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## Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:32 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

Samuel Adams was born on this day in 1722. It was on September 7, 1774, that he called for prayer at the Continental Congress in Carpenter Hall in Philadelphia. He said about his responsibilities: "If you carefully fulfill the various duties of life, from a principle of obedience to your heavenly Father, you will enjoy that peace which the world cannot give nor take away."

Let us pray:

Gracious Father, we seek to be obedient to You as we fulfill the sacred duties of this Senate today. May the Senators and all who assist them see the work of this day as an opportunity to glorify You by our country. We renew our commitment to excellence in all that we do. Our desire is to know and do Your will. Grant us the profound experience of Your peace, true serenity in our souls that comes from complete trust in You, and dependence on Your guidance. Free us of anything that would distract us or disturb us as we give ourselves totally to the tasks and challenges today. In the Lord's name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROD GRAMS, a Senator from the State of Minnesota, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

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

### SCHEDULE

Mr. MURKOWSKI. Mr. President, today the Senate will be in a period for morning business until 10:30 a.m. Following morning business, the Senate is expected to resume postcloture debate on amendment No. 4178 to the H-1B visa bill. Under a previous agreement, at 9:30 a.m. on Thursday, the Senate will begin 7 hours of debate on the continuing resolution. At the use or yielding back of that time, the Senate will proceed to a vote on the resolution.

As a reminder, cloture motions were filed yesterday on the H-1B visa bill. Therefore, cloture votes will occur at a time to be determined later this week.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska, Mr. MURKOWSKI, is recognized to speak for up to 20 minutes.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that my time, which was the leader's time, not be taken out of my 20 minutes. I was asked by the leadership to announce the opening script for the day.

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

### NATURAL GAS

Mr. MURKOWSKI. Mr. President, it is my intention this morning to talk about natural gas and alert the American people to the crisis we have before us relative to this very important source of clean energy.

Over the last several days, I have talked about our energy policy, the fact that, to a large degree, our energy policy is determined by environmental groups, environmental pressures, and the Environmental Protection Agency, as opposed to a balance which suggests, indeed, we need to face the realization that we need all our energy sources coming together to meet the crisis we have today, as we find ourselves 58-percent dependent on imported oil.

I will also speak on the dangers of Iraq and the realization that we are now 750,000-barrels-a-day dependent on Iraqi oil. The interesting thing is that Iraq has a production of nearly 2.5 million barrels a day, a kind of leverage on the world's supply of oil. What I mean is that the capacity of the world to produce oil and the demand of the world to use that oil is very close. We are somewhere in the area of roughly 1 million barrels a day of excess capacity over demand. With Iraq producing better than 2 million barrels a day, one can clearly see the leverage Iraq has should they choose to reduce production.

I have also talked about the Strategic Petroleum Reserve and the merits of pulling down 30 million barrels, which sounds like a significant relief, if indeed we can turn that into heating oil, but the reality is that we are going to get 3 to 4 million barrels out of that 30 million barrels in heating oil which amounts to a 2- or 3-day supply.

I do not want to mislead anybody. It is simply my attempt to alert the

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



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American people; there is no panacea. We are going to need all our sources of oil. To blame big oil on profiteering is really shortsighted, and the American people are too smart to believe some of the rhetoric out there.

Just look at where we were a year ago with the price of oil at \$10 a barrel. Were the oil companies so benevolent then or was it supply and demand? Of course.

Who sets the price of oil? We had a hearing yesterday. Secretary Richardson was there. I think we all agreed that the price of oil, without question, is being set by those who supply oil, who have an abundance of oil, and that is primarily OPEC, Saudi Arabia, Venezuela, and Mexico. They have it for sale, and the price currently is somewhere in the area of \$33 to \$34. Last week, we had an all-time high in over 10 years of about \$37.86.

Tomorrow I am going to talk about ANWR. I know something about ANWR. That is the narrow area in the coastal plain of Alaska. It is that small area that has been set aside out of the whole area of ANWR. Few people really understand the merits and the magnitude of the land mass and what we have done with it by congressional action.

There are 19 million acres up there. That is about the size of the State of South Carolina. We have taken 8.5 million acres and put them in a permanent wilderness. We have taken another 9 million acres and put them in a refuge, leaving 1.5 million acres of the so-called 1002 area to the determination of Congress as to whether or not we can open it up safely. Industry says, if the oil is there in the abundance it would have to be, the footprint would be about 2,000 acres. So I think we ought to keep this discussion in perspective.

I am pleased to say, one of the Presidential candidates supports opening it, recognizing that we have the technology, we can do it correctly, we can make the footprint small. If the oil is there, we could very well produce another million barrels a day. We have the pipeline capacity. One can certainly imagine what kind of message that would send to OPEC. You would see the price of oil drop dramatically. Also, as we look at the Strategic Petroleum Reserve, it certainly makes sense to know whether we have one sitting up in the arctic area adjacent to Prudhoe Bay.

Today, I am going to talk about the natural gas crisis in America because that crisis is here today. To give you some idea, yesterday we were quoting gas prices for delivery in October at \$5.34 per 1,000 cubic feet. How does that compare with 9 months ago? Nine months ago, it was \$2.16 per thousand cubic feet. What is it for November of this year? The November figures are out. It is \$5.45 for delivery in November.

The significance of that can probably be reflected on who uses gas. The American public out there knows who

uses gas. Fifty percent of our homes in this country rely on natural gas for heating. Natural gas provides 15 percent of our Nation's electrical power, and it is growing.

The reality is, we are not going to have any new supply in place before this winter. The reality is, the administration isn't going to be able to go into a strategic natural gas reserve, because there isn't any.

So what are we going to do? The projections are very clear. We are using about 22 trillion cubic feet of gas now. It is estimated we will be somewhere between 32 and 34 trillion cubic feet by the year 2010.

This is going to be primarily the result of the utility industry in this country—an industry we take for granted because the lights usually work. We are an electronic society. We depend on computers, e-mail. This power has to come from somewhere. You have your air-conditioners, your heating. The demand is up.

It is going to cost the industry somewhere in the area of \$1.5 billion to put in more infrastructure. We are concerned about pipeline safety. As more gas is utilized, we are putting more pressure on our pipelines. This is a multiplier of demand, of price increases. The reason so much pressure is on natural gas is we do not have a policy on oil. Our policy is to import more oil. Before the 1973 Arab Oil Embargo, after which we created SPR, we were 37-percent dependent on imported oil. To give you some idea of where we are going in that regard, today we are 58-percent dependent on imported oil.

The administration has always favored clean gas as the alternative. But now we are using our gas reserves faster than we are finding new reserves. When you are in business, and you are selling your inventory faster than you are replacing it, you have a problem. This is an alert to the American people and, hopefully, my colleagues because we are facing a train wreck. It is coming. The signs are here. The administration has yet to address what they are going to do about it.

Certainly releasing the crude oil in SPR isn't going to help the gas situation because the demand is there. The reason the demand is there is quite simple. I have indicated oil is not the answer, simply because we become more dependent on imports.

So let's move to hydro. What do they want to do? They want to take down hydroelectric dams. The tradeoff of that, of course, is putting the barge traffic on the highways.

Coal: We have an abundance of coal. We have clean coal technology. But you have not seen a new coal plant built in this country in the last several years. I think the last one was back in the mid-1990s. You can't get permits.

Nuclear: Twenty percent of our power comes from nuclear energy. Have we built a new plant in this last decade or the last two decades? No one in their right mind would build a nu-

clear plant because the Government will not fulfill its contractual commitments to take the waste that it agreed to do and the ratepayers have been paying for the last two decades.

So everywhere we look—everywhere we look—we are check-mated. We can't find an alternative source other than gas. That is why American consumers should care.

According to the Energy Information Administration, Midwestern families will spend as much as 40 percent more on heating this winter because of higher natural gas prices; that is, expecting a typical winter. A real cold spike could cause some real problems. I am not suggesting you go out and sharpen your saw or put gasoline in your chain saw, but it isn't a bad idea. I know that is being done in the Northeast Corridor.

So we have an increased demand, no new supply, and this adds up to higher gas prices for the American people this winter, make no mistake about it.

What has the administration done about it? As I have said, it used to be that natural gas was kind of a seasonal fuel, stored underground in the summer, drawn down for winter use. But we now have a large summer demand for natural gas because more and more electric powerplants rely on natural gas. Here is the figure: Over 96 percent of all the new plants will be gas fired. If they all come on line, we simply do not have the gas supply.

Again, permits are obtainable for gas, unlike coal and fossil fuel. We can't get enough natural gas from existing wells to fuel these new powerplants if they all go on line. I had one CEO of a major oil and gas company tell me: We are virtually out of natural gas. We can no longer store gas in the summer. Our winter stocks are low. With a cold winter, prices are going to go up. Reserves are not adequate to buffer surges in consumer demand.

As I have stated, even if this winter is normal, we will still face natural gas prices—we know it already—they are going to be over 50 percent higher than last year—\$2.16—and I indicated earlier they are currently \$5.45 for November delivery. The simple reason is, the demand is strong and supply is not keeping pace. The market responds with what? Higher prices. It is supply and demand.

The administration touts natural gas as its "bridge to the energy future": Our cleanest fossil fuel, fewer emissions; efficient end use; no need to depend on imports. Yet as they express this and encourage you to use gas, their actions simply do not match the rhetoric. Rather than encourage new supplies, they stifle supplies.

Proof: This administration has placed Federal lands off limits to new natural gas exploration and production. They have taken the Rocky Mountain overthrust belt—that is Wyoming, Colorado, Montana—these States have a tremendous capability for producing oil and gas. Well more

than 50 percent—about 56 percent—of the public land in those areas, the overthrust belt, have been taken off from any exploration or development for oil and gas.

Now the Forest Service comes along with a roadless policy to lock up 40 million acres of national forest, eliminating any exploration for oil and gas. We have a moratorium on OCS leasing and drilling until 2012.

The Vice President would even cancel existing leases. He made a statement in Rye, NH, on October 21, 1999:

I will make sure that there is no new oil leasing off the coasts of California and Florida. And then I will go much further: I will do everything in my power to make sure that there is no new drilling off these sensitive areas—even in areas already leased by previous administrations.

I do not know what that means to you, Mr. President, but it means to me that he is not going to support OCS activities of any consequence, and he is even going to attempt to cancel and negate some of the existing leases.

Where is it going to come from? He conveniently ducks that issue. AL GORE claims to have invented the Internet, but he refuses to provide natural gas that is needed to provide electricity to power it.

We use more electricity today. We are an energy consuming country—e-mails, electronics, computers. Even if we had access to more natural gas, regulation after regulation inhibits construction of new pipelines to get gas to the consumer.

The Northeast Corridor: There have been nothing but delays—3 years of delay. The Federal Energy Regulatory Commission, FERC, that regulates and has to approve it, has been sitting on it. This would have given the Northeast Corridor a clean source of fuel. Most of this is Canadian gas. It has taken forever.

This administration wants you to use more natural gas, but at the same time they make sure you can't get it. That sounds like a recipe for higher prices, if you ask me, higher home electric costs, heating costs. Then what happens to the problem? It is going to get worse. The demand is expected to grow from 22 trillion cubic feet to over 35 trillion cubic feet by the year 2010. Without new exploration and new production, natural gas prices are going to go even higher. We are going to pay more to heat our homes, run our businesses.

When higher heating bills arrive this winter, we will want to thank the President and Vice President GORE for causing a natural gas crisis in America, one that was predictable, one that we knew was coming.

We have been asleep. The train wreck is coming. The solution is obvious: increase domestic supply of gas. Increased domestic supply will obviously lower prices, reduce volatility, and ensure a safe and secure energy supply.

I am all for alternative energy. I am all for conservation. But the reality is, transportation does not move on hot

air. Members of this body don't go home on an airplane that flies on hot air. It flies on fuel. Our homes are not heated by hot air from Washington. They are heated by natural gas, 50 percent of all homes. That is 56 million homes in this country.

We found 36 trillion cubic feet of natural gas in the Prudhoe Bay oil field while searching for oil. We never looked for gas. Now there is a possibility the economics will favor bringing that gas down from Alaska for distribution in the lower 48 States, but don't think it is going to be cheap gas. You have to amortize the cost of a pipeline that is going to run some 1,600 miles down through Alaska, follow the Alcan Highway, going through Canada and into the Canadian prebuilt system for distribution into the U.S.

The fact is, we have proven gas, but the market has never been able to sustain the cost. At this range, the feasibility of that project is very costly. The most important thing we can do, however, is to increase access to proven natural gas that is likely to be found on Federal lands. We need to depend on all sources of energy—oil, gas, clean coal, hydro, and nuclear—and we need to conserve.

That is why Senator LOTT and others have introduced the National Energy Security Act of 2000, S. 2557. Briefly, it would increase the domestic gas supply by allowing frontier royalty relief; improving Federal gas lease management; providing tax incentives for production; and assuring price certainty for small producers. It would require the administration to develop a comprehensive strategy to ensure that natural gas remains affordable and available to American consumers. It would allow new exploration for natural gas in America's Arctic as well as the Rocky Mountain States and along the OCS areas.

As I have indicated, we have substantial potential for new reserves, but if you don't have access to the areas, you might as well leave it in the ground because it will never be developed. We want to remove the disincentives for utilities to use natural gas, protect consumers against seasonal price spikes, especially with regard to Northeast heating oil use, and increase funding for energy efficiency and weatherization assistance to reduce winter heating bills.

A noted economist, Daniel Yergin, stated that this current energy "shock" could turn into a world crisis—that is paraphrasing the exposure that we have today. You can ask Tony Blair from Great Britain about the price of energy that is threatening his Government. Unless we take the kinds of actions outlined in this policy plan of the Republicans that we have submitted before this body, as represented in the legislation, S. 2557, the National Energy Security Act, we very well will face a current energy shock that could turn into a world crisis. Just look at the stock market this morning; it is pretty shaky.

There is probably more to come because of the uncertainty over where we are with regard to energy and the spiraling costs. It is referenced in a taxi ride to Capitol Hill; there is a surcharge. It is referenced in your airplane ticket now. You can't figure out the airplane tickets anyway; they are so confusing whether you fly on Thursday, Friday, or Sunday, or before a.m. or p.m. It is in there, all your truckers, all your delivery systems. Everybody is now facing the reality that energy costs are higher. It is going to have an effect.

Finally, thanks to the failed energy policies of Clinton-Gore, we are going to pay more for gas this winter. We must increase domestic supply of natural gas to meet demand. This administration continues to make new exploration and production not just difficult but almost impossible. We pay the price.

This GOP energy plan encourages short-term efforts to minimize spike hikes this winter and increase supply in the long term.

Tomorrow, I hope to talk a little bit about where the oil and gas is likely to be found.

The PRESIDING OFFICER. The Senator from Iowa.

#### THE VIOLENCE AGAINST WOMEN ACT AND NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, I rise to discuss my disappointment that the Republican leadership in the Senate seems to have better things to do than to pass a bill reauthorizing one of our most effective laws to combat domestic violence. I am talking about the Violence Against Women Act.

Since it became law in 1994, it has provided money to State and local programs to help women obtain restraining orders and to arrest those who are abusing women. The numbers show that the Violence Against Women Act is working.

A recent Justice Department report found that domestic violence against women decreased by 21 percent between 1993 and 1998. That is good news, but we still have a long way to go.

In 1998, American women were the victims of 876,340 acts of domestic violence. Between 1993 and 1998, domestic violence accounted for 22 percent of the violent crimes against women. And during those same years, children under the age of 12 lived in 43 percent of the households where domestic violence occurred. This is generational. The kids see it, they grow up, they become abusive parents themselves.

In Iowa and all across America, law enforcement officers and prosecutors and victims service organizations are fighting back, but they need help. The help they need is to make sure we reauthorize the Violence Against Women Act, to make sure it is funded, to keep the great job going that it has been doing over the last 5 years.

There is other help that we need to cut down on domestic violence and violence against women; that is, to make sure that we have judges on our courts who understand this law, who know what is happening out there and can make sure the law is applied fairly and is upheld in the courts around the country.

To that end, it is again disappointing that the Republican Senate is holding up the nomination of one person uniquely qualified to ensure that the Violence Against Women Act is enforced in our courts around the country.

Since the beginning of the Violence Against Women Office that was created under the Justice Department in 1995, the person who has been at the head of that office is the former attorney general of the State of Iowa, Bonnie Campbell. Earlier this year, the President nominated her for a vacancy on the Eighth Circuit Court of Appeals. She has had her hearing on the Judiciary Committee. She is broadly supported on both sides of the aisle, strongly supported in her home State of Iowa where, as I said, she served with distinction as attorney general. Yet for some reason, the Judiciary Committee is holding up her nomination.

I have heard a couple of reasons: It is too late in the year; this is an election year; they want to hold on, maybe Bush will be elected and they can get their people in.

So, that makes me feel the need to take a look at the history of our judicial nominations. In 1992, when there was a Republican in the White House and the Democrats controlled the Senate. But in 1992, from July through October, the Democratically controlled Senate confirmed nine circuit court judges. This year, with a Democratic President but a Republican-controlled Senate, we have only gotten one confirmed since July. We have some pending who could be reported out, one of whom is Bonnie Campbell. But we see no action and time is running out.

And everything I have heard from the Judiciary Committee is that they will not report her name out. The other thing I heard was, she was nominated too late. I also heard from some people on the committee—that she was only nominated earlier this year. I shouldn't expect her to be reported out.

Well, again, let's take a look at the record books. In 1992, when there was a Republican President and a Democratic Senate, nine circuit nominees were nominated and confirmed that same year. Let me say that again. They were nominated in 1992 and acted on in 1992. Yet this year, we are told that the Republican-controlled Senate cannot move circuit court judges out because it is an election year. Yet when the Democrats were in charge in 1992, as I said, nine were nominated and nine were acted upon by the Democratic Senate.

Let's jump back to this year. Seven people this year were nominated to sit

on the judicial circuit. Only 1 of those seven has been confirmed and that was in July.

I want to focus on Bonnie Campbell. A hearing was held in May. All the paperwork is done. She is widely supported. If there are people here who would like to vote against her, at least bring her nomination to the floor; and if they want to vote against her, for whatever reason, let them do so. But I have not had one person on the Republican side or the Democratic side come to this Senator and say that Bonnie Campbell is not qualified to be a circuit court judge—not one. She is eminently well qualified and everyone knows it.

Here is this person who has headed the Office of Violence Against Women in the Department of Justice since it started. She has run it for 5 years. The House of Representatives, yesterday, reauthorized the Violence Against Women Act, with 415 votes for it. I ask, do you think 415 Members of the House, Republicans and Democrats, would have voted that overwhelmingly to reauthorize the bill if the person who had been running that office had not done an exemplary job? I think by the very fact that 415 Members of the House, from every end of the ideological spectrum, voted to reauthorize that bill, what they are saying is that Bonnie Campbell gets an A-plus on running that office, implementing the VAWA provisions and enforcing the law. Yet this Republican Senate will not report her name out on the floor to be confirmed, or at least to vote on her to be a circuit court judge.

Well, I tell you, talk about a split personality. The Republicans in this Senate can talk all they want to about violence against women and that they are going to bring the bill up and we are going to pass it before the end of the year; but if this Republican-controlled Senate holds Bonnie Campbell's name and won't let her come out for a vote, they are saying: We will pass the Violence Against Women Act, but we don't want judges on our courts who are going to enforce it. I say that because nobody is more qualified to enforce it than Bonnie Campbell.

The Judiciary Committee, I am told, is going to meet tomorrow. I am hopeful that tomorrow they will report Bonnie Campbell's name out for action by the full Senate.

(Mr. L. CHAFEE assumed the chair.)

#### THE MEDICARE PRESCRIPTION DRUG PROPOSAL

Mr. HARKIN. Mr. President, it is time to shed some light on the Medicare prescription drug proposal advanced by some of my colleagues on the other side of the aisle and by their nominee for President, Gov. George Bush.

Unfortunately, there is a big TV ad campaign being waged across the country to deceive and frighten seniors about the Medicare prescription drug

benefit proposed by Vice President AL GORE and the Democrats in the Senate. So I want to set the facts straight.

First, let's examine Bush's "immediate helping hand." That is what Governor Bush calls his Medicare proposal. Quite simply, it is not immediate and it doesn't give much help. Will it be immediate? The answer is no. His plan for Medicare would require all 50 States to pass enabling or modifying legislation. Right now, only 16 States have any kind of drug benefit for seniors. Each State will have a different approach. Many State legislatures only meet once every 2 years. So for Bush's plan to go into effect, the State has to pass some kind of enabling legislation.

Well, our most recent experience with something like this was the CHIP program, the State Children's Health Insurance Program, which Congress passed in 1997. It took Governor Bush's home State of Texas over 2 years to implement the CHIP program.

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

Mr. HARKIN. I ask unanimous consent to continue for 10 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. I object. We have a time agreement and I think we ought to stick with it.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Parliamentary inquiry. What is the time allotment for the remainder of morning business?

The PRESIDING OFFICER. Senator ROBB is to be recognized for 5 minutes, Senator LEAHY has 15 minutes, and Senator THOMAS has 10 minutes.

Mr. HARKIN. Repeat that, please.

The PRESIDING OFFICER. Senator THOMAS has 10 minutes, Senator ROBB has 5, and Senator LEAHY has 15.

Mr. HARKIN. Mr. President, who is next in order to be recognized?

The PRESIDING OFFICER. There is nobody.

Mr. THOMAS. If the time has been divided on both sides and if the Senator wants to use some of his associate's time, I have no objection.

Mr. HARKIN. I will check on that.

I ask unanimous consent that I may take Senator ROBB's 5 minutes.

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

Mr. HARKIN. Mr. President, as I said, most State legislatures meet every 2 years. Governor Bush's own State didn't even implement the CHIP program for over 2 years. In addition, the States don't even want this block grant. In February of this year, the Governors rejected Bush's proposal. They said:

If Congress decides to expand prescription drug coverage for seniors, it should not shift that responsibility or its costs to the States.

That was the National Governors' Association. Republicans and Democrats said Bush's proposal won't work. So that won't be immediate. Bush's proposal takes years to get any effect for people.

Will it give a helping hand? Well, Bush's plan only covers low-income seniors. Middle-class seniors are told they don't need to apply. That is what Bush's plan is. It only helps low-income. For example, if you are a senior and your income is over \$14,600 a year, you get zero, zip, no help at all, from Bush's Medicare proposal.

A recent analysis shows that the Bush plan would only cover 625,000 seniors, or less than 5 percent of those who need help. So his plan is not adequate and it is not Medicare. Seniors want Medicare, not welfare.

The other thing is that under the Bush proposal for Federal care, for his prescription drug program, seniors would probably have to go to the State welfare office to apply for it. Why is that? Because there is an income cut-off. The agencies in the States that are set up to determine whether or not you meet income guidelines for programs are welfare agencies. So that means that under the Bush program, every senior, to get prescription drugs, has to go down to the welfare agency and show that they don't make over \$14,600 a year. That is the first 4 years. Bush's program is for 4 years. States have not acted. As I pointed out, some State legislatures don't even meet except once every 2 years.

They have to go down to the welfare office. It only helps those below \$14,000 a year.

Then what happens after 4 years? After 4 years, Governor Bush's plan becomes even worse because his long-term plan, after 4 years, involves privatizing Medicare. It would raise premiums and force seniors to join HMOs.

The Bush plan is the fulfillment of what Newt Gingrich once said when he wanted Medicare to "wither on the vine." Bush's plan after 4 years will begin withering Medicare on the vine because after 4 years, Governor Bush's program leaves seniors who need drug coverage at the mercy of HMOs.

Under his plan, they don't get a guaranteed benefit package. The premium would be chosen by the HMOs, and the copayment would be chosen by the HMO. The deductible would be chosen by the HMO. The drug you get, again, is chosen by the HMO—not by your doctor, and not by your pharmacist, but by the HMO.

Even worse, the Bush plan would leave rural Americans in the cold. About 30 percent of seniors live in areas with no HMOs. In Iowa, we have no Medicare HMOs. There are only eight seniors in the entire State of Iowa who happen to live near Sioux Falls, SD, who belong to a plan with a prescription drug benefit—eight out of the entire State of Iowa.

HMOs are dropping like flies out of rural areas. Almost 1 million Medicare beneficiaries lost their HMO coverage just this year.

Under the Bush plan, first of all, it is not immediate. States would have to enact these plans. The Governors say they don't even want to do it.

Under the Bush plan, Medicare would "wither on the vine." Premiums for regular Medicare would increase 25 percent to 47 percent in the first year alone, and seniors would be forced to join HMOs to receive affordable benefits.

Mrs. BOXER. Mr. President, will my friend yield for a question?

Mr. HARKIN. Certainly, I will yield for a question.

Mrs. BOXER. It is just a very brief question. I thank my friend. I think that is the clearest explanation I have ever heard of the Bush plan. It is very clear.

Something that I read yesterday reminded me of the days when Newt Gingrich was in control, and as the Senator well remembers, in 1995 it led to a Government shutdown. They wanted to cut \$207 billion out of Medicare over 10 years. And we said that is the end of Medicare. It turns out that Governor Bush in those years said that Gingrich and the Republicans were courageous to do this, and he lauded it. I think if you take that statement and mesh it with what the Senator from Iowa just taught us about his plan, it all adds up now. It is the end of Medicare.

Mr. HARKIN. Here is basically the thing.

Mrs. BOXER. Mr. President, I ask that my friend get an additional 2 minutes.

Mr. THOMAS. I object.

The PRESIDING OFFICER. Objection is heard. The Senator's time has expired.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I want to again say that we have divided this time, and I expect to live within the divisions that we have agreed to and, therefore, we will try to do that.

Mr. HARKIN. It works both ways.

Mr. THOMAS. Certainly, it works both ways. We have divided the time, and that is the way it is.

#### ENERGY POLICY

Mr. THOMAS. Mr. President, I want to go back a little bit to one of the issues that is before us that has to do with energy and energy policy.

Certainly, we are faced at the moment with some real difficulties in terms of winter use of heating oil.

There are differences of view as to what we do with the strategic storage. I understand that.

But aside from that, I think in one way or another we certainly need to help those people who will need help this winter in terms of price and in terms of availability.

We had a hearing yesterday with the Secretary of Energy. Quite frankly, I didn't get any feel for where we are going in the long term. What we have done here, of course, over the last number of years with the fact that this administration has had an energy policy—some have accused them of having

no policy; I suggest there has been a policy—is to basically not do anything to encourage, and, in fact, discourage, domestic production. The result of that, of course, has been that since 1992, U.S. oil production is down 17 percent and consumption is up 14 percent. We have had a reduction since 1990 in U.S. jobs producing and exploring for oil. At that point, we had over 400,000 workers. Now to do the same thing, the number is down 27 percent.

We have had a policy that despite the increased use of energy, which is not to be unexpected in this kind of a prosperous time, we have sought to reduce exploration, and we have become more dependent on foreign oil. We are now nearly 57-percent dependent on OPEC for providing our energy sources.

There are a number of things we could be doing that would certainly help alleviate that problem.

One is access to public lands in the West. Of course, in Wyoming 50 percent of the land belongs to the Federal Government. In some States, it is as much as 85 percent.

As we make it more difficult for our oil exploration and production to show up on Federal lands with multiple use, then we see that production go down.

As we put more and more regulations on refiners and have reformulated gasoline, it makes it more difficult. Older refineries have to go out of business. We then find it more difficult to be able to process the oil that we indeed have which is there to be used.

We also, of course, have an opportunity in many ways to produce energy. We could have a very healthy nuclear energy system if we could go ahead and move forward with storage out at Yucca Mountain in Nevada. We have not been able to do that.

We could certainly use more low-sulfur coal.

But we continue to put regulations on the production of those things.

One of the things that seemed fairly clear yesterday was that the Department of Energy has relatively little to do with energy policy, even if they choose to. The policy is being made by the Environmental Policy Council in the White House. It is being made by EPA. It is being made by these other kinds of regulatory agencies. Obviously, all of us want to continue to work to have clean air. Air is much cleaner than it was.

I think what we need to recognize is one of the things that came out again yesterday. Vice President GORE announced some time ago that there would be no more drilling. That is the kind of policy that has been developed.

What we ought to be doing is taking a longer look at where we are going with energy and have some idea of what we will do over the years. It is one thing to be able to work in the next 2 or 3 months and argue about how you do that. But the real issue is where we are in the next year and the year after in those areas where energy is such an important part of our economy.

I am hopeful that the outcome of what we have here with this current dilemma with respect to energy will result in a real, honest-to-goodness debate, discussion, and decision with respect to long-term energy policy and increased access to public lands for potential oil and gas in the Rocky Mountains, offshore, and in Alaska, and at the same time develop techniques where we can do it and also take care of the environment. It is not a choice between the two things.

We should develop tax incentives to try to encourage increases in oil and gas production, particularly in stripper wells. In old production wells, it really hasn't been economic to do that.

We can do some things with respect, of course, to research. We have been working now for a couple of years on a mineral management group to be able to clarify how those charges are made, and we have been unable to do that over a period of time.

There are a number of things: The Clean Air Act, the Clean Water Act, we now have in my State a real activity going on with methane gas production—gas production that we need now under the Clean Water Act. Some Senators are pushing against insertions of fracture used to help with that production. These things are all, of course, inconsistent with some kind of policy which will, indeed, move us forward in terms of energy development.

Refineries are already up to 95 percent of capacity or more. So to actually take oil out of the reserve, if there isn't a refinery capacity, makes it very difficult. Everyone recognizes the difficulty in the Northeast, the major user of oil for heating in the wintertime. That has traditionally been important. We do need to do some things there. We need to provide more fuel. We need also, I am sure, to do something about low-income users.

There are a number of things we need to do. I hope we don't totally get involved in making this a political issue. Rather than trying now to point out what everyone has done or hasn't done, we ought to say, all right, here is where we are; now what do we do? How much can we do to develop domestic production? What are the best ways to do that? How can we move in that direction? How soon can we move forward with that?

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business and the Senator from Vermont has up to 15 minutes.

Mr. LEAHY. Mr. President, is the Senator from Vermont correct in understanding that morning business will not start until he has completed his 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the Chair and my fellow New Englander.

#### LACK OF JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, yesterday I was amazed when I checked my computer, as I do during the day, to see what the latest news items were in our country and around the world. I learned of another tragic incident of school violence in a middle school in New Orleans. Just before noon yesterday, two teenaged boys, age 13 and 15, shot each other with the same gun during a fight just outside the cafeteria at the Carter G. Woodson Middle School. Hundreds of students were inside eating lunch. Both boys are in critical condition.

The growing list of schoolyard violence by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, Georgia, Michigan, Florida, and now Louisiana is simply unacceptable and intolerable.

Over a year ago, May 20, 1999, this Senate passed the Hatch-Leahy juvenile crime bill by a vote of 73-25. It had a number of things that would address school violence, a number of things that would help with the problems of teenage violence, that would create everything from mentoring programs to the prosecution of juvenile delinquents, and it passed overwhelmingly, with Republicans and Democrats alike voting for it.

But we never had a real conference on it. It was stalled. Why? Because the gun lobbies told the Republican leadership that there was one minor problem, one minor bit of gun control—closing the gun show loophole, something that allows people to sell firearms to felons out of the back of a pickup truck at a flea market. One would think everyone would want to close that gun loophole and say everyone will abide by the same rules that the regular gun shops in Vermont or anywhere else have to follow; but, instead, because the gun lobby doesn't want that simple loophole closed, we haven't gone forward with a vote on this juvenile justice bill that goes into so many other areas—helping troubled teens, helping prosecutors, courts, and others with teenage violence.

How many shootings do we have to have before the leadership, the Republican leadership, says we will stand up to the gun lobby and actually have a vote? If this Senate wants to vote against it, let it vote against it. I don't know why the Republicans are so concerned. They have a majority. They can vote against this bill if they want. But vote. Vote "aye" or vote "nay." We are not paid to vote "maybe." We are paid to vote up or down. We should do it. It has been more than 15 months since the Senate acted. It has been more than a year since the only meeting of the House-Senate conference committee on the Hatch-Leahy juvenile crime bill. It was on August 5, 1999 that Chairman HATCH convened the conference for the limited purpose of opening statements. I am disappointed

that the Republican majority continues to refuse to reconvene the conference and that for a over a year this Congress has failed to respond to issues of youth violence, school violence and crime prevention.

It has been 17 months since the tragedy at Columbine High School in Littleton, Colorado, where 14 students and a teacher lost their lives. Senate and House Democrats have been ready for more than a year to reconvene the juvenile justice conference and work with Republicans to craft an effective juvenile justice conference report, but the Republican majority has adamantly refused to act.

On October 20, 1999, all the House and Senate Democratic conferees wrote to Senator HATCH who serves as the Chairman of the juvenile justice conference, and Congressman HYDE, the Chairman of the House Judiciary Committee, to reconvene the conference immediately.

In April of this year, Congressman HYDE joined our call for the juvenile justice conference to meet as soon as possible in a letter to Senator HATCH, which was also signed by Congressman CONYERS.

Last March, the President invited House and Senate leaders of the conference to the White House to implore us to proceed to the conference and to final enactment of legislation before the anniversary of the Columbine tragedy.

This effort to jump-start the stalled conference could not break through the majority's intransigent inaction. That anniversary, like so many others tragic anniversaries has come and gone. We have seen more incidents but no action by the Republican Congress.

The Republican majority has rejected the President's pleas for action as they have those of the American people. Every parent, teacher and student in this country is concerned about school violence over the last few years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have had an opportunity before us to do our part and the Republican majority has chosen to squander it. We should have seized this opportunity to act on balanced, effective juvenile justice legislation.

I regret that this Republican Congress has failed to do its work and provide the additional resources and reforms that would have been helpful and reassuring to our children, parents, grandparents, teachers and schools.

Mr. LEAHY. Mr. President, my main reason for coming to the floor today is to introduce the Windfall Oil Profits for Heating Assistance Act of 2000.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 3118 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business for about 12 minutes.

Mr. REID. Mr. President, has the morning business hour closed?

The PRESIDING OFFICER. It has not been announced by the Chair. It is closed.

Mr. REID. It is closed.

The PRESIDING OFFICER. Time has expired.

Mr. REID. I am sorry?

The PRESIDING OFFICER. The Chair has not yet announced that morning business is closed, but the designated time has expired.

Mrs. BOXER. Mr. President, I withdraw my unanimous consent request. Let us move on. Then I will take time under the cloture motion.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—RESUMED

The PRESIDING OFFICER. The clerk will report the pending business.

The senior assistant bill clerk read as follows:

A bill (S. 2045) to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

Pending:

Lott (for Abraham) amendment No. 4177 (to the committee substitute), in the nature of a substitute.

Lott amendment No. 4178 (to amendment No. 4177), of a perfecting nature.

Lott (for Conrad) amendment No. 4183 (to the text of the bill proposed to be stricken), to exclude certain "J" non-immigrants from numerical limitations applicable to "H-1B" non-immigrants.

Lott amendment No. 4201 (to amendment No. 4183), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry. I understand we are now under cloture and each Senator is recognized for up to 1 hour to speak.

The PRESIDING OFFICER. Each Senator has a maximum of 1 hour.

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

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate very much the willingness on the part of the Senator from Iowa to give me an opportunity to make some remarks with regard to where we are on the legislation.

Yesterday's vote demonstrates clearly that there is strong bipartisan sup-

port in the Senate for increasing the number of visas for high-skilled workers. On that point, Democrats and Republicans agree, but there is a stark disagreement between our parties on the issue of fairness to immigrants.

Republicans do not want to acknowledge this; they do not want to admit that they oppose the Latino and Immigrant Fairness Act. That is why they have gone to such extraordinary lengths to try to avoid having to take a public position on it. There is an election coming up, and they do not want to have to explain to Latino and immigrant groups why they told thousands of hard-working immigrants who are in this country doing essential jobs: Go home. Republicans would rather risk not delaying the passage of the H-1B visa bill than vote for the Latino and Immigrant Fairness Act or risk the political consequences of voting against it.

There is really no reason we cannot pass both a strong H-1B bill and the Latino and Immigrant Fairness Act.

We are in the longest period of economic expansion in our Nation's history. We all know that now. The census numbers which were released yesterday confirm once again the remarkable progress we have made in recent years.

In the last 7 years, we have seen 20 million new jobs. Unemployment is lower now than it has been in 30 years. In my State of South Dakota, the jobless rate is between 2 and 3 percent.

Ten years ago, many companies could not expand because they could not get the capital. Today they can get the capital, but they cannot get the workers.

Clearly, one of the industries hardest hit by today's skilled-worker shortage is the information technology industry. According to a recent survey of almost 900 IT executives, nearly 10 percent of IT service and support positions in this country—268,740 jobs—are unfilled today because there are not enough skilled workers in this country to fill them.

The H-1B visa program was supposed to prevent such shortages, but it cannot because it has not kept pace with the growth in our economy. This year, in fact, the H-1B program reached its ceiling of 115,000 visas in less than 6 months. That is why my colleagues and I support substantially increasing the number of visas available under the H-1B program.

The high-tech industry, however, is not the only industry struggling with worker shortages. The Federal Reserve Board has said repeatedly that there are widespread shortages of essential workers all through the United States. All across America, restaurants, hotels, and nursing homes are in desperate need of help. Widespread labor shortages in these industries also pose a very significant threat to our economy. That is one reason my colleagues and I introduced the Latino and Immigrant Fairness Act earlier this year and why we wanted to offer that legis-

lation as an amendment to this measure.

The changes in our proposal are pro-business and certainly pro-family. They are modest, and they are long overdue. We have talked about them before, but let me just, again for the RECORD, make sure people are clear as to what it is we want to do.

First, we want to establish legal parity for all Central American and Caribbean refugees. That is not too much to ask. Why is it we treat refugees from some countries differently from refugees from other countries? All we are asking for is parity.

Second, we want to update the registry so that immigrants who have been in this country since before 1986, who have worked hard and played by the rules, will remain here permanently and will have the ability to remain here legally.

We want to restore section 245(i) of the Immigration Act so that a person who is in this country and on the verge of becoming a legal resident can remain here while he or she completes the process. Why would we want to send somebody back to the country they fled—someone who is eligible to be a legal resident—just so they can come back here again? If we do not change the law, that is exactly what will happen, forcing these immigrants to pay thousands of dollars, disrupt their lives, and maybe imperil their opportunity to come back at all.

Finally, we want to adjust the status of the Liberians who fled to America when Liberia was plunged into a horrific civil war. Thousands of them live in the State of the current Presiding Officer. Our Nation gave these families protected immigrant status which allowed them to stay in the United States but preempted their asylum claims. Instead of forcing them to return to Liberia, a nation our Government warns Americans to avoid because it is so dangerous even today, our bill will give them the opportunity to become legal residents. That is all it would do.

Earlier this month, a coalition of 31 associations—the U.S. Chamber of Commerce, the American Health Care Association, the National Restaurant Association, the National Retail Federation, and about 28 more—all came together and said: If there is something you do before the end of this year, now that we have PNTR finished, we hope you can pass the restoration of Section 245(i) and these other reasonable immigration provisions.

It is the only fair thing to do, and it is good business. We need this done. That is the message from the Chamber of Commerce and the American Retail Federation sent. The American economy is growing not in spite of immigrant workers, but with their help. That is one reason we should pass the Latino and Immigrant Fairness Act now.



There is another reason. President Roosevelt once said: "We are a nation of immigrants." We are also a nation that values families. This principle is not relegated to one ethnic group. Whether you are African American, European American, Latino American, or Asian American, we value family. That is important to us. If we do not pass the provisions in our proposal, thousands of immigrant parents of American-born children will face an excruciating choice. If they are told to leave this country, should they defy the law so that they can remain with their American-citizen children or should they leave their children here in the hope that others will care for them? Forcing choices like this is simply antithetical to our commitment to family values.

I have heard all the speeches in the Senate Chamber about protecting family, doing what is best for family, trying to ensure that families stay together. We are concerned about what children watch on television. But for Heaven's sake, if we care what they watch on television, we ought to decide right now where we want them to watch television. Children ought to be watching television here with their families.

That is the choice: Should they leave their children here and hope that others care for them, or should they take their children back to nations that are mired in poverty and torn by violence or both?

Surely, those are not the kinds of choices we should force on people who have lived in this country and played by the rules for years. That is not the way we should treat people who have done the essential jobs that others did not want, particularly today when we need their labor so desperately.

My colleagues and I strongly support the H-1B visa bill. On that there can be no doubt, especially after yesterday's vote. But we are deeply disturbed and disappointed that the majority has refused to allow us to offer the Latino and Immigrant Fairness Act or any other amendment on this bill. Once again we have been refused the right to offer even one amendment to the bill.

I have offered the majority leader many opportunities. I suggested five and five. I suggested that they have five amendments, that we limit them in terms of time and second degree amendments because we wanted to get this bill done. I heard the allegation that: No, Democrats just want to slow down the process, the deliberation, the consideration of the H-1B bill; they don't want it to pass.

Our answer to that, you saw yesterday. We want it to pass. That is why I offered a limit on amendments, why I offered a limit on time, why I offered almost any formula you could come up with so that we could accommodate both.

Let's pass H-1B, but for Heaven's sake, with 2 weeks left, let's pass the

Latino and Immigrant Fairness Act as well. Once again we have been refused the right to offer even one amendment to the bill. Once again we are told: Do it our way, or we are not going to do it at all. This is not how this body should operate. Offering amendments and voting on them does not kill bills, it strengthens them, and it strengthens this Senate.

Why are our Republican colleagues so determined not even to let us discuss our amendment? They are the majority. If they believe our proposal is misguided, they can vote it down, they can table it. They can do anything they want to. They have the votes. Why won't they allow that vote? What are they so afraid of?

We are pleased we are finally on the verge of passing this legislation and increasing the number of H-1B visas. But we are disappointed by the disdain the majority has shown for this Senate and its tradition of fair and open debate. We are even more disturbed by the indifference they are showing to thousands—tens of thousands—of decent, hard-working families who are looking forward to the time when they can live here in freedom and peace, and with confidence that their families can stay together.

I am disappointed. I am frustrated, once again, that we have not had an opportunity to have the voice, to have the input, to have the opportunity that any Senator should count as his right or her right to participate fully in debate. But we have been precluded by the rules of the Senate imposed upon us in this case by the majority.

The rules in the Senate, of course, allow for free and open debate, allow for amendment, allow for unlimited debate and discussion. The majority continues to insist on bending the rules so that they can constrain the way we pass legislation and which issues will be heard, without regard to the rights of all Senators to have their voices heard.

#### MOTION TO SUSPEND RULE XXII

So, Mr. President, as my statement in yesterday's RECORD indicated, I now move to suspend rule XXII to permit the consideration of amendment No. 4184.

The PRESIDING OFFICER. The motion is debatable.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the Democratic leader's comments and the sincerity of those comments. But I think a few points should be made in response to them. Then I will make a unanimous consent request relative to the motion which has been put forward by the Democratic leader.

The first point is that the rules of the Senate are being followed. The Democratic leader knows the rules a great deal better than I do. But the vote on cloture yesterday, to which the Democratic leader on a number of occasions has alluded to represent the

Democratic leader's commitment to the H-1B proposal, is the vote which puts the Democratic leader in the position that he is in now, which is that the amendment he is offering is not relevant and not germane to the underlying bill. So, as a practical matter, for him to first claim that, with great enthusiasm, they voted for cloture but now they are being foreclosed under the rules of the Senate from doing what they want to do is, I think, crocodile tears.

Secondly, it appears at about this time every election cycle we see a movement that occurs from this administration which involves bypassing the usual and legal procedures for obtaining citizenship.

Citizenship is the most sacred item of trust that we can impart as a nation to someone who wishes to come to our shores and live. The granting of citizenship is an extraordinary action because it gives a person the right to live in our Nation—the greatest nation on Earth—and the capacity to vote and participate as a full citizen and to raise a family here as a citizen. So it is something where we have set up a fairly significant and intricate set of laws in order to develop a process so there is fairness in how we apply citizenship.

Yet every election year, during this administration, or at least for the last two major election years—especially Presidential election years—we have seen an attempt, basically, to set aside the law as it is structured for purposes of obtaining citizenship, and to create a new class of citizens independent of what is present law.

To say that people shall be given the imprimatur of citizenship just before the election, ironically—and the last time this occurred under Citizenship USA, which was the title given to it, a title which was truly inappropriate because it ended up being "Felony USA," thousands of people were given citizenship outside of the usual course. They did not have to go through the usual process, in a rush to complete citizenship prior to the election, which led to literally thousands of people who ended up being felons and criminals receiving citizenship. We are still trying to track down many of the felons who received citizenship under Citizenship USA, which was the last aggressive attempt to bypass the citizenship laws of this country during an election year.

I think we should have learned our lesson from that little exercise, that attempt at political initiative for the purposes of political gain, which ended up costing us literally millions of dollars to try to correct and leave us with, fortunately, a number of good citizens but, unfortunately, a number of people who should never have gotten citizenship who are literally felons and who have committed serious crimes.

So this attempt to bypass the citizenship process must be looked at with a certain jaundiced eye in light of the fact it is an election year because there is a history which asserts that it



should be viewed with a jaundiced eye, because the Citizen USA was such a debacle and so grossly political and ended up costing our Nation so dearly, by giving the sacred right of citizenship to people who are criminals and who committed lawless acts against other citizens.

So that is why we are in this position today.

The Democratic leadership claims that they strongly support H-1B and so they voted for cloture. Then they come forward and claim: But the rules are limiting us.

They were the ones who voted for the rule that happens to be limiting them. They can't have it both ways, but they appear to want to. It is, as I said, crocodile tears on their part, in my opinion. However, the Democratic leader has the right to make this request. He has positioned himself procedurally in that order.

Therefore, I ask unanimous consent that a vote occur on the pending motion to suspend the rules, that the vote occur today at 4 o'clock, and that the time between the two sides until 4 o'clock be equally divided in the usual form.

Mr. REID. Reserving the right to object, Mr. President, I was diverted by talking to someone else. Will the Senator restate the unanimous consent request?

Mr. GREGG. I ask unanimous consent that a vote occur today on the pending motion to suspend the rule at 4 o'clock and that the time between now and 4 o'clock be equally divided in the usual form.

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

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I yield whatever time I have remaining under cloture on the bill to the minority leader, Senator DASCHLE.

The PRESIDING OFFICER. The Senator has that right.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I regret how little progress we were able to make yesterday on legislation to increase the number of H-1B visas. This legislation was reported from the Judiciary Committee more than a half a year ago. I have advocated that it receive a fair hearing and that the Senate vote to increase the number of H-1B visas.

I have also said we should take up other important immigration matters that have been neglected for too long in this body. But those requests have fallen on deaf ears, as yesterday once again demonstrated. Senators DASCHLE and REID have offered to spend only 10 minutes debating immigration amendments. Under those terms, we could complete action on this bill in well under a day. But the majority apparently would rather see this process continue to drag on than take a simple up-or-down vote on matters of critical importance to the Latino community and other immigrant groups. Indeed, this bill has been more strictly controlled than any bill during this Congress. At a certain point one cannot help but ask: What is the majority afraid of?

We ought to vote up or down on the Latino and Immigrant Fairness Act. I don't say this from any parochial interest. We do not have any significant minority ethnic group in Vermont. We are sort of unique in that regard. But all Vermonters, Republican and Democrat alike, believe in fairness. It is a matter of fairness to have the Latino and Immigrant Fairness Act voted on. Let us vote it up or vote it down. I will vote for it. I am a cosponsor of it. I strongly support it.

The chairman of the Judiciary Committee complained yesterday that the Latino and Immigrant Fairness Act was not introduced until July, and that the Democrats were pressing for action on the bill even though it had no hearings. As the chairman must know, the Latino and Immigrant Fairness Act brings together a number of proposals that have been talked about since the very beginning of this Congress, and in some cases for years before that. Indeed, the current proposal is drawn from S. 1552, S. 1592, and S. 2668. And as the chairman also must recognize, these proposals have been denied hearings in the Judiciary Committee he chairs and the Immigration subcommittee that Senator ABRAHAM chairs. For the chairman to point to the lack of hearings on these proposals as an excuse to derail them reminds me of the person on trial for killing his parents who throws himself on the mercy of the court as an orphan.

Meanwhile, I am encouraged by the majority leader's conciliatory words on the substance of the LIFA proposals. According to today's Congress Daily, the majority leader has said that he thought the proposals "could be wrapped in such a way that I could be for it." I hope this signals that he will work with us to find a way to have a vote on these issues.

Let me be clear: I support increasing the number of H-1B visas and voted for S. 2045 in the Judiciary Committee. I have hoped that our consideration of this bill would allow us to achieve other crucially important immigration goals that have been neglected by the majority throughout this Congress. I have hoped that the majority could agree to at least vote on—if not vote for—limited proposals designed to protect Latino families and other immigrant families. I have hoped that the majority would consider proposals to restore the due process that was taken away from immigrants by the immigration legislation Congress passed in 1996. In short, I thought we could work together to restore some of America's lost luster on immigration issues. Since the majority has thus far been unwilling to do that, pro-immigration Senators have been faced with a choice between achieving one of our many goals or achieving nothing at all.

Like most of my Democratic colleagues, I agree that we need to increase the number of H-1B visas. The stunning economic growth we have experienced in the past eight years has led to worker shortages in certain key areas of our economy. Allowing workers with specialized skills to come to the United States and work for a 6-year period—as an H-1B visa does—helps to alleviate those shortages. In the current fiscal year, 115,000 H-1B visas were available. These visas ran out well before the fiscal year ended. If we do not change the law, there will actually be fewer visas available next year, as the cap drops to 107,500. This will simply be insufficient to allow America's employers—particularly in the information technology industry—to maintain their current rates of growth. As such, I think that we need to increase the number of available visas dramatically. I think that S. 2045 is a valuable starting point, although it can and should be improved through the amendment process.

I have been involved in helping to ease America's labor shortage for some time. Last year, I cosponsored the HITEC Act, S. 1645, legislation that Senator ROBB has introduced that would create a new visa that would be available to companies looking to hire recent foreign graduates of U.S. master's and doctoral programs in math, science, engineering, or computer science. I believe that keeping such bright, young graduates in the United States should be the primary purpose of any H-1B legislation we pass. By concentrating on such workers, we can address employers' needs for highly-skilled workers, while also limiting the number of visas that go to foreign workers with less specialized skills.

Of course, H-1B visas are not a long-term answer to the current mismatch between the demands of the high-tech industry and the supply of workers with technical skills. Although I believe that there is a labor shortage in certain areas of our economy, I do not

believe that we should accept that circumstance as an unchangeable fact of life. We need to make a greater effort to give our children the education they need to compete in an increasingly technology-oriented economy, and offer our adults the training they need to refashion their careers to suit the changes in our economy. This bill goes part of the way toward improving our education and training programs, but could do better.

Although I have said that this is not a perfect bill, there are a few provisions within it that should be retained in any final version. I strongly support the increased portability this legislation offers for visa holders, making it easier for them to change jobs within the United States. And the legislation extends the labor attestation requirements in the bill—which force employers to certify that they were unable to find qualified Americans to do a job that they have hired a visa recipient to fill—as well as the Labor Department's authority to investigate possible H-1B violations.

It is regrettable that it has taken so long for us to turn our attention to the H-1B issue. The Judiciary Committee reported S. 2045 more than six months ago. It has taken us a very long time to get from point A to point B, and it has often appeared that the majority has been more interested in gaining partisan advantage from a delay than in actually making this bill law.

The Democratic leader has said month after month that we would be willing to accept very strict time limits on debating amendments, and would be willing to conduct the entire debate on S. 2045 in less than a day. Our leader has also consistently said that it is critical that the Senate should take up proposals to provide parity for refugees from right-wing regimes in Central America and to address an issue that has been ignored for far too long—how we should treat undocumented aliens who have lived here for decades, paying taxes and contributing to our economy. These provisions are both contained in the Latino and Immigrant Fairness Act. I joined in the call for action on H-1B and other critical immigration issues, but our efforts were rebuffed by the majority.

Indeed, months went by in which the majority made no attempt to negotiate these differences, time which many members of the majority instead spent trying to blame Democrats for the delay in their bringing this legislation to the floor. At many times, it seemed that the majority was more interested in casting blame upon Democrats than in actually passing legislation. Instead of working in good faith with the minority to bring this bill to the floor, the majority spent its time trying to convince leaders in the information technology industry that the Democratic Party is hostile to this bill and that only Republicans are interested in solving the legitimate employment shortages faced by many sectors of

American industry. Considering that three-quarters of the Democrats on the Judiciary Committee voted for this bill, and that the bill has numerous Democratic cosponsors, including Senator LIEBERMAN, this partisan appeal was not only inappropriate but absurd on its face.

Finally, a few weeks ago, the majority made a counteroffer that did not provide as many amendments as we would like, but which did allow amendments related to immigration generally. We responded enthusiastically to this proposal, but individual members of the majority objected, and there is still no agreement to allow general immigration amendments. At least some members of the majority are apparently unwilling even to vote on issues that are critical to members of the Latino community. This is deeply unfortunate, and leaves those of us who are concerned about humanitarian immigration issues with an uncomfortable choice. We can either address the legitimate needs of the high-tech industry in the vacuum that the majority has imposed, or we can refuse to proceed on this bill until the majority affords us the opportunity to address other important immigration needs. I still hope that an agreement can be reached with the majority that will allow votes on other important immigration matters as part of our consideration of this bill, but I have little confidence that this will happen.

I regret that we will likely be unable to offer other important amendments to this bill. For much of the summer, the majority implied that we were simply using the concerns of Latino voters as a smokescreen to avoid considering S. 2045. Speaking for myself, although I have had reservations about certain aspects of S. 2045, I voted to report it from the Judiciary Committee so that we could move forward in our discussions of the bill. I did not seek to offer immigration amendments on the Senate floor because I wanted to derail S. 2045. Nor did the White House urge Congress to consider other immigration issues as part of the H-1B debate because the President wanted to play politics with this issue, as the distinguished chairman of the Judiciary Committee suggested on the floor a few weeks ago. Rather, the majority's inaction on a range of immigration measures in this Congress forced those of us who were concerned about immigration issues to attempt to raise those issues. Under our current leadership, the opportunity to enact needed change in our immigration laws does not come around very often, to put it mildly.

It is a disturbing but increasingly undeniable fact that the interest of the business community has become a prerequisite for immigration bills to receive attention on the Senate floor. In fact, we are now in the week before we are scheduled to adjourn, and this is the first immigration bill to be debated on the floor in this Congress. Even humanitarian bills with bipartisan back-

ing have been ignored in this Congress, both in the Judiciary Committee and on the floor of the Senate.

It is particularly upsetting that the majority refuses to vote on the Latino and Immigrant Fairness Act. This is a bill that I have cosponsored and that offers help to hardworking families who pay taxes and help keep our economy going strong. On two occasions, including last Friday, the minority has moved to proceed to this bill, and the majority has twice objected. In our negotiations with the majority about how S. 2045 would be brought to the floor, we have consistently pressed for the opportunity to vote on the proposals contained within it. But the majority has turned its back on the concerns of Latinos and other immigrants who are treated unfairly by our current immigration laws.

The majority has shown a similar lack of concern for proposals by numerous Democratic Senators to restore the due process protections that were removed by the passage of the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act 4 years ago. There are still many aspects of those laws that merit our careful review and rethinking, including the inhumane use of expedited removal, which would be sharply limited by the Refugee Protection Act (S. 1940) that I have introduced with Senator BROWNBACK.

As important as H-1B visas are for our economy and our Nation's employers, it is not the only immigration issue that faces our Nation. And the legislation we are concerned with today does not test our commitment to the ideals of opportunity and freedom that America has represented at its best. Those tests will apparently be left for another day, or another Congress.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I want to answer some of the comments made by our colleagues from the other side yesterday and today.

We have been on the floor this week supposedly debating the H-1B bill. That is S. 2045. This bill is an extremely important measure. It is aimed at alleviating both short- and long-term problems in the inadequate supply of a highly skilled worker force in our dynamic and expanding high-tech economy.

The debate has turned into quite a different matter. My colleagues on the other side stood on the floor yesterday talking about the so-called Latino fairness legislation and insisting, time and time again, for a vote on this unrelated measure.

Let's review where we are. The high-tech community wants this H-1B bill without amendment. My colleagues on both sides voted overwhelmingly for cloture; meaning, ending the debate. Cloture would knock out nongermane amendments which, of course, would knock out the so-called Latino fairness amendment as well.

The last time I looked, a vote in support of cloture meant that we support consideration of legislation without—I emphasize that word “without”—unrelated, nongermane amendments, such as the so-called Latino fairness bill. This bill, by the way, was only filed on July 25 of this year. If it was so important, why was it filed so late in the session, without the opportunity for hearings or committee consideration?

Talk about trying to have it both ways. I guess this is a brilliant political move if you don't think about it too closely, the ultimate effort to try to have it both ways: Give the high-tech community a cloture vote and at the same time continue to maneuver to get around what that cloture vote means.

So there we have it. I don't recall seeing a spectacle of this sort in all of my years in the Senate.

Having said that, let me now join my colleagues in this discussion on the so-called Latino fairness legislation. There was a great deal of talk yesterday. Some of it was shameless. The talk was about due process, about the need for more unskilled workers in this country, and about the hardship of the parents of American-citizen children. Much of the rhetoric does not meet reality.

My colleagues on the other side argue that they want to vote on S. 2912, the so-called Latino fairness act. I really wonder if most in the Senate understand and appreciate what is involved in this costly, far-reaching bill that has never had a day of hearings.

This is no limited measure, to undo a previous wrong to a limited class of immigrants who otherwise might have been eligible for amnesty under the 1986 act. Rather, this is a major new amnesty program, without 1 day of hearings, with a price tag of almost \$1.4 billion, with major implications for our national policy on immigration.

For years, as Chairman of the Judiciary Committee, I have watched the Immigration Subcommittee, and I have helped to steer through and monitor and help make immigration policy in this country. That policy works well, to a large degree, but there are certainly areas that we can improve. I can tell you that some are trying to turn this bipartisan policy upside down.

I will begin by saying that I have been a long-time supporter of legal immigration. That is what has built this country. It has made this country the greatest country in the world.

I believe in legal immigration. In connection with the 1996 immigration reform legislation, I fought long and hard against those who wanted to cut

legal family immigration and other categories. At that and other times, it has been my view that our emphasis ought to be on combating illegal, not legal, immigration.

The bill before us, however, while termed “Latino fairness,” does nothing to increase or preserve the categories of legal immigrants allowed in this country on an annual basis. It does nothing to shorten the long waiting period or the hurdles that persons waiting years to come to this country—people who play by the rules and wait their turn—have to go through.

In contrast, what we hear now is an urgent call to grant broad amnesty to what could be up to 2 million illegal aliens. Let's be clear about what is at issue here. Some refer to the fact that a certain class of persons who may have been entitled to amnesty in 1986 have been unfairly treated and should therefore be granted amnesty now. That is one issue—and I am certainly prepared to discuss that issue in our committee, with full hearings, and resolve any inequities that exist. I am certainly prepared to discuss that, but only outside the context of S. 2045, a bill that virtually everybody in this body wants because it will allow us to stay in the forefront of our global, high-tech economy.

Again, I am prepared to discuss, outside of this bill, what we might be able to do to help that so-called 1982 class of immigrants. But that is not really what S. 2912 is about. This bill that some now want to attach to the H-1B bill, would ensure its death in the House of Representatives; it would never see the light of day. The fact is—this bill also covers that 1982 class, but also hundreds of thousands, if not millions, of illegal aliens who were never eligible for amnesty under the 1986 act.

This is a difficult issue and one with major policy implications for the future. When we supported amnesty in 1986—and I believe there were several million people granted amnesty at that time—it was not with the assumption that this was going to be a continuous process.

What kind of signal does this type of “urgency” send? On one hand, the Government spends millions each year to combat illegal immigration and departs thousands of persons each year who are here illegally. But if an illegal alien can manage to escape law enforcement for long enough, we reward that person with citizenship, or at least permanent resident status, followed by the right to apply for citizenship after 5 years of living here.

That is a slap in the face to all of those who have abided by the rules and who have been here legally. If there are inequities, I am willing to work them out, but let's do it through hearings, through a thorough examination. Let's not do it through a political sham that has been thrust upon us on the floor for no other reason than because they are worried on the other side that George Bush appeals to the Hispanic commu-

nity. We know he gets about 50 percent of the Hispanic vote in Texas, and there is good reason for it.

Hispanic children are now reading at better levels. The Hispanic people have been helped greatly in Texas by the Bush administration. Our colleagues on the other side are deathly afraid that if he continues to do that, the Hispanic vote—which they just take for granted—is going to suddenly go to George Bush and the Republicans. Well, I don't blame them for that, because I think that is what is going to happen.

As chairman of the Republican Senatorial Hispanic Task Force, which I helped to start years ago, I know that the Hispanics are out there watching both parties and seeing who really has their interests at heart. We have done more with that task force—not just by throwing money at problems—than the other side ever dreamed of.

Further, I hope my colleagues are aware of the cost of this bill to American taxpayers. I don't mind the costs if we are doing something that is absolutely right. As I said, I am willing to go through the appropriate hearing process. I do that every day in my work as a Senator in solving immigration problems—as a lot of Senators do. But we ought to take into consideration the costs of this to the American taxpayers—giving amnesty to up to 2 million illegal aliens.

Specifically, a draft and preliminary CBO estimate indicates this bill comes with a price tag just short of \$1.4 billion over 10 years. But that is a conservative estimate because the amendment actually filed yesterday goes way beyond S. 2912 on amnesty. Not only was S. 2912, the so-called the Latino Fairness Act, filed on July 25, but the amendment filed yesterday goes even beyond what their original bill. The amendment's proponents argue that it just consists of a simple due process restoration. But, in fact, it not only gives hundreds of thousands, if not millions, additional illegal immigrants amnesty who have been here since 1986, it appears to be a rolling amnesty measure!

In this highly charged political area, we ought to try and get together in a bipartisan manner. But some of my friends on the other side seem to want to play politics with this issue. They try to act as if they are for Hispanics. But what they are in fact doing is ignoring those who play by the rules, who are here legally, in favor of those who are here illegally and who have broken the rules. It is a slap in the face to all of those who have played by the rules.

What do I mean by a rolling amnesty measure? It means the amnesty provision continues and expands for the next 6 years. That is right, Mr. President. If illegal aliens can manage to avoid authorities until 2006—if they can avoid authorities for that long—they automatically get amnesty, and that is a stepping stone to citizenship for people who have violated our laws and are

here illegally. Again, if there are people who are being injured who should not be, people who really have due process rights, or who ought to have consideration, I am willing to work on that with my colleagues on the other side in a bipartisan way to do something that really works. We do that regularly anyway. But to just throw this open on a rolling amnesty basis for 6 solid years is not the way to go; we are talking about millions of people who are here illegally being automatically given the right to apply for citizenship in a few years.

Mr. President, what are we doing here? We devote hundreds of millions of dollars each year to try and control illegal immigration. What does this so-called fairness bill do? It rewards persons for their illegal activity. It says let's keep fighting illegal immigration, but if certain persons succeed in evading the law for long enough, they get rewarded by being allowed to stay, get permanent resident status, and 5 years later can apply for citizenship, in contrast to all of those millions who have legally come into this country under legal immigration rules and regulations, who have abided by the law, and who basically have paid the appropriate price to get here.

We have also heard about the need for more workers. I agree with that. Why don't we address and examine this need, however, in the right way? Why don't we examine increasing the number of legal immigrants allowed to come here? Why don't we consider lifting certain of those caps? I don't see anyone on the other side of the aisle arguing for that. It would seem to me if they want to argue for having more immigrants in this country—and I might go along with this—that we ought to lift the caps. I have to admit that there are those in this body who do not want to lift those caps—but at least in the other body for sure. That is the appropriate way to do that.

During our debate in the 1996 act, the Democrats offered, and the committee unanimously agreed, to curb the number of legal, unskilled workers coming to this country. Why did they do that? Because their No. 1 supporters in the country—the trade union movement in this country—believe that they would take jobs; that if we lifted the caps there would be more legal immigrants coming into this country that would take jobs away from American workers.

It is amazing to me that they wouldn't allow the caps lifted then for that reason, and now they want the broad amnesty. They want to allow up to 2 million illegal immigrants in here because everybody realizes there is a shortage of workers right now.

I am willing to consider lifting those caps, and do it legally and do it the right way. I would be willing to do that. But without hearings, and without a really thorough examination of this, I am not willing to just wholesale have a rolling amnesty provision that

would allow millions of illegal aliens who haven't played by the rules to have a wide open street to citizenship while many people who are applying legally can't get in and who really need to get in.

I agree with the need to reexamine our position on lifting the caps on legal immigration. Let's do that. I am willing to hold hearings, or make sure the subcommittee holds the hearings on that. By the way, they have held some hearings.

I have to say that generally the two leaders on the Subcommittee on Immigration, Senator ABRAHAM from Michigan and Senator KENNEDY from Massachusetts, have worked well together. But all of a sudden, there's a chance to score political points, they think. I don't think they are getting political points. If I was a legal Hispanic, or a legal Chinese, or a legal person from any other country, I would resent knowing how difficult it was for me to become a legal immigrant while people who are trying to make it possible for those who are illegally here to be able to become citizens without obeying the same rules. I suspect there is going to be a lot of resentment, if people really understand this.

While we are at it, why don't we do something to get the INS to move more swiftly—the Immigration and Naturalization Service—to move more swiftly on applications for legal immigrants? That would be real Latino fairness. That is what we ought to be doing on the floor.

There isn't a person in this body who cares more for family unification than I do. There are some who are certainly my equal here. But nobody exceeds my desire to bring families together, a point brought out yesterday. I fought for years on this issue. Every day we are working on immigration problems to try to solve the problem of bringing families together in my offices in Utah and here.

If we really care about family reunification, why don't we do something about the Immigration and Naturalization Service? Why should parents, children, and spouses have to stay on a waiting list for years? I would like to hear more comments from the other side on that. But every time you try to lift the caps, their friends in the union movement come in and say: You can't do that. You might take jobs away from union workers.

Under the H-1B bill, we are not taking jobs away from union workers or from anyone else. We are trying to maintain our dominant status throughout the world in the high-tech world. We are trying to make sure we keep the people here who can really help us do that. That bill provides that those who are highly educated in our universities have a right to stay here and work. This is the bill we are talking about. It is a step in the right direction to get us there.

What does this so-called Latino fairness amendment, or bill, that they

filed so late in this Presidential year say to families who played by the rules? It doesn't say obey the laws and wait your turn. It says we are going to make special favors for those of you who are here illegally, and we are going to do it on a rolling amnesty basis over the next 6 years. They are just going to have the right to become citizens, while others have had to abide by the rules—rules that have been set over decades and decades.

I challenge anybody on the other side to work with me in helping to resolve these problems. I am willing to do that. I don't need a lecture from people on the other side about families who have been split up. I think it is abysmal to have families split up. I am willing to work to try and solve that problem, but it takes both sides to do it.

Last but not least, it is no secret that our committee handles intellectual property in many of the high-tech issues in this country. Last year we passed one of the most important bills in patent changes in the history of the country—certainly in the last 50 years. We passed a number of other high-tech bills to make a real difference.

We have done an awful lot to make sure our high-tech world in this country stays at the top of the ladder.

I just came from the Finance Committee upon which I sit where I made a principal argument that we need to get this new bill through that Chairman ROTH is working on with the ranking member, Senator MOYNIHAN, to have a broadband tax credit which we need now.

S. 2045 is one of the most important high-tech bills in this Congress. Everybody here, except for about three people, believes it should pass. Almost everybody on both sides of the floor has said it should pass. Everybody says it is a very important bill.

The fact is, there are people in this body who are scared to death that Republicans might make inroads with the Hispanic community. I know that because I am chairman of the Republican Senatorial Standing Task Force. We have been working for better than 10 years on Hispanic affairs.

We don't care whether Democrats, Independents, or Republicans are on our task force. In fact, we have all three there. We don't care if they are Conservatives, Liberals, or Independents. They are all there. I have to tell you that we have been working hard on every Hispanic issue that this country has. There is basically no end to what we will all try to do, to help assimilate the Hispanic people who are immigrants in this country into every aspect of opportunity that this country has to offer.

To be honest with you, our country is the No. 1 high-tech country in the world. The reason we are is because we have worked together in many respects to get some of these high-tech bills through that make a difference.

I prefer to see my colleagues on the other side work with us rather than

against us, as they are doing right now. I don't want to pull this bill down, but it is coming down if we can't get this bill passed in a relatively short period of time. By tomorrow, there will be three cloture votes overwhelmingly for this bill. If Democrats don't want this bill, why are they voting for cloture? If they want to vote against cloture tomorrow, I can live with that. We will pull the doggone bill down and say to the high-tech community, we are not going to support you this year because we can't get enough support from our friends on the other side. That is exactly what I will tell them, and it won't be one inch far from the truth.

The fact is, everyone on the other side knows that this is a critical bill. It has taken bipartisan support to get it this far. It has great hope for the high-tech industry in this country. It will provide more high-tech workers and more high-tech jobs. Now, we may have some difficulty getting the House to go along with everything we are doing here.

If we keep playing around with this and delaying it beyond this week, it will make impossible to pass it in the end.

I know how important this legislation is. I have worked on high-tech issues for all of my Senate career, and have worked patent, copyright, and trademark laws throughout the country. I don't think anyone can say I haven't made a strong bipartisan effort to make sure we stay at the top of the high-tech world. The best way we can do it right now is to pass broadband tax credit and to pass this H-1B legislation and get the House to go along with it. It is the best thing we can do.

We are in an inane battle on the floor because some people want to score some political points. I was almost embarrassed by some of the comments yesterday—not almost, I was embarrassed for some of these people. Is there no length to which they will go at the end of this session to score political points? I don't like it on my side, and I certainly don't like it on the other side. This is a time for cooperation, to help our country get through this year, and to hopefully spur us into the next year, whoever is President. I intend to do that. I want to have some bipartisan support in getting it done.

I suppose we will have to go through another cloture vote tomorrow—three cloture votes on one bill that almost everybody is for.

I think it is time to quit scoring political points and get the job done. This H-1B bill is a critical bill for America. It is a critical bill for American children and American workers. It contains critical bipartisan training and education provisions to equip our workforce for the 21st century. Those are provisions we worked out with the other side in order to get this bill, something I agree with 100 percent, that I will fight for in Congress.

One would think they would want to do this and quit playing around with

the bill. The longer we go on this bill, if we go beyond this week, it seems to me it makes it more problematic whether we can ever pass an H-1B piece of legislation with these wonderful, critical provisions to help train our children for the future workforce, for the high-tech world they are going to enter.

I have met with people today who are prescient with regard to the future. We have been talking broadband all morning. We have been talking about wireless. We have been talking about cable. We have been talking about the critical infrastructure industries. We have been talking about software. Almost all of it is dependent upon whether we pass an H-1B bill.

The rest of the world isn't standing still while we are sitting here treading water week after week, debating whether we will allow an H-1B final vote. If this were the final vote to pass this bill, I could wait another few days. But we still have to deal with the House. We are going to have to work that out. That will take some time. We don't have a lot of time.

It seems to me we ought to get rid of politics. I hope people watching this will listen to the other side and realize how political they have been. Yesterday it was almost shameful—no, it wasn't; it was shameful—the arguments made on the floor. It is all done just for political advantage. Frankly, I don't think they get any advantage.

I believe the millions of legal immigrants with green cards might resent rolling amnesty for 6 years to millions of illegal immigrants who don't abide by the rules.

This is an important bill. We can no longer afford to play the political games that were played yesterday and apparently will be played through a cloture vote tomorrow. I think the other side ought to allow the vote or just admit they really aren't for this bill in spite of the overwhelming cloture votes we have had so far. I would like to see that in this body, especially at the end of this year.

There are those on our side who really would like to work with our colleagues on the other side in a bipartisan manner. I know the Presiding Officer is one, and I believe there are a lot of others who want to see that done.

There is a strong suspicion among many in the media and many on our side that there is a deliberate slowdown, with filibusters, even motions to proceed, for no other reason than a political advantage. It really gets old.

I think once in a while we really ought to put the best interests of our country ahead of everything else. This is a bill where we ought to do that. We have so much support for this bill, if it is allowed to be voted upon. Supporters ought to be allowed to express themselves in a vote for or against this bill. This is one bill where we can be together. We had 94 votes on this bill, in essence, yesterday; only 3 against. I

suspect if we got the other 3, they would be for it, too, so it would be 97 with, 3 against; if they were against, it would be 94-6.

But, no. Steady delay. Day in, day out, steady filibusters. Now they will say they are not filibustering. Then why are they forcing a cloture vote every day?—to have cloture votes on a bill that virtually everybody admits is a good bi-partisan bill.

By the way, I want to thank Senators FEINSTEIN, KENNEDY, LIEBERMAN, and of course Senator ABRAHAM. We have all worked together on this bill. We have accommodated Democrats. We have shown good faith. I thank them for helping. I think it is time to end this charade, end the political posturing we have had. Let's pass this bill.

Start doing what is right. Live up to what everybody in this body, except for the three, I suppose, has told the high-tech world—we are going to get H-1B passed. But I tell you we are not going to get it passed if this kind of charade continues because I myself will bring this bill down and then we will start over again next year and hopefully we will have a more bipartisan approach towards it. I would hate to do that; I sure would, after all the work we put in trying to get this bill passed when I know that could delay it 6 to 9 months before we really are helping our people in the high-tech world who drastically need help.

I have been there. I have been out there. I know the people, the top people, the top CEOs in almost all of these companies. I have been meeting with a bunch of them this morning, everybody from ATT, Microsoft, Sun Microsystems, Oracle, Novell—you name it. I know them all. I don't think they are partisan. I think they like both parties, and I think they help both parties, and I think they deserve our help.

Frankly, to put us through another cloture vote—it seems to me to be inane. I do not want to accuse anybody of lacking good faith, but I will tell you after what I heard yesterday, I say, my gosh, how can they stand there and make those kinds of comments, when you know if you want to really help get jobs and get people in here to take jobs, let's lift the caps on legal immigration but not change the laws with one stroke of the pen, without 1 day of hearings, and allow up to 2 million people on a rolling amnesty over a 6-year period to really become citizens, flashing in the face of everybody who paid the price to abide by the rules, it is just not right.

Frankly, I am getting tired of it. That is why I have gone on and on today, because I am tired of it. I think it is time for us to do something good for a change, to work together and get it done. I am going to be here to try to get it done in the next day or so. If we do not, then we will pull the bill down. Then we will just throw our hands in the air and say it is too political a Congress to do something worthwhile for our country.

Everybody on my side is going to vote for this bill—they have been there from day 1—at least I believe everybody, certainly the vast majority, are going to vote for this bill in the end because they believe our future depends on being able to solve some of these problems that this bill will solve.

I believe we will have a tremendous number of votes on the Democratic side because we have some of the top leaders in this area on this bill. I mentioned some of them a few minutes ago. We have accommodated them in language in this bill that makes sense. I am saying on the floor of the Senate that I would fight for that language because of our Democrat friends who have worked with us to put that good language together. I will do it in a bipartisan way.

But the high-tech companies are not the primary beneficiaries. They are beneficiaries, no question about it. The primary beneficiaries are the children who will benefit from the education proposals here and the American workers who will benefit from the critical training provisions that we have in this bill. Let's pass this bill for them. I have to admit the high-tech industry will benefit tremendously, too.

What the Daschle motion says is let's ignore the rules of the Senate. Let's take the easy route. Their Latino fairness bill says let's ignore all these immigration laws we have all fought over in a bipartisan way for years—and many us on this side have helped those on the other side. Let's ignore those immigration laws. Let's take the easy route.

There is a similar theme here. Some want to have it both ways. This sort of double-speak is why so many Americans have grown tired of Washington politics as usual. I hope I have at least made the case we on this side stand ready to pass this bill a minute from now if the other side will allow a vote up and down on this bill. If they do not, we will go to cloture again, and then we will see what we can do postcloture to get this thing brought to a close where people can vote for it.

Then, assuming we will pass this bill, we will go to work with the House and see if they will take this bill. If they will not take this bill, we will go to conference and fight very hard with everything I have to make sure there are these provisions in this bill; that we have 195,000 high-tech workers allowed into this country and that we have the right for those who are highly educated, in American institutions, to stay here to work in our high-tech world, and that we have these provisions to help train our children.

Those are pretty important provisions. This is a very important bill. To stand here and say everybody in business and all these companies want all these illegal immigrants to be naturalized—so what? We ought to abide by the law. That is why we have immigration laws. Where there are inequities, we ought to work to resolve them. I

promise you, I will work to resolve them. I have been doing it for my whole 24 years in the Senate, and I am not going to stop now. We can resolve them if we work together. If we do not work together, we cannot.

I hope both sides will get serious about this bill. I hope we can pass this bill. I hope we can get this matter resolved. I would like to do it today, if we can, but certainly by tomorrow. We will look at it and see if we have to pull it down if we can't get this resolved.

Mr. REID. Madam President, I ask unanimous consent that the time of the Senator from California, Mrs. BOXER, under the postcloture proceedings, be in the control of the Senator from Nevada.

The PRESIDING OFFICER (Ms. COLLINS). Is there objection? Without objection, it is so ordered.

Mr. REID. Madam President, my good friend from Utah, for whom I have the greatest respect got a little carried away this morning. I don't think he would purposely call me or my colleagues incompetent—but he did. I don't think he would call us silly or stupid, but he did. The word "inane," in a dictionary, means silly or stupid.

We have a philosophical difference in what we are doing here. The fact that we disagree with the chairman of the Judiciary Committee does not mean we are incompetent. It doesn't mean we are stupid. It just demonstrates that we have a basic disagreement.

Mr. President, I want to go back and start where the majority started this morning, with the chairman of the Appropriations Committee on Commerce-State-Justice. Among other things, he said we were crying crocodile tears over here, and that this piece of legislation only dealt with criminals. I am paraphrasing what the other side said, but not too much. In actuality they said was that "criminals were coming in, and attempting to do an end run to get citizenship."

The fact is, I take great exception to that. The Democratic proposal would not allow criminals to become citizens. First, this legislation is not offering citizenship. We are offering longtime residents, people who are already in this country, the ability to apply for permanent residency and then perhaps apply for citizenship. Second, anyone applying for residency must have good moral character. They also must show they have good moral character, which means that anyone with a criminal record—not criminals, of course wouldn't qualify, anyone with a criminal record would not qualify for permanent residency.

These people are people who are already in the country. They are working, they are paying taxes, they work hard. In many instances, in fact most instances, others won't take their jobs.

I think my friend from New Hampshire, for whom I have the greatest respect—he has a record which is outstanding; he served in the House of

Representatives, was the Governor of the State of New Hampshire, is now a Member of the Senate—I do not think he is suggesting that the U.S. Chamber of Commerce, who supports the Latino Fairness Act wholeheartedly, is suggesting the U.S. Chamber of Commerce wants citizenship for criminals. I don't think the American Health Care Association is suggesting we want citizenship for criminals. I know that the American Hotel and Motel Association is not saying we should come here and give a blanket citizenship to criminals. I don't think the Resort, Recreation and Tourism organization is suggesting that criminals be given citizenship.

We have a list. We talked about it yesterday: The National Retail Association—dozens and dozens of organizations and companies believe we must do something, not only to protect the people who we are going to give the right to come to this country, under H-1B. In fact, we have given almost a half a million people the right to come to this country under H-1B.

We are going to increase it this year up to almost 200,000. I have a couple of different lists, and I could go to another chart. These companies and organizations believe that people who are already in the country also deserve the right to apply for permanent residency and someday apply for citizenship.

This is nothing but a typical red herring. In fact, the Republicans, the majority, are saying: How could you have this bill without even having a hearing? That will bring a smile to your face. The legislation pending before the Senate, the energy bill, S. 2557, was brought to the floor by the majority leader and it has had no hearings.

To say we did not introduce this legislation until July 25, we may not have introduced specifically the legislation, but I wrote a letter to the majority leader in May outlining the legislation. There have been long-time discussions.

In fact, we were denied a hearing in the House. We tried to have a hearing in the House last year on this legislation, but we could not. The chairman of the Immigration Subcommittee refused to give us a hearing, so SHEILA JACKSON-LEE and I had an informal hearing in the House. We could not do it because the chairman of the subcommittee would not let us have a hearing.

The parity legislation was introduced 3 years ago. That is no surprise to anyone. The registry has been in our law since 1929. I introduced the same legislation last year. We reintroduced it, of course, but it was introduced last year. We had, as I indicated, an informal hearing because we were denied a formal hearing.

The chairman of the Judiciary Committee said: What about the July 25 introduction? In his words, "Is this incompetence?" The Latino and Immigrant Fairness Act contains multiple provisions, all of which were introduced well before July 2000. We combined a number of pieces of legislation

that have been around for a long time. Central American parity was introduced on September 15 of last year; date of registry was introduced on August 5, 1999. These have bill numbers. Section 245(i) was introduced May 25, 2000. Also, the one my friend from Rhode Island, Mr. REED, cares so much about, was introduced in March of 1999. These proposals have been denied hearings in the Judiciary Committee that my friend from Utah chairs and the Immigration Subcommittee which Senator ABRAHAM chairs. There have been no hearings because the majority has refused to allow us to have hearings.

Let's boil this down to where we really understand what is going on around here. There are threats to pull down the H-1B legislation. I dare them to pull the bill down. I dare them because it would be on their conscience. We have said we will vote on H-1B—what time is it now? Five to 12. We will vote at 12 o'clock. We can have a unanimous consent agreement that the vote can start in 5 minutes on H-1B. As soon as that 15-minute vote, which around here takes 40 minutes, is finished, we will have another 15-minute vote on our Latino and Immigrant Fairness Act. We can complete it all in just a few minutes.

If people do not like our legislation, vote against it. There is a unanimous consent request kicking around here someplace which we hope to have approved soon that we vote at 4:30 on Senator DASCHLE's motion to suspend the rules so we can vote on this. Keep in mind, so everyone understands, you can disguise it any way you want, but this is a vote on our amendment, the Latino and Immigrant Fairness Act.

There has been a lot of talk about the registry provision that this is something new and unique, changing 1982 and 1986. This same thing has been going on since 1929.

The registry provision originated in 1929. The registry provision has been amended many times since 1929. In 1940, the registry date was changed to July 1, 1924, and in 1958, the date was changed to June 28, 1940. Subsequently, the date was changed to June 30, 1948, then January 1, 1972, then, of course, we changed it to 1982, giving people 1 year to apply. That is what we are talking about, 1 year to apply. Some people did not file within that 1 year, even though they qualified. People who are here who deserve to qualify under the same law that has been changed since 1929 deserve a fair hearing.

What happened? What happened is there was sneaked into a bill a provision that said these people would not be entitled to a due process hearing, a fair hearing. So hundreds of thousands of people who could have qualified under the 1982 cutoff date were denied that privilege, and we are saying that is wrong. That is one of the most important parts of our legislation.

We are not ignoring the law with this legislation. We are correcting flaws in current immigration policy that have

denied people the opportunity to have legal immigrant status.

My friend from Utah has disparaged a number of people, in addition to calling us incompetent, silly, and stupid. He also said that because trade unions oppose some legislation, that it is necessarily bad. Let's talk about trade unions.

Let's see here. We have carpenters. Carpenters: What is wrong with carpenters? We have nurses. I wonder what is wrong with nurses opposing legislation, or I wonder what is wrong with having people who work as electricians opposing legislation? What is wrong with trade unions opposing legislation? Is that any worse than the Chamber of Commerce supporting or opposing legislation? There has been a lot of name-calling that has been unnecessary.

We are playing around with this bill: If allowing people who have been here for many years to apply for permanent residency is playing around with legislation, then we are playing around with legislation. The playing around is going to stop because we are going to have this legislation passed. The President of the United States has said this will be in a bill, and if it is not, he will veto the bill. He has also gone so far as to say: I would like some support from the Congress before I do that. He has it. He has more than enough to sustain a veto in a letter to him from the House and from the Senate.

Our legislation is going to come to be, and people might just as well realize that. What Senators from the majority should also understand is that we are going to vote on our measure. We are going to vote for H-1B. We support it, but in addition to H-1B, we also believe, without any question, that we need to vote on our legislation. We need individuals who fill a critical shortage of high-tech workers in this country. We support that. We also need essential workers, skilled, and semi-skilled workers to fill jobs, as indicated by the scores of organizations and companies that support our amendment, our legislation.

I hope the majority understands they are the ones holding up this legislation, not us. They can file 15 more motions to invoke cloture, and we are still going to have a vote on our amendment. One of the votes is going to occur this afternoon if the unanimous consent request is brought forward. If not, it will occur some other time.

We believe that the vote which is going to occur at 4:30 this afternoon is the first test to finding out how people really feel about supporting this legislation—not holding hearings in the future, not saying we want to increase the caps on legal immigration. I do not want to do that. We need to deal with it now.

I think what we need to do is not talk about the future; let's talk about today, what we are going to do to make sure these people in Las Vegas—20,000 people in Nevada; most of them in Las

Vegas—who have had their work cards pulled, who have lost their jobs, who have had their mortgages foreclosed on their homes, who have had their cars repossessed, who have had their credit cards pulled from them, who deserve the basic protections that we have in this country in something called due process that has been denied—we want to have a due process hearing for these people who have children who are American citizens, wives and husbands who are American citizens.

Today is the day we are going to determine if my constituents in Nevada are going to be given what every American, every person within the boundaries of our country, has a right to, and that is due process.

What we have is a piece of legislation that seeks to provide permanent and legally defined groups of immigrants who are already here, already working, already contributing to the tax base and social fabric of our country, with a way to gain U.S. permanent residency and hopefully someday citizenship.

I repeat, 5 minutes from now we would agree to vote on H-1B. Five minutes after that vote is completed, we will agree to vote on the Latino and Immigrant Fairness Act.

I also say, if that process is not allowed, then we are going to continue here in the Senate to keep working until people are called upon to account for how they feel about this legislation. There comes a time when you have to fess up, you have to vote for or against a piece of legislation. That is what we are asking for here—a vote for or against this legislation.

Mr. GRAMM addressed the Chair.

Mr. REID. If my friend would withhold, there is a unanimous consent request that I understand—

The PRESIDING OFFICER (Mr. BURNS). The Senator from Texas.

Mr. GRAMM. Mr. President, to hasten the moment of this all-important vote, I ask unanimous consent that a vote occur on the pending Daschle motion to suspend the rules at 4:30 p.m. today, and the time between now and 4:30 p.m. be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I further ask unanimous consent, notwithstanding rule XXII, that following that vote, the pending amendments Nos. 4201 and 4183 be considered adopted, and the vote then occur immediately on the second-degree amendment No. 4178, without any intervening action or debate.

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

Mr. GRAMM. Mr. President, in light of this agreement, Members can expect two back-to-back votes at 4:30 p.m. today.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me begin by talking about immigration. I



am a strong supporter of immigration. I am proud that my grandfather came to this country right before the turn of the 20th century. I am proud that my wife's grandfather came to America as an indentured laborer to work in the sugar cane fields in Hawaii. In fact, this summer, I had the very happy experience of our family donating to the Institute of Texan Cultures in San Antonio a photograph of my wife's grandmother that was a picture in a picture book that men went through to pick out what was called a "picture-book bride" to send for her to come to America.

This pioneer came to America to marry a man she had never met in a strange country whose language she did not speak; she came seeking opportunity and freedom, and found both.

That is a story of America in action. Her granddaughter, under Presidents Reagan and Bush, became Chairman of the Commodity Futures Trading Commission, where she oversaw the trading of all futures, including futures on the same cane sugar that her grandfather came to America to cut by hand.

I am as strongly committed to immigration as you can be committed to immigration.

I also remind my colleagues that the bill before the Senate was co-authored by Senator ABRAHAM, by the distinguished chairman of the Judiciary Committee, Senator HATCH, and by myself.

This bill seeks to allow highly skilled people—many of them in graduate school in America—to stay in our country, to help us be competitive in the world market, to help us dominate the information age, and to help us create more jobs for our own people.

I challenge anyone to point to a more committed position in favor of immigration than I have taken as a Member of the Senate.

In fact, our Presiding Officer may remember a speech I gave once about a young man who worked for me on my staff named Rohit Kumar. I was debating, I believe, Senator KENNEDY at the time. I took this young man's family—his father is a research physician; his mother is a doctor; his uncle is an engineer—and I simply went through a list of Kumars in America—his parents had come here as immigrants. And I talked about the contributions they made and the taxes they paid. The conclusion of my speech was this: America needs more Kumars. By the way, lest anyone be confused by what has now become an American name, the Kumars came from India.

Why do I say all this? To make it clear that America is not full. I believe there is still room in America for people who come and bring new genius and new energy and new creativity. But I draw a bright line—it is as bright as the morning Sun—and it is on one issue: People should come to America legally. People should come to America to be part of the American dream. In coming to America, people should not violate the laws of our country.

Apparently, our Democrat colleagues feel so comfortable that it is a salable political position to take that they want to change the law to say that people who violated the laws of our country are welcome to America. I reject that. I reject it because it is patently unfair.

Our Democrat colleagues even have the arrogance to call this the "Latino and Immigrant Fairness Act," as if the label would make it so. I wonder how many people who are waiting in line to come to America—the several million people who have applied to come legally; people whose spouses have applied to come—I wonder how fair they think it is that they are going to bed every night dreaming of coming to America, and we are going to put somebody who violated the laws of the country in front of them.

I do not call that fair. Quite frankly, I am happy to label the idea outrageous and condescending, that if someone is a Latino that they must therefore favor changing the laws to allow people who violated the immigration laws to come and to stay and to invite others to do the same.

I remind my colleagues that in 1986 we passed a landmark immigration bill. The fundamental tenets of that bill were, one, we were going to enforce employer sanctions—we have not done that, as everybody who lives in America knows—and two, that if you came before 1982 and you were in good standing, you could apply and become a permanent resident alien and eventually you could become a citizen. But if you came afterward, the commitment of that bill was that was the last general amnesty we were ever going to provide.

Now our Democrat colleagues obviously think it is good politics that we should go back on the commitments we made in that bill. Hence, we have the bill that is before us.

Let me explain the issue of how we came to be here, then the procedure that is being used. Finally, I will talk about this threat by President Clinton that if we don't adopt a bill legalizing illegal acts, he is going to shut down the FBI and the Justice Department by not funding their appropriations.

Let me begin by explaining that we have before us a bill called the H-1B program. Most Americans, I am sure, don't know what H-1B is, but basically this is a procedure in immigration law that allows us to employ uniquely skilled, high-income workers, principally, as it has turned out, in this new area of high technology and computer science—many of these people are actually graduate students in our country; half of the students in the high-tech areas at American universities are foreign born, as I am sure many people know. Because we have such critical shortages in this area, this provision allows these people to stay in America and work and help us create jobs for people who are already here.

Our Democrat colleagues claim they are for this bill. The problem is, they

won't let us vote on it. But when it gets right down to it, they want to be paid tribute. The tribute they are seeking is passage of another bill that would let people who violated the law to stay in our country.

Now we have made it very clear that we are not going to pay tribute. Their problem is, they have gone to Silicon Valley, they have gone to Austin, TX, they have gone to the high-tech centers of America, and they have told people in the high-tech industry: We are with you; the Democrat Party is with you; we are for the H-1B program. The problem they have is, their actions do not comport with their words. And that is why we are here simply saying, if you are for the H-1B program, pass it.

I have believed for a couple of days that we are coming to the end of this charade. I don't believe our Democrat colleagues can sustain the American public—that is, the relatively small number of people who are interested in this bill—watching Democrats every day delay a bill which they are out trumpeting their support. You can confuse some of the people some of the time, but people cannot be confused under these circumstances.

Meanwhile, our Democrat colleagues are on the verge of throwing in the towel on H-1B by saying, well, we want another bill on another issue. To that end, they have adopted a very unusual procedure of trying to change the rules of the Senate in order to accomