for himself, Mr. THOMPSON, Mr. LIEBERMAN, and Mr. DURBIN):

S. 468. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Governmental Affairs.

Mr. VOINOVICH. Mr. President, today I am pleased to introduce the ''Federal Financial Assistance Management Improvement Act of 1999'', legislation that was championed in the previous Congress by my friend and predecessor, Senator John GLENN. As a Governor, I supported this bill as an important step toward detangling the web of duplicative federal grants available to States, localities and community organizations. As a Senator, I am pleased to pick it up where Senator GLENN left off. I would also like to thank Senator THOMPSON, Senator LIEBERMAN and Senator DURBIN for joining me as original cosponsors of this bill.

Scores of programs, often administered by the same federal agency, have similar purposes but are subject to different application and reporting requirements. This unnecessary duplication of effort wastes time, paper, and does nothing to improve program performance for the benefit of our constituents. The Federal Financial Assistance Management Improvement Act is intended to streamline the grant application process, allowing those who serve their communities to focus on the job at hand—not on page after page of paperwork. The legislation directs federal agencies to simplify and coordinate the application requirements of related programs. The result, I hope, will be service to the public which is better, faster and more effective than before.

In other words, today in this country, if you want to apply for Federal assistance, every agency has a different form. If you have to report on what you are doing with that Federal assistance, every agency has a different form. We want to make those forms uniform across the board, which we know will relieve a lot of pressure and paperwork on the folks who are involved in these programs.

Another important component of this bill is the requirement that agencies develop a process to allow State and local governments and non-profit organizations to apply for and report on the use of funds electronically. Using the Internet as a substitute for cumbersome paperwork is a welcome innovation in the way the federal government does business, and I am pleased that the Federal Financial Assistance Management Improvement Act is leading the effort.

We need to bring technology into the Federal Government and allow people to do the same thing that they do when they are dealing with the private sector.

This bill was crafted in the last Congress by Senator GLENN after bipartisan, bicameral negotiations with the Administration, and while I was sorry that it was not enacted before the end of the 105th Congress, I am pleased to be able to introduce it today. The legislation is supported by the National Governors' Association and others in the State and local government and non-profit community because of the real potential it has to reduce red tape and improve services to our communities. I urge all my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support from State and local government organizations be printed in the RECORD.

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

S. 468

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 ''Federal Financial Assistance Management Improvement Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) the Nation's State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) simplify Federal financial assistance application and reporting requirements;

(3) improve the delivery of services to the public; and

(4) facilitate greater coordination among those responsible for delivering such services.

SEC. 4. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(2) FEDERAL AGENCY.—The term ''Federal agency'' means any agency as defined under section 551(1) of title 5, United States Code.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term ''Federal financial assistance'' has the same meaning as defined in section 7501(a)(5) of title 31, United States Code, under which Federal financial assistance is provided, directly or indirectly, to a non-Federal entity.

(4) LOCAL GOVERNMENT.—The term ''local government'' means a political subdivision of a State that is a unit of general local government (as defined under section 7501(a)(11) of title 31, United States Code);

(5) NON-FEDERAL ENTITY.—The term ''non-Federal entity'' means a State, local government, or nonprofit organization.

(6) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means any corporation, trust, association, cooperative, or other organization that—

(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(B) is not organized primarily for profit; and

(C) uses net proceeds to maintain, improve, or expand the operations of the organization.

(7) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, and any instrumentality thereof, any multi-State, regional, or interstate entity which has governmental functions, and any Indian Tribal Government.

(8) TRIBAL GOVERNMENT.—The term ''tribal government'' means an Indian tribe, as that term is defined in section 7501(a)(9) of title 31, United States Code.

(9) UNIFORM ADMINISTRATIVE RULE.—The term ''uniform administrative rule'' means a Government-wide uniform rule for any generally applicable requirement established to achieve national policy objectives that applies to multiple Federal financial assistance programs across Federal agencies.

SEC. 5. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, each Federal agency shall develop and implement a plan that—

(1) streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency;

(2) demonstrates active participation in the interagency process under section 6(a)(2);

(3) demonstrates appropriate agency use, or plans for use, of the common application and reporting system developed under section 6(a)(1);

(4) designates a lead agency official for carrying out the responsibilities of the agency under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) ensures recipients of Federal financial assistance provide timely, complete, and high quality information in response to Federal reporting requirements; and

(7) establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives, which may be done as part of the agency's annual planning responsibilities under the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

(b) EXTENSION.—If one or more agencies are unable to comply with the requirements of subsection (a), the Director shall report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives the reasons for noncompliance. After consultation with such committees, the Director may extend the period for plan development and implementation for each noncompliant agency for up to 12 months.

(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

(1) COMMENT.—Each agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment of the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public forums on the plan.

(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult with representatives of non-Federal entities during development and implementation of the plan. Consultation with representatives of State, local, and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such report may be included as part of any of the general management reports required under law.

SEC. 6. DUTIES OF THE DIRECTOR.

(a) IN GENERAL.—The Director, in consultation with agency heads, and representatives of non-Federal entities, shall direct, coordinate, and assist Federal agencies in establishing—

(1) a common application and reporting system, including—

(A) a common application or set of common applications, wherein a non-Federal entity can apply for Federal financial assistance from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(B) a common system, including electronic processes, wherein a non-Federal entity can apply for, manage, and report on the use of funding from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies; and

(C) uniform administrative rules for Federal financial assistance programs across different Federal agencies; and

(2) an interagency process for addressing—

(A) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for non-Federal entities;

(B) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal financial assistance programs, including appropriate information sharing consistent with section 552a of title 5, United States Code; and

(C) improvements in the timeliness, completeness, and quality of information received by Federal agencies from recipients of Federal financial assistance.

(b) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(c) REVIEW OF PLANS AND REPORTS.—Upon the request of the Director, agencies shall submit to the Director, for the Director's review, information and other reporting regarding agency implementation of this Act.

(d) EXEMPTIONS.—The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant number of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which shall be available to the public through the Office of Management and Budget's Internet site.

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 6(b)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act, the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans; and

(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

SEC. 8. COLLECTION OF INFORMATION.

Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for review of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

SEC. 9. JUDICIAL REVIEW.

There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 10. STATUTORY REQUIREMENTS.

Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

SEC. 11. EFFECTIVE DATE AND SUNSET.

This Act shall take effect on the date of enactment of this Act and shall cease to be effective 5 years after such date of enactment.

Mr. THOMPSON. Mr. President, I am pleased to support the Federal Financial Assistance Management Improvement Act of 1999. As a strong believer in our federalist system of government, I am pleased to be an original cosponsor of this legislation, which will cut red tape and waste in Federal grant and other assistance programs that impact State and local government, as well as nonprofit organizations. It is fitting that my good friend from Ohio, GEORGE VOINOVICH, is now providing leadership on this effort in the Senate. As a governor and Chairman of the National Governors' Association, GEORGE VOINOVICH strongly supported this bill from outside Congress. While we reported the bill out of the Governmental Affairs Committee and passed it through the Senate last year, unfortunately it did not become law. It's time to get the job done.

This legislation will improve the performance of Federal grant and other

assistance programs by streamlining their application, administration, and reporting requirements for grant recipients—including State, local and tribal governments and nonprofit organizations. The Federal agencies, with guidance from the Office of Management and Budget, would develop plans within 18 months to streamline application, administrative and reporting requirements, develop uniform applications for related programs, develop and expand the use of electronic applications and reporting via the Internet, demonstrate interagency coordination in simplifying requirements for crosscutting programs, and set annual goals to further the purposes of the Act.

Agencies would then consult with outside parties in developing their plans. The agencies would submit their plans and annual reports to the Director of OMB and to Congress, and they could be made a part of other management reports required under law. In addition to overseeing and coordinating agency activities, OMB would develop more common rules to cut across programs and would develop a release form to allow grant information to be shared across programs.

This legislation has been endorsed by many organizations representing our State and local government partners, including the National Governors' Association, the National Conference of State Legislatures, the National League of Cities, the Council of State Governments, and the National Association of Counties. It is a good government, common sense initiative. Let's pull together and pass this bill into law.

By Mr. BREAUX (for himself, Mr. CONRAD, Mr. BURNS, and Mr. BAUCUS):

S. 469. A bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL SPACE TRANSPORTATION COST REDUCTION ACT

COUNCIL OF STATE GOVERNMENTS, INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL CONFERENCE OF STATE LEGISLATURES, NATIONAL GOVERNORS' ASSOCIATION, NATIONAL LEAGUE OF CITIES, U.S. CONFERENCE OF MAYORS,

February 24, 1999.

Hon. FRED THOMPSON,
Hon. GEORGE V. VOINOVICH,
Hon. JOSEPH I. LIEBERMAN,
Hon. RICHARD J. DURBIN,
U.S. Senate,
Washington, DC

DEAR SENATORS THOMPSON, LIEBERMAN, VOINOVICH, AND DURBIN: On behalf of the elected leaders of the respective organizations of Governors, legislators, mayors, county officials, and city managers, we are pleased that you will be introducing the Federal Financial Assistance Management Improvement Act. This bill was passed by the Senate last year and has the strong support of all our organizations.

The bill would require the Office of Management and Budget (OMB) to reevaluate its array of over 75 crosscutting regulations that govern all funds going to state and local governments. We support a requirement that OMB establish lead agencies to develop uniform common rules for crosscutting regulations, base data information for multiple grants to the same state or local government, and electronic filing of most intergovernmental paperwork.

We greatly appreciate your leadership for these reforms and urge all Senators to support passage of your bill.

Sincerely,

Governor Thomas R. Carper, State of Delaware, Chairman, National Governors' Association; Representative Dan Blue, North Carolina State House of Representatives and President, National Conference of State Legislatures; Commissioner Betty Lou Ward, Wake County, North Carolina, President, National Association of Counties; Mayor Deedee Corradini, Salt Lake City, Utah, President, The U.S. Conference of Mayors; Bryce (Bill) Stuart, City Manager, Winston-Salem, North Carolina, President, International City/County Management Association; Mayor Clarence Anthony, South Bay, Florida, President, National League of Cities; Senator Kenneth McClintock, Puerto Rico Senate, Chairman, Council of State Governments.

Mr. BREAUX. I take the time today, Mr. President and my colleagues, to introduce a bill which I happen to think addresses a very important issue that this Nation is facing; and that is the question of trying to devise a system where the United States can continue to be the world's leader in the space launch business.

Every day, every month, more and more satellites around the world are being put into service. I daresay that most people really do not follow the details of how this is accomplished, but I do know that over the last several months people in this country have heard a great deal about Chinese rockets, Ukrainian rockets, Russian rockets and all the problems that they have been involved with related to the U.S. aerospace industry.

One may wonder, why would a U.S. company have to use a Ukraine launch vehicle or a Chinese launch vehicle or a Russian launch vehicle or a European launch vehicle in order to launch a U.S. satellite to serve the technological and communications needs of the world. The reason is not that hard to figure out when you look at the fact that these countries that I just mentioned are not countries that are under the same economic obligations that we are. Many of those are not free market economies. Many are still government-run economies. Many of those countries have governments that have put a great deal of money in their launch industries and are now able to provide those launch vehicles for use at a cut-rate or subsidized price.

I do not think that is particularly good for our country to have to buy space transportation on a Ukraine rocket to launch a U.S. satellite. When those rockets malfunction, then we are in a problem area trying to tell them based on our technological expertise why the failure happened. Our companies could get into trouble because of the risk that they are sharing with them technology that could be used for military purposes.

So I, for one, do not think I would want to drive a Ukrainian car let alone ride in a Ukrainian rocket. But that is what is happening because of a situation where we do not have enough access in the private industry to U.S.-built space transportation vehicles that can launch U.S.-built satellites for communications purposes.

We have learned that one of the reasons is the fact that there is inadequate private sector funding for U.S. companies to engage in building space transportation vehicles for this purpose. It is, of course, a high-risk business. This is much more risky than building a ship or building a car or building just about anything else. A lot can go wrong. So it is a high risk. And there is inadequate funding in the private sector.

To solve this problem, what do you do? Do you make the Government take it over? Do you make the Government own the launch vehicles and make the Government pay for the building of the launch vehicles? In our society the answer is no. But I think that the legislation that I am introducing today, along with Senator CONRAD BURNS of Montana, sets up a program which would be a loan guarantee program where the U.S. Government can pattern in the space transportation industry what we have done very successfully in the shipbuilding industry under what is known as a Title XI shipbuilding loan guarantee program, where the Federal Government comes to a qualified builder who is having a difficult time getting adequate financing because of the nature of the industry, and that the Federal Government will be in a position to guarantee the loan to a company which company would go out into the private market and borrow the money but have the loan guaranteed by the Federal Government. Under that scenario, we have built literally hundreds and hundreds of vessels, probably thousands, through the Title XI loan guarantee program.

What I am proposing in the ''Commercial Space Transportation Cost Reduction Act of 1999'' is to set up a loan guarantee program which would be patterned after the Title XI Shipyard Loan Guarantee Program. We would vest the Secretary of Transportation in our Government with the administrative responsibilities for the program operations. The legislation would initially provide up to $500 million of funding for the loan guarantee program. That would represent the possibility of generating up to $5 billion in loans for U.S. space transportation companies to engage other U.S. companies and U.S. workers in building space transportation vehicles for use in our society.

I ask unanimous consent for 2 additional minutes.

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

Mr. BREAUX. And by having that type of a system, I think that we would give our private companies the ability to compete with all of these other companies in countries which have their governments supporting them in these areas.

We have had a number of Senators who have expressed an interest in participating with us in this legislation. Let me just mention Senator LOTT, Senator BACCHUS, Senator BINGAMAN, Senator GRAHAM of Florida and Senator LANDRIEU of Louisiana. I hope—and now that the bill has been introduced, that the Commerce Committee can have some hearings on it—that we can continue to improve it and move forward with establishing something that will allow the private sector of the United States to continue to be, and even increase the ability to be, the world leader in space transportion. In particular, the ability to launch our satellites with our vehicles and not have to rent space from the Russians or from the Chinese or from the Ukrainians or from any other part of the world. This is a vitally important industry, and the United States should be the technological leader now and for the future.

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. 469

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Commercial Space Transportation Cost Reduction Act''.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States commercial space transportation vehicle industry is an essential part of the national economy and opportunities for U.S. commercial providers are growing as international markets expand.

(2) The development of the U.S. commercial space transportation vehicle industry is consistent with the national security interests and foreign policy interests of the United States.

(3) United States trading partners have been able to lower their commercial space transportation prices aggressively either through direct cash payments for commercially targeted product development or with indirect benefits derived from nonmarket economy status.

(4) Because United States incentives for space transportation vehicle development have historically focused on civil and military rather than commercial use, U.S. launch costs have remained comparatively high, and U.S. launch technology has not been commercially focused.

(5) As a result, the U.S. share of the world commercial market has decreased from nearly 100% twenty years ago to approximately 47% in 1998.

(6) In order to avoid undue reliance on foreign space transportation services, the U.S. must strive to have sufficient domestic capacity as well as the highest quality and the lowest cost per service provided.

(7) A successful high quality, lower cost U.S. commercial space transportation industry should also lead to substantial U.S. taxpayer savings through collateral lower U.S. government costs for its space access requirements.

(8) The key to maintaining United States leadership in the world market is *not* another massive government program, but rather provision of just enough government support on an incremental and timely basis to enable the more cost effective U.S. private sector to build lower-cost space transportation vehicles.

(9) Private sector companies across the United States are already attempting to develop a variety of lower-cost space transportation vehicles, but lack of sufficient private financing, particularly in the early stages of development, has proven to be a major obstacle, an obstacle our trading partners have removed by providing direct access to government funding.

(10) Given the strengths and creativity of private industry in the United States, a more effective alternative to the approach of our trading partners is for the U.S. government to provide limited incentives, including loan guarantees which would help qualifying U.S. private-sector companies secure otherwise unavailable private ''bridge'' financing for the critical developmental stages of the project, while at the same time keeping government involvement at a minimum.

SEC. 3. PURPOSES.

Therefore the purposes of this Act are—

(1) to ensure availability of otherwise unavailable private sector ''bridge'' financing for U.S. private sector development of commercial space transportation vehicles with launch costs significantly below current levels;

(2) and, as a result—

(A) to avoid undue reliance on foreign space transportation services;

(B) to reduce substantially United States Government space transportation expenditures;

(C) to increase the international competitiveness of the United States space industry;

(D) to encourage the growth of space-related commerce in the United States and internationally; and

(E) to increase the number of high-value jobs in the United States space-related industries.

SEC. 4. DEFINITIONS.

In this Act:

(1) TOTAL CAPITAL REQUIREMENT.—The term ''total capital requirement'' of a United States commercial space transportation provider means the aggregate, as determined by the Secretary, of all Cash Requirements paid or to be paid by or on the account of the Obligor prior to the achievement by the Obligor of positive cash flow generation. For the purposes of this definition, the term ''Cash Requirements'' shall include all cash expended or invested by the Obligor (including but not limited to design, development, testing and evaluation (DDT&E)), construction, reconstruction, reconditioning, placing into operation, working capital, interest expense and initial operating and marketing expenses in connection with space transportation prior to the achievement of positive cash flow generation from ongoing operations.

(2) LOAN.—The term ''loan'' means an obligation.

(3) OBLIGEE.—The term ''obligee'' means the holder of an obligation.

(4) OBLIGOR.—The term ''obligor'' means any party primarily liable for payment of the principal of or interest on any obligation.

(5) OBLIGATION.—The term ''obligation'' means any note, bond, debenture, or other evidence of indebtedness issued for one of the purposes specified in section 105(a) of this Act.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the United States Department of Transportation.

(7) SPACE LAUNCH SITE.—The term ''space launch site'' means a location from which a launch or landing takes place and includes all facilities located on, or components of, a launch or landing site which are necessary to conduct a launch, whether on land, sea, in the earth's atmosphere, or beyond the earth's atmosphere.

(8) SPACE TRANSPORTATION VEHICLE.—The term ''space transportation vehicle'' includes all types of vehicles, whether in existence or under design, development, construction, reconstruction or reconditioning; constructed in the United States by United States commercial space transportation vehicle providers as defined below and owned by those commercial providers, for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload.

(9) STATE.—The term ''State'' means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(10) UNITED STATES COMMERCIAL PROVIDER.—The term ''United States commercial provider'' means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers, to companies described in subparagraph (A) with respect to local investment opportunities, that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

(II) SMALL BUSINESS.—For the purposes of this Act, a ''small business'' is a commercial provider as defined by the Secretary according to criteria established in consultation with the commercial space transportation vehicle industry and professional associations.

(12) UNITED STATES COMMERCIAL SPACE TRANSPORTATION VEHICLE PROVIDER.—The term ''United States commercial space transportation vehicle provider'' means a United States commercial provider engaged in designing, developing, producing, or operating commercial space transportation vehicles.

(13) UNITED STATES COMMERCIAL SPACE TRANSPORTATION VEHICLE INDUSTRY.—The term ''United States commercial space transportation vehicle industry'' means the collection of United States commercial providers of space transportation vehicles.

(14) COST TO THE GOVERNMENT.—''Cost to the Government'' means the Risk Rate multiplied by the amount of the guarantee issued by the Secretary. The Cost to the Government reduces the amount of the Fund until such time as part or all of the guarantee has been retired as described in Section 103 of the Act.

(15) RISK RATE.—''Risk Rate'' means the percentage applies to a guarantee of an entity assigned to a specific Risk Category by the Secretary and used in calculating the Cost to the Government of the guarantee.

(16) RISK CATEGORY.—''Risk Category'' means the category into which the Secretary assigns an entity applying for a guarantee based on the risk factors identified in Section 104(f). The Risk Category is assigned for the purpose of arriving at a Risk Rate in the calculation of the Cost to the Government.

(17) FUND.—The ''Fund'' means the amount appropriated under the Act as described under Section 103 of the Act.

TITLE 1—INCREASING THE AVAILABILITY OF PRIVATE SECTOR FINANCING FOR THE UNITED STATES COMMERCIAL SPACE TRANSPORTATION VEHICLE INDUSTRY THROUGH A LOAN GUARANTEE PROGRAM

SEC. 101. UNITED STATES COMMERCIAL SPACE TRANSPORTATION VEHICLE INDUSTRY LOAN GUARANTEE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There shall be a United States Commercial Space Transportation Vehicle Industry Loan Guarantee program to provide loan guarantees to support the private development of multiple qualified United States commercial space transportation vehicle providers with launch costs significantly below current levels.

(b) ADMINISTRATION OF PROGRAM.—The program shall be carried out by the Secretary of Transportation under a streamlined application process pursuant to the terms of this Section and any regulations that may be promulgated hereunder, in consultation with other U.S. Government officials, and private sector representatives, as necessary, to ensure fair, effective and timely program administration.

(c) SCOPE OF PROGRAM.—

(1) TEMPORARY GOVERNMENT SUPPORT.—The United States Commercial Space Transportation Vehicle Industry Loan Guarantee program is intended to provide loan guarantees to support financing of qualified commercial space transportation vehicle development ventures during their startup phases and is not intended as a permanent source of financing for such ventures. Applications for guarantees under this program must include specific plans for the timely transition from guaranteed financing to standalone private sector financing as soon as the venture becomes commercially viable.

(2) EXCLUSION OF SPACE LAUNCH SITES.—The program does not provide for loan guarantees pertaining to the construction, reconstruction, or reconditioning of space launch sites.

(3) EXCLUSION OF EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.—The United States Commercial Space Transportation Vehicle Industry Loan Guarantee program shall not remove, restrict, or replace funding provided by the Department of Defense to commercial providers participating in the Evolved Expendable Launch Vehicle (EELV) program. Commercial providers already receiving Department of Defense funding for the development of specific expendable launch vehicles under the Evolved Expendable Launch Vehicle program shall not be eligible to apply for loan guarantees pertaining to this same program, under the United States Commercial Space Transportation Vehicle Industry Loan Guarantee program.

(4) SMALL BUSINESS SET ASIDE.—Depending upon the number of applications, not less than ten percent and up to 20 percent of the loan guarantee fund shall be set aside for small businesses as defined by the Secretary. In no event shall a single commercial provider be the sole beneficiary of loan guarantees available under this Act.

(5) COMPETITION ENCOURAGED ON INITIATIVES ATTEMPTING TO MEET UNIQUE U.S. GOVERNMENT SPECIFICATIONS.—When possible and economically feasible, in order to allow U.S. taxpayers to receive the benefits and disciplines of private sector competition, the Secretary shall administer the loan guarantee program to permit the participation of multiple United States space transportation vehicle commercial providers that are targeting unique U.S. government specifications.

(6) NONDISCLOSURE OF CONFIDENTIAL MATERIALS.—Materials that are submitted by a United States commercial space transportation vehicle provider to the Secretary in connection with an application submitted under the United States Commercial Space Transportation Vehicle Industry Loan Guarantee program and deemed by the commercial provider to be confidential, and that contain trade secrets or proprietary commercial, financial, or technical information of a kind not customarily disclosed to the public, shall not be disclosed by the Secretary to persons other than Government officers, employees or contractors notwithstanding any other provision of law.

(d) SUNSET.—This Act shall sunset 10 years from date of enactment.

SEC. 102. FUNCTIONS OF THE SECRETARY OF TRANSPORTATION.

The Secretary shall carry out the following functions—

(a) CONSULTATION.—Consultation, to the extent deemed necessary for effective implementation of the Act with appropriate federal agencies, Congressional, and space transportation industry representatives, and members of the risk management industry concerning—

(1) assessments of international competition, potential markets for space transportation vehicles, and availability of private investment captial;

(2) recommendations of commercial entities, partnerships, joint ventures, or consortia regarding effective implementation of the loan guarantee program; and,

(3) recommendations on how to make U.S. government space access requirements more compatible with U.S. commercial space transportation assets.

(b) PROGRAM MANAGEMENT.—Management of the loan guarantee program consistent with the purposes of this Act.

Sec. 103. AUTHORIZATION OF APPROPRIATION OF FUNDS.

(a) The Act authorizes an annual appropriation of the sum of $400,000,000 to be deposited in a Fund to be used by the Secretary for the purpose of carrying out the provisions of the Act. The Fund will be reduced by the Cost to the Government (as defined) of each loan guarantee extended by the Secretary as further described in Section 104(f). As an Obligor releases its government guarantees on the schedule agreed to up front with the Secretary, this Cost to the Government shall be reduced or eliminated, thus replenishing the Fund for new guarantees.

Sec. 104. AUTHORIZATION OF SECRETARY TO GUARANTEE OBLIGATIONS

(a) PRINCIPAL AND INTEREST.—The Secretary is authorized to guarantee, and to enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation which is eligible to be guaranteed under this Act. A guarantee, or commitment to guarantee, made by the Secretary under this Act shall cover 100 percent of the amount of the principal and interest of the obligation.

(b) SECURITY INTEREST.—No obligation shall be guaranteed under this Act unless the obligor conveys or agrees to convey to the Secretary a security interest such as the Secretary may reasonably require to protect the interests of the United States.

(c) PRIVATE INSURANCE.—If the Secretary determines that other potential measures, as described in this Act, are not sufficient to provide adequate security, the Secretary, as a condition of processing or approving an application for guarantee of an obligation, may require that the obligor obtain private insurance with respect to a portion of the government's risk of default by the obligor on the obligation, including both the amount of the obligation still outstanding and the accrued interest. Such private insurance may be funded from the proceeds of any obligation guaranteed under this Act. If the obligor fails to renew such private insurance on a timely basis, the Secretary may take such action as deemed necessary, with regard to seizure of security interest conveyed by the obligor or the assessment of additional fees to the obligor, to ensure that the appropriate insurance renewal is obtained without delay.

(d) PLEDGE OF UNITED STATES.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this Act with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee.

(e) PROOF OF OBLIGATIONS.—Any guarantee, or commitment to guarantee, made by the Secretary under this Act shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarntee, or commitment to guarantee, so made shall be incontestable. Notwithstanding an assumption of an obligation by the Secretary under section 106 (a) or (b) of this Act, the validity of the guarantee of an obligation made by the Secretary under this Act is unaffected and the guarntee remains in full force and effect.

(f) DETERMINATION OF ESTIMATED BENEFIT AND COST TO GOVERNMENT FOR LOAN GUARANTEE PROGRAM.—

(1) The Secretary shall in consultation with the private risk management industry and consistent with the Federal Credit Reform Act of 1990 (2 U.S.C. 661a et seq.)—

(A) establish in accordance with this subsection a system of risk categories for obligations guaranteed under this Act, that categoriezes the relative risk of guarantees made under this Act with respect to the risk factors set forth in paragraph (3); and

(B) determine for each of the risk categories a risk rate equivalent to the cost of obligations in the category, expressed as a percentage of the amount guaranteed under this Act for obligations in the category.

(2) Before making a guarantee under this section for an obligation, the Secretary shall apply the risk factors set forth in paragraph (3) to place the obligation in a risk category established under paragraph (1)(A).

(3) The risk factors referred to in paragraphs (1) and (2) are the following:

(A) The technological feasibility of the proposed venture and the magnitude of its projected overall space launch cost reduction;

(B) The period for which an obligation is to be guaranteed, such period not exceeding 12 years;

(C) The amount of obligations which are guaranteed or to be guaranteed, in relation to the Total Capital Requirement of the proposed venture;

(D) The financial condition of the applicant;

(E) The availability of private financing, including guarantees (other than the guarantees issued pursuant to this Act) and private insurance, for the proposed venture;

(F) The projected commercial and government utilization of each space transportation vehicle or other article to be financed by debt guaranteed pursuant to this Act (including any contracts, letters of intent, or other expressions of agreement under which the applicant will provide launch services using a space transportation vehicle or other article financed by debt guaranteed pursuant to this Act);

(G) The adequacy of collateral provided in exchange for a guarantee issued pursuant to this act;

(H) The management and operating experience of the applicant;

(I) Commercial viability of the business plan for the venture of the Obligor;

(J) The extent of private equity capital in the project;

(K) The applicant's plans for achieving a transition from Government-guaranteed financing to private financing;

(L) The likelihood that the venture would serve an identifiable national interest;

(M) The likelihood that the successful completion of the project would result in savings that would offset anticipated Government expenditures for space-related activities;

(N) The likelihood that the project will open new markets or result in the development of significant new technologies;

(O) other relevant criteria; and

(4) The amount of appropriated funds required by the Federal Credit Reform Act of 1990 in advance of the Secretary's issuance of a guarantee of an obligation, or a commitment to guarantee an obligation, may be provided, in whole or in part, by a non-Federal source and deposited by the Secretary in the financing account established under the Federal Credit Reform Act of 1990 for obligation guarantees issued by the Secretary. These non-Federal source funds may be in lieu of or combined with Federal funds appropriated for the purpose of satisfying the requirements of the Federal Credit Reform Act of 1990. The non-Federal source funds deposited into that financing account shall be held and applied by the Secretary in accordance with the provisions of the Federal Credit Reform Act of 1990, in the same manner as that legislation controls the use and disposition of Federally appropriated funds. Non-Federal source funds must be paid to the Secretary in cash prior to the issuance of any guarantee or commitment to guarantee an obligation. The payment of said non-Federal source funds shall not, in any way, relive any entity from its responsibility to meet any other provision of this Act or its implementing regulations relating to the application for, issuance of, or administration of a guarantee of an obligation.

(5) In this subsection, the term ''cost'' has the meaning given that term in the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

SEC. 105. ELIGIBILITY FOR GUARANTEE

(a) PURPOSE OF OBLIGATIONS.—Pursuant to the authority granted under section 104(a) of this Act, the Secretary, upon such terms as he shall prescribe, consistent with the provisions and purpose of the Act, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation for the purpose of—

(1) Financing the Total Capital Requirement, as defined, of the DDT&E, construction, reconstruction, reconditioning, placing into operation, working capital, interest expense, and initial operating and marketing expenses in connection with space transportation vehicles with launch costs significantly below current levels.

(2) Financing the purchase, reconstruction, or reconditioning of space transportation vehicles to achieve launch costs significantly below current levels for which obligations were guaranteed under this Act that, under the provisions of section 106 of this Act are space transportation vehicles for which obligations were accelerated and paid and that have been repossessed by the Secretary or sold at foreclosure instituted by the Secretary.

(b) CONTENTS OF OBLIGATIONS.—

Obligations guaranteed under this Act—

(1) shall have an obligor approved by the Secretary as responsible and possessing or having the ability to obtain the technical capability, experience, financial resources, and other qualifications necessary to the adequate development, operation and maintenance of the space transportation vehicle or space transportation vehicles which serve as security for the guarantee of the Secretary;

(2) subject to the provisions of subsection (c)(1) of this section, shall be in an aggregate principal amount which does not exceed 80 per centum of the total Capital Requirement, as determined by the Secretary, of the space transportation vehicle which is used as security for the guarantee of the Secretary;

(3) shall have maturity dates satisfactory to the Secretary but, subject to the provisions of paragraph (2) of subsection (c) of this section, not to exceed twelve years from the date of the issuance of the guarantee.

(4) shall provide for payments by the obligor satisfactory to the Secretary;

(5) shall provide, or a related agreement shall provide that the space transportation vehicle shall meet such safety, reliability, and performance standards as are necessary for U.S. commercial licensing; and

(6) shall provide that the space transportation vehicle provider guarantee to the United States Government, launch services at the targeted significantly reduced launch cost or the prevailing commercial launch cost, which ever is lower.

(c) SECURITY.—

(1) The security for the guarantee of an obligation by the Secretary under this Act may relate to more than one space transportation vehicle and may consist of any combination of types of security. The aggregate principal amount of obligations which have more than one space transportation vehicle as security for the guarantee of the Secretary under this Act may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each space transportation vehicle.

(2) If the security for the guarantee of an obligation by the Secretary under this Act relates to more than one space transportation vehicle, such obligation may have the latest maturity date permissible under subsection (b) of this section with respect to any of such space transportation vehicles: Provided, that the Secretary may require such payments of principal, prior to maturity, with respect to all related obligations as he deems necessary in order to maintain adequate security for the guarantee.

(d) RESTRICTIONS.—

(1) RESTRICTION ON USED SPACE TRANSPORTATION VEHICLES.—No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this Act for the purchase of a used space transportation vehicle unless—

(A) the used space transportation vehicle will be reconstructed or reconditioned in the United States and will contribute to the development of the United States commercial space transportation vehicle industry; and

(B) the reconstruction or reconditioning of the used space transportation vehicle will result in a magnitude of projected space transportation cost reduction comparable to that which development of new space transportation vehicles would be required to project, in order to be eligible for guarantee of obligations.

(e) APPLICATION AND ADMINISTRATIVE FEES.—

(1) The Secretary may assess a fee for applications for loan guarantees submitted under this Act and/or a fee for administration of an obligation under this Act.

(2) Application fees under this subsection shall be assessed and collected at the time a U.S. commercial space transportation vehicle provider submits an application for loan guarantees under this Act. Administrative fees under this section shall be assessed and collected not later than the date of issuance of the debt guaranteed pursuant to this Act.

(3) Administrative fees collected under this subsection shall not exceed one-eighth of one percent of the guaranteed amount of the face value of the debt covered by the guarantee.

(4) A fee paid under this subsection is generally not refundable. However, an obligor shall receive credit for the amount paid for the remaining term of the guaranteed obligation if the obligation is refinanced and guaranteed under this Act after such refinancing.

(5) A fee paid under this subsection shall be included in the amount of the actual cost of the obligation guaranteed under this Act and is eligible to be financed under this Act.

(6) There are authorized to be appropriated such sums as may be necessary for salaries and expenses to carry out the responsibilities under this title.

(f) ADDITIONAL REQUIREMENTS.—Obligations guaranteed under this Act and agreements relating thereto shall contain such other provisions with respect to the protection of the financial security interests of the United States as the Secretary may, in his or her discretion, prescribe.

SEC. 106. DEFAULTS.

(a) RIGHTS OF OBLIGEE.—In the event of a default, which has continued for thirty days, in any payment by the obligor of principal or interest due under an obligation guaranteed under this Act, the obligee or his agent shall have the right to demand (unless the Secretary shall, upon such terms as may be provided in the obligation or related agreements, prior to that demand, have assumed

the obligor's rights and duties under the obligation and agreements and shall have made any payments in default), at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than ninety days from the date of such default, payment by the Secretary of the unpaid principal amount of such obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: Provided, That the Secretary shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the obligor in the payment of principal or interest or that such default has been remedied prior to any such demand.

(b) NOTICE OF DEFAULT.—In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary, the Secretary may upon such terms as may be provided in the obligation or related agreement, either:

(1) assume the obligor's rights and duties under the agreement, make any payment in default, and notify the obligee or the obligee's agent of the default and the assumption by the Secretary; or

(2) notify the obligee or the obligee's agent of the default, and the obligee or the obligee's agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than 60 days from the date of such notice, payment by the Secretary of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than 30 days from the date of such demand, the Secretary shall promptly pay to the obligee or the obligee's agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.

(c) TO COMPLETE, SELL OR OPERATE PROPERTY.—In the event of any payment or assumption by the Secretary under subsection (a) or (b) of this section, the Secretary shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary shall have the right, in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor. The terms of the sale shall be as approved by the Secretary.

(d) ACTIONS AGAINST OBLIGOR.—In the event of a default under any guaranteed obligation or any related agreement, the Secretary shall take such action against the obligor or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary shall have the right, in his discretion, to accept a conveyance of Act to and possession of property from the obligor or other parties liable to the Secretary, and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event that the Secretary shall receive through the sale of property an amount of cash in excess of the unpaid principal amount of the obligation and unpaid interest on the obligation and the expenses of collection of those amounts, the Secretary shall pay the excess to the obligor.

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. WARNER, Mr. BOND, Mr. GRAHAM, and Mr. GORTON):

S. 470. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway infrastructure construction; to the Committee on Finance.

THE HIGHWAY INNOVATION AND COST SAVINGS ACT

Mr. CHAFEE. Mr. President today, I am introducing legislation which will allow the private sector to take a more active role in building and operating our nation's highway infrastructure. The Highway innovation and Cost Savings Act will allow the private sector to gain access to tax-exempt bond financing for a limited number of highway projects. I am pleased that my distinguished colleagues, Senators MOYNIHAN, WARNER, BOND, GRAHAM, and GORTON have agreed to join me in this effort.

In the United States, highway and bridge infrastructure is the responsibility of the government. Governments build, own, and operate public highways, roads and bridges. In many other countries, however, the private sector, and private capital, construct and operate important facilities. These countries have found that increasing the private sector's role in major highway transportation projects offers opportunities for construction cost savings and more efficient operation. They also open the door for new construction techniques and technologies.

It is incumbent upon us to look at new and innovative ways to make the most of limited resources to address significant needs. To help meet the nation's infrastructure needs, we must take advantage of private sector resources by opening up avenues for the private sector to take the lead in designing, constructing, financing and operating highway facilities.

A substantial barrier to private sector participation in the provision of highway infrastructure is the cost of capital. Under current Federal tax law, highways built and operated by the government can be financed using tax exempt debt, but those built and operated by the private sector, or those with substantial private sector participation, cannot. As a result, public/private partnerships in the provision of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation offered by such arrangements.

To increase the amount of private sector participation in the provision of highway infrastructure, the tax code's bias against private sector participation must be addressed.

The Highway Innovation and Cost Savings Act creates a pilot program aimed at encouraging the private sector to help meet the transportation infrastructure needs for the 21st Century. It makes tax exempt financing available for a total of 15 highway privatization projects. The total face value of bonds that can be issued under this program is limited to 15 billion dollars.

The fifteen projects authorized under the program will be selected by the Secretary of Transportation, in consultation with the Secretary of Treasury. To qualify under this program, projects selected must: serve the general public; assist in evaluating the potential of the private sector's participation in the provision, maintenance, and operation of the highway infrastructure of the United States; be on publicly-owned rights-of-way; revert to public ownership; and, come from a state's 20-year transportation plan. These criteria ensure that the projects selected meet a state or locality's broad transportation goals.

This proposal was included in the Senate's version of last year's transportation reauthorization bill. Unfortunately, it was dropped during the conference with the House.

The bonds issued under this pilot program will be subject to the rules and regulations governing private activity bonds. Moreover, the bonds issued under the program will not count against a state's tax exempt volume cap.

This legislation has been endorsed by Project America, a coalition dedicated to improving our nation's infrastructure, the American Consulting Engineers Council, the Bond Market Association, the American Road and Transportation Builders Association, the Institute of Transportation Engineers, and the ITS America.

I hope that this bill can be one in a series of new approaches to meeting our substantial transportation infrastructure needs and will be one of the approaches that will help us find more efficient methods to design and to build the nation's transportation infrastructure.

I encourage my colleagues to join me as cosponsors of this important initiative.

Mr. President, I ask unanimous consent that the text and a description of the bill be printed into the RECORD.

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

S. 470

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 ''Highway Innovation and Cost Savings Act''.

SEC. 2. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE CONSTRUCTION.

(a) TREATMENT AS EXEMPT FACILITY BOND.—A bond described in subsection (b) shall be treated as described in section 141(e)(1)(A) of the Internal Revenue Code of

1986, except that section 146 of such Code shall not apply to such bond.

(b) BOND DESCRIBED.—

(1) IN GENERAL.—A bond is described in this subsection if such bond is issued after the date of enactment of this Act as part of an issue—

(A) 95 percent or more of the net proceeds of which are to be used to provide a qualified highway infrastructure project, and

(B) to which there has been allocated a portion of the allocation to the project under paragraph (2)(C)(ii) which is equal to the aggregate face amount of bonds to be issued as part of such issue.

(2) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

(A) IN GENERAL.—For purposes of paragraph (1), the term ''qualified highway infrastructure project'' means a project—

(i) for the construction or reconstruction of a highway, and

(ii) designated under subparagraph (B) as an eligible pilot project.

(B) ELIGIBLE PILOT PROJECT.—

(i) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall select not more than 15 highway infrastructure projects to be pilot projects eligible for tax-exempt financing.

(ii) ELIGIBILITY CRITERIA.—In determining the criteria necessary for the eligibility of pilot projects, the Secretary of Transportation shall include the following:

(I) The project must serve the general public.

(II) The project is necessary to evaluate the potential of the private sector's participation in the provision, maintenance, and operation of the highway infrastructure of the United States.

(III) The project must be located on publicly-owned rights-of-way.

(IV) The project must be publicly owned or the ownership of the highway constructed or reconstructed under the project must revert to the public.

(V) The project must be consistent with a transportation plan developed pursuant to section 134(g) or 135(e) of title 23, United States Code.

(C) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

(i) IN GENERAL.—The aggregate face amount of bonds issued pursuant to this section shall not exceed $15,000,000,000, determined without regard to any bond the proceeds of which are used exclusively to refund (other than to advance refund) a bond issued pursuant to this section (or a bond which is a part of a series of refundings of a bond so issued) if the amount of the refunding bond does not exceed the outstanding amount of the refunded bond.

(ii) ALLOCATION.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall allocate the amount described in clause (i) among the eligible pilot projects designated under subparagraph (B), based on the extent to which—

(I) the projects use new technologies, construction techniques, or innovative cost controls that result in savings in building or operating the projects, and

(II) the projects address local, regional, or national transportation needs.

(iii) REALLOCATION.—If any portion of an allocation under clause (ii) is unused on the date which is 3 years after such allocation, the Secretary of Transportation, in consultation with the Secretary of the Treasury, may reallocate such portion among the remaining eligible pilot projects.

SUMMARY OF HIGHWAY INNOVATION AND COST SAVINGS ACT

The U.S. Department of Transportation estimates a substantial shortfall in funding for meeting our highway and bridge infrastructure needs, even with the increased investment levels under TEA 21. Closing the gap will require full access to private capital as well as government resources.

Existing tax laws discourage private investment in highway infrastructure by making lower cost tax-exempt financing unavailable for projects involving private equity investment and private sector management and operating contracts.

Today, U.S. companies, which have invested billions of dollars in foreign infrastructure projects, have participated in only a few such projects in the United States. This pilot program will demonstrate the benefits of bringing the full resources of the private sector to bear on solving our own nation's transportation needs for the 21st century.

Increasing the private-sector's role in major highway transportation projects offers opportunities for construction cost savings and more efficient operation, as well as opening the door for new construction techniques and technologies.

A substantial barrier to private-sector participation in the provision of highway infrastructure is the cost of capital. Under current Federal tax law, highways built and operated by government can be financed using tax exempt financing but those built and operated by the private sector cannot. As a result, public/private partnerships in the provision of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation offered by such arrangements.

To increase the amount of private-sector participation in the provision of highway infrastructure, the tax code's bias against private-sector participation must be addressed, or the benefits that the private-sector can bring to infrastructure development will never be fully realized.

Highways, bridges, and tunnels are the only major category of public infrastructure investment where projects involving private participation (commonly referred to as private-activity bonds) are denied access to tax-exempt debt financing. See Attachment.

PILOT PROGRAM UNDER HICSA

Tax-exempt financing for up to 15 projects is made available under this pilot program. The aggregate amount of bonds issued under this program is limited to $15 billion.

Pilot projects are to be selected by the Secretary of Transportation, in consultation with the Secretary of the Treasury, based on the following criteria: the project must serve the general public; the project must be necessary to evaluate the potential of the private sector's participation in the provision of highway transportation infrastructure; the project must be located on a publicly-owned right-of-way; the project must be publicly owned or the ownership of the project must revert to the public; and the project must be consistent with transportation plans developed under Title 23 U.S.C.

Benefits resulting from the private sector participation include those resulting from using alternative procurement methodologies (including design-build and design and design-built-operate-maintain contracting), shortening construction schedules, reducing carrying costs, transferring greater construction and operating risk to the private sector, and obtaining from contractors long-term warranties and operating guaranties.

Private investors and operators are encouraged under this program to achieve efficiencies in design, construction, and operation by affording them a share in the project's net returns.

Projects will be subject to applicable environmental requirements, prevailing state design and construction standards and applicable state and local labor laws similar to any other transportation facility financed with tax-exempt bonds.

In the absence of this program, state and local governments could still build these projects with conventional tax-exempt financing, but at greater cost, on delayed time schedules, without contribution of private equity capital and without transferring to the private sector long term operating and maintenance risk.

TAX-EXEMPT BONDS FOR INFRASTRUCTURE

	Governmental only	Private activity bonds
Facility:		
Airport	Yes	Yes
Docks, Ports	Yes	Yes
Highways & Bridges	Yes	No
Mass Transit	Yes	Yes
High Speed Rail	Yes	Yes
Water Facilities	Yes	Yes
Sewage Facilities	Yes	Yes
Solid Waste Facilities	Yes	Yes
Hazardous Waste	Yes	Yes

Mr. GRAHAM. Mr. President, I am pleased to join my colleagues to introduce the Highway Innovation and Cost Savings Act of 1999. As you know, last year on June 9, President Clinton signed into law, the Transportation Equity Act of 1998. TEA 21 established many new programs, and a new budget treatment for highways. Throughout the debate on TEA 21, I always focused on one goal: to be able to promise my constituents that by 2003, the last year of TEA 21, our roads and bridges would be in better shape than they are today. In 1991, when ISTEA passed, I was not able to make that pledge, because I knew that the United States Department of Transportation had already estimated that the level of funding in the ISTEA bill would not close the gap between highway needs and money to meet those needs.

TEA 21 was a landmark piece of legislation. TEA 21 established a new budget category for funding the highway program which calls for funding levels each year to match the intake of gas taxes the year prior. This will be the first year we test the philosophy that we can commit to spending user fees exclusively to keep up the system. Unfortunately, this amount of funding is still not enough to maintain the quality of roads in Florida or any other state. Traditional grant programs will not be able to ever meet the infrastructure needs of the nation. We must look at innovative solutions to our congestion problems. We need to use innovative methods to finance construction projects. We need to get the private sector involved in transportation improvements.

The distinguished Chairman of the Environment and Public Works Committee and I worked very hard to develop and implement an innovative financing program called transportation Infrastructure Finance and Innovation Act (TIFIA). TIFIA was incorporated into TEA 21 and is now being implemented by the United States Department of Transportation. The program

will extend federal credit to major, high cost transportation projects so as to enhance the project's ability to acquire private credit. The TIFIA program authorizes $530 million to be extended in federal credit over six years. The $530 million can be used to leverage up to $10.6 billion in private loans and lines of credit. The TIFIA program offers the sponsors of major transportation projects a means to amplify federal resources up to twenty times. The objectives of the program are to stimulate additional nonfederal investment in our Nation's infrastructure, and encourage private sector participation in transportation projects.

Mr. President, I am very excited about the prospects for the TIFIA program. I believe that Congress must continue to look for new and innovative ways to meet our nation's infrastructure needs. I believe the bill we are introducing today, the Highway Innovation and Cost Savings Act of 1999 (HICSA), will be another tool in the financing toolbox. HICSA creates a pilot program which allows tax-exempt financing for up to 15 transportation projects. The amount of bonds issued under the pilot will be limited to $15 billion. The projects for the pilot will be selected by the Secretary on Transportation based on numerous criteria.

HICSA will encourage more private sector investment in highway and bridge construction by making lower cost, tax-exempt financing available. Under current law, other forms of public infrastructure, such as airports and seaports, are eligible for tax-exempt debt financing for projects with private capital. Highway, bridge, and tunnel projects are not eligible for this type of financing. Increasing the private sector's role in major highway projects will not only help to close the needs gap, but will also open the door for new cost saving techniques in construction and the use of new technologies.

U.S. companies continually invest billions of dollars in foreign infrastructure projects, but have only participated in only a few projects in the United States. Why should American companies feel the need to invest their money overseas, when the United States is in such desperate need of funds for roads. American companies want to invest in American infrastructure. HICSA will demonstrate the benefits of private sector involvement in infrastructure projects, and will finally establish the private sector as an honored partner in building the road to the 21st century.

Mr. President, I want to be able to travel to Florida and tell my constituents that in 2003, their roads and bridges will be in better shape than they are today. I believe with the combination of TEA 21 traditional grant funding, new programs like TIFIA, and clearing hurdles in the tax code with HICSA, we will be well on our way. I look forward to working with my colleagues on the Senate Finance Committee to pass this much needed legislation.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. JEFFORDS, Ms. COLLINS, Mr. COCHRAN, and Mr. ABRAHAM):

S. 471. A bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions; to the Committee on Finance.

LEGISLATION TO EXPAND THE TAX DEDUCTION FOR STUDENT LOAN INTEREST

Mr. GRASSLEY. Mr. President, today I am introducing legislation to expand the tax deduction for student loan interest. Senators BAUCUS, JEFFORDS, COLLINS, COCHRAN and ABRAHAM are joining me in introducing this legislation.

Under the Tax Reform Act of 1986, the tax deduction for student loan interest was eliminated. This action, done in the name of fiscal responsibility, blatantly disregarded the duty we have to the education of our nation's students. This struck me and many of my colleagues as wrong. Since 1987, I have spearheaded the bipartisan effort to reinstate the tax deduction for student loan interest. In 1992, we succeeded in passing the legislation to reinstate the deduction, only to have it vetoed as part of a larger bill with tax increases. Finally, after ten long years, our determination and perseverance paid off. Under the Taxpayer Relief Act of 1997, we succeeded in reinstating the deduction. In our success, we sent a clear message to students and their families across the country that the Congress of the United States understands the financial hardships they face, and that we are willing to assist them in easing those hardships so they can receive the education they need.

In 1997 we took steps in the right direction, and did what had to be done. Regrettably, due to fiscal constraints, we were not able to go as far as we wanted to go. The nation was still in a fiscal crisis at that time. In order to control costs, we were forced to limit the deductibility of student loan interest to only sixty loan payments, which is equivalent to five years plus time spent in forbearance or deferment.

This restriction hurts some of the most needy borrowers. Many of these borrowers are students who, due to limited means, have borrowed most heavily. The restriction discriminates against those who have the highest debt loads and lowest incomes. It makes the American dream harder to achieve for those struggling to pull themselves up—for those who started with less. It is unjust.

Today, our situation is vastly different. In these times of economic vitality and budget surplus, we have a responsibility to do what we were unable to do before. Student debt is rising to alarming levels, and additional relief must be provided. We must eliminate the sixty month restriction on the deductibility of student loan interest and show that the United States Congress stands behind all of our nation's students in their endeavors to better themselves.

Eliminating the sixty payment restriction will bring needed relief to some of the most deserving borrowers. The restriction weighs heavily on those who, despite lower pay, have decided to dedicate themselves to a career in public service. We will be rewarding civic virtue as we provide relief to these admirable citizens.

Additionally, eliminating this restriction will eliminate difficult and costly reporting requirements that are currently required for both borrowers and lenders. In supporting our nation's students, we will also be cutting costly bureaucracy.

Currently, to claim the deduction, the taxpayer must have an adjusted gross income of $40,000 or less, or $60,000 for married couples. The amount of the deduction is gradually phased out for those with incomes between $40,000 and $55,000, or $60,000 and $75,000 for married couples. Additionally, the deduction itself was phased in at $1000, and will cap out at $2500 in 2002.

Many in our country are suffering from excessive student debt. More can and must be done to help them. In this time of economic plenty, it is our duty to invest in our students' education. Doing so is an investment in America's future. To maintain competitiveness in the global marketplace, America must have a well-educated workforce. By eliminating the sixty payment restriction on the deductibility of student loan interest we recommit ourselves to education and to maintaining the position of this country at the pinnacle of the free world.

The administration supports this direction as well. In his 2000 budget, President Clinton has proposed to eliminate the sixty payment restriction on the deductibility of student loan interest, starting after 1999. Our legislation takes a more fair and inclusive approach by including payments between 1997 and 1999, which the administration leaves out.

I urge members to join us in this effort to relieve the excessive burdens on those trying to better themselves and their families through education by expanding the tax deduction for student loan interest payments.

By Mr. GRASSLEY (for himself, Mr. REID, Mr. CONRAD, Mr. HOLLINGS, Mr. JOHNSON, Mr. DURBIN, Ms. COLLINS, Mr. DASCHLE, and Mr. DORGAN):

S. 472. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

THE MEDICARE REHABILITATION BENEFIT IMPROVEMENT ACT OF 1999

Mr. GRASSLEY. Mr. President, I rise today to introduce the Medicare Rehabilitation Benefit Improvement Act of

1999 with my colleague, Senator REID. This legislation will enable seniors to receive medically necessary rehabilitative services based on their condition and health and not on arbitrary payment limits. We introduced similar legislation last Congress.

The Balanced Budget Act (BBA) of 1997 is a very important accomplishment and one that I am proud to say I supported. However, in our rush to save the Medicare Trust Fund from bankruptcy, Congress neglected to thoroughly evaluate the impact the new payment limits on rehabilitative services would have on Medicare beneficiaries.

The BBA included a $1500 cap on occupational, physical and speech-language pathology therapy services received outside a hospital setting. This provision became effective January 1, 1999, and after just 31 days of implementation, an estimated one in four beneficiaries had exhausted half of their yearly benefit. According to a recent study, these limitations on services will harm almost 13 percent or 750,000 of Medicare beneficiaries because these individuals will exceed the cap. While many seniors will not need services that would cause them to exceed the $1500 cap, others, like stroke victims and patients with Parkinson's disease, will likely need services beyond what the arbitrary caps will cover. Unfortunately, it is those beneficiaries who need rehabilitative care the most who will be penalized by being forced to pay the entire cost for these services outside of a hospital setting.

The bill I am introducing would establish certain exceptions to the $1500 cap, for beneficiaries who have medical needs that require more intensive treatment than this benefit limit would allow. The Secretary of the Department of Health and Human Services would be required to implement the exceptions, and providers would be required to demonstrate medical necessity based on the criteria outlined in the bill. In essence, the bill attempts to accomplish the primary goal of the $1500 cap, budgetary savings, but without harming the Medicare beneficiary. Payment is based on the patient's condition and not on an arbitrary monetary amount. Help us provide access to services for those beneficiaries who will need these services or risk further complications, establish a system that makes sense, and still achieve the budget savings sought from the BBA without reducing Medicare benefits.

Please join me and my colleagues in passing this legislation.

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

S. 472

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 ''Medicare Rehabilitation Benefit Improvement Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)).

(2) To direct the Secretary of Health and Human Services to conduct a study on the implementation of such exemption and to submit a report to Congress that includes recommendations regarding alternatives to such financial limitations.

SEC. 3. ESTABLISHMENT OF EXEMPTION TO CAP ON PHYSICAL, SPEECH-LANGUAGE PATHOLOGY, AND OCCUPATIONAL THERAPY SERVICES.

(a) IN GENERAL.—Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended by adding at the end the following:

''(4)(A) The limitations in this subsection shall not apply to an individual described in subparagraph (B).

''(B) An individual described in this subparagraph is an individual that meets any of the following criteria:

''(i) The individual has received services described in paragraph (1) or (3) in a calendar year and is subsequently diagnosed with an illness, injury, or disability that requires the provision in such year of additional such services that are medically necessary.

''(ii) The individual has a diagnosis that requires the provision of services described in paragraph (1) or (3) and an additional diagnosis or incident that exacerbates the individual's condition, thereby requiring the provision of additional such services.

''(iii) The individual will require hospitalization if the individual does not receive the services described in paragraph (1) or (3).

''(iv) The individual meets other criteria that the Secretary determines are appropriate.

''(C) Nothing in this paragraph shall be construed as affecting any requirement for, or limitation on, payment under this title (other than the financial limitation under this subsection).

''(D) Any service that is covered under this title by reason of this paragraph shall be subject to the same reasonable and necessary requirement under section 1862(a)(1) that is applicable to the services described in paragraph (1) or (3) that are covered under this title without regard to this paragraph.''.

(b) CONFORMING AMENDMENTS.—Paragraphs (1) and (3) of section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) are each amended by striking ''In the case'' and inserting ''Subject to paragraph (4), in the case''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services provided on or after the date of enactment of this Act.

SEC. 4. STUDY AND REPORT TO CONGRESS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on the amendments to section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) made by section 3 of this Act, including a study of—

(1) the number of medicare beneficiaries that receive exemptions under paragraph (4) of such section (as added by section 3);

(2) the diagnoses of such beneficiaries;

(3) the types of physical, speech-language pathology, and occupational therapy services that are covered under the medicare program because of such exemptions;

(4) the settings in which such services are provided; and

(5) the number of medicare beneficiaries that reach the financial limitation under section 1833(g) of the Social Security Act in a year (without regard to the amendments to such section made by section 3 of this Act) and subsequently receive physical, speech-language pathology, or occupational therapy services in such year at an outpatient hospital department.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a detailed report to Congress on the study conducted pursuant to paragraph (1), and shall include in the report recommendations regarding alternatives to the financial limitations on physical, speech-language pathology, and occupational therapy services under section 1833(g) of the Social Security Act and any other recommendations determined appropriate by the Secretary. Such report shall be included in the report required to be submitted to Congress pursuant to section 4541(d)(2) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note).

MEDICARE REHABILITATION BENEFIT IMPROVEMENT ACT OF 1999—SUMMARY

This bill will provide certain Medicare beneficiaries with an exemption based on medical necessity to the financial limitation imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare program. It will also direct the Secretary of Health and Human Services (HHS) to conduct a study on the implementation of such an exemption, and then submit a report to Congress that includes recommendations regarding alternatives to such financial limitations.

The Balanced Budget Act (BBA) of 1997 imposed a $1500 cap on all therapy effective January 1, 1999. There is a combined $1500 cap for physical and speech-language pathology and a separate $1500 cap on occupational therapy services received outside a hospital setting. An estimated 750,000 beneficiaries will reach the cap this year. These patients may be victims of stroke, brain-injury, or other serious conditions requiring additional services.

This bill establishes certain criteria in order for Medicare beneficiaries to be eligible for an exemption from the $1500 cap and allows the Secretary of HHS to establish additional criteria if necessary. The criteria include:

(1) the beneficiary must be diagnosed with an illness, injury, or disability that requires additional physical, speech-language pathology, or occupational therapy services that are medically necessary in a calender year, or

(2) the beneficiary has a diagnosis that requires such therapy services and has an additional diagnosis or incident that exacerbates his/her condition (ie: diabetes), which would require more services, or

(3) the beneficiary will require hospitalization if he/she does not receive the necessary therapy services, or

(4) the beneficiary meets other requirements determined by the Secretary of HHS.

The bill also requires the Secretary of HHS to conduct a study and to report to Congress two years after the date of enactment of this Act. This study will include:

(1) the number of Medicare beneficiaries that receive exemptions to the cap;

(2) the diagnoses of the beneficiaries;

(3) the types of therapy services that are covered due to such exemptions;

(4) the settings in which services are provided; and

(5) the number of beneficiaries that reach the $1500 cap.

AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION,
Rockville, MD, February 19, 1999.

Hon. CHARLES E. GRASSLEY,
Chairman, U.S. Senate Special Committee on Aging, Washington, DC

DEAR CHAIRMAN GRASSLEY: The American Speech-Language-Hearing Association

(ASHA) is pleased to support the ''Medicare Rehabilitation Benefit Improvement Act of 1999.'' ASHA is the professional and scientific organization of more than 96,000 speech-language pathologists, audiologists, and speech, language, hearing scientists. Our members provide services in a number of practice settings, including hospitals, clinics, private practice, and home health agencies.

There is a clear need for exemptions from the Medicare financial limitations for beneficiaries receiving outpatient rehabilitation services. Since the provision went into effect on January 1, 1999, ASHA has received numerous calls and letters of concern from our members regarding the problems created by the financial limitation. Patients are actually refusing medically necessary treatment for fear that they may have a more acute episode or injury later in the year and want to keep their $1500 ''banked'' for such a possibility. Essentially, the cap's arbitrary limit is indirectly forcing patients to inappropriately ration needed care that we believe will ultimately cost the Medicare program more.

A patient who requires both speech-language pathology services and physical therapy services is placed in a true dilemma. If the patient who has suffered a stroke chooses to receive speech-language pathology services, the patient may not have sufficient funding for physical therapy at the conclusion of the speech-language pathology treatment. Conversely, the patient who selects physical therapy may not have adequate funding for the speech-language pathology services. A third situation arises when the patient receives both rehabilitation services concurrently and the programs for both are inadequate because the financial limitation is not sufficient for receipt of both health care services.

I am enclosing a copy of a letter addressed to Congress that ASHA received early this year from a family member whose mother is receiving speech-language pathology services for a swallowing disorder. Ms. Carol Eller McCaffrey of Lawrence, Kansas, begins her letter with:

''I am the daughter of an 87-year-old woman whose brain stem stroke left her unable to swallow or speak well and weakened her right side, and whose quality of life will suffer greatly with $1500 Medicare cap.

''The new cap will all but completely discontinue . . . treatment thus requiring increased hydration through an alternative feeding tube which we have left intact for these emergencies. Taking away the very important . . . therapy causes the need for more nursing care. Also, her quality of life is 'down the tubes' when mother is unable to eat and drink comfortably.''

This is but one example of the problems that arise because of the arbitrary Medicare financial limitation. As 1999 progresses, there will undoubtedly be more examples of difficulties caused by the cap unless legislation such as yours can restore reasonable benefits in the program.

The members of the American Speech-Language-Hearing Association are committed to improving the health and safety of those who suffer communication and related disorders. Your legislation will make it possible for more Americans to receive the care they need. ASHA commends you for your efforts to seek a remedy to the cap that ensures patient access to medically-needed services through the ''Medicare Rehabilitation Benefit Improvement Act of 1999.''

Sincerely,

DONNA GEFFNER,
President.

JANUARY 1, 1999.

HONORABLE CONGRESSIONAL LEADERS: I am not a professional in the medical world nor am I very knowledgeable about the logistics of medicare. I am the daughter of an 87 year old woman whose brain stem stroke left her unable to swallow or speak well and weakened her right side and whose quality of life will suffer greatly with the $1500.00 medicare gap.

With them help of our speech and physical therapists, Mother has come a long way. Although she still doesn't speak well, she eats normal food in the dining room with fellow residents. Mother has a problem with thin liquids that causes choking and probable aspiration. A new treatment called Deep Pharyngeal Neuromuscular Stimulation (DPNS) is being taught; our speech therapist has treated Mom with DPNS, resulting in a 90% improvement. In my mother's case, the problem is that several months after treatment, the benefits wear off. Periodically, Mother needs another round of DPNS.

The new cap will all but completely discontinue this treatment thus requiring increased hydration through an alternative feeding tube which we have left intact for these emergencies. Taking away the very important DPNS therapy causes the need for more nursing care. Also, her life quality of life is ''down the tubes'' when mother is unable to eat and drink comfortably.

Mom also needs continual assertive physical therapy to keep her strength up but the guidelines, even before the medical cap, require a decrease in her function to qualify for treatment. So, periodically, as Mother weakens, therapists have to start over. This seems backwards to me. I thought that as a nation, we were making great strides in the care of our elderly and disabled. In my opinion, the recent medicare cap is a huge backslide. Does the left hand of the government know what the right hand is doing? And look who's suffering? Obviously those making the rules have not had personal experiences in this area.

The paperwork for all medical personnel is already overwhelming. Our professionals are spending more time with paper than with patients! All this, I presume, to try and thwart cheaters. I feel the cheaters are the minority and it all comes down to punishing the patients.

You are smart people. Come up with a reasonable way to deal with this situation without losing sight of what is truly important—the patients.

Private pay is exorbitant—Have you checked? There is no way normal families can take up where medicare leaves off.

Please, rethink this decision to cap medicare part B benefits. It is, after all, this particular generation who have supported the US Government through thick and thin. Don't let them down, visit nursing home/care facilities. Speak with hard working, caring therapists and the red, white, and blue Americans who need your help. It is in your own best interests * * * you'll be there yourself one day.

Sincerely,

CAROL ELLER MCCAFFREY.

AMERICAN PHYSICAL
THERAPY ASSOCIATION,
Alexandria, VA, February 22, 1999.

Hon. CHARLES GRASSLEY,
Chairman, Senate Special Committee on Aging, Washington, DC.

CHAIRMAN GRASSLEY: On behalf of the more than 74,000 members of the American Physical Therapy Association (APTA) and the patients our members serve, I am writing to express our strong support and appreciation for your leadership in introducing the ''Medicare Rehabilitation Benefit Improvement Act of 1999.''

As you know, section 4541(c) of the Balanced Budget Act of 1997 imposes annual caps of $1,500 per beneficiary on all outpatient rehabilitation services except those furnished in a hospital outpatient department. The new law has been interpreted to establish two separate limits—$1,500 cap for physical therapy and speech-language pathology services and a separate $1,500 cap for occupational therapy services. These limits are effective for services rendered on or after January 1, 1999.

APTA maintains concern with the impact this limitation on services will have on Medicare beneficiaries who require physical therapy treatment. Senior citizens and disabled citizens eligible for Medicare benefits suffering from a range of conditions including stroke, hip fracture, Parkinson's Disease, cerebral palsy and other serious conditions that require extensive rehabilitation may not be able to access the care they require to resume normal activities of daily living due to the present limitation on coverage. Enactment of your legislation provides the Secretary of the U.S. Department of Health and Human Services the authority to establish exceptions to the present $1,500 cap for patients with conditions that would likely exceed such a limitation on coverage. APTA applauds the inclusion of this provision.

APTA maintains concern that the $1,500 cap is completely arbitrary and bears no relation to the medical condition of the patient nor the health outcomes of the rehabilitation services. There exists absolutely no medical or empirical justification for such a cap. The caps are by definition completely insensitive to patients with chronic injuries and illness or who have multiple episodes of care in a given calendar year. Enactment of your legislation would provide relief from the $1,500 annual cap for Medicare beneficiaries who experience multiple episodes of care in a given calendar year for services that are deemed medically necessary. APTA applauds the inclusion of this provision.

APTA maintains concern that the $1,500 cap dramatically reduces Medicare beneficiaries' choice of care giver. Under the present statute, beneficiaries who have exceeded their cap in need of additional rehabilitation services are restricted from receiving care from facilities other than outpatient hospital departments. This restriction is a notable step backward in Congress' efforts to expand access to care, especially in rural and urban underserved communities. Enactment of your legislation would better ensure access to a wide range of community settings in which Medicare beneficiaries could receive care, to include rehabilitation agencies, Comprehensive Outpatient Rehabilitation Facilities, and physical therapy private practices. APTA applauds the inclusion of this provision.

Lastly, APTA continues to object to the inclusion of physical therapy and speech-language pathology under the same $1,500 cap. Confusion has surrounded the interpretation of how the $1,500 cap is to be applied. As the Medicare Policy Advisory Committee (MedPAC) reported to Congress in its July 1998 report, 70 percent of outpatient therapy expenditures under the program are for physical therapy services, while 21 percent are for occupational therapy, and 9 percent for speech therapy. The combination of physical therapy and speech therapy has no rational basis. Speech therapy is a distinct and separate benefit provided under the Medicare program and should not be included as a part of the physical therapy benefit. While your legislation does not clarify this issue, APTA is hopeful that Congress will address this issue with common sense clarifications as it considers Medicare revisions this year. APTA will continue to work with you to achieve this end.

Physical therapists across Iowa and the nation applaud your leadership on this important issue. Passage of the Medicare Rehabilitation Benefit Improvement Act of 1999 can ensure that patients in need of outpatient physical therapy services receive appropriate care in the setting of their choice without the fear of exceeding their coverage. APTA stands ready to assist you in any way to ensure that swift enactment of this important legislation.

Sincerely,

NANCY GARLAND, ESQ.,
Director of Government Affairs.

AMERICAN HEALTH CARE ASSOCIATION,
Washington, DC, February 24, 1999.

Hon. CHARLES GRASSLEY,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the American Health Care Association, long term care providers, and those for whom we provide care, I'm writing you to commend you on your leadership in introducing legislation designed to protect America's most frail and elderly from the adverse effects of arbitrary caps on certain medical services.

One of the provisions contained in the 1997 Balanced Budget Act (BBA) has the potential to harm senior citizens who rely on Medicare for their health care needs. Congress changed Medicare by imposing arbitrary annual limits of $1500 for outpatient rehabilitation services. This includes a $1500 cap on occupational therapy and a $1500 cap on physical therapy and speech-language-pathology combined. Arbitrary caps do not reflect the real rehabilitation needs of Medicare beneficiaries and target the sickest and most vulnerable.

Your efforts will protect senior citizens suffering from common medical conditions such as stroke and hip fractures. These seniors may not be able to obtain the rehabilitative care they require to resume normal activities of daily living because the $1500 limits are too low to pay for the services which responsible medical practice deem necessary.

Once again, thank you for taking the lead to redress the problem posed by these arbitrary caps. On behalf of the American Health Care Association, we commend you and stand eager to assist you in your efforts.

Sinceerely,

BRUCE YARWOOD,
Legislative Counsel.

THE AMERICAN OCCUPATIONAL THERAPY ASSOCIATION, INC.,
Bethesda, MD, February 23, 1999.

Hon. CHARLES GRASSLEY,
Chairman, Special Committee on Aging, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: On behalf of the 60,000 members of the American Occupational Therapy Assn., I would like to commend and thank you for your leadership in introducing the Medicare Rehabilitation Benefit Improvement Act of 1999.

The financial limitation on outpatient rehabilitation, including occupational therapy, imposed by the Balanced Budget Act of 1997 was, in AOTA's view, a misguided attempt to constrain Medicare costs which is having a harmful effect on patient care. The payment limitation interposes government between a patient and a health care provider; it restricts patient choice, and could have the unintended consequence of exacerbating patient conditions causing Medicare cost increases.

Your bill will allow for patients such as those with multiple injuries, illnesses or disabilities; those with more than one incident of need in a year and, through the Secretary's authority to establish criteria, those whose diagnosis or condition requires extensive therapy to receive the treatment which the Medicare coverage criteria guarantees them.

AOTA has been very concerned that individuals with condition such as severe strokes, spinal card injury, traumatic brain injury, extensive fractures, severe burns, or diseases such as Parkinson's or multiple sclerosis will be restricted in their access to needed occupational therapy before the rehabilitation process is completed. Your bill will allow for these and other individuals to have access to appropriate care.

Your efforts will move policy forward and establish some necessary protections for Medicare beneficiaries. AOTA appreciates your efforts to ameliorate the impacts of this unwise policy.

We look forward to working with you as the bill moves through the legislative process. Please contact me if I can be of further assistance.

Sincerely,

CHRISTINA A. METZLER,
Director, Federal Affairs Department.

NATIONAL ASSOCIATION OF REHABILITATION AGENCIES,
Reston, VA, February 23, 1999.

CHARLES E. GRASSLEY,
Chairman, Senate Special Committee on Aging, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: The National Association of Rehabilitation Agencies (''NARA'') strongly endorses the Medicare Rehabilitation Benefit Improvement Act of 1999 and applauds your initiative in introducing this important legislation. NARA represents over 225 Medicare-certified rehabilitation agencies which provide physicial therapy, speech-language pathology, and occupational therapy services to hundreds of thousands of Medicare beneficiaries annually.

The $1500 financial limitation on outpatient rehabilitation services, as established by the Balanced Budget Act of 1997, constitutes an arbitrary limit on the amount of services which a Medicare enrollee may receive. The caps bear no relation to the patient's medical need for rehabilitation services nor the beneficial health outcomes which would flow from the provision of such services. The most pernicious aspect of the limitations is that they will deprive Medicare patients who are most in need of rehabilitation—*e.g.* stroke victims and those suffering from traumatic brain injury—of the very care they require.

You legislation is a workable and realistic solution to many of the patient care and access problems caused by the $1500 limitations. NARA's members are deeply appreciative of the time and effort which you and your staff have expended in developing the Medicare Rehabilitation Benefit Improvement Act of 1999. NARA pledges to work with you to ensure that this critical proposal becomes law.

Sincerely,

LARRY FRONHEISER,
President.

PRIVATE PRACTICE SECTION, AMERICAN PHYSICIAL THERAPY ASSOCIATION,
Washington, DC, February 23, 1999.

CHARLES E. GRASSLEY,
Chairman, Senate Special Committee on Aging, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: The Private Practice Section of the American Physical Therapy Association has carefully reviewed your proposed legislation, the Medicare Rehabilitation Benefit Improvement Act of 1999, and is pleased to express its support for this legislation.

The membership of the Private Practice Section is comprised of physical therapists in independent practice who, for many years, have been subject to a financial limitation on the amount which Medicare will pay for their services furnished to any Medicare beneficiary. As a result, the Section's members understand all too well the harmful effects which the arbitrary $1500 caps will have on Medicare beneficiaries who require outpatient rehabilitation services. Your proposal is a sensible and practical approach to protecting those patients.

Your legislation is entirely consistent with the Private Practice Section's goals and objectives for ensuring that Medicare beneficiaries have access to all necessary rehabilitation services. Accordingly, we are pleased to proffer our commitment to help secure its enactment.

That you for your leadership on this essential piece of legislation.

Sincerely,

LISA WADE,
Chief Executive Officer.

NATIONAL ASSOCIATION FOR THE SUPPORT OF LONG TERM CARE,
Alexandria, VA, February 24, 1999.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Association for the Support of Long Term Care (NASL), we applaud your leadership and your colleagues who have joined you in the introduction of legislation entitled the ''Medicare Rehabilitation Benefit Improvement Act of 1999.'' You have developed a rational, good policy that will help beneficiaries who would otherwise be limited in their availability of rehabilitation services.

The National Association for the Support of Long Term Care (NASL) is an organization that represents over 150 providers offering services in the long term care setting. We work daily with patients who need rehabilitation services and this limitation is hurting seniors access to services. There are seniors in America who are already reaching the cap and they need additional services that are medically necessary. These are seniors who have had strokes. These are seniors who have Parkinson's disease. These are seniors who have had hip replacements and an additional illness. Senator Grassley, we want to thank you for helping these patients get services that are medically necessary.

We are ready to help you share information about the adverse effects of this cut in benefits that was enacted in the BBA in 1997. We are certain that this was not the intent of the law—and now that it is implemented, seniors will be denied care. Your legislation will go a long way to ensure that the most disadvantaged and ill seniors will get the care that they need. The stroke patient that needs speech-language pathology to learn how to swallow will get care. The Parkinson's patient who is learning how to walk with an exacerbating illness will get physical therapy in order to improve.

Again, we applaud your leadership and strongly support this legislation. Please feel free to call on us for support and help.

Sincerely yours,

PETER CLENDENIN.

EASTER SEALS,
OFFICE OF PUBLIC AFFAIRS,
Washington, DC, February 25, 1999.

Hon. CHARLES E. GRASSLEY,
Chairman, Senate Special Committee on Aging, Washington, DC.

DEAR MR. CHAIRMAN: Easter Seals is very pleased to support the introduction of the ''Medicare Rehabilitation Benefit Improvement Act of 1999.'' This legislation begins to eliminate damaging limitations on needed

therapy services for Medicare beneficiaries. Easter Seals is committed to assisting you and your colleagues to improve and enact this critical measure.

Easter Seals is dedicated to assisting children and adults with disabilities to live with equality, dignity, and independence. Each year, Easter Seals 106-affiliate network serves more than one million people nationally. Thousands of Medicare beneficiaries and their families rely on Easter Seals for community-based physical therapy, occupational therapy, and speech-language pathology services. Without such services, these beneficiaries would experience diminished health, function, and quality of life.

Current Medicare policy limiting payment for outpatient medical rehabilitation services to $1,500 for occupational therapy and $1,5000 for physical therapy and speech-language pathology services combined is out-of-step with the real medical needs of a significant share of Medicare beneficiaries. It will cause beneficiaries with serious medical needs resulting from illness, injury, and disability, including stroke, traumatic brain injuries, total joint replacement, and other serious conditions, to forfeit needed care or seek such care in less cost-effective, often inappropriate institutional settings.

For many Easter Seals Medicare clients the impact of current policy is devastating. One client's situation, if constrained by a $1,500 cap, illustrates this point.

Eighty-four-year old Richard H. lived independently with his wife when, on February 27, 1997, he experienced a serious stroke. Prior to the stroke he had high blood pressure, heart disease, and diabetes. The stroke paralyzed his left side, seriously impaired his vision, and left him very depressed.

Physical therapy helped him learn to move independently and to walk safely again. Occupational therapy retrained him in the tasks of daily living, including preparing food, toileting, and home safety. Speech and swallowing therapy eliminated his choking on food, which presented a high risk of aspiration pneumonia. This therapy, combined with much determination and effort by Richard and his wife, has enabled him to resume living independently at home.

The doctors, therapists and family agree that without this full course of medical rehabilitation, Richard would now be helpless, severely depressed, and confined to a very expensive nursing home for care. The current Medicare policy limiting medical rehabilitation therapy services under the $1,500 cap, with no exemptions, would have deprived Richard of 62% of his needed rehabilitation treatment.

Easter Seals believes that the ''Medicare Rehabilitation Benefit Improvement Act of 1999'' is a necessary, timely, and thoughtful approach to correcting serious problems for Medicare beneficiaries requiring comprehensive services. Easter Seals will work with you and your Senate colleagues to refine this legislation, as appropriate, and promote its enactment into law.

Thank you very much for your commitment to assuring Medicare beneficiaries the services that they need to live healthy, productive lives.

Sincerely,

RANDALL L. RUTTA,
Vice President, Government Relations.

Mr. REID. Mr. President, I rise in strong support of the ''Medicare Rehabilitation Benefit Improvement Act of 1999''. This legislation is designed to protect our sickest, most vulnerable seniors from the adverse effects of arbitrary limits on crucial rehabilitative services.

The Balanced Budget Act of 1997 (BBA) created annual caps for two categories of therapy provided to beneficiaries under Medicare Part B: a $1500 annual cap on physical therapy and speech language combined; and a separate cap for occupational therapy. These arbitrary limits on rehabilitation therapy were hastily included in the BBA without the benefit of Congressional hearings or thorough review by the Health Care Financing Administration. As a result, the $1500 limits bear no relation to the medical condition of the patient, or the health outcomes of the rehabilitative services.

The $1500 caps would create serious access and quality problems for Medicare's oldest and sickest beneficiaries. Senior citizens who suffer from common conditions such as stroke, hip fracture, and coronary artery disease, will not be able to obtain the rehabilitative services they need to resume normal activities of daily living. A stroke patient typically requires more than $3,000 in physical therapy alone. Rehabilitation therapy for a patient suffering from Multiple Sclerosis or ALS costs even more. Without access to outpatient therapy, patients must remain in institutional settings longer, be transferred to a higher cost hospital facility, or in some cases, just go without necessary services.

Coverage for rehabilitative therapy should be based on medically necessary treatment, not arbitrary spending limits that ignore a patient's clinical needs. During the 105th Congress, I joined with Senator GRASSLEY to introduce legislation that would correct this problem. The ''Medicare Rehabilitation Benefit Improvement Act of 1999'' builds on our effort to ensure that all Medicare beneficiaries have access to the crucial therapy services they need.

Our bill establishes criteria by which Medicare beneficiaries would be eligible for an exemption from the $1500 cap. According to our bill, any beneficiary who would require hospitalization if he did not receive the necessary therapy services would be allowed to exceed the cap. Beneficiaries suffering from a diagnosis that requires therapy services and has an additional diagnosis that exacerbates this condition would also be eligible for therapy services above the $1500 limit. In addition, any beneficiary that is diagnosed with an illness, injury, or disability that requires additional physical, speech-language pathology, or occupational therapy services that are medically necessary will receive the therapy services he or she requires. Finally, our bill gives the Department of Health and Human Services Secretary the flexibility to establish additional criteria if necessary.

The $1500 therapy caps penalize our most frail and elderly citizens. Not only does allowing our seniors to have access to critical outpatient therapy services makes sense, it is the right thing to do. I urge you to join me in protecting Medicare's most vulnerable beneficiaries by supporting the ''Medicare Rehabilitation Benefit Improvement Act of 1999''.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 473. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and interest on student loans; to the Committee on Finance.

MAKE COLLEGE AFFORDABLE ACT

By Mr. SCHUMER:

S. 474. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for contributions to education individual retirement accounts, and for other purposes; to the Committee on Finance.

SAVE FOR COLLEGE ACT

By Mr. SCHUMER:

S. 475. A bill to amend the Higher Education Act of 1965 to increase the amount of loan forgiveness for teachers; to the Committee on Health, Education, Labor, and Pensions.

TEACHERS LOAN FORGIVENESS ACT

By Mr. SCHUMER:

S. 476. A bill to enhance and protect retirement savings; to the Committee on Finance.

COMPREHENSIVE PENSION AND SECURITY RETIREMENT ACT

By Mr. SCHUMER:

S. 477. A bill to enhance competition among airlines and reduce airfares, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRLINE COMPETITION ACT OF 1999

By Mr. SCHUMER:

S. 478. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of a principal residence within an empowerment zone or enterprise community by a first-time homebuyer, to the Committee on Finance.

EMPOWERING COMMUNITIES LEGISLATION

By Mr. SCHUMER:

S. 479. A bill to amend title XXVII of the Public Health Service Act and other laws to assure the rights of enrollees under managed care plans; to the Committee on Health, Education, Labor, and Pensions.

EQUITY IN WOMEN'S HEALTH ACT

By Mr. SCHUMER:

S. 480. A bill to amend the Truth in Lending Act to protect consumers from certain unreasonable practices of creditors which result in higher fees or rates of interest for credit card holders, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CREDIT CARD CONSUMER PROTECTION ACT OF 1999

By Mr. SHUMER:

S. 481. A bill to increase penalties and strengthen enforcement of environmental crimes, and for other purposes; to the Committee on the Judiciary.

THE ENVIRONMENTAL CRIMES ACT

Mr. SCHUMER. Mr. President, today I am introducing my first bills as a United States Senator. I said over the last year that the picture that I want to keep at the forefront of my mind is that of families sitting around their kitchen table paying their bills, planning for retirement, affording a home, paying for college for their children, and discussing the quality of their local schools.

Today I am introducing my first bills for those families at the kitchen table. And let me tell you a little bit about these families. They are the same in Brooklyn and Buffalo, Mt. Vernon and Massapequa, Syracuse and Setauket.

They are living in a time of both overwhelming promise and overwhelming challenge.

The promise—the upside—is that America remains indisputably the preeminent economy in the world. The challenge—the downside—is that for most families there is a great deal of uncertainty about the future. They are concerned that forces beyond their control—rising college costs, inferior schools, struggling communities—put them behind the eight-ball.

Their concern isn't so much that the U.S. economy will turn sour. It's that they, or their town, or their children may be washed aside in the economic tide. The families of Upstate New York have lived that reality for six years.

The nine bills that I am introducing today are designed to help families deal and thrive with the changing times of a global, competitive economy.

I am introducing two bills to make college affordable for working families. The Make College Affordable Act, which I am honored to introduce with Senator MOYNIHAN, makes all college tuition tax deductible for families with less than $140,000 in income.

The Save for College Act allows families to contribute up to $2,000 per year in an education IRA that is tax-free when the money goes in and tax-free when it comes out so long as it is spent on college costs. Families earning up to $200,000 are eligible for the IRAs.

Let me make two points about these bills. Since 1980, the cost of attending college has increased at more than twice the rate of inflation and has risen even faster than health care. At the same time, the necessity of a college education is greater now than at any time in our history.

If our country is to remain economically strong and if we want families to be able to get ahead, then college—whether it's SUNY or NYU—must not put families in the poorhouse.

The Teachers Loan Forgiveness Act will recruit new, high quality professionals to teaching by forgiving all student loans for public and private school teachers.

It is expensive to become a teacher. The pay is low. And we wonder why there is a shortage of young, eager, qualified teachers to educate our children. We must make the teaching profession more financially attractive to put excellence in the classrooms.

The Comprehensive Pension & Security Retirement Act makes all pensions portable. If you lose a job, if you take time off to raise a child, if you change jobs—your pension will stay with you and grow. Pension portability and reform is the most important retirement security issue next to Social Security.

Specifically for Upstate New York, with Senator MOYNIHAN I am introducing the Airline Competition Act of 1999 to end predatory pricing and to direct the Transportation Department to grant take-off and landing slots to underserved airports within a 500 mile radius of New York. Monopolistic airfares in Rochester, Syracuse and Buffalo are slowly strangling the economy of Upstate and the Southern Tier. I believe the days of sky-high airfares to these cites are numbered.

To rebuild struggling neighborhoods through homeownership I am introducing legislation to offer a $2,000 tax credit to first time homebuyers in Enterprise Zones and Empowerment Communities. In New York, that includes the South Bronx, Harlem, and parts of Albany, Schenectady, Troy, Buffalo, Kingston, Newburgh, and Rochester.

Because women pay more for health care than men, the Equity in Women's Health Act bars any health plan from discriminating on the basis of gender or sexual orientation through their coverage options. It also requires each health plan to include a short prospectus to describe exactly what they will and will not cover.

To protect consumers, the Credit Card Consumer Protection Act of 1999 closes loopholes in existing law that allows credit card companies to offer low teaser rates that increase dramatically unbeknownst to the cardholder.

And last, the Environmental Crimes Act increases fines and penalties for criminally negligent polluters and it also trains new personnel to investigate environmental crimes.

These are not all—but some of my priorities for the year. As I have said many times, my passion is legislating in ways that make people's lives better. With the impeachment over, I am anxious to get started on the issues that matter to New Yorkers and all Americans.

By Mr. ABRAHAM (for himself, Mr. LOTT, Mr. ASHCROFT, Mr. HELMS, Mr. INHOFE, Mr. BUNNING, Mr. DEWINE, Mr. COCHRAN, and Mr. MACK):

S. 482. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the Social Security benefits; to the Committee on Finance.

LEGISLATION TO REPEAL THE TAX ON SOCIAL SECURITY

Mr. ABRAHAM. Mr. President, I rise now in conjunction with the distinguished majority leader, Mr. LOTT, and with the distinguished Senator from Missouri, Mr. ASHCROFT, to introduce legislation which will repeal the 1993 increase in the tax on Social Security benefits.

As my colleagues are aware, senior citizens pay Federal taxes on a portion of their Social Security benefits if they receive additional income from savings or from work. Before 1993, seniors paid taxes on half their Social Security benefits if their combined income, as it is described—which means their adjusted gross income and one-half the amount of the Social Security benefits they receive—exceeded $25,000 for individuals or $32,000 for couples.

Soon after coming into office, however, the new administration increased this tax on these middle-income retirees as part of the 1993 tax bill. For individuals now, after that, with combined incomes exceeding $34,000, and couples with combined incomes exceeding $44,000, the tax increase on the percentage of their Social Security benefits subject to taxation went from 50 percent to 85 percent. This provision increased taxes for nearly one-quarter of Social Security recipients. It in large part produced an increase of 7.5 percent in the tax burden on America's seniors, a tax increase that was more than double the 3.5 percent that the rest of that legislation imposed on other Americans.

This tax increase is unfair. It penalizes senior citizens, and it penalizes them for exactly the wrong reason—for saving to achieve security in their retirement. It also unfairly punishes seniors who have the capacity and choose to continue to work.

We are engaged, as you know, in an important debate here in Congress, the debate over the future of our Social Security system. Republicans have joined with Democrats in pledging to set aside the entire Social Security trust fund surplus over the next 15 years, to shore up that system, to make certain it is available for the senior citizens both of today and tomorrow.

At such a time, with dire warnings of impending bankruptcies still ringing in our ears, it seems the last thing the Federal Government should be doing is to discourage people from work and saving for their retirement.

Wise Americans have always saved for their retirement. They have sought to be independent in their old age by working hard and by putting aside a portion of their income. Yet the 1993 tax increase proposed by the President and ultimately passed into law by the Congress changed the rules for these wise savers. After plans and investment decisions had already been made, this proposal came in and declared that savings and hard work would be taxed significantly more heavily than they had been before.

As we work to shore up Social Security, we must not allow the Federal Government to punish people for working and saving. We must not allow the Federal Government to tell people they might as well not save for retirement, that they must depend solely on Social Security benefits for their well-being once they retire.

What is more, we should not forget that the projected Federal budget surplus over the next 10 years alone is slated to reach approximately $2.565 trillion. We have agreed, wisely in my view, to save the bulk of this surplus to shore up Social Security. But surely, at a time when we foresee at least $787 billion in surpluses in addition to those earmarked for Social Security, the Federal Government can afford, in my judgment, to give seniors and those planning for their retirement the kind of tax relief they need to prepare for their futures and to keep our economy strong.

That means, in my view, that we must repeal this onerous tax hike for the sake of our seniors and for the sake of our economy as a whole. Discouraging savings has always been a recipe for economic disaster because it reduces the amount of money available for investment in new jobs and a growing economy.

Now is the time to reduce the extent to which Washington discourages savings. It is time to repeal this tax hike so we may increase savings, investment, and the financial security of our senior citizens.

Mr. President, this legislation has a simple purpose: It repeals the 1993 ill-considered Social Security tax hike returning our seniors to the position they were in prior to 1993.

It restores a modicum of fairness to our Byzantine tax structure and to our dealings with senior citizens. It is important legislation for our seniors, for our Social Security system and for the future of our Nation, and I urge my colleagues' strong support.

In short, Mr. President, I think we should do everything possible to make it feasible for seniors, both today and especially in the future, to be able to live in retirement in a comfortable way and to not solely depend on the Social Security system. We know the burdens that system will take.

By discouraging savings during people's working years, by discouraging people from continuing to work after they reach retirement age, we are actually, I think, undermining our chances of providing the kind of long-term income security that Americans deserve in their old age.

For that reason, we should, in my judgment, repeal this tax hike. We should make that a priority this year, and we should then couple that action with other action aimed at shoring up the Social Security system so it not only works for today's seniors, but for the seniors of our future as well.

By Ms. SNOWE (for herself, Mr. GRAHAM, and Mr. VOINOVICH):

S. 483. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule; to the Committee on the Budget and the Committee on Govermental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

SURPLUS PROTECTION ACT OF 1999

Ms. SNOWE. Mr. President, I rise today, along with my friend and colleague from Florida, Senator GRAHAM, to introduce the ''Surplus Protection Act of 1999''—legislation that will reform the budget process by tightening the manner in which emergency spending legislation is considered in the Senate. Not only will these reforms ensure that there is greater accountability in the emergency spending process, but they will also ensure that the unified budget surplus we now enjoy will be protected from spending raids that are designed to circumvent the normal budget process—and that could undercut our ability to utilize the surplus for strengthening Social Security.

Mr. President, as my colleagues are aware, last year the federal government enjoyed its first balanced budget since 1969. To be precise, the federal government actually achieved a unified budget surplus of $70 billion in fiscal year 1998. According to the Congressional Budget Office (CBO), this surplus will not be a one time occurrence; rather, unified budget surpluses will continue to accrue during the next 10 years if CBO's projections for economic growth, federal revenues, and federal spending hold true.

While the surplus is welcome news after decades of annual deficits and burgeoning debt, we must never forget how easily this valuable national asset can be squandered if we fail to be vigilant in protecting it. For too long, the federal government treated the budget like a credit card with an unlimited spending limit, and such bad habits—even if broken for a few years—can quickly return, especially when there is a surplus just burning a hole in the pocket of Congress and the President!

Therefore, in an effort to ensure the surplus is protected from future spending raids, we are offering legislation today that will crack down on arguably the most insidious manner in which budgetary spending limits and protections can be circumvented: the emergency spending designation. In light of the $21.4 billion in emergency spending that was contained in last year's omnibus bill, the need to provide safeguards against the abuse of this provision—and the squandering of the surplus—could not be more clear.

Mr. President, the emergency spending designation was created for a very important reason. If a sudden, urgent, unforeseen, and temporary event occurs, the strict spending limits imposed in the budget resolution can be exceeded through the designation of that event as an ''emergency.'' This exception is understandable when considering that the hands of Congress and the Administration should not be tied when the pressing needs of our nation override the need for strict budget discipline.

For instance, recent earthquakes in California, floods in the Midwest, hurricanes in the South, and ice storms in the Northeast—which were devastating to my home state of Maine—are all examples of natural disasters that warranted the emergency designation because they were completely unexpected and unforseen, and could not have been addressed in a timely manner through the regular budget process. By the same token, the tragic bombing in Oklahoma City is an example of an unexpected and unforeseeable event that also warranted emergency treatment.

Yet even as the emergency designation is necessary and warranted for these and other unexpected disasters, it can also be used as a major loophole by those who wish to circumvent the normal budget or legislative process. Rather than restricting the use of the emergency designation to only those bills or items that are truly unforseen and urgent, some may use this designation to either fund programs or projects that are debatable as to their emergency nature, while others may use emergency bills to push through unrelated legislation or spending programs without the normal level of scrutiny provided in the normal legislative process.

For example, the omnibus bill adopted at the close of the 105th Congress contained $21.4 billion in emergency spending that came directly out of the surplus. While some of the provisions in that package undoubtedly deserved the emergency designation, several items were either debatably an ''emergency'' or were an outright effort to circumvent the regular budget process. Specifically, the $2 billion in emergency funding for our three-year-old mission in Bosnia was hardly unexpected and should have been included in the President's budget at the beginning of the year. It should not have be designated an ''emergency'' simply to avoid the budget caps that ensure fiscal restraint.

Ultimately, regardless of the manner in which the emergency designation can be misused—whether it is to fund a military operation that has been ongoing for years, or to fast-track a piece of legislation that has no relationship to the emergency in question—it is a practice that we must stop.

The legislation we are offering today will do just that. Specifically, the bill establishes three new rules to ensure that bills or individual provisions receiving the emergency designation are subject to careful—but reasonable—scrutiny.

The first provision—which is patterned after the ''Byrd Rule'' that applies to reconciliation bills—will ensure that non-emergency items will not be attached to emergency spending bills by creating a point of order for striking these provisions. Simply put, because emergency spending bills are often put on a ''fast-track'' to ensure rapid consideration, we should not allow non-emergency spending or legislative riders to be attached to these bills in an effort to avoid the normal, deliberative legislative process. To waive this restriction, an affirmative vote by three-fifths of the members of the Senate would be required—a level that will be easily achieved for a true emergency.

The second provision—which is also patterned after the Byrd Rule—will ensure that the validity of any item that is designated as an emergency—in either an emergency spending bill or a non-emergency bill—can be challenged by the members of the Senate. The bottom line is that just because an item placed in a bill is given the emergency designation does not mean it deserves that designation—and this point of order will ensure that members agree that the designation is warranted.

As outlined earlier, the omnibus bill adopted at the close of the 105th Congress contained a variety of provisions that were debatable ''emergencies''—in particular, the funding for troops in Bosnia, because this cost was hardly unforeseen, sudden, or temporary. This point of order will ensure that such provisions do not avoid budget scrutiny, and that the surplus is protected for Social Security accordingly.

The final provision will ensure that any legislation that contains emergency spending will require a three-fifths vote for final passage. Because members may feel compelled to act quickly on bills that contain even a single item designated as an emergency, this provision will ensure that such bills do not slide through the regular legislative process without full consideration and without more than simple majority support. While the previous two points of order will prevent improper abuse of the emergency designation, this requirement will serve as a final safeguard in the process.

Mr. President, the bottom line is that although the emergency designation is a vitally important means of ensuring the unexpected needs of our nation can be addressed, it can also become a loophole that subverts budget discipline, drains our new-found surplus, and potentially impacts our ability to strengthen the Social Security program. But with proper safeguards put in place, we can ensure that this potential loophole is closed while still ensuring legitimate emergencies are addressed.

The legislation I am offering today along with Senator GRAHAM provides such thoughtful and reasonable safeguards, so I urge that my colleagues support the ''Surplus Protection Act of 1999.''

Mr. GRAHAM. Mr. President, earlier today our colleague, Senator SNOWE of the State of Maine, introduced legislation, of which both I and Senator VOINOVICH of the State of Ohio are the cosponsors, relating to reforms in the emergency appropriations law. Mr. President, I would like to discuss the rationale for this legislation.

Mr. President, we received some good news just a few months ago. We learned that after 5 years of fiscal austerity and economic growth, we had transformed a $290-billion annual deficit into the first budget surplus in more than a generation.

I am dedicated to strengthening the Nation's long-term economic prospects through prudent fiscal policy. The discipline that helped us to create favorable economic, fiscal, demographic, and political conditions to address the long-term Social Security and Medicare deficits that will accompany the aging of our population will be fully required if we are to meet these challenges. These deficits threaten to undo the hard work and fiscal discipline of recent years, as well as to undermine our potential for future economic growth.

But that success, the success that we had in converting a $290-billion annual deficit into this year's surplus, did not give to Congress a license to return to the free-spending ways of the past. That absence of license is especially true since over 100 percent of the surplus was the result of surpluses in the Social Security trust fund.

I say over 100 percent because the only surplus we had is Social Security, and a portion of that surplus is still being applied to the deficit that is being run in the general accounts, a deficit which will continue for the next 2 to 3 years. We owe it to our children and our grandchildren to save this Social Security-generated surplus until Social Security's long-term solvency is assured.

As you know, what we have been doing for the last 30 years is asking our grandchildren to pay our credit card bill. Now what we are saying to our grandchildren is that we are going to give them a secure Social Security system that will last for our generation, for their parents' generation, and for their generation—to the year 2075.

Unfortunately, both the last legislative action of the 105th Congress and the first legislative action passed by the Senate in the 106th Congress have made a mockery of our promise to our grandchildren. Last night the Senate passed a military pay bill without simultaneously approving a way to fund it, an action that, if not corrected in the conference committee, could subtract as much as $17 billion from our children's and grandchildren's chances of having a secure Social Security system.

I wish I could say that last night's vote was an aberration, nothing more than a momentary lapse of judgment, an inadvertent mistake in the haste to turn from impeachment to legislation. Sadly, I cannot make that claim. It is the second time in less than 4 months that we have proven ourselves willing to sacrifice future generations' well-being on the altar of immediate expediency.

In the waning hours of last fall's budget negotiations, mid-October 1998, we passed a $532-billion omnibus appropriations bill. Included in that $532 billion was $21.4 billion in so-called emergency spending. Since that $21.4 billion could be approved without having to find an offsetting funding source, those $21.4 billion came directly out of the surplus.

Some of you who might have been making speeches to the effect that we were going to have an $80-billion surplus at the end of the last fiscal year therefore had to strike out ''80'' and insert ''59'' as the amount of surplus we would have, because that was the figure that remained after we had paid out of the Social Security surplus for $21.4 billion in emergencies.

That action would have been possibly more palatable had all of that $21.4 billion been allocated to true emergencies, to those kinds of incidents which in the past Congress has recognized as being appropriate to not require an offset in spending or increase in revenue. While some of the $21.4 billion was used to fund what have traditionally been accepted as emergencies, defined as necessary expenditures for sudden, urgent, or unforeseen temporary needs, much of the $21.4 billion was not. Let me give some examples.

The Y2K computer problem, the problem that at the turn of the millennium our computers might be rendered inoperative because of the failure to account for the new century, received $3.35 billion of the $21.4 billion. It is hard to argue that it took us until October of 1998, and then under urgent duress circumstances, to wake up to the fact that the millennium was coming and that there might be a problem with our computers. In fact, here in the Senate, our colleagues in the House of Representatives and in the executive branch, as well as in the private sector community and State and local governments, had been aware of and working on this problem long before October of 1998.

Another smaller example of a non-emergency emergency was $100 million that was appropriated for a new visitors center here at the Capitol. A new visitors center has been under consideration for a decade or more—hardly an emergency that just came to our attention in October of 1998.

These expenditures might have been desirable, might have been appropriate, but to label them ''emergency,'' and therefore remove them from the fiscal discipline requiring offsetting spending or additional revenue to support them, threatens to undermine the safeguards that we have built in to protect our Social Security surplus.

This budgetary sleight-of-hand was also used to increase funding for projects that had already been funded through the traditional appropriations process. For example, after previously allocating $270.5 billion to the Department of Defense in the emergency appropriations provision without any offsetting spending reductions or revenue increases, Congress provided an additional $8.3 billion in ''emergency'' defense spending in the omnibus appropriations bill.

That is not all. Because these pseudoemergency spending provisions were included in an omnibus appropriations conference report—that is, a bill that was the result of reconciliation of differences between the Senate and the House—then, under the normal rules governing a conference report, that legislation was not subject to amendment. Therefore, there could be no motion made that would have removed, reduced, or otherwise modified the provisions that were labeled as ''emergency appropriations.''

Members of the Congress were left with an unpalatable choice: Shut down the Government in mid-October of 1998 by failure to pass this significant appropriations bill that covered approximately one-third of the Federal budget, or steal from our children's and grandchildren's Social Security surplus. Mr. President, that is not a choice; that is a national disgrace. It is vital that we institute an emergency spending process that responds expeditiously to true emergencies without maintaining this open door to abuse. We must establish procedural safeguards to deter future Congresses from misusing the emergency spending procedures. We should not attach, as an example, any emergency spending to nonemergency legislation.

We should not designate emergency spending measures that do not meet our own definition of an emergency.

Mr. President, as I indicated earlier, I am pleased to join with Senator OLYMPIA SNOWE of Maine in introducing legislation that will protect our newly won budget surplus from false emergency budgetary alarms. Senators SNOWE, VOINOVICH and I are introducing the Surplus Protection Act to amend the Congressional Budget and Impoundment Control Act of 1974. This will limit consideration of nonemergency matters in emergency legislation.

Specifically, we propose the following three reforms: First, to create a point of order, similar to the Byrd rule which currently exists, that prevents nonemergency items from being included in emergency spending. This will enable Members to challenge the validity of any individual item that is designated an emergency without defeating the entire emergency spending bill.

Second, we would require a 60-vote supermajority in the Senate for passage of any bill that contains emergency spending, whether it is designated an emergency spending bill or not. This will encourage Congress to either pay for supplemental appropriations or make certain that they do, in fact, represent a true emergency, as that term has been defined.

And third, to make all proposed emergency spending subject to a 60-vote point of order in the Senate. This rule will help to prevent nonemergency items from ever being included in emergency legislation by providing a forum in which they can be appropriately challenged on the Senate floor.

Even if passed, our legislation would not be the total cure for Congress' apparent addiction to emergency spending. In the short term, it is vital that we immediately replenish the surplus with the funds that were ''borrowed'' last fall.

Let me repeat that, Mr. President. We have a challenge before us in the next few weeks to recoup to the Social Security surplus those funds that were improvidently labeled as emergency spending and thus became the means by which the Social Security surplus was raided last October. We will face that challenge when we deal with the budget resolution and subsequent appropriations bills.

The day after the passage of the Omnibus Appropriations Act on October 21, 1998, I wrote the President and asked that the Federal Government commit itself to restoring funding for the nontraditional ''emergency'' items which were included in that omnibus legislation. I must state with disappointment that I have not yet received a response. So, in January, I again wrote to the President and made the same request for a commitment to fiscal discipline. Once again, I have not received a response.

On January 18, 1999, Roll Call published an opinion piece which I had written in which I asked the President to address this subject in his State of the Union Address. Mr. President, he did not.

Fortunately, the U.S. Constitution says that the Congress need not wait for the President. We can and must take steps necessary to restore the budget surplus to its previous levels, and we must do that now, before the urge to spend the surplus becomes a full-fledged addiction.

We must also realistically fund existing emergency accounts. While the Congress cannot anticipate the precise nature or cost of future emergencies, we do know that emergencies will occur. For instance, Congress prospectively budgets an annual amount not to exceed $320 million in emergency funding for the Federal Emergency Management Agency disaster relief fund. That is the good news. Now the bad news.

Over the past 12 years, the average emergency outlays from the Federal Emergency Management Agency disaster relief fund have exceeded by $1.7 billion per year. What we have consistently done is underfund the account based on 12 years of experience, so that we have mandated that we are going to have unfunded emergencies. It would be as if homeowners consistently underinsured their homes or the contents of their homes, knowing that when the disaster struck, they were not going to have sufficient funds to rebuild or to recoup their losses.

If we are to save the surplus of Social Security, Congress should stop systematically underfunding the emergency accounts and, thus, shifting anticipated emergency spending off budget. We should require emergency accounts to be funded through the normal appropriations process based on our historical experience.

Mr. President, I join Senator SNOWE in the hopes that our colleagues will support this important legislation. It is vital that we assure that we do not misuse our emergency spending powers. The next Congress that leaves the door wide open to raids on the surplus will be the one that passes on more debt and a less secure future for our children and our grandchildren.

By Mr. CAMPBELL:

S. 484. A bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive; to the Committee on the Judiciary.

THE BRING THEM HOME ALIVE ACT OF 1999

Mr. CAMPBELL. Mr. President, I am pleased to introduce the Bring Them Home Alive Act of 1999. This bill would persuade foreign nationals to take the bold steps needed to return any possibly surviving American POW/MIAs home alive. I am pleased to be joined today by Senators GREGG and HELMS as original cosponsors.

With the passage of the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999, the Senate this week has made great strides in providing for the men and women of our armed forces. I am continuing this effort today.

This bill would grant asylum in the United States to foreign nationals who personally deliver a living American POW/MIA from either the Vietnam War or the Korean War to the United States. Citizens of Vietnam, Cambodia, Laos, China, or any of the states of the former Soviet Union who deliver living American POW/MIAs from the Vietnam War would be granted asylum here. Similarly, citizens of North Korea, China, or any of the states of the former Soviet Union who deliver living American POW/MIAs from the Korean War would also be granted asylum. Of course, that foreign national's immediate family, including their spouse and children, would also be granted asylum in the U.S. since their safety, and even their lives, would most likely

be imperiled by such a daring rescue of surviving American POW/MIAs.

While some may doubt that any American POW/MIAs from these two wars remain alive, official U.S. policy distinctly recognizes the possibility that U.S. POW/MIAs from the Vietnam War could still be alive and held captive in Indochina. As the Defense Department's current position states:

Although we have thus far been unable to prove that Americans are still being held against their will, the information available to us precludes ruling out that possibility. Actions to investigate live-sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take appropriate action to ensure the return of those involved.

The bill I am introducing today supports this official position and enables the possibility of bringing any surviving U.S. servicemen home alive.

Since the fall of South Vietnam in 1975, there have been reports of live sightings of American POW/MIAs being held in Indochina. While the majority of these live-sightings have been resolved over the years, and have decreased in recent years, the possibility of Americans still being held remains. Two Russian translations of Vietnamese documents were discovered in Soviet archives in 1993 which contain detailed statistics indicating that approximately twice as many American POWs were being held by Vietnam in late 1972 than were actually ever returned to the United States.

Furthermore, the Senate Select Committee on POW/MIA Affairs' final report in 1993 concluded that about 100 U.S. POWs that were expected to be returned by Vietnam were never returned and that at least some of them may still be alive and held captive in Indochina.

It is also possible that American POW/MIAs are still being held in North Korea. A few years ago a 1996 Defense Department internal report was uncovered that concluded that between 10–15 POW/MIAs may still be alive and held against their will in North Korea.

The Bring Them Home Alive Act includes the states of the former Soviet Union, for just cause. Longstanding rumors that American POW/MIAs from both the Vietnam War and the Korean War were transferred to the Soviet Union were recently reinforced by the memoirs of recently deceased Soviet General Dmitri Volkogonov. As reported in a January 12, 1999, Washington Times article, Gen. Volkogonov wrote of seeing a secret KGB document from the 1960s outlining a plan to transfer U.S. POWs being held in Vietnam to the Soviet Union. The goal of this secret KGB plan was ''to bring knowledgeable Americans to the Soviet Union for intelligence (gathering) purposes.'' During a Congressional Delegation visit to Russia late last year, Russian General Sergeyev tacitly confirmed the existence of this document. While some officials contend this plan was never carried out, this is far from certain. In addition, the cumulative weight of compelling circumstantial evidence supports the assertion that American POWs were also transferred to the Soviet Union during the Korean War.

Finally, a key section of this bill would help spread news of the Bring Them Home Alive Act around the world. This is needed to help make sure that the key foreign nationals who need to hear about this act, do so. My bill calls on the International Broadcasting Bureau to use its assets, including Worldnet Television and its Internet sites, to spread the news. The bill also calls on Radio Free Europe and Radio Free Asia to participate.

If this bill leads to even one long-held POW/MIA being returned home to America alive, this effort will be well worth it, 10,000 times over. Even though it has been many years since these two wars ended, they have not ended for any Americans who may have been left behind and are still alive. As long as there remains even the remotest possibility that there may be any surviving POWs, we owe it to our Soldiers, Sailors, Airmen and Marines, and their families, to do everything possible to bring them home alive. This is the least we can do after all they have sacrificed.

Key groups involved in Veterans and POW/MIA issues have endorsed this legislation, including the National Vietnam & Gulf War Veterans Coalition, the VietNow National POW/MIA Committee, and the Coalition of Families of Korean and Cold War POW/MIAs. Naturally, I welcome any additional endorsements that any of the other important organizations involved in POW/MIA related issues may wish to provide.

Mr. President, I ask unanimous consent that the text of the Bring Them Home Alive Act of 1999, the Washington Times article, and the letters of endorsement be included in the RECORD. I urge my colleagues to support passage of this important legislation.

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

S. 484

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 ''Bring Them Home Alive Act of 1999''.

SEC. 2. AMERICAN VIETNAM WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

(1) any alien who—

(A) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union; and

(B) personally delivers into the custody of the United States Government a living American Vietnam War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) AMERICAN VIETNAM WAR POW/MIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''American Vietnam War POW/MIA'' means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Vietnam War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Vietnam War.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) MISSING STATUS.—The term ''missing status'', with respect to the Vietnam War, means the status of an individual as a result of the Vietnam War if immediately before that status began the individual—

(A) was performing service in Vietnam; or

(B) was performing service in Southeast Asia in direct support of military operations in Vietnam.

(3) VIETNAM WAR.—The term ''Vietnam War'' means the conflict in Southeast Asia during the period that began on February 28, 1961, and ended on May 7, 1975.

SEC. 3. AMERICAN KOREAN WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

(1) any alien—

(A) who is a national of North Korea, China, or any of the independent states of the former Soviet Union; and

(B) who personally delivers into the custody of the United States Government a living American Korean War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) AMERICAN KOREAN WAR POW/MIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''American Korean War POW/MIA'' means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Korean War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Korean War.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) KOREAN WAR.—The term ''Korean War'' means the conflict on the Korean peninsula during the period that began on June 27, 1950, and ended January 31, 1955.

(3) MISSING STATUS.—The term ''missing status'', with respect to the Korean War, means the status of an individual as a result of the Korean War if immediately before that status began the individual—

(A) was performing service in the Korean peninsula; or

(B) was performing service in Asia in direct support of military operations in the Korean peninsula.

SEC. 4. BROADCASTING INFORMATION ON THE "BRING THEM HOME ALIVE" PROGRAM.

(a) REQUIREMENT.—

(1) IN GENERAL.—The International Broadcasting Bureau shall broadcast, through WORLDNET Television and Film Service and Radio or otherwise, information that promotes the ''Bring Them Home Alive'' refugee program under this Act to foreign countries covered by paragraph (2).

(2) COVERED COUNTRIES.—The foreign countries covered by paragraph (1) are—

(A) Vietnam, Cambodia, Laos, China, and North Korea; and

(B) Russia and the other independent states of the former Soviet Union.

(b) LEVEL OF PROGRAMMING.—The International Broadcasting Bureau shall broadcast—

(1) at least 20 hours of the programming described in subsection (a)(1) during the 10-day period that begins on the date of enactment of this Act; and

(2) at least 10 hours of the programming described in subsection (a)(1) in each calendar quarter during the period beginning with the first calendar quarter that begins after the date of enactment of this Act and ending five years after the date of enactment of this Act.

(c) AVAILABILITY OF INFORMATION ON THE INTERNET.—International Broadcasting Bureau shall ensure that information regarding the ''Bring Them Home Alive'' refugee program under this Act is readily available on the World Wide Web sites of the Bureau.

(d) SENSE OF CONGRESS.—It is the sense of Congress that RFE/RL, Incorporated, Radio Free Asia, and any other recipient of Federal grants that engages in international broadcasting to the countries covered by subsection (a)(2) should broadcast information similar to the information required to be broadcast by subsection (a)(1).

(e) DEFINITION.—The term ''International Broadcasting Bureau'' means the International Broadcasting Bureau of the United States Information Agency or, on and after the effective date of title XIII of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277), the International Broadcasting Bureau of the Broadcasting Board of Governors.

SEC. 5. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this Act, the term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

[From the Washington Times, Jan. 12, 1999]

STATE DEPARTMENT ACCUSED OF STIFLING POW–MIA PROBE—WELDON SAYS RUSSIAN LAWMAKER TOLD HIM OF U.S. EFFORT

(By Bill Gertz)

A Russian parliamentarian who worked on prisoner-of-war issues claims the State Department discouraged Moscow from pursuing the fate of missing Americans, according to a senior member of Congress.

Rep. Curt Weldon said he is upset by the claim of the Duma member who told him about the State Department comments during a meeting in Moscow last month.

''During a conversation, the official told me 'I can tell you, we were told by your government, your State Department, not to pursue these issues,' '' Mr. Weldon, Pennsylvania Republican, said in an interview.

The statement bolsters private criticism by some Pentagon officials that the State Department is refusing to press the Russian government to investigate cases of missing Americans.

Pentagon officials told The Washington Times last month that Secretary of State Madeleine K. Albright delayed for months contacting senior Russian officials about a secret KGB plan to transport ''knowledgeable Americans'' to the Soviet Union during the late 1960s for intelligence purposes.

Mrs. Albright also failed to raise the issue directly with Russian Foreign Minister Yevgeny Primakov, who is now prime minister, during several meetings. Mr. Primakov would have had direct knowledge of the secret plan while he was director of Russian intelligence in the early 1990s.

Mr. Weldon said he is investigating the claim and has written to Mrs. Albright asking for an explanation.

The Russian official was not identified by name, but Mr. Weldon said the official had worked on the U.S.-Russian Joint Commission on POWs headed by retired Russian Gen. Dmitri Volkogonov. The Duma members told Mr. Weldon about the problem in a private meeting.

''His accusation is quite disturbing in light of the administration's initial reluctance to aggressively pursue the matter with the Russian government,'' Mr. Weldon states in a Jan. 6 letter to Mrs. Albright, ''I urge that you investigate this charge and inform me of your findings.''

Ann Johnson, a State Department spokeswoman, said the matter was ''looked into,'' but no one in the State Department relayed such a message to any Duma members.

Asked if Mrs. Albright would raise the issue of the POW document during her upcoming meetings with Russian officials in Moscow, Miss Johnson said the agenda has not been set. ''We do look forward to getting a look at the results of the Russian investigation of this matter, as Prime Minister Primakov promised Vice President [Al] Gore in Kuala Lumpur in November,'' she said.

Gen. Volkogonov, who died in December 1995, disclosed in a memoir published in September that he had uncovered the secret plan by the KGB intelligence service during the late 1960s ''to bring knowledgeable Americans to the Soviet Union for intelligence purposes.''

After the plan was disclosed by The Times in November, White House spokesmen initially said President Clinton would not raise the issue in meetings with Mr. Primakov set for late November in Kuala Lumpur, Malaysia. Later, the White House reversed its position and said the president would bring up the issue if talks at the POW commission in Moscow failed to resolve the matter.

After Mr. Clinton canceled his trip to Malaysia because of the crisis with Iraq, Mr. Gore raised the issue with Mr. Primakov.

Mr. Clinton said in a letter to a POW activist last month that he is ''very concerned'' about the Russian plan ''given that American personnel were held as POWs in Southeast Asia during this same period.'' He promised to ''press'' the Russians to provide answers.

The president stated in a Dec. 18 letter to Delores Alfond, chairman of the National Alliance of Families, that his administration is trying to find out about the authors of the KGB plan, whether it was carried out, and ''the names of any Americans who were transferred.'' If the plan was not carried out, ''we have requested documentation that convincingly proves this point,'' he said.

Mr. Weldon said in his letter to Mrs. Albright that he was encouraged by the administration's discussions, ''but I remain deeply disappointed that you deferred pursuit of this matter for so long after it first came to your attention.''

''With hundreds of U.S. POW–MIAs still unaccounted for, we must aggressively pursue all evidence which might help us determine their fate,'' he said. ''The United States has no basis on which to turn its back on information which may lead us to closure on the POW issue. Nor should we fear repercussions from the Russian government, as it will not suffer the reputation of its predecessor's excesses, but may actually enhance its own reputation by fully disclosing the fact.''

Mr. Weldon said that Mrs. Albright should investigate the Duma official's charge and ''reaffirm the strong U.S. commitment to leave no stone unturned in the effort to determine the fate of all U.S. POWs.''

VIETNOW NATIONAL HEADQUARTERS,
Rockford, IL, February 18, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: I wanted to write and thank you and Larry Vigil for your efforts to bring our ''Live'' POWs home. Sir, there is overwhelming evidence that living American POWs were left behind and in enemy hands at the conclusion of the U.S. involvement in both the Vietnam and Korean Wars. There is reason to believe that some of these fellow Americans are still alive. Your approach to gain their release, as outlined in your bill titled ''The Bring Them Home Alive Act of 1999'', is viable and provides incentive for those who may be able to secure our POWs release to do so.

I have written my two senators, Boxer and Feinstein, with a request that they join your effort and cosponsor your bill. A copy of my letters to them is enclosed for your review and file. In addition, I have sent information regarding your bill to each VietNow chapter POW/MIA chairman and various other POW/MIA organizations and individual activists. I have encouraged these people to contact their respective U.S. Senators and to urge them to also cosponsor this bill.

Thank you for caring about our ''Live'' POWs and taking a positive step to gain their release!

Sincerely,

RICH TEAGUE, *Chairman.*

NATIONAL VIETNAM & GULF WAR VETERANS COALITION,
Washington, DC, February 17, 1999.

Re the Bring Them Home Alive Act of 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

(Attention of Larry Vigil).

DEAR SENATOR CAMPBELL: The National Vietnam & Gulf War Veteran's Coalition is a federation of 101 Vietnam and Gulf War veteran support organizations that work together on ten (10) goals. One of the most important goals of our Coalition is the return of any living missing American servicemen in Southeast Asia.

Your legislative initiative of introducing the ''Bring Them Home Alive Act of 1999'' is the right bill at the right time. This bill will grant asylum or refugee status to any foreign national that helps bring out a live American prisoner of war (POW) from the Vietnam War. This applies to nationals of Vietnam, Cambodia, Laos, North Korea, China and the former states of the Soviet Union. It would also grant asylum or refugee status to the rescuer's family.

Passing this legislation is the least we can do for any Soldier, Sailor, Airman or Marine that may still be held as a POW. As long as there remains even the remotest possibility that there may be surviving POWs we owe this to them to bring them home.

In conclusion, our National Vietnam & Gulf War Veterans Coalition hereby endorses the ''Bring Them Home Alive Act of 1999''

and will utilize our resources to secure passage of this legislation as our promised legislative effort in this session of Congress.

Sincerely yours,

J. THOMAS BURCH, Jr.,
Chairman.

By Mr. McCAIN:

S. 485. A bill to provide for the disposition of unoccupied and substandard multifamily housing projects owned by the Secretary of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

URBAN HOMESTEAD ACT

Mr. MCCAIN. Mr. President, today I introduce the Urban Homestead act, a bill designed to reform the way in which the Department of Housing and Urban Development (HUD) disposes of unoccupied and substandard housing stock.

In summary, the Urban Homestead Act would require HUD, every six months, to publish in the National Register a complete listing of all single, and multi-family housing stock that has been in the Department's inventory for at least six months. Further, HUD is required to publish a complete listing of all substandard housing stock in the same manner. Locally based community development corporations would then be allowed to petition HUD for possession of these properties. HUD would be required to transfer the properties to the CDC free of cost.

There are few more obnoxious examples of government inefficiency and ineffectiveness than that of HUD's inability to address the housing needs of low-income families. HUD is notorious for its bloated bureaucracy and malfeasance in administering our nations public housing assistance programs. Nowhere is this ineptitude more glaringly obvious than in HUD's disposition of housing stock.

In our nation's inner cities, there are thousands of quiet heroes, struggling against and conquering near-insurmountable obstacles in efforts to revitalize their communities. They are winning the battle one house, one street, one neighborhood at a time.

These organizations are as unique as the communities and neighborhoods in which they work their magic. It is their ability to adapt to the local demands of their neighborhoods which is the key to their success. However, one challenge which is the same, regardless of what community they are operating in, is the vacant house. These abandoned houses play host to all types of criminal activity. They are crack houses, centers of gang activities, and prostitution. You name it. The abandoned house has become a symbol of urban blight.

I ask my colleagues, who do you think is to blame for this outrage? A slum lord, or an absentee owner, perhaps a greedy land speculator? In some instances, this may be the case. But a principal culprit responsible for kneecapping the efforts of these neighborhood heroes is non-other-than the Department of Housing and Urban Development. Many of these homes are the product of FHA foreclosures. They are the product of lax lending habits and pathetic administration of the HUD property disposition program.

Well, Mr. President, it is my intention to put HUD out of the slumlord business. The legislation I introduce today sends a very simple message to HUD. They have six months to get a property on the market and sold. If they fail to get the job done, they're going to have to turn the property over to a CDC and they'll get the job done for them.

By channeling these properties into the hands of CDCs providing home ownership opportunities to low-income families, we will be accomplishing several important objectives. First, we will be placing a valuable resource into the hands of not-for-profits who may otherwise lack the capital resources to purchase the housing stock. Secondly, we get the property back in circulation. In doing so, it ceases to be a center for criminal activity and a symbol of blight. Finally, and most important, these organizations will use this housing stock to do what HUD has failed to accomplish. They will provide low-income families a piece of the American dream—a chance at home ownership.

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. 485

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 ''Urban Homestead Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMUNITY DEVELOPMENT CORPORATION.—The term ''community development corporation'' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities to low-income families.

(2) LOW-INCOME FAMILIES.—The term ''low-income families'' has the same meaning as in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(3) MULTIFAMILY HOUSING PROJECT.—The term ''multifamily housing project'' has the same meaning as in section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(5) SEVERE PHYSICAL PROBLEMS.—A dwelling unit shall be considered to have ''severe physical problems'' if such unit—

(A) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

(B) on not less than 3 separate occasions, during the preceding winter months was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

(C) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced not less than 3 blown fuses or tripped circuit breakers during the preceding 90-day period;

(D) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

(E) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

(6) SINGLE FAMILY RESIDENCE.—The term ''single family residence'' means a 1- to 4-family dwelling that is held by the Secretary.

(7) SUBSTANDARD MULTIFAMILY HOUSING PROJECT.—A multifamily housing project is ''substandard'' if not less than 25 percent of the dwelling units of the project have severe physical problems.

(8) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' has the same meaning as in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(9) UNOCCUPIED MULTIFAMILY HOUSING PROJECT.—The term ''unoccupied multifamily housing project'' means a multifamily housing project that the Secretary certifies in writing is not inhabited.

SEC. 3. DISPOSITION OF UNOCCUPIED AND SUBSTANDARD PUBLIC HOUSING.

(a) PUBLICATION IN FEDERAL REGISTER.—

(1) IN GENERAL.—Subject to paragraph (2), beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary shall publish in the Federal Register a list of each unoccupied multifamily housing project, substandard multifamily housing project, and other residential property that is owned by the Secretary.

(2) EXCEPTION FOR CERTAIN PROJECTS AND PROPERTIES.—

(A) PROJECTS.—A project described in paragraph (1) shall not be included in a list published under paragraph (1) if less than 6 months have elapsed since the later of—

(i) the date on which the project was acquired by the Secretary; or

(ii) the date on which the project was determined to be unoccupied or substandard.

(B) PROPERTIES.—A property described in paragraph (1) shall not be included in a list published under paragraph (1) if less than 6 months have elapsed since the date on which the property was acquired by the Secretary.

(b) TRANSFER OF OWNERSHIP TO COMMUNITY DEVELOPMENT CORPORATIONS.—Notwithstanding section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11) or any other provision of Federal law pertaining to the disposition of property, upon the written request of a community development corporation, the Secretary shall transfer to the community development corporation ownership of any unoccupied multifamily housing project, substandard multifamily housing project, or other residential property owned by the Secretary, if the project or property is—

(1) located in the same unit of general local government as the community development corporation; and

(2) included in the most recent list published by the Secretary under subsection (a).

(c) SATISFACTION OF INDEBTEDNESS.—Prior to any transfer of ownership under subsection (b), the Secretary shall satisfy any indebtedness incurred in connection with the project or residence at issue, either by—

(1) cancellation of the indebtedness; or

(2) reimbursing the community development corporation to which the project or residence is transferred for the amount of the indebtedness.

SEC. 4. EXEMPTION FROM PROPERTY DISPOSITION REQUIREMENTS.

No provision of the Multifamily Housing Property Disposition Reform Act of 1994, or any amendment made by that Act, shall apply to the disposition of property under this Act.

SEC. 5. TENANT LEASES.

This Act shall not affect the terms or the enforceability of any contract or lease entered into before the date of enactment of this Act.

SEC. 6. PROCEDURES.

Not later than 6 months after the date of enactment of this Act, the Secretary shall establish, by rule, regulation, or order, such procedures as may be necessary to carry out this Act.

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

S. 486. A bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes, to be Committee on the Judiciary.

DETERMINED AND FULL ENGAGEMENT AGAINST THE THREAT OF METH (''DEFEAT METH'') ACT

Mr. ASHCROFT. Mr. President, we live in a time of unparalleled prosperity. The stock market continually hits new highs, while unemployment and gasoline plunge to record lows. This prosperity brings many blessings, chief among them material comfort. But sometimes prosperity can mask problems as well as solve them. As Francis Bacon said, ''Prosperity is not without many fears and distastes; and adversity is not without comforts and hopes.'' Prosperity can breed apathy and complacency, weakening a society's ability to respond to the challenges facing it. And as for adversity, it is only when people realize the true extent of their challenges that they can overcome them.

One of the greatest challenges we face is drugs, especially the recent rise in the production and use of methamphetamines. Despite the continued challenge drugs present, we have not heard enough about this problem recently. This administration has chosen not to make it a priority. A few years ago, Democrat Representative CHARLES RANGEL lamented this administration's inaction on the drug war: ''I've been in Congress over two decades, and I have never, never, never found any administration that's been so silent on this great challenge to the American people.'' Former Drug Czar William Bennett agrees, having testified before our colleagues in the House of Representatives that: ''The Clinton Administration has been AWOL in the war on drugs.'' We have gone from an era of ''just say no'' to an era of ''I didn't inhale,'' and the numbers concerning youth drug use show that these contrasting messages make a difference.

While the financial numbers continue to move in the right direction, the numbers concerning youth direction have gone in the wrong direction. In 1998, the percentage of 12th graders who had tried illegal drugs was a shocking 54%—133% of the level in 1992. This figure, which had decreased during the 1980s, increased in the 1990s. Similarly, in 1998, the reported illicit drug use by 12th graders in the last 30 days was more than 177% of the level seven years earlier.

What is particularly alarming is the drastic increase in the use of heavy drugs by teenagers. In 1998, the percentage of 12th graders who used cocaine in the last 30 days was 178% of the level in 1992. Moreover, the percentage of heroin use was 250% of the 1992 level. The plain facts are that drug use among our nation's youth is far too common and becoming more so. Our nation appears to be sliding backward from the strides we made in the 1980s.

The increases in drug use among our children are alarming. Our children are our greatest asset and they are at great risk from drugs. They are the most vulnerable members of our society. And, more than any other group, young people face the highest risk of being lost to drugs forever.

The more than half of the nation's high school seniors who have already tried drugs run much greater risks of future drug use than their peers. According to the National Household Survey on Drug Abuse, those who do not try drugs by their mid-twenties are unlikely ever to use drugs. Protecting our children from drugs is the best way to stop adults from using drugs.

The challenge before us—protecting our children from drugs—becomes ever more difficult in a society plagued by divorce, single-parent households, diffuse communities, and the never-ending beat of ''live for today'' messages coming from our culture. Every one of these factors makes it harder to impart the right messages to the next generation and to keep our children off drugs.

Protecting our children from drugs is more difficult than ever. In the last few years, a new enemy has emerged to join the other, more familiar, threats of cocaine, heroin, and marijuana. That new threat is methamphetamine or ''meth,'' a dangerous, addictive substance that is ruining lives and weakening communities across this great land. Meth is to the 1990s what cocaine was to the 1980s and heroin was to the 1970s. And the problem is growing exponentially, in both Missouri and the nation at large. In 1992, DEA agents seized 2 clandestine meth labs in the State of Missouri. By 1994, there were 14 seizures. That was serious enough. However, in 1997, they seized 421 labs.

Meth ensnares our children, endangers us all, and causes users to commit other crimes. In 1998, the percentage of 12th graders who used meth was double the 1992 level. Meth-related emergency room incidents are up 63 percent over that same period. The National Institute of Justice released a report just a couple of months ago that showed meth use among adult arrestees and detainees has risen to alarming levels across the country.

Meth is one of the most serious drug problems in our nation—and, in states like Missouri—it remains the most serious problem. Just ask the McClelland family in Kansas City. Their 11-year-old daughter was bludgeoned to death by a family friend who was high on meth. Her murderer admitted to beating her in the head repeatedly with a claw hammer after she resisted his sexual advances.

This is not an isolated incident. Meth kills. Law enforcement officers in Missouri refer to it as a triple threat. It can kill the user; it can make the user kill and, in many cases, even its production can kill.

Meth labs have been called toxic time bombs because volatile chemicals are mixed in the manufacturing process. There have been dozens of lab explosions. There are also numerous cases of meth abusers booby-trapping their abandoned labs, resulting in serious injuries to law enforcement agents. Even when not booby trapped, abandoned labs are like toxic waste dumps. Clean up is both dangerous and expensive.

Meth production poses a unique challenge to law enforcement because of the difficulties in effective interdiction. Although some meth comes in the United States from Mexico, much of it is home produced from readily-available materials. It can be manufactured in clandestine labs and even in the kitchen of a moving RV—a literal moving target for law enforcement. Meth also can be manufactured in batches large or small. Law enforcement officials in Missouri have told me that as we have poured more resources into the fight against meth, some meth cooks have resorted to smaller and smaller batches to reduce the chances of detection. Other law enforcement officers report meth operations that contract out the various steps in the manufacturing process to different sites to reduce the chances of detection.

Meth also has some unique attributes which appeal to users. Smoking meth produces a high that lasts 8 to 24 hours. Cocaine, in contrast, produces a high that lasts for 20 to 30 minutes. Meth appeals not only to those looking for an extended high. It appeals to vanity as well. Meth suppresses appetite and is enticing to young adults trying to lose weight.

While meth is different from other drugs in some ways—more dangerous, more difficult to police—at its core, it is the same as other narcotics in that it imposes costs. According to Bill Bennett, the use of drugs ''makes every other social problem much worse.''

Meth contributes to a host of societal ills—violence, unemployment, homelessness, family breakup. I have heard too many stories of neglected children all but abandoned in a home turned into a meth lab. There are enough threats to our children that we do not need meth adding to our burden.

I want to fight the scourge of meth because of the violence it causes. I want to fight meth because of the costs it imposes, on society and on families, on taxpayers and on communities. But there is another factor that motivates my opposition to meth: I want to fight meth because its use and production is wrong. And too few people are willing to stand up these days and call drugs wrong.

This laissez faire attitude leads to too much permissiveness on the subject of drugs. And permissiveness on drugs imposes terrible moral and psychic costs on America's youth.

In fact, much of our current predicament stems for the permissive attitudes that emerged from the 1960s. The decay of enforcement that began in the 1960s helped to cause the problems of the succeeding decades.

Make no mistake. Enforcement is an extremely effective tool in diminishing drug use. During the 1960s and 1970s, the period coinciding with the dawn of this country's second great drug crisis, incarceration rates plummeted from 90 per 1,000 arrests in 1960 to only 19 per 1,000 arrests by 1980. Laws are what protects society from anarchy. And when we choose not to enforce our laws, our laws lose their effectiveness, and the bulwark against anarchy withers.

While our society too often tends towards laxness, we also have a history of responding to challenges. America has never faced a problem that has proven too great for us to meet or too big for us to tackle. The meth challenge, while daunting, is no exception. If we make a determined and full engagement in our war against meth, we will win. We will defeat meth.

In my four years in the United States Senate, I have fought the growth of meth trafficking. In the last Congress, I introduced the ''Trafficking Penalties Enhancement Act'' to provide more severe penalties for manufacturing, trafficking, or importing meth. That legislation, which was signed into law last fall, increases prison terms for meth possession to a 10-year minimum for possession of 50 grams of meth or more, and a 5-year minimum for 5 grams or more. That law also made more meth crimes eligible for the death penalty in situations in which a murder is committed in conjunction with the meth offense. In light of the triple threat nature of meth, the availability of the death penalty is particularly relevant and appropriate.

In order to protect residents of public housing, I worked with my colleague from Missouri, Senator BOND, to place a ''one strike and your out,'' lifetime ban from public housing premises for individuals who manufacture or produce methamphetamine.

I also worked to set up a regional High-Intensity Drug Trafficking Area (or HIDTA) that covers Missouri. More recently, I organized a bipartisan effort by the Missouri congressional delegation that led to increased funding for anti-meth initiatives, including resources for law enforcement and lab cleanup. These steps are all important. When I talked with representatives of Missouri law enforcement earlier this week, they underscored that these programs are having a positive effect in the fight against meth. But winning the battle against meth once and for all will take continued hard work and effort.

Mr. President, today I rise to take the next step in the fight against meth, the Determined and Full Engagement Against the Threat of Meth Act, or the ''DeFEAT Meth Act'' for short.

My anti-methamphetamine legislation will have five main components.

First, the bill directs the U.S. Sentencing Commission to adjust its guidelines to increase penalties for meth crimes. In the last Congress we were able to raise the mandatory minimum sentences for meth trafficking crimes involving over 5 grams. This provision complements last year's legislation by increasing penalties for meth crimes that do not come under the mandatory minimums, and adding a special sentencing enhancement for meth crimes that endanger human life. This provision completes the process of imposing appropriate and severe penalties on those who wish to tear apart the very fabric of our society by distributing meth.

Second, my legislation will provide law enforcement officers with more resources for combating meth. Specifically, it is time to authorize more funding for the Drug Enforcement Administration's meth initiative. This funding is essential. In order to stop the spread of meth, the DEA needs to hire more agents, and provide additional training for state and local law enforcement officers. These agents will participate in the DEA's comprehensive plan for targeting and investigating meth trafficking, production and abuse. The DEA also needs to provide additional support for local law enforcement. When law enforcement busts a meth lab, they are taking over the equivalent of a toxic waste dump. The serious and unique problems cleanup problems created by meth demand a serious and unique response.

Third, we need to educate our children about the dangers of meth. While DEA interdiction is vital, we also need to educate parents, teachers, and children—who may not yet be familiar with the dangers of meth—about the size of the threat. We should authorize new funding for programs to educate parents and teachers of the dangers of methamphetamine. Missouri law enforcement officers estimate that as many as 10% of high-school students know the recipe for meth. We must make sure that 100% of them know that meth is a recipe for disaster.

Fourth, we need to recognize that, more than any other narcotic, meth can be made all too easily, in home grown laboratories, with readily-available chemicals. To counteract this problem, we must ensure that the list of banned precursor chemicals used to make meth is kept up to date. It seems that when a precursor chemical is added to the list, meth cooks figure out how to manufacture meth with a new unlisted chemical. We must remain vigilant in the battle against meth. After consulting with people on the front line—in the crime labs in Missouri—we have proposed adding two new precursor chemicals: red phosphorous and sodium dichromate.

Finally, the bill amends the federal drug paraphernalia statute to cover meth. The current law covers paraphernalia used to ingest a number of specific drugs including marijuana and cocaine. It does not cover meth. There is no basis for this differential treatment, and the bill adds meth to the statute.

This comprehensive plan is an essential step in the war against meth. While no plan will not stop the spread of meth overnight, we must continue the long process of stopping this onslaught. Defeating meth will be a struggle that takes place in schools, in communities, in churches, within families. We must teach the next generation the danger of drugs and give them alternatives to the easy short term answers that drugs provide.

Meth presents us with a formidable challenge. We have overcome other challenges in the past and we can conquer this one as well. In fact, the history of America is one of meeting challenges and surpassing people's highest expectations. Meth is no exception. All we need to succeed is to marshal our will and channel the great indomitable American spirit. The experience of the past few years demonstrates that you cannot win the war on drugs with a half-hearted effort. However, experience also shows that we can win if we commit to a determined and full engagement against the threat of drugs. This bill provides full engagement. With it, we will meet the meth challenge and we will defeat it.

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. 486

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 ''Determined and Full Engagement Against the Threat of Methamphetamine'' or ''Defeat Meth'' Act of 1999.

SEC. 2. ENHANCED PUNISHMENT OF METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall, with respect to each offense described in paragraph (1)—

(A) increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of danger to the health and safety of another person (including any Federal, State, or local law enforcement officer lawfully present at the location of the offense), increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 3. INCREASED RESOURCES FOR LAW ENFORCEMENT.

(a) AUTHORIZATION OF DEA FUNDS TO COMBAT METHAMPHETAMINES.—

(1) PURPOSE.—From amounts made available to carry out this subsection, the Administrator of the Drug Enforcement Administration shall implement a comprehensive approach for targeting and investigating methamphetamine production, trafficking, and abuse to combat the trafficking of methamphetamine in areas designated by the Director of National Drug Control Policy as high intensity drug trafficking areas, which approach shall include—

(A) training local law enforcement agents in the detection and destruction of clandestine methamphetamine laboratories, and the prosecution of any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture methamphetamine in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), or applicable State law;

(B) investigating and assisting in the prosecution of methamphetamine traffickers, establishing a national clandestine laboratory computer database, reducing the availability of precursor chemicals being diverted to clandestine laboratories in the United States and abroad, and cleaning up the hazardous waste generated by seized clandestine laboratories; and

(C) allocating agents to States with the highest rates of clandestine laboratory closures during the most recent 5 fiscal years.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $30,000,000 for fiscal year 2000; and

(B) such sums as may be necessary for each of fiscal years 2001 through 2004.

(b) HIGH INTENSITY DRUG TRAFFICKING AREAS.—

(1) IN GENERAL.—From amounts made available to carry out this subsection, the Director of National Drug Control Policy shall combat the trafficking of methamphetamine in areas designated by the Director of National Drug Control Policy as high intensity drug trafficking areas, including the hiring of new laboratory technicians in rural communities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $25,000,000 for fiscal year 2000; and

(B) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) EXPANDING METHAMPHETAMINE ABUSE PREVENTION EFFORTS.—

(1) PREVENTION PROGRAMS AND ACTIVITIES.—

(A) IN GENERAL.—From amounts made available to carry out this subsection, the Director of National Drug Control Policy shall—

(i) carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for methamphetamine abuse and addiction;

(ii) assist local government entities to conduct appropriate methamphetamine prevention activities;

(iii) train and educate State and local law enforcement officials on the signs of methamphetamine abuse and addiction and the options for treatment and prevention;

(iv) carry out planning, administration, and educational activities related to the prevention of methamphetamine abuse and addiction;

(v) monitor and evaluate methamphetamine prevention activities, and report and disseminate resulting information to the public; and

(vi) carry out targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

(B) PRIORITY.—In carrying out this paragraph, the Director of National Drug Control Policy shall give priority to assisting rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

(C) ANALYSES AND EVALUATION.—

(i) IN GENERAL.—Of the amount made available to carry out this subsection in each fiscal year, not less than $500,000 shall be used by the Director of National Drug Control Policy, in consultation with the heads of other departments and agencies of the Federal Government—

(I) to support and conduct periodic analyses and evaluations of effective prevention programs for methamphetamine abuse and addiction; and

(II) for the development of appropriate strategies for disseminating information about and implementing those programs.

(ii) ANNUAL REPORTS.—The Director shall annually submit to Congress a report on results of the analyses and evaluations under clause (i) during the preceding 12-month period.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $25,000,000 for fiscal year 2000; and

(B) such sums as may be necessary for each of fiscal years 2001 through 2004.

SEC. 4. PRECURSOR CHEMICALS.

Section 102(35) of the Controlled Substances Act (21 U.S.C. 802(35)) is amended—

(1) by inserting ‘‘, or immediate precursor,’’ after ‘‘chemical)’’; and

(2) by adding at the end the following:

‘‘(K) Red phosphorous.

‘‘(L) Sodium dichromate.’’.

SEC. 5. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended by inserting ‘‘methamphetamines,’’ after ‘‘PCP,’’.

By Mr. GRAMS (for himself and Mr. ASHCROFT):

S. 487. A bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individual; to the Committee on Finance.

SMALLER EMPLOYER EGG ACT

By Mr. GRAMS:

S. 488. A bill to amend the Internal Revenue Code of 1986 to repeal the taxation of social security benefits; to the Committee on Finance.

REPEAL OF SOCIAL SECURITY TAX

By Mr. GRAMS:

S. 489. A bill to provide an automatic tax rebate when the Federal tax burden grows faster than the personal income of working Americans, and for other purposes; to the Committee on Finance.

NATIONAL TAX REBATE ACT OF 1999

By Mr. GRAMS:

S. 490. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Finance.

FEDERAL UNRELATED BUSINESS INCOME TAX LEGISLATION

Mr. GRAMS. Mr. President, at the beginning of this session, I, along with Senator ROTH and others, introduced S. 3, the Tax Cuts for All Americans Act, which calls for a 10 percent across-the-board tax cut on the federal income taxes of hard-working Americans.

If enacted, this will be the largest middle-class tax relief since President Ronald Reagan’s 1981 tax cuts. I believe this legislation is imperative for our economic security and growth in the new millennium. I will address this issue more fully later this week.

But today I also rise to introduce four bills representing some other tax relief priorities on which I hope we can also focus in this Congress. These bills will help reform our tax system and will help to terminate some unfair and unjust tax provisions in the Tax Code, again, with the aim and the goal of allowing working Americans to keep a little bit more of their own money rather than sending it to Washington.

Mr. President, the first bill I am introducing today, the National Tax Rebate Act, requires the Government to refund taxes collected to taxpayers when Federal revenue grows faster than the income of working Americans.

The rationale for this legislation is simple: and that is, the Federal Government’s taxes should not grow faster than working Americans’ income. Our

growing tax burden should not reduce the standard of living that we work hard to achieve. This legislation will ensure that it does not.

Eighteen of the last 19 Democrat-controlled Congresses passed tax increases. President Clinton's whopping $241 billion tax increase in 1993 was the largest tax hike we have had. We had only two Federal personal income tax rates at that time. They were 15 and 28 percent, those under President Ronald Reagan.

Today, after President Clinton has been in office for 6 years, we have five Federal tax brackets. The top one has reached nearly 40 percent. More hard-working, middle-income families have been pushed into higher tax brackets because of an unfair tax system. So we have gone from two brackets of 15 percent and 28 percent to now five tax brackets, the highest being nearly 40 percent. No wonder Washington's income is growing and growing much faster than the income of the taxpayers. That is one reason why we have a surplus in Washington today, because incomes have gone up for Americans, and Washington has taken a larger share of that in the form of taxes.

Thanks to our exceptionally strong economy, more Americans are working today, and are earning more than ever before as a result. Government data show that real median family income is now at a near-historic high and per capita income is at a record $19,241.

We should not be here penalizing those who work long and hard to achieve the American dream of higher earnings and better jobs by slapping higher taxes on them.

Unfortunately, a large share of the newly earned income of hard-working Americans has not been spent on family priorities but siphoned off by Washington.

The progressive Federal tax system created by Washington allows Federal Government income to grow faster by taking a larger bite from any newly earned income increases. That is because it pushes us into one of these higher tax brackets.

According to Scott Hodge, a leading economist at Citizens for a Sound Economy, total personal income since 1993 has grown by an average of 5.2 percent a year, while Federal taxes have grown by 7.9 percent a year—so taxes have grown 52 percent faster than personal income growth.

In fiscal year 1998 alone, federal taxes grew 70 percent faster than personal income.

Mr. President, this is not justifiable. Uncle Sam's income should by no means grow faster than the income of the people who earn it.

While broad-based tax relief for every American, such as S.3, would certainly correct the unfairness of the tax system, we need a mechanism that ensures Washington's income will never grow faster than the income of taxpayers.

This is all my legislation does. It limits federal taxes by prohibiting the growth rate of federal revenues collected for any fiscal year from exceeding the average growth rate of personal income of working Americans.

Set a guidepost. Set a marker as to how fast Washington should grow in the money it collects and spends.

It requires a two-thirds vote of both the House and the Senate to waive this limit. Whenever Washington's tax revenues grow faster than the personal income of working Americans, an automatic national tax rebate will be triggered as a result.

The federal government must refund taxpayers the excessive taxes pro rata based on liability reported on federal income tax annual returns filed in the previous tax year.

The national tax rebate is not a new idea. A number of states, such as Florida and Missouri, have either statutory laws or constitutional amendments requiring state governments to give back tax money if the revenue exceeds these limits.

My own State of Minnesota is currently deciding how best to refund excess tax collection to Minnesota taxpayers.

If it works at the state level, there is no excuse for the federal government not to adopt a similar mechanism.

By passing this simple tax limitation and rebate legislation, taxpayers will be fully protected and better represented in Washington.

Mr. President, this piece of legislation would repeal taxation of our senior citizens' Social Security benefits.

As you know, Mr. President, Social Security benefits were exempt from the federal income tax since the creation of the program.

They were never taxed by the Federal Government. Retirement benefits shouldn't be.

But as Social Security encountered a financial crisis in early 1980s, Congress began taxing Social Security benefits, and thus causing financial hardship to many seniors.

The amount of taxable benefits was the lesser of one-half of Social Security cash benefits or one-half of the excess of the taxpayer's provisional income over the thresholds of $25,000 per single person and $32,000 for couples.

In 1993, when President Clinton needed more money to fund his new spending programs, he increased the taxable proportion of Social Security benefits from 50 to 85 percent for Social Security recipients whose threshold incomes exceed $34,000 for singles and $44,000 for couples.

These two tax increases have seriously injured a significant number of senior citizens. In fact, a quarter of recipients are affected by this provision, creating enormous financial hardship for them as well.

I believe taxation on Social Security benefits is wrong and unfair because Social Security benefits are earned benefits for many senior citizens. Federal income tax is paid when Social Security contributions are made to the program. Taxing Social Security benefits is clearly double taxation.

In other words, those benefits are paid when the money is put into Social Security, and now the government wants to tax them again as it takes the money out.

In addition, Congress never intended to tax Social Security benefits when it first established the program. In fact, for half a century Social Security benefits were exempted from federal taxes.

Millions of senior citizens who planned for their retirement based on their understanding of the Social Security law were penalized. As the tax rate continues to grow, the incomes of more and more senior citizens are falling along with their standard of living.

This tax hurts seniors who choose or must work after retirement to maintain their standard of living or to pay for costly health insurance premiums, medical care, prescriptions and many other expenses which increase in retirement years.

It also discourages today's workers to save and invest for the future. It won't help protect Social Security for our children and grandchildren.

I believe this is not acceptable.

Repealing all taxation on Social Security benefits would reverse this trend, and help responsible senior citizens. The federal government has entered into a sacred covenant with the American people to provide retirement benefits once contribution commitments are made.

It is the government's contractual duty to honor that commitment. The government cannot and should not change the covenant without consent of the people whom these changes would affect.

Mr. GRAMS. Mr. President, this bill deals with a relatively smaller tax matter. This bill calls for exemption of additional charitable gambling activities from the Federal unrelated business income tax (UBIT).

As you know, Mr. President, the fundamental difference between charitable gambling and regular gambling is where and how the profit is spent.

Most of the income derived from charitable gambling games is spent in communities to fund charitable activities such as the Boy and Girl Scouts, Head Start, and many city and school programs that help local residents and students.

In my State alone of Minnesota, more than 1,500 local charities conduct a variety of games such as bingo and pull tabs, and in doing so contribute some $75 million per year to their local communities.

Beneficiaries include youth recreation and education, as well as organizations serving the sick and disabled, and many other community programs, as well.

My state leads the nation in charitable non-profit gaming, but some 35 other states are involved in similar activities.

In 1978, President Carter signed into law a bill that classified bingo income as related business income.

As a result, this charitable game is not subject to the Federal UBIT. But the law did not include other forms of charitable gambling. Consequently, the income of these charitable gambling games is taxed under the UBIT.

Taxes take a big bite out of charitable gambling income and seriously undermine the ability of nonprofit organizations to provide charitable assistance.

Now, while the IRS has not collected UBIT on these charities as they anticipate Congressional action, without my legislation, the IRS could begin collections in the near future. My legislation would remove this uncertainty as charities attempt to go on with their good works.

This legislation is not controversial. It should have bipartisan support. In the last Congress I introduced a similar bill with Senator WELLSTONE which the Senate adopted. I hope we can pass it again in the 106th Congress.

The last bill I am introducing today would provide a tax incentive for small business employers to set up pension plans for their workers.

Working Americans' retirement security is based on Social Security, private pensions, and personal savings. But even though Social Security is fast approaching a financial crisis, our national savings rate remains among the lowest, and many workers do not have company pension plans to help make up the Retirement Benefits.

Despite recent congressional action to improve private pension plans, the complexity of qualification requirements under current law and the administrative expenses associated with setting up retirement plans, including the SIMPLE plan, remain significant impediments to widespread implementation of employer-based retirement systems, especially for small business.

This is particularly true for small employers with less than I 00 employees, for whom the resulting benefits do not outweigh the administrative costs.

Consequently, only 42% of individuals employed by small businesses now participate in an employer-sponsored plan, as opposed to 78% of those who work for larger businesses.

To address this problem, I am introducing the Small Employer Nest Egg Act of 1999. This legislation will create a new retirement option for small business owners with 100 or fewer employees.

It would allow the same level of benefits both to employers and employees as larger employers who maintain traditional qualified plans. Upon retirement or separation of service, employees would receive I00% of their pension account value.

To offset the high costs associated with starting a pension plan, my proposal calls for a tax cut equal to 50% of the administrative and retirement education expenses incurred for the first five years of a plan's operation.

Mr. President, small businesses are the lifeblood of our communities, providing millions of jobs nationwide. Small business owners want to help their employees save for their retirement.

Yet, because of the costs, many are unable to do so and, also, because of the rigid Government policies and, again, the administrative costs that go with it.

This legislation, I believe, will help millions of workers begin building their retirement security. I urge the support of my colleagues for the four bills I have offered today.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. ABRAHAM, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 11, a bill for the relief of Wei Jingsheng.

S. 241

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. 241, a bill to amend the Federal Meat Inspection Act to provide that a quality grade label issued by the Secretary of Agriculture for beef and lamb may not be used for imported beef or imported lamb.

S. 256

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 256, a bill to amend title XVIII of the Social Security Act to promote the use of universal product numbers on claims forms submitted for reimbursement under the medicare program.

S. 271

At the request of Mr. FRIST, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 314

At the request of Mr. BOND, the names of the Senator from Maine (Ms. COLLINS), the Senator from Iowa (Mr. HARKIN), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 314, a bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

S. 325

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 325, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 352

At the request of Mr. THOMAS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 352, a bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements.

S. 393

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 393, a bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 445

At the request of Mr. JEFFORDS, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from Maine (Ms. COLLINS), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Delaware

(Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. NICKLES), the Senator from Rhode Island (Mr. REED), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 45

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Resolution 45, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

At the request of Mr. HUTCHINSON, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Nebraska (Mr. HAGEL), the Senator from Maine (Ms. COLLINS), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of Senate Resolution 45, supra.

SENATE RESOLUTION 50—DESIGNATING GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Mr. SPECTER (for himself, Mr. BIDEN, Mr. ABRAHAM, Mrs. BOXER, Mr. COCHRAN, Mr. BREAUX, Mr. DODD, Mr. DEWINE, Mr. DURBIN, Mr. DOMENICI, Mr. EDWARDS, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HOLLINGS, Mr. GREGG, Mr. INOUYE, Mr. HAGEL, Mr. KENNEDY, Mr. LUGAR, Mr. KERREY, Mr. MURKOWSKI, Mr. KERRY, Mr. ROTH, Mr. KOHL, Mr. SESSIONS, Mr. LAUTENBERG, Mr. SHELBY, Mr. LEVIN, Mr. SMITH of New Hampshire, Mr. LIEBERMAN, Mr. SMITH of Oregon, Ms. MIKULSKI, Ms. SNOWE, Mr. MOYNIHAN, Mr. STEVENS, Mr. WARNER, Mr. ROBB, Mrs. HUTCHISON, Mr. ROCKFELLER, Mr. HATCH, Mr. SARBANES, Mr. SCHUMER, and Mr. TORRICELLI) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 50

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II;

Whereas these and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 1999, marks the 178th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore be it

Resolved, That the Senate—

(1) designates March 25, 1999, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, I am pleased to submit today a resolution along with 49 of my colleagues to designate March 25, 1999, as ''Greek Independence Day: A Celebration of Greek and American Democrary.''

One hundred and seventy-eight years ago, the Greek people bagan a revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, ''to the ancient Greeks we are all indebted for the light which led ourselves out of Gothic darkness.'' It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosphy, science, and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government. It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been signed into law each of the past several years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.

Mr. ABRAHAM. Mr. President, I rise today to cosponsor the Senate resolution designating March 25, 1999 as ''Greek Independence Day.'' March 25 marks the 178th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire.

America is composed of a wide variety of cultures, joined together by their belief in fundamental principles of human dignity. Through their arts, literature, culture, food and dance, Greek-Americans have contributed to the diversity and strength of the United States. Immigration from Greece first started in 1767 and then began in earnest in the late 19th century, when 1,309 immigrants arrived at Ellis Island between 1890 and 1900. A steady stream continued during the ensuing decades, especially during the Greek Civil War from 1944 to 1949. I am proud to represent the state of Michigan which boasts a large Greek-American community.

Greece, the birthplace of philosophy and of democracy, has given the world Plato and Aristotle, Homer and Sophocles. Greeks have brought their rich tradition to America, making our nation stronger. I join the Greek-American community in Michigan and throughout our nation in celebrating this anniversary of the modern revolution which brought freedom to the Greek people.

I take great pleasure in cosponsoring a resolution designating March 25, 1999 as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

SENATE RESOLUTION 51—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. MCCONNELL, from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 51

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mitch McConnell, Thad Cochran, Don Nickles, Dianne Feinstein, and Daniel K. Inouye.

Joint Committee on the Library: Ted Stevens, Mitch McConnell, Thad Cochran, Christopher J. Dodd, and Daniel Patrick Moynihan.

SENATE RESOLUTION 52—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. MCCONNELL, from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 52

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 53—TO DESIGNATE ''NATIONAL SCHOOL VIOLENCE VICTIMS' MEMORIAL DAY''

By Mr. HUTCHINSON (for himself, Mr. BUNNING, Mr. SPECTER, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. SESSIONS, Mr. ASHCROFT, Mr. DEWINE, Mr. JEFFORDS, Mr. HELMS, Mr. DORGAN, Mr. MURKOWSKI, Mr. ABRAHAM, Mr. COVERDELL, Mr. GRAMS, Mr. THURMOND, Mr. ENZI, Mr. WELLSTONE, Mr. HATCH, Mr. BROWNBACK, Mr. REID, Mr. ROBB, Mr. BIDEN, Mrs. HUTCHISON, Mr. CONRAD, Mr. KENNEDY, Mr. BINGAMAN, Mr. BAUCUS, Mr. JOHNSON, Mr. EDWARDS, Mr. LEVIN, Mr. SARBANES, Mr. BURNS, Mr. CLELAND, Mr. REED, Mr. DASCHLE, Mr. CAMPBELL, Mr. LAUTENBERG, Mrs. BOXER, Mr. KOHL, Ms. LANDRIEU, Mr. KERREY, Ms. COLLINS, Ms. MIKULSKI, Mrs. LINCOLN, and Mr. LIEBERMAN) submitted the resolution; which was referred to the Committee on the Judiciary:

S. RES. 53

Whereas approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996–97 school year;

Whereas in 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States;

Whereas during 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States;

Whereas because of escalating school violence, the children of the United States are increasingly afraid that they will be attacked or harmed at school;

Whereas efforts must be made to decrease incidences of school violence through an annual remembrance and prevention education; and

Whereas the Senate encourages school administrators in the United States to develop school violence awareness activities and programs for implementation on March 24, 1999: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 24, 1999, as ''National School Violence Victims' Memorial Day''; and

(2) requests the President to issue a proclamation designating March 24, 1999, as ''National School Violence Victims' Memorial Day'' and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. HUTCHINSON. Mr. President, I rise today to submit a resolution which is very much related to the educational crisis in our country. This resolution will designate March 24 as National School Violence Victims' Memorial Day and encourage the citizens of our Nation to honor and remember the victims of school violence on that day.

The resolution also will encourage our school administrators to conduct programs on that day designed to prevent any further occurrences of school violence.

I am deeply saddened that the introduction of such a resolution is even necessary.

No words can ever adequately express the incredible shock, horror, and grief that struck me when I heard the news reports of the tragedy which left 5 dead and 11 wounded at the Westside Middle School in Jonesboro, AR.

No words will ever be able to completely convey the cruel and senseless loss that the families and friends of Natalie Brooks, Paige Ann Herring, Stephanie Johnson, Brittheny Varner, and Shannon Wright experienced on March 24, 1998.

And no words will ever be able to sufficiently honor Shannon Wright's memory and her heroic sacrifice. I know that the actions she took to protect her students at the cost of her own life will forever be remembered. Her actions were motivated out of love for her students and touched the lives of thousands of Arkansans, one of whom, Ms. Jennifer Morris, a student in Harrisburg, AR, was so inspired by Ms. Wright's loving and courageous sacrifice that she wrote and asked me to introduce legislation which would create a National Shannon Wright Day.

Tragically, other communities, other families, and other friends know the pain of such senseless losses as well.

Paducah, KY, Pearl, MS, Richmond, VA, Springfield, OR, Edinboro, PA, are just a few of the communities that will forever remember the tragic results of school violence.

According to the Departments of Education and Justice, over the course of the 1996–1997 school year 10 percent of all public schools reported at least one serious violent crime to a law enforcement agency; and in 1996, 225,000 of our students between the ages of 12 and 18 were victims of nonfatal violent crime in our schools. Between 1992 and 1994, 76 students and 29 nonstudents lost their lives in murders or suicides committed in American schools.

Finally, Mr. President, the percentage of our students who are afraid that they will be attacked or harmed at school is rising dramatically.

I am not here today to discuss the causes and solutions to school violence. Rather, I am simply here to honor and remember the victims of school violence. Many of my colleagues who cosponsored this resolution have differing approaches on what we do to solve the problem. Many have different ideas on what the causes and solutions to school violence are. However, we all agree that we must end this violence in our classrooms and restore the peace that our children once had in their hearts and are entitled to enjoy once again.

Accordingly, I now introduce this resolution to create National School Violence Victims' Memorial Day to ensure that we remember and that we honor those who have been victims of school violence and do all that we can to remove violence from our schools and restore peace in the hearts of our students.

Mr. BAUCUS. Mr. President, I rise today to co-sponsor a Senate Resolution to designate March 24, 1999 as National School Violence Victims Memorial Day.

Just last week I spoke to the Montana State Legislature and introduced an education action plan, a major part of which is making sure our kids are safe in America's schools. While I was home I saw Steve Bullock. Steve works for our Attorney General, and every time I see Steve I remember his stepbrother, Jeremy.

You see, Jeremy was 11. He and his twin brother Joshua left for school together as they always did. The day was April 12, 1994. Jeremy didn't come home from school that day. He was shot and killed on the playground, leaving a family and a community forever changed.

By recognizing March 24th as National School Violence Victims Memorial Day we will be honoring the memory of Jeremy Bullock and countless other children, families and communities by saying clearly, with one voice that we as Americans will meet the challenge of eradicating violence from our schools.

It is, in many ways a challenge to decide what kind of a people we are. A challenge to stand up for peace and safety against violence and hatred. This is about remembering the victims of school violence and it is about what we are going to do in their names.

The easy reaction to this kind of senseless violence is to cast blame and to turn our communities into one big episode of the Jerry Springer show. But we have as a nation, more often than not, chosen what has historically been the more difficult road. The road to peace through dialogue, understanding and compassion. That is what National School Violence Victims Memorial Day is all about.

Seventy five years ago, Mahatma Ghandi put it this way. He said ''I discovered that pursuit of truth did not permit violence being inflicted on one's opponent but that he must be weaned from error by patience.''

We must use this day to teach and to learn. We must talk about the 225,000 victims of violent crime. We must act to make schools safer for parents, teachers and students and we must learn from our mistakes.

And we are always learning. Learning the lessons of the past, committed to using that knowledge to build a better tomorrow. So let us enact this resolution, resolved to working together as one community of people to make America a better place. A place where patience wins out over bloodshed and where truth, as Ghandi said, does not permit violence.

And let us always remember Jeremy Bullock. For though he is gone, his memory will help fuel our work. When I think of Jeremy I am always reminded of a poem called For The Fallen that goes this way:

They shall not grow old, as we that are left to grow old:
Age shall not weary them, nor the years condemn.
At the going down of the sun and in the morning we will remember them.

SENATE RESOLUTION 54—CONDEMNING THE ESCALATING VIOLENCE, THE GROSS VIOLATION OF HUMAN RIGHTS AND ATTACKS AGAINST CIVILIANS, AND THE ATTEMPT TO OVERTHROW A DEMOCRATICALLY ELECTED GOVERNMENT IN SIERRA LEONE

By Mr. FEINGOLD (for himself, Mr. FRIST, Mr. BIDEN, Mr. JEFFORDS, Mr. WELLSTONE, and Mrs. FEINSTEIN):

S. Res. 54. A resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone; to the Committee on Foreign Relations.

Whereas the Armed Forces Revolutionary Council (AFRC) military junta and the rebel fighters of the Revolutionary United Front (RUF) in Sierra Leone mounted a campaign of ''Operation No Living Thing'' in 1997 and have recently renewed the terror;

Whereas the atrocities and violence against the citizens of Sierra Leone, which include forced amputations, raping of women and children, pillaging farms, and the killing of the civilian population, has continued for more than 8 years;

Whereas the AFRC and RUF continue to kidnap children, forcibly train them, and send them as combatants in the conflict in Sierra Leone;

Whereas the Nigerian-led intervention force, Economic Community Monitoring Group (ECOMOG), which has deployed nearly 15,000 troops to Sierra Leone, has made a considerable contribution towards ending the cycle of violence there, despite the fact that some of its members have engaged in violations of humanitarian law;

Whereas the United Nations High Commissioner for Refugees (UNHCR) estimates that in 1998 more than 210,000 refugees fled Sierra Leone to Guinea, bringing the total number of Sierra Leonean refugees in Guinea to 350,000, in addition to some 90,000 Sierra Leonean refugees who sought safe haven in Liberia;

Whereas the refugee camps in Guinea and Liberia are at risk of being used as safe havens for rebels and staging areas for attacks into Sierra Leone;

Whereas the humanitarian crisis in Sierra Leone has reached epic proportions with people dying from lack of food and medicine; and

Whereas the escalating violence in Sierra Leone threatens stability in West Africa and has the immediate potential of spreading to neighboring Guinea: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President and the Secretary of State to give high priority to aiding in the resolution of the conflict in Sierra Leone and to bringing stability to West Africa, including active participation and leadership in the Sierra Leone Contact Group;

(2) condemns—

(A) the violent atrocities committed by the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF) throughout the conflict, and in particular its attacks against civilians and its use of children as combatants; and

(B) those external actors, including Liberia, Burkina Faso, and Libya, for contributing to the continuing cycle of violence in Sierra Leone by providing financial, political, and other types of assistance to the AFRC or the RUF, often in direct violation of the United Nations arms embargo;

(3) supports continued efforts by the regional peacekeeping force, ECOMOG, to restore peace and security and to defend the democratically elected government of Sierra Leone;

(4) recognizes that basic improvements in ECOMOG's performance with respect to human rights and the management of its own personnel would markedly improve its effectiveness in achieving its goals and improve the level of international support needed to meet those goals;

(5) supports appropriate United States logistical, medical and political support for ECOMOG and notes the contribution that such support has made thus far toward achieving the goals of peace and stability in Sierra Leone;

(6) calls for an immediate cessation of hostilities and respect for human rights, and urges all members of the armed conflict in Sierra Leone to engage in dialogue to bring about a long-term solution to such conflict; and

(7) expresses support for the people of Sierra Leone in their quest for a democratic, prosperous, and reconciled society.

Mr. FEINGOLD. Mr. President, I rise today to offer S. Res. 54 with regard to the escalating violence, the gross violation of human rights and attacks against civilians in the West African country of Sierra Leone. I am joined in this effort by my colleagues, Senators FRIST, BIDEN, JEFFORDS, WELLSTONE, and FEINSTEIN.

This resolution expresses in the strongest terms the condemnation of the ongoing atrocities committed by rebel forces in Sierra Leone, including forced amputations, the rape of women and children, the pillaging of farms, and the murder of unarmed civilians. It urges all parties in the brutal violence to cease hostilities and engage in a dialogue to bring about a lasting solution that will support the people of Sierra Leone in their quest for a democratic, prosperous, and reconciled society. It further calls upon the President and the Secretary of State to give high priority to solving the conflict and supporting United Nations efforts to monitor respect for human rights and humanitarian law by all parties to this deplorable situation.

Mr. President, since it gained independence in 1961, Sierra Leone has endured a series of military regimes and rebellions in struggles over economic and political power. However, the latest round of violence is unique in the scale and brutality of the attacks On innocent civilians. Let me provide a little history to help set the stage for the current human tragedy faced by the people of Sierra Leone. In May 1997, a group of military officers, the Armed Forces Revolutionary Council (AFRC) seized power. During their nine month tenure, the AFRC joined forces with the armed rebel Revolutionary United Front (RUF) to form a regime characterized by serious human rights abuses and a complete breakdown of the rule of law. In response to this situation, in February 1998 the Economic Community of West African States Monitoring Group (ECOMOG), a Nigerian-led African peacekeeping force that helped restore stability to neighboring Liberia, forced the AFRC/RUF out of power, restoring President Ahmad Kabbah, who had been elected in March 1996 in Sierra Leone's first multi-party elections in almost three decades. Since their ouster, the AFRC/RUF forces have waged an increasingly vicious struggle against the weak Kabbah government. The situation is further complicated by the apparent participation by neighboring governments, Liberia and Burkina Faso, in supporting the rebel forces. Libya, too, has been identified as providing support to the rebels.

In recognition of the unacceptable state of human rights and the massive humanitarian crisis brought on by the civil war, the United Nations took action in July 1998, when the Security Council established the UN Observer Mission in Sierra Leone (UNOMSIL) for an initial period of six months, until January 1999. UNOMSIL, formed of up to 70 military observers and a small medical unit, was tasked with monitoring the military and security situation in the country, including the disarmament and demobilization of former combatants, and the adherence to international humanitarian law. Unfortunately, a rebel assault on the capital in January forced the evacuation of UNOMSIL to neighboring Guinea.

Mr. President, it is difficult for most of us to comprehend the extent and the brutality of the human crisis in Sierra Leone. The United Nations has estimated that over 400,000 Sierra Leoneans have fled the fighting, either as refugees to neighboring Guinea and Liberia or to camps for the internally displaced. Conditions for both internally displaced persons and refugees are often severe due to a lack of access to camps and poor security conditions.

Mr. President, words cannot adequately describe the horrors that have been waged by the AFRC/RUF forces, which have included some of the most heinous acts ever committed in wartime. Human Rights Watch estimates that thousands of Sierra Leonean civilians have been raped, deliberately mutilated (often by amputation), or killed outright by the AFRC/RUF. In February 1998, these rebel groups launched two loosely organized campaigns of terror, ''Operation No Living Thing'' and ''Operation Pay Yourself,'' designed to loot, destroy, or kill anything in the path of the combatants. During these campaigns, rebel fighters were encouraged to actively target women and commit sexual violence, including rape. Children, too, have not been spared from the gross violations of human rights committed by both sides to the conflict. The AFRC/RUF has abducted as many as 2,500 children—probably in the thousands—for use as laborers, fighters, and in the case of girls, sexual prisoners. They have abducted many children, some as young as eight or ten years old, and turned them into some of the rebels' fiercest fighters.

In December, the Chairman of the UN Security Council's Sierra Leone Sanctions Committee stated that it was hard to find words strong enough to describe the atrocities committed by the

rebels. He cited instances where AFRC/RUF forces have cut off body parts with large machetes or burned civilians alive. He estimated that more than 4,000 people had been summarily executed or mutilated, just since April. Given the restrictions on access to a significant portion of the country, these numbers are likely just the tip of the iceberg.

The scope of the catastrophe is overwhelming, yet it is even more heart rending when viewed through the lens of the stories of individual experiences. International human rights groups have interviewed hundreds of survivors of the violence, each with a tale of suffering that is incomprehensible to many Americans. One woman described how she was captured, cut with a machete by a child rebel, had her hand amputated, and was left to bury her own hand. A reporter for the ''Herald Guardian'' reported seeing rebels cut off the foot of a boy and then execute him, with the final words of ''You're too tall.'' Another woman recounted being captured, beaten, raped, and having the backs of her ankles sliced just below the Achilles tendon to ensure that she could not run away. Hundreds of Sierra Leoneans, who have swelled the refugees ranks in border camps in Guinea and Liberia, have similar stories.

Mr. President, although the bulk of the condemnation must go to the rebel forces of the AFRC and the RUF, the Kabbah government is itself no paragon of liberty and the rule of law. In particular, the Kamajor civilian defense forces affiliated with the Kabbah regime have been cited for indiscriminate killings and torture. Many of the more than 2,000 prisoners in Sierra Leone have been held under the 1998 Public Emergency Regulations, which provide for indefinite detention without trial. Section 13 of the same Public Emergency Regulations even declares that ''disturbing reports'' by the media are punishable offenses. Further exacerbating human rights abuses, government prisons are often overcrowded, unsanitary, and lacking in health care and the regular provision of food.

In other examples, the High Court of Sierra Leone sentenced to death twenty-seven civilians convicted of treason, including five journalists and a seventy-five-year-old woman. International observers questioned the appropriateness of the treason charges for the journalists, and criticized the lack of a right to appeals in sentencing by the military court. In October, the government of Sierra Leone executed by firing squad, without benefit of an appeal process, twenty-four soldiers.

Unfortunately even elements of the otherwise admirable ECOMOG forces must also shoulder some of the responsibility for the devastation that wracks Sierra Leone. According to international humanitarian groups, shelling by ECOMOG during its assault on Freetown, Sierra Leone's capital, in February 1998, took a high toll on civilians. Its forces have also obstructed humanitarian assistance and some members may seek to prolong their mission in order to exploit the conflict for economic gain.

Mr. President, it is unconscionable to allow this situation to continue without exerting every effort to help resolve the conflict that generates such atrocities. While no other country or international organization can impose a settlement on Sierra Leone, it is incumbent upon us to offer our assistance in ending the catastrophic violence. We must call on the combatants to come to the negotiating table, and on neighboring governments to cease their support for the rebel forces that have prolonged Sierra Leone's political and humanitarian agony. We should be prepared to support such a process through provision of additional logistical support to the regional peacekeeping force and through encouragement of a renewed commitment for UNOMSIL to carry out its mandate. To provide for a long term solution, we must also actively support multinational humanitarian operations to address the wide-ranging needs of a displaced and brutalized population. But even if the humanitarian disaster can be stemmed, we must not walk away until there is the prospect of a government that adheres to the rule of law and supports the universally recognized standards of human rights.

Mr. President, it does not please me to have to introduce this kind of resolution here in the Senate. But I believe it is important for the Senate to be on record in strong condemnation of the atrocities currently raging in Sierra Leone. I hope we can all move quickly to pass this resolution through the Committee on Foreign Relations and through the full Senate.

Mr. BIDEN. Mr. President, I am pleased to co-sponsor the resolution being submitted by Senator FRIST and Senator FEINGOLD condemning the escalating violence and violation of human rights in the nation of Sierra Leone. The past six weeks we have seen the end to peace and security in that country as a result of the renewed offensive by the combined forces of the Armed Forces Revolutionary Council military junta, known as the AFRC and a rebel group known as the Revolutionary United Front, or RUF in a effort to once again overthrow the democratically elected government of Sierre Leone.

The Economic Community of West African States stepped in almost a year ago, sending its Military Observer Group, called ECOMOG, to restore President Tejan Kabbah to power. Since that time, ECOMOG has been the sole thin line standing between notoriously inhumane AFRC/RUF forces and the fall of the democratically elected government.

Unfortunately on January 6 of this year, the AFRC/RUF once again attacked Freetown and continued waging an inhumane and unbelievably brutal war on the civilian population in the countryside. There are disturbing reports both in the media and from our embassy in Sierra Leone that the AFRC/RUF has rounded up civilians including men, women and children for the purposes of torture and mutilation. AFRC/RUF soldiers use machetes to amputate one or both hands, feet, ears, arms, and fingers of their civilian victims.

These reports indicate that victims are sometimes instructed to take a severed limb, body part or note to the government or ECOMOG stating that the government should replace the amputated body part, and that ECOMOG should leave Sierra Leone. These atrocities are carried out regardless of age or gender, and do not appear to be ethnically or religiously motivated.

Women and girls are kidnaped and forced into sexual slavery. Some kidnap victims are used as labor in rebel camps. Boys and young men are compelled to join the AFRC/RUF as soldiers against their will. Witnesses say that children as young as seven years have been forcibly recruited by the rebels.

The result of the escalated violence has been the exodus of over 450,000 people into neighboring Guinea and Liberia. Nearly twice as many are wandering around within the borders of Sierra Leone, their homes and villages destroyed, vulnerable to further attacks from insurgents, without access to food or medicine.

With the help of external actors who are acting in direct violation of a United Nationals arms embargo, the AFRC/RUF has been able to effectively sustain its assaults against civilians and ECOMOG troops. However, the AFRC/RUF has demonstrated no organized political platform or agenda. It enjoys no popular support among the people of Sierra Leone. In short, this group can accurately be described as a band of well armed, determined thugs.

I applaud the administration for providing aid to ECOMOG. However, as I wrote to the Secretary of State this week, and as this resolution indicates, the United States can and should do more to support ECOMOG financially. While ECOMOG is far from perfect, it is the only thing standing between the civilian population the fall of the duly elected government to indiscriminate, brutally violent AFRC/RUF forces.

It is for all of the above reasons that I join my colleagues Senators FRIST and FEINGOLD in sponsoring this resolution.

In addition to condemning the heinous actions of the AFRC/RUF rebels and the involvement of external actors in support of the rebels, the resolution urges the Administration to continue to give a high priority to solving this conflict.

Thousands of innocent men, women and children have been wounded, maimed and killed in the past months alone. We must do all we can do to bring about a swift and long-term political solution to this war. This is the

only way to put a decisive end to the suffering of the population of Sierra Leone.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 4, 1999 at 10:00 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of Robert W. Gee to be an Assistant Secretary of the Department of Energy for Fossil Energy.

For further information, please contact David Dye of the Committee staff at (202) 224–0624.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, February 25, 1999, at 9:30 a.m. in open session, to receive testimony on U.S. policy regarding Kosovo.

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

COMMITTEE ON ARMED SERVICES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, February 25, 1999, in open session, to receive testimony from the unified commanders on their military strategy and operational requirements in review of the fiscal year 2000 defense authorized request and future years defense program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 25, 1999, to conduct a hearing on financial services legislation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 25, for purposes of conducting a full committee hearing which is scheduled to begin at 9:00 a.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY2000 for the Department of Energy and the Federal Energy Regulatory Commission.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 25, for purposes of conducting a full committee hearing which is scheduled to begin at 2:00 p.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY2000 for the U.S. Forest Service.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on Antimicrobial Resistance: Solutions to a Growing Public Health Threat during the session of the Senate on Thursday, February 25, 1999, at 9:30 a.m.

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

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, February 25, 1999, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 25, 1999 at 9:30 a.m. to conduct its organizational meeting for the 106th Congress.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to hold a hearing during the session of the Senate on Thursday, February 25, 1999 at 2:00 p.m. in room 226 of the Senate Dirksen Office Building, on: ''The Third Anniversary of the Telecom Act: A Competition and Antitrust Review.''

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 25, 1999, at 10:00 a.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

MEAT LABELING ACT OF 1999

• Mr. FEINGOLD. Mr. President, I rise today to speak on the subject of the Meat Labeling Act of 1999. This measure, introduced earlier this year by South Dakota Senator, TIM JOHNSON, would require the country-of-origin labeling of beef, lamb, and pork prior to their sale at a retail level in the United States.

This bill will protect the consumers—who right now have no way of telling what country their meat is coming from—and come to the aid of an industry which has had to face severe competition from foreign countries in recent years.

Mr. President, last year, the U.S. agriculture industry faced devastating losses. Bad weather, pest infestation, decreased demand stemming from the Asian financial crisis, and increased imports, especially from Canada, all contributed to the record low prices in nearly every sector.

In Wisconsin, the hog industry took a big hit as cash prices dropped an average of 55%. Incomes were slashed, farms were sold for pennies on the dollar, and over 600 producers left the business.

This year, the Asian crisis continues, as well as the financial problems in Russia, in Brazil and other countries. The truth is that the market for U.S. agriculture products is bleak and it does not appear to be changing anytime soon.

America's meat producers face not only tough global competition from abroad, but a big disadvantage here at home, because their products aren't marked ''made in the USA.''

That means consumers can't distinguish a U.S.-grown pork chop from a Mexican one. This raises health and safety concerns, since meat-handling standards in other countries may not be as stringent as our own, and it means that consumers can't choose to put their buying power behind American farmers in the check-out aisle.

Right now the only guidance consumers do have is misleading at best—since many of us would assume that a steak that carries a USDA inspection and grade label is U.S. produced. But in many cases, this couldn't be farther from the truth. That steak could be from Mexico, Canada, or Nicaragua. And for a variety of reasons, I think Wisconsinites want to know if the pork chop they are buying is from Marquette or Mexico.

Recent scares over food imported from foreign countries make this issue more important than ever to consumers. Cases of disease and numerous

problems with the quality of some foreign products make it all the more vital that we provide our consumers with as much information as possible so that they may make informed decisions about the food they purchase for themselves and their families.

Mr. President, this measure is supported by the Administration and prominent agriculture groups like the National Farmers Union, the American Farm Bureau, and the National Cattlemen's Association to name a few. Most importantly, this measure is supported by American consumers. In January, a survey conducted by Wirthlin Worldwide showed an overwhelming percentage of Americans, 78%, want to know more about the origin of the meat they purchase.

I urge my colleagues to join me in supporting this important measure. I urge you to give your constituents the right to know more about the origin of the food they buy and to allow them the opportunity to make choices that support their nation's agriculture industry.●

NATIONAL TRIO DAY

● Ms. COLLINS. Mr. President, I rise to bring my colleagues' attention to the celebration of National TRIO Day on February 27th. The 99th Congress designated the last Saturday in February as the day to celebrate these very important and successful federal programs designed to raise the educational aspirations of students by providing services that help them overcome social, cultural, and other barriers to success in higher education.

Currently, two thousand colleges, universities, and community agencies sponsor TRIO programs. More than 780,000 lower-income middle school, high school, and adult students benefit from the services of such TRIO programs as Talent Search, Upward Bound, and Student Support Services. Not only do students personally benefit from their participation in higher education, but also our nation benefits from a better-educated population motivated to serve their communities and their country.

My home state of Maine has one of the country's lowest rates of participation in postsecondary education. The fifteen TRIO programs operating in Maine are working successfully to increase this number. Each year, these programs serve 6,000 students, building their aspirations for higher education and providing them the counseling, confidence, and academic support they need to pursue higher education.

Father James Nadeau, a native of my hometown in Aroostook County, is a graduate of the Bowdoin College Upward Bound program. His story tells why the TRIO programs are so important. His parents did not have the opportunity to pursue an education beyond the eighth grade. Father Jim's participation in Upward Bound changed his life and opened up a world of opportunity to him.

Beginning in 1977, Father Jim spent three summers enrolled in Upward Bound and then attended Dartmouth College and studied in France and Scotland. Subsequently, he studied for five years at the Gregorian University in Rome and received two graduate degrees in theology. His ministry has spanned from Mother Teresa in Calcutta to school children in Portland, Maine and continues to affect lives all over the world. He is an excellent role model for the youth of Maine and remains a terrific example of the success of the TRIO programs. There are many similar stories of TRIO graduates in all professions and walks of life. These are stories of successful, educated individuals who were introduced by a TRIO program to the endless possibilities that become attainable through education.

I encourage all of my colleagues to visit TRIO programs in their states as I have done in Maine. You will see for yourselves why these programs are vital to our efforts to promote equal educational opportunity for all our citizens.●

MONTANA IS PROUD OF THE BOZEMAN HIGH SCHOOL BAND

● Mr. BAUCUS. Mr. President, I come to the floor today to recognize an outstanding group of Montana students. Recently, the Bozeman High School Marching Band and Color Guard earned the opportunity to perform in the Rose Bowl Parade in Pasadena, CA. By the sounds of the crowd of onlookers, it is safe to say that they stole the show. It was a beautiful day for a parade, and the Bozeman High School Marching Band and Color Guard took advantage of the opportunity to make a name for themselves. Over the past few years, Montana students have truly become competitive in academics, athletics, and the arts. The Bozeman High School band is just one of the many examples where Montana students are gaining national recognition. There are few appearances by Montana High Schools at events of this caliber, but rest assured, there are many more to come.

Under the direction of Russ and Loralee Newbury, these students worked extremely hard to prepare for this prestigious event. They represented their school, city, county, and state with great enthusiasm and talent. I know that I speak for the people of Bozeman and the State of Montana when I say that I am very proud of these students. I would like to take this opportunity to congratulate every one of these students on a job well done.

Mr. President, I ask that articles from the Bozeman Daily Chronicle of December 29, 1998, and January 2, 1999, be printed in the RECORD.

The articles follow:

[From the Bozeman Daily Chronicle, Dec. 29, 1998]

CALIFORNIA, HERE THEY COME

(By Gail Schontzler)

Three hundred Bozeman High Marching Band members boarded charter planes in the wee hours Monday morning to fly to Los Angeles in advance of Friday's big Tournament of Roses Parade.

Two hundred lucky friends and family members flew down with them and will be able to see the New Year's Day parade in person. The rest of us will just have to try to catch the band on TV.

Two television networks, CBS and NBC, and one available only by satellite, Home & Garden TV, plan to carry the 110th Tournament of Roses Parade.

The parade itself begins at 9 a.m. MST and that's when NBC plans to begin its 90-minute coverage. CBS will start at 8 a.m MST with an hour-long pre-parade show. Home & Garden TV is the only station that will carry the entire parade live and uninterrupted, but you have to be a satellite subscriber to receive its programming.

So when's the best time to try to see the Bozeman band? According to the official parade program, Bozeman is scheduled to march in spot No. 71 out of the 103 parade entries, right after a group of fezwearing Shriners on horseback. All together there will be 56 floats, 22 marching bands and 25 equestrian teams.

There's no way to know how many seconds of fame Bozeman's band will get from CBS or NBC—there's no guarantee some jovial commentator or commercial break won't blot the Bozeman band out entirely. But the band's boosters did their best to make Bozeman sound colorful.

In the advance publicity sent to the parade organizers and the Home & Garden channel, Bozeman listed its famous alumni as actor Gary Cooper and New York Giants middle linebacker Corey Widmer, ''who played trumpet in the band''; reported that Bozeman High was named one of the nation's top 10 schools by Redbook magazine; and said it snows every month in Bozeman.

The marching band has practiced in weather as low as 10 degrees with 40-mph gusts of wind blowing snow down the sousaphones,'' the school reported. ''Airplane hangers are preferred practice sites in such weather.''

It also boasted that Bozeman is the fly-fishing capital of the world and that Bozeman led the state in National Merit Scholars in 1997 and 1998.

Bozeman will be competing for air time with the likes of the Los Angeles Unified All District High School Honor Band, which reported logging 100 miles around Dodger Stadium to get in shape for the parade, and the Lincoln High School Band from Stockton, Calif., one of the nation's asparagus-growing leaders.

To hear the bands and see the flower-covered floats, one million people will line the five-and-a-half-mile parade route, according to the Pasadena Police Department. Many will bring sleeping bags and camp overnight.

In honor of the end of the century, this year's Rose parade will have four grand marshals, actress and diplomat Shirley Temple Black, David Wolper, who produced ''Roots,'' a friend representing the late baseball great Jackie Robinson and astronaut Buzz Aldrin, who walked on the moon.

[From the Bozeman Daily Chronicle, Jan. 2, 1999]

BOZEMAN HIGH BAND TAKES ITS PLACE IN ROSE PARADE HISTORY

(By Ann Arbor Miller)

PASADENA, Calif.—Instruments in hand, shoelaces double-knotted and hair tucked inside hats topped with red and black plumes,

the Bozeman High School Marching Band took its place in parade history.

The band, 298 teen-agers strong, marched the five-and-a-half mile route Friday through the heart of this Southern California city.

''I'm felling awesome,'' said junior Brandon Warwood during a brief break eight blocks from the end of the 110th Tournament of Roses Parade. ''I could do this all day.''

An estimated one million spectators, seated in stadium bleachers, lawn chairs and on the curb, lined the streets for the New Year's Day spectacle. They took to the roof tops of local businesses and apartment buildings. They built makeshift bleachers with step-ladders and wooden boards, topping the seats with blankets for padding.

Many shouted praise and cheers for the Bozeman band, whose members wore their stately, wool uniforms of black, red and silver.

''Go Bozeman.''

''Looking good.''

''Happy New year.''

''Take the cold weather home with you.''

Parade-goers left a trail of confetti, silly string and tortillas along the parade route.

Bozeman's appearance here was a first in the school's history and is certainly a rarity among Montana high schools. Many young musicians were still trying to comprehend their arrival here during the hour before the parade start at 9 a.m.

''It doesn't seem real,'' said freshman Jamie Booth. ''It is so much bigger than any parade we've ever been in.''

For Jeff Knacht, a 1998 Bozeman High graduate, Friday's event was a chance of a lifetime.

''We actually get to do it—a little nowhere town in Montana,'' said an amazed Knacht, one of half a dozen or so recent graduates asked to rejoin the band for this parade.

A full moon shone over the group as it made its way from a hotel in Buena Park, Calif., to Pasadena in the early morning. The band arrived in Pasadena at 8 a.m. MST, sleepy and groggy after the more than an hour drive.

On one of seven buses carrying band members to the parade the sounds of the Beach Boys and Aretha Franklin blared from the charter's sound system, courtesy of a Los Angeles radio station. The music prompted some musicians to dance in the aisle and sing along.

But the students' attention soon turned to more important tasks like adjusting chin straps and warming up their hands.

Band director Russ Newbury called a last minute check for all instruments.

A sense of nervousness and excitement loomed as band members settled in their positions and waited to take spot No. 71—behind the Araret Shrine Mounted Guard and its 17 horses and in front of an impressive float with a giant pair of Tyrannosaurus Rex.

Augel Medina, of California, knows the importance of a good seat. His grandson spent the night babysitting eight empty chairs on Colorado Boulevard to ensure the family had good views of the floats and bands.

''It's more fun to be closer,'' Medina said. ''You can talk to the participants and even shake their hands.''

Bozemen's marchers earned high marks from Medina, who admitted he's a huge fan of a good parade.

''It is always a beautiful day for a parade,'' he said.

Almost two hours after the Bozeman band began this parade trek, members passed a child holding a Magna Doodle that read: ''Almost there.''

Minutes later, the Bozeman High School Marching Band completed its journey with sore feet, much pride and a desperate thirst for water.●

MOTHER GERALDINE WRIGHT'S BIRTHDAY

● Mr. ABRAHAM. Mr. President, it gives me great pleasure to rise today to honor an outstanding individual, Mother Geraldine Marvel Miller Wright, on the occasion of her birthday on Sunday, February 28, 1999.

Mother Geraldine Wright, the wife of one of the nation's most prominent Bishops, the Bishop Earl J. Wright, Sr., the mother of three children, Earl Jr., Michael and Marvie; has learned how to labor in the ministry standing beside her husband and helping him in the work. This task is not new to Mother Wright—her lineage is made up of a host of leaders. Her father was a Bishop, her brother is a Bishop, and she has a brother-in-law who is also a Bishop.

Mother Geraldine Wright is an extraordinary example of what one can achieve through tenacity and a giving and loving heart. Through her love for God, family, church, and others, Mother Wright has made an impact in the lives of many hurting people. She untiringly stands by her husband's side, she visits and ministers to the sick, encourages others, helps others, gives to others, prays for others, but most of all, she is a trainer and builder of others. Training individuals to love God and work for the Lord seems to be one very important aspect of her calling.

Along with being the First Lady and Director of the Women's Department of Greater Miller Memorial Church of God in Christ and the Davis Memorial Church of God in Christ, Mother Wright is also a District Missionary in the New Creation District of the Second Ecclesiastical Jurisdiction of Southwest Michigan. She is the Founder of the Geraldine Marvel Miller Wright Institute for Women in the Ministry, which is one of Mother Wright's most outstanding accomplishments. This Institute serves as a catalyst of change in the lives of many young women who have dedicated their lives to the service and calling of the Lord Jesus Christ. Proverbs 31:28–30 sums up Mother Geraldine Wright best. It reads as follows:

> Her children arise up, and call her blessed; her husband also, and he praiseth her. Many daughters have done virtuously, but thou excellest them all. Favour is deceitful, and beauty is vain: but a woman that feareth the Lord, she shall be praised. Give her of the fruit of her hands; and let her own words praise her in the gates.

So let it be known on this day, Sunday, February 28, 1999, that Mother Geraldine Marvel Miller Wright has been a leader of women and has impacted this nation and world, has left an indelible mark on the history of mankind.●

NOMINATION OF BILL LANN LEE

● Mrs. BOXER. Mr. President, I note with great pride that the President has announced his intention to nominate Mr. Bill Lann Lee, a native of my State of California, to be Assistant Attorney General for Civil Rights in the Department of Justice.

The Senate will recall that Bill Lann Lee was nominated for this post more than a year and a half ago, in July 1997. His nomination died in the Judiciary Committee at the end of the 105th Congress. The majority of that Committee denied the full Senate a vote on the nomination because it knew Bill Lann Lee would have been confirmed if a vote had been taken.

Mr. President, I hope that the Judiciary Committee will not make the same mistake twice. Bill Lann Lee is fully qualified for this position. Indeed, I believe that he is the best person for the position. His personal history and his professional credentials both make him the perfect candidate to be Assistant Attorney for Civil Rights.

Bill Lann Lee was born in Harlem, the son of immigrants. He learned early in life about patriotism, from his father, who volunteered for military service in World War II in order to serve the adopted country that he loved so much. Bill Lee also learned from his parents, who ran a laundry, the value of hard work, a good education, and commitment to excellence.

Bill Lee spent most of his 24-year legal career with the NAACP Legal Defense and Education Fund, which was founded by Thurgood Marshall. He also spent several years in the 1980's working for the Center for Law in the Public Interest. Throughout his career, Bill Lee has demonstrated a talent for consensus building—surely one of the most important attributes for the top civil rights job.

Elected officials and other leaders from both parties have strongly endorsed Bill Lann Lee, including Los Angeles Mayor Richard Riordan, who said, in a letter to the White House: ''Mr. Lee has practiced mainstream civil rights law. He does not believe in quotas. He has pursued flexible and reasonable remedies that in each case were approved by a court.''

He has the endorsement of the National District Attorneys Association, which wrote: ''. . . as the Assistant Attorney General for Civil Rights, he will remain fully cognizant of the need and expectations of the people of the U.S. to be provided effective, efficient and fair law enforcement services. . . . he will do his utmost to ensure that honest and hardworking police officers are not tarnished by the acts of a few miscreants.''

I join the many people across the country—lawyers, law enforcement, elected officials, and others—who want the Senate to finally confirm this splendid nominee for this very important post.●

TRIBUTE TO FRED B. KFOURY, JR.

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Fred Kfoury, Jr., as the 1998 Manchester Chamber of Commerce ''Citizen of the Year.'' I commend his outstanding achievement.

Fred is the President of Center Paper Products Company in Manchester, New Hampshire. His company employs forty-five people and is a fixture in the Manchester business community. He is described by his business associates as a very generous, thoughtful businessman. His company, that was passed on to him from his father, continues to grow and thrive.

Fred has always tempered his business success with a great devotion to volunteerism. His own philosophy, ''Service to one's community is an integral part of his company's culture,'' has been readily apparent in his actions through the years. Fred has constantly maintained a record of service to his community that is highly admirable. He has been active in organizations from his college alumni association to the annual Christmas party for students and families at Notre Dame College.

As a former small business owner, I understand the demands of running a business. I commend Fred for his diligent work in his business as well as the devotion he has shown to the community. Once again, I wish to congratulate Fred on being named 1998 ''Citizen of the Year'' by the Manchester Chamber of Commerce. It is an honor to represent him in the United States Senate.●

NATIONAL ENGINEERS WEEK

● Mr. GRAMS. Mr. President, I rise today to pay tribute to those men and women who have made the world we live in a better place through their advances in engineering. February 21–27 is the 49th annual observance of National Engineers Week to increase public awareness and appreciation of the engineering profession and of technology. Thousands of engineers, engineering students, teachers, and leaders in government and business participate each year.

Engineering is so intertwined in our everyday activity that it can often be taken for granted. The National Society of Professional Engineers and a consortium of more than 100 engineering, scientific and education societies and major corporations are working to increase the public's awareness during this week.

This year's theme, ''Engineers: Turning Ideas into Reality,'' will focus on participants interesting with children from elementary to high school through demonstrations and question and answer sessions. Seventh and eighth-grade students are invited to design future cities and build three-dimensional scale models with the help of their teachers and volunteer-engineer mentors. The National Engineering Design Challenge will team up high school students to design, build, and demonstrate a working model of a new product. And the Discover E program will reach more than five million elementary, junior and senior high school students to help them discover how engineering is applied in math, science and technology. Over 40,000 engineers nationwide will work with these students through hands-on activities in the classroom.

In Minnesota, ''Discover E! in Minneapolis'' was held on February 23 with the help of engineering students from the University of Minnesota and engineers from local businesses visiting 5th and 6th graders. The students were able to explore mechanical, biomedical, and environmental engineering through demonstrations and discussions about work and studies.

This week honors the birthday of one of the nation's first engineers, a surveyor named George Washington. It also recognizes the countless other engineers who have influenced nearly every aspect of our lives with their dedicated work and numerous technological advances. Their contributions to science include discoveries, for example, that have resulted in the development of ultra-lite materials such as Kevlar, and environmentally beneficial technologies such as a wastewater treatment system that effectively recycles 100% of all wastewater.

Schools have focused their teachings on the body of scientific knowledge, often times neglecting the process of discovery that engineers use to help create the new advances for our modern world. With the support of groups such as NASA and Minnesota-based 3M, programs during Engineers Week will integrate this process of discovery and the use of technology into mathematics, science, language arts, and other topics. I am a strong supporter of exposing our children to the world around them and hope this awareness will get them involved and spark interest in the future of engineering.●

TELECOMMUNICATIONS ACT OF 1996

● Mr. BROWNBACK. Mr. President, three years ago this month, Congress and the President hailed the enactment of the Telecommunications Act of 1996. This piece of legislation was intended to increase competition, expand consumer choice, foster new technologies and create new jobs. The Act contemplated the achievement of these goals through reliance on the marketplace rather than on a sluggish and burdensome regulatory mandate.

The implementation of the Act by the Federal Communications Commission has sailed way off course. Congress provided the universal service program as a means of ensuring that residents of rural and high-cost areas receive the same high quality services and the same affordable rates as their urban counterparts. Yet universal service, one of the most important topics addressed in the Act, remains virtually unchanged by the FCC after three years despite the Commission's statutory responsibility to finish universal service reform in a ''single proceeding'' and within 15 months of passage of the Act. The FCC did complete a small part of the universal service mandate, the program bringing advanced services to schools and libraries. However, the Commission continues to ignore the most significant aspect of universal service reform, ''the preservation and advancement of universal service'' and high-cost areas. The Act commands that the Commission make the support mechanisms explicit and predictable. The Commission's failure to do so threatens the affordability of rural residential rates.

The uncertainty created by the FCC's failure to implement universal service is perpetuating the absence of local competition, especially in rural areas. As a consequence, local residential competition will remain at the current inadequate levels until the FCC addresses universal service. Congress intended that carriers providing service to residents of rural and high-cost areas would receive support for the ''provision, maintenance, and upgrading of facilities and services'' which would otherwise be absent in these areas. Accordingly, the Commission must make the now implicit subsidies explicit and sufficient in order to fulfill Congress' mandate.

Congress is still looking for more competition and more choice in all communications services, especially for rural residents. Let's allow the marketplace to work, which will give consumers in rural areas some real choices at affordable rates.

Mr. President, this year Congress will consider reauthorization of the FCC. I am extremely disappointed with the Commission's track record on implementation of the Act. As we contemplate legislation to change the FCC, its actions over the next several months will determine the outcome of our deliberations. I hope that the FCC will complete the universal service proceeding by July 1, and act in a manner consistent with the Act. I will not accept a universal service proceeding that puts upward pressure on rural rates, and I will hold the FCC accountable it fails to comply with the Act.

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TRIBUTE TO BRIGADIER GENERAL RANDALL M. ''MARK'' SCHMIDT

● Mr. CRAIG. Mr. President, it is my distinct privilege to rise today to thank Brigadier General Randall M. ''Mark'' Schmidt for his service as commander of the 366th Wing, Mountain Home Air Force Base, Idaho. General Schmidt has been at Mountain Home since August of 1997, and will soon move on to reassignment as commander, Joint Task Force, Southwest Asia.

I have long been proud of the 366th Wing. The Wing's motto is, ''Anywhere, anytime,'' Mountain Home is unique because it is the Air Force's only air intervention composite wing. The 366th is ready to deploy on a moment's notice with its own integrated command, control, communications, and intelligence capabilities. The Wing is a composite force already built and trained, ready to fight and intervene anytime, any where. However, it is clear that the reason this concept has been a success is because of the dedicated patriots who have had the privilege to serve at Mountain Home. Commander Schmidt has exemplified that tradition.

By all accounts, General Schmidt's service has been nothing short of extraordinary. He has made the goal of ''one community'' a reality at Mountain Home. He has integrated every airman, regardless of rank, to be part of the 366th team. He puts his words into action. The biggest testiment to his talent is the fine work of men and women who are part of the 366th. Indeed, Mountain Home and Idaho have been fortunate to have him.

However, Commander Schmidt's talents do not come as a surprise to me. As a Westerner, a former rancher, and a history buff, I have always been captivated by the pioneer spirit. It is that spirit which brought many of our ancestor to America, and some of them across America to settle in the West. It is that same spirit that isn't afraid of challenges, hardships or hard work, which can be measured and found throughout this great nation, and is at certainly home in the men and women of the United States Air Force.

In addition to saying thank you, let me also take this opportunity to congratulate Commander Schmidt. Secretary Cohen has selected him to be one of a small, select group of Brigadier Generals nominated for promotion to Major General. As he prepares to leave for the desert to serve on joint command, I hope and believe that he will always consider himself an Idahoan.

General Schmidt, thank you, congratulations, and godspeed.●

NINTH CIRCUIT DIVISION

● Mr. MURKOWSKI. Mr. President, today I rise to clarify a production and printing problem that occurred with regard to the CONGRESSIONAL RECORD. On January 19, 1999, I, with my distinguished colleague from the State of Washington, Senator GORTON, introduced legislation to reorganize the Ninth Circuit Court of Appeals. Unfortunately, the legislation we introduced, S. 186, was an incorrect draft. I reintroduced the correct draft as S. 253. However, through a glitch in the publishing of the RECORD, the incorrect language of the bill was again reproduced in the RECORD.

The language appearing in today's record is the correct language of S. 253. This language is identical to the recommendation of the White Commission, the congressionally-mandated Commission structured to study the alignment of the U.S. Court of Appeals.

Mr. President, I ask that the ''star print'' of S. 253, the Ninth Circuit Reorganization Act of 1999, be printed in the RECORD.

The material follows:

S. 253

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 ''Federal Ninth Circuit Reorganization Act of 1999''.

SEC. 2. DIVISIONAL ORGANIZATION OF THE COURT OF APPEALS FOR THE NINTH CIRCUIT.

(a) REGIONAL DIVISIONS.—Effective 180 days after the date of enactment of this Act, the United States Court of Appeals for the Ninth Circuit shall be organized into 3 regional divisions designated as the Northern Division, the Middle Division, and the Southern Division, and a nonregional division designated as the Circuit Division.

(b) REVIEW OF DECISIONS.—

(1) NONAPPLICATION OF SECTION 1294.—Section 1294 of title 28, United States Code, shall not apply to the Ninth Circuit Court of Appeals. The review of district court decisions shall be governed as provided in this subsection.

(2) REVIEW.—Except as provided in sections 1292(c), 1292(d), and 1295 of title 28, United States Code, once the court is organized into divisions, appeals from reviewable decisions of the district and territorial courts located within the Ninth Circuit shall be taken to the regional divisions of the Ninth Circuit Court of Appeals as follows:

(A) Appeals from the districts of Alaska, Idaho, Montana, Oregon, Eastern Washington, and Western Washington shall be taken to the Northern Division.

(B) Appeals from the districts of Eastern California, Northern California, Guam, Hawaii, Nevada, and the Northern Mariana Islands shall be taken to the Middle Division.

(C) Appeals from the districts of Arizona, Central California, and Southern California shall be taken to the Southern Division.

(D) Appeals from the Tax Court, petitions to enforce the orders of administrative agencies, and other proceedings within the court of appeals' jurisdiction that do not involve review of district court actions shall be filed in the court of appeals and assigned to the division that would have jurisdiction over the matter if the division were a separate court of appeals.

(3) ASSIGNMENT OF JUDGES.—Each regional division shall include from 7 to 11 judges of the court of appeals in active status. A majority of the judges assigned to each division shall reside within the judicial districts that are within the division's jurisdiction as specified in paragraph (2), except that judges may be assigned to serve for specified, staggered terms of 3 years or more, in a division in which they do not reside. Such judges shall be assigned at random, by means determined by the court, in such numbers as necessary to enable the divisions to function effectively. Judges in senior status may be assigned to regional divisions in accordance with policies adopted by the court of appeals. Any judge assigned to 1 division may be assigned by the chief judge of the circuit for

temporary duty in another division as necessary to enable the divisions to function effectively.

(4) PRESIDING JUDGES.—Section 45 of title 28, United States Code, shall govern the designation of the presiding judge of each regional division as though the division were a court of appeals, except that the judge serving as chief judge of the circuit may not at the same time serve as presiding judge of a regional division, and that only judges resident within, and assigned to, the division shall be eligible to serve as presiding judge of that division.

(5) PANELS.—Panels of a division may sit to hear and decide cases at any place within the judicial districts of the division, as specified by a majority of the judges of the division. The divisions shall be governed by the Federal Rules of Appellate Procedure and by local rules and internal operating procedures adopted by the court of appeals. The divisions may not adopt their own local rules or internal operating procedures. The decisions of 1 regional division shall not be regarded as binding precedents in the other regional divisions.

(c) CIRCUIT DIVISION.—

(1) IN GENERAL.—In addition to the 3 regional divisions specified under subsection (a), the Ninth Circuit Court of Appeals shall establish a Circuit Division composed of the chief judge of the circuit and 12 other circuit judges in active status, chosen by lot in equal numbers from each regional division. Except for the chief judge of the circuit, who shall serve ex officio, judges on the Circuit Division shall serve nonrenewable, staggered terms of 3 years each. One-third of the judges initially selected by lot shall serve terms of 1 year each, one-third shall serve terms of 2 years each, and one-third shall serve terms of 3 years each. Thereafter all judges shall serve terms of 3 years each. If a judge on the Circuit Division is disqualified or otherwise unable to serve in a particular case, the presiding judge of the regional division to which that judge is assigned shall randomly select a judge from the division to serve in the place of the unavailable judge.

(2) JURISDICTION.—The Circuit Division shall have jurisdiction to review, and to affirm, reverse, or modify any final decision rendered in any of the court's divisions that conflicts on an issue of law with a decision in another division of the court. The exercise of such jurisdiction shall be within the discretion of the Circuit Division and may be invoked by application for review by a party to the case, setting forth succinctly the issue of law as to which there is a conflict in the decisions of 2 or more divisions. The Circuit Division may review the decision of a panel within a division only if en banc review of the decision has been sought and denied by the division.

(3) PROCEDURES.—The Circuit Division shall consider and decide cases through procedures adopted by the court of appeals for the expeditious and inexpensive conduct of the division's business. The Circuit Division shall not function through panels. The Circuit Division shall decide issues of law on the basis of the opinions, briefs, and records in the conflicting decisions under review, unless the Circuit Division determines that special circumstances make additional briefing or oral argument necessary.

(4) EN BANC PROCEEDINGS.—Section 46 of title 28, United States Code, shall apply to each regional division of the Ninth Circuit Court of Appeals as though the division were the court of appeals. Section 46(c) of title 28, United States Code, authorizing hearings or rehearings en banc, shall be applicable only to the regional divisions of the court and not to the court of appeals as a whole. After a divisional plan is in effect, the court of appeals shall not order any hearing or rehearing en banc, and the authorization for a limited en banc procedure under section 6 of Public Law 95–486 (92 Stat. 1633), shall not apply to the Ninth Circuit. An en banc proceeding ordered before the divisional plan is in effect may be heard and determined in accordance with applicable rules of appellate procedure.

(d) CLERKS AND EMPLOYEES.—Section 711 of title 28, United States Code, shall apply to the Ninth Circuit Court of Appeals, except the clerk of the Ninth Circuit Court of Appeals may maintain an office or offices in each regional division of the court to provide services of the clerk's office for that division.

(e) STUDY OF EFFECTIVENESS.—The Federal Judicial Center shall conduct a study of the effectiveness and efficiency of the divisions in the Ninth Circuit Court of Appeals. No later than 8 years after the effective date of this Act, the Federal Judicial Center shall submit to the Judicial Conference of the United States a report summarizing the activities of the divisions, including the Circuit Division, and evaluating the effectiveness and efficiency of the divisional structure. The Judicial Conference shall submit recommendations to Congress concerning the divisional structure and whether the structure should be continued with or without modification.

SEC. 2. ASSIGNMENT OF JUDGES; PANELS; EN BANC PROCEEDINGS; DIVISIONS; QUORUM.

(a) IN GENERAL.—Section 46 of title 28, United States Code, is amended to read as follows:

§46. Assignment of judges; panels; en banc proceedings; divisions; quorum

''(a) Circuit judges shall sit on the court of appeals and its panels in such order and at such times as the court directs.

''(b) Unless otherwise provided by rule of court, a court of appeals or any regional division thereof shall consider and decide cases and controversies through panels of 3 judges, at least 2 of whom shall be judges of the court, unless such judges cannot sit because recused or disqualified, or unless the chief judge of that court certifies that there is an emergency including, but not limited to, the unavailability of a judge of the court because of illness. A court may provide by rule for the disposition of appeals through panels consisting of 2 judges, both of whom shall be judges of the court. Panels of the court shall sit at times and places and hear the cases and controversies assigned as the court directs. The United States Court of Appeals for the Federal Circuit shall determine by rule a procedure for the rotation of judges from panel-to-panel to ensure that all of the judges sit on a representative cross section of the cases heard and, notwithstanding the first sentence of this subsection, may determine by rule the number of judges, not less than 2, who constitute a panel.

''(c) Notwithstanding subsection (b), a majority of the judges of a court of appeals not organized into divisions as provided in subsection (d) who are in regular active service may order a hearing or rehearing before the court en banc. A court en banc shall consist of all circuit judges in regular active service, except that any senior circuit judge of the circuit shall be eligible to participate, at that judge's election and upon designation and assignment pursuant to section 294(c) and the rules of the circuit, as a member of an en banc court reviewing a decision of a panel of which such judge was a member.

''(d)(1) A court of appeals having more than 15 authorized judgeships may organize itself into 2 or more adjudicative divisions, with each judge of the court assigned to a specific division, either for a specified term of years or indefinitely. The court's docket shall be allocated among the divisions in accordance with a plan adopted by the court, and each division shall have exclusive appellate jurisdiction over the appeals assigned to it. The presiding judge of each division shall be determined from among the judges of the division in active status as though the division were the court of appeals, except the chief judge of the circuit shall not serve at the same time as the presiding judge of a division.

''(2) When organizing itself into divisions, a court of appeals shall establish a circuit division, consisting of the chief judge and additional circuit judges in active status, selected in accordance with rules adopted by the court, so as to make an odd number of judges but not more than 13.

''(3) The circuit division shall have jurisdiction to review, and to affirm, reverse, or modify any final decision rendered in any of the court's divisions that conflicts on an issue of law with a decision in another division of the court. The exercise of such jurisdiction shall be within the discretion of the circuit division and may be invoked by application for review by a party to the case, setting forth succinctly the issue of law as to which there is a conflict in the decisions of 2 or more divisions. The circuit division may review the decision of a panel within a division only if en banc review of the decision has been sought and denied by the division.

''(4) The circuit division shall consider and decide cases through procedures adopted by the court of appeals for the expeditious and inexpensive conduct of the circuit division's business. The circuit division shall not function through panels. The circuit division shall decide issues of law on the basis of the opinions, briefs, and records in the conflicting decisions under review, unless the division determines that special circumstances make additional briefing or oral argument necessary.

''(e) This section shall apply to each division of a court that is organized into divisions as though the division were the court of appeals. Subsection (c), authorizing hearings or rehearings en banc, shall be applicable only to the divisions of the court and not to the court of appeals as a whole, and the authorization for a limited en banc procedure under section 6 of Public Law 95–486 (92 Stat. 1633), shall not apply in that court. After a divisional plan is in effect, the court of appeals shall not order any hearing or rehearing en banc, but an en banc proceeding already ordered may be heard and determined in accordance with applicable rules of appellate procedure.

''(f) A majority of the number of judges authorized to constitute a court, a division, or a panel thereof shall constitute a quorum.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 28, United States Code, is amended by amending the item relating to section 46 to read as follows:

''46. Assignment of judges; panels; en banc proceedings; divisions; quorum.''.

(c) MONITORING IMPLEMENTATION.—The Federal Judicial Center shall monitor the implementation of section 46 of title 28, United States Code (as amended by this section) for 8 years following the date of enactment of this Act and report to the Judicial Conference such information as the Center determines relevant or that the Conference requests to enable the Judicial Conference to assess the effectiveness and efficiency of this section.

SEC. 3. DISTRICT COURT APPELLATE PANELS.

(a) IN GENERAL.—Chapter 5 of title 28, United States Code, is amended by adding after section 144 the following:

"§ 145. District Court Appellate Panels

''(a) The judicial council of each circuit may establish a district court appellate panel service composed of district judges of the circuit, in either active or senior status, who are assigned by the judicial council to hear and determine appeals in accordance with subsection (b). Judges assigned to the district court appellate panel service may continue to perform other judicial duties.

''(b) An appeal heard under this section shall be heard by a panel composed of 2 district judges assigned to the district court appellate panel service, and 1 circuit judge as designated by the chief judge of the circuit. the circuit judge shall preside. A district judge serving on an appellate panel shall not participate in the review of decisions of the district court to which the judge has been appointed. the clerk of the court of appeals shall serve as the clerk of the district court appellate panels. A district court appellate panel may sit at any place within the circuit, pursuant to rules promulgated by the judicial council, to hear and decide cases, for the convenience of parties and counsel.

''(c) In establishing a district court appellate panel service, the judicial council shall specify the categories or types of cases over which district court appellate panels shall have appellate jurisdiction. In such cases specified by the judicial council as appropriate for assignment to district court appellate panels, and notwithstanding sections 1291 and 1292, the appellate panel shall have exclusive jurisdiction over district court decisions and may exercise all of the authority otherwise vested in the court of appeals under sections 1291, 1292, 1651, and 2106. A district court appellate panel may transfer a case within its jurisdiction to the court of appeals if the panel determines that disposition of the case involves a question of law that should be determined by the court of appeals. the court of appeals shall thereupon assume jurisdiction over the case for all purposes.

''(d) Final decisions of district court appellate panels may be reviewed by the court of appeals, in its discretion. A party seeking review shall file a petition for leave to appeal in the court of appeals, which that court may grant or deny in its discretion. If a court of appeals is organized into adjudicative divisions, review of a district court appellate panel decision shall be in the division to which an appeal would have been taken from the district court had there been no district court appellate panel.

''(e) Procedures governing review in district court appellate panels and the discretionary review of such panels in the court of appeals shall be in accordance with rules promulgated by the court of appeals.

''(f) After a judicial council of a circuit makes an order establishing a district court appellate panel service, the chief judge of the circuit may request the Chief Justice of the United States to assign 1 or more district judges from another circuit to serve on a district court appellate panel, if the chief judge determines there is a need for such judges. the Chief Justice may thereupon designate and assign such judges for this purpose.''.

(a) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 28, United States Code, is amended by adding after the item relating to section 144 the following:

''145. District court appellate panels.''.

(c) MONITORING IMPLEMENTATION.—The Federal Judicial Center shall monitor the implementation of section 145 of title 28, United States Code (as added by this section) for 8 years following the date of enactment of this Act and report to the Judicial Conference such information as the Center determines relevant or that the Conference requests to enable the Conference to assess the effectiveness and efficiency of this section.●

RULES OF THE COMMITTEE ON RULES AND ADMINISTRATION

● Mr. MCCONNELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 25, 1999, the Committee on Rules and Administration held a business meeting during which the members of the committee unanimously adopted the rules to govern the procedures of the committee.

Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Rules and Administration.

The rules follow:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR–301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period or no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman and the ranking minority member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The chairman and ranking minority member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.●

RULES OF THE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. THOMPSON. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 20, 1999, the Committee on Governmental Affairs held a business meeting during which the members of the Committee unanimously adopted the rules to govern the procedures of the Committee. In addition, a majority of members of the Committee's Permanent Subcommittee on Investigations adopted subcommittee rules of procedure on February 12, 1999.

Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Governmental Affairs and its Permanent Subcommittee on Investigations.

The Rules follow:

RULES OF PROCEDURE OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting dates.* The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. *Calling special Committee meetings.* If at least three members of the Committee desire the chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the Committee shall notify the chairman of such request. If, within 3 calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee clerk shall notify all Committee members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. *Meeting notices and agenda.* Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee members at least 3 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 3-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to members or appropriate staff assistants in their offices.

D. *Open business meetings.* Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee or Subcommittee; *provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. *Prior notice of first degree amendments.* It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. *Meeting transcript.* The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. *Reporting measures and matters.* A majority of the members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. *Transaction of routine business.* One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.

For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. *Taking testimony.* One member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. *Subcommittee quorums.* Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. *Proxies prohibited in establishment of quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required.* Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting measures and matters.* No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee members are actually present, and the vote of the Committee to report a measure or matter shall require the

concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the member establishes his vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. *Announcement of vote.* (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. *Polling.* (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the chairman, or a Committee member or staff officer designated by him, may undertake any poll of the members of the Committee. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all Committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the ranking majority member present shall preside until the chairman's arrival. If there is no member of the majority present, the ranking minority member present, with the prior approval of the chairman, may open and conduct the meeting or hearing until such time as a member of the majority arrives.

RULE 5. HEARINGS AND HEARINGS PROCEDURES

A. *Announcement of hearings.* The Committee, or any Subcommittee thereof, shall make public announcement of the date, time and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. *Open hearings.* Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee or Subcommittee; *provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. *Full Committee subpoenas.* The chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this subsection, the subpoena may be authorized by vote of the members of the Committee. When the Committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the Committee designated by the chairman.

D. *Witness counsel.* Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; *provided, however,* that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. *Witness transcripts.* An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the chairman or a staff officer designated by him shall rule on such requests.

F. *Impugned persons.* Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a member of

the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(1) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(2) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(3) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. *Radio, television, and photography.* The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. *Advance statements of witnesses.* A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his proposed testimony at least 48 hours prior to his appearance. This requirement may be waived by the chairman and the ranking minority member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. *Minority witnesses.* In any hearings conducted by the Committee, or any Subcommittee thereof, the minority members of the Committee or Subcommittee shall be entitled, upon request to the chairman by a majority of the minority members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. *Full Committee depositions.* Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the Committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the ranking minority member as provided in this subsection, the deposition notice may be authorized by a vote of the members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee member or members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee member or members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee member or members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The chairman or a staff officer designated by him may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. *Timely filing.* When the Committee has ordered a measure or matter reported, following final action the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. *Supplemental, minority, and additional views.* A member of the Committee who gives notice of his intention to file supplemental, minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. *Notice by Subcommittee chairmen.* The chairman of each Subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. *Draft reports of Subcommittees.* All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. *Impact statements in reports.* All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly establish Subcommittees.* The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

B. *Ad hoc Subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc Subcommittees as he deems necessary to expedite Committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member of the Committee, the chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee meetings and hearings.* Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. *Subcommittee subpoenas.* Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; *provided, however,* that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the chairman and ranking minority member of the Committee, or staff officers designated by them, by the Subcommittee chairman or a staff officer designated by him immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the chairman and ranking minority member waive the 48 hour waiting period or unless the Subcommittee chairman certifies in writing to the chairman and ranking minority member that, in his opinion, it is necessary to issue a subpoena immediately.

F. *Subcommittee budgets.* Each Subcommittee of this Committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, not later than January 10 of the first year of each new Congress, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards.* In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. *Information Concerning the Nominee.* Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; *provided, however,* that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. *Procedures for Committee inquiry.* The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the Committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the Committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the chairman, the ranking minority member, or other members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. *Report on the Nominee.* After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made by the designated investigators to the chairman and the ranking minority member and, upon request, to any other member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and identify any unresolved or questionable matters that have been raised during the course of the inquiry.

E. *Hearings.* The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and the report required by subsection (D) has been made to the chairman and ranking minority member, and is available to other members of the Committee, upon request.

F. *Action on confirmation.* A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. *Application.* The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104–1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

SENATE RESOLUTION 49, 106th CONGRESS, 1st SESSION (CONSIDERED AND AGREED TO FEBRUARY 24 (LEGISLATIVE DAY, FEBRUARY 00), 1999)

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIOD MARCH 1, 1999 THROUGH SEPTEMBER 30, 1999

* * * * *

SEC. 11. COMMITTEE ON GOVERNMENTAL AFFAIRS

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $2,836,961, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in

furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1999, through September 30, 1999, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 54, agreed to February 13, 1997 (105th Congress) are authorized to continue.

106TH CONGRESS RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS, AS ADOPTED FEBRUARY 12, 1999

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the Ranking Minority Member or the approval of a majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The Ranking Minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee majority staff upon the approval of the Chairman and notice of such approval to the Ranking Minority Member or the minority counsel. Preliminary inquiries may be undertaken by the minority staff upon the approval of the Ranking Minority Member and notice of such approval to the Chairman/or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the Ranking Minority Member with notice of such approval to all members.

No public hearing shall be held if the minority Members unanimously object, unless the full Committee on Governmental Affairs by a majority vote approves of such public hearing.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him, with notice to the Ranking Minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him, immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its dates and hour. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

Five (5) Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a matter as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights. Provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel for the government, corporation, or association, or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor

shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him. If the Chairman or designated Member overrules the objection, he may refer the matter to the Subcommittee or he may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chief Counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights shall not be directed at him. Such request shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under Subcommittee supervision; a copy of any testimony given in public sesssion or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Subcommittee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of, Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the Ranking Minority Member waive this requirement.

If a person requests the filing of his sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the minority Members.

18. The Ranking Minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the minority and such other professional staff members and clerical assistants as he deems advisable. The total compensation allocated to such minority staff member shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The minority staff members shall work under the direction and supervision of the Ranking Minority Member. The Chief Counsel for the minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and Ranking Minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and Ranking Minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.●

RULES OF THE SENATE SELECT COMMITTEE ON INTELLIGENCE

● Mr. SHELBY. Mr. President, paragraph 2 of Senate Rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each Committee shall be published in the RECORD.

In compliance with this provision, I ask that the Rules of the Select Committee on Intelligence be printed in the RECORD.

RULES OF PROCEDURE OF THE SENATE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the

Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee Members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4 Routine, non-legisative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman. Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2d Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Committee or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed by majority vote of the Committee, to forward such recommendation to the Senate.

8.10. RELEASE OR NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2. Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4. Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3. The Committee staff work for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, and shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 49th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. In accordance with title III of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETING

11.1. Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each

such revision shall be furnished to each member of the Committee.

12.2. Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A

94TH, CONGRESS, 2D SESSION, S. RES. 400, [REPORT NO. 94–675] [REPORT NO. 94–770], IN THE SENATE OF THE UNITED STATES, MARCH 1, 1976

Mr. Mansfield (for Mr. Ribicoff) (for himself, Mr. Church, Mr. Percy, Mr. Baker, Mr. Brock, Mr. Chiles, Mr. Glenn, Mr. Huddleston, Mr. Jackson, Mr. Javits, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Morgan, Mr. Muskie, Mr. Nunn, Mr. Roth, Mr. Schweiker, and Mr. Weicker) submitted the following resolution; which was referred to the Committee on Government Operations.

MAY 19, 1976, CONSIDERED, AMENDED, AND AGREED TO

resolution—To establish a Standing Committee of the Senate on Intelligence, and for other purposes

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the ''select committee''). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of State; the Department of Justice; and the Department of Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the

United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purpose of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designate by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct[1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the information of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which the committee or which Members of the Senate received such information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-

[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95–1, Feb. 4, 1977.

fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agencies: *Provided,* That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the department or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception or a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of the United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policy-making function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

APPENDIX B

94TH CONGRESS, 1ST SESSION, S. RES. 9, IN THE SENATE OF THE UNITED STATES, JANUARY 15, 1975

Mr. Chiles, (for himself, Mr. Roth, Mr. Biden, Mr. Brock, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Hatfield, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Johnston, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Packwood, Mr. Percy, Mr. Proxmire, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Weicker, Mr. Bumpers, Mr. Stone, Mr. Culver, Mr. Ford, Mr. Hart of Colorado, Mr. Laxalt, Mr. Nelson, and Mr. Haskell) introduced the following resolution; which was read twice and referred to the Committee on Rules and Administration

RESOLUTION—Amending the rules of the Senate relating to open committee meetings

Resolved, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows:

''(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

''(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

''(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

''(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

''(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

''(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

''(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

''(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person. Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.''.

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senators to the Commission on Security and Cooperation in Europe (Helsinki): The Senator from Texas (Mrs. HUTCHISON), the Senator from Michigan (Mr. ABRAHAM), and the Senator from Kansas (Mr. BROWNBACK).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy:

The Senator from Colorado (Mr. ALLARD), from the Committee on Armed Services, and

The Senator from Montana (Mr. BURNS), from the Committee on Appropriations.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Arizona (Mr. MCCAIN), from the Committee on Armed Services, and

The Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from Pennsylvania (Mr. SANTORUM), from the Committee on Armed Services, and

The Senator from Texas (Mrs. HUTCHISON), from the Committee on Appropriations.

ORDERS FOR TUESDAY, MARCH 2, 1999

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate reconvenes on Tuesday, March 2, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved.

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

PROGRAM

Mr. GRAMS. Mr. President, for the information of Senators, the Senate will not be in session on Friday and will be in a pro forma session on Monday. The Senate will then reconvene on Tuesday at 9:30 a.m. and will begin consideration of S. 314, a bill providing small business loans regarding the year 2000 computer problems. There will be 1 hour for debate on the bill, equally divided between Senators BOND and KERRY of Massachusetts, with no amendments in order, to be followed by a vote on passage of the bill at 10:30 a.m.

Following that vote, the Senate will recess to allow Members to attend the confidential hearing regarding the Y2K issue in room S–407 of the Capitol.

The Senate will recess for the policy luncheons between the hours of 12:30 and 2:15 p.m. and, upon reconvening at 2:15, will begin consideration of S. Res. 7, a resolution to fund the special committee dealing with the Y2K issue. There will be 3 hours for debate on the resolution, with no amendments or motions in order. A vote will occur on adoption of the resolution upon the expiration or yielding back of time, or at approximately 5:15 p.m.

ADJOURNMENT UNTIL 10 A.M. MONDAY, MARCH 1, 1999

Mr. GRAMS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:12 p.m., adjourned until Monday, March 1, 1999, at 10 a.m.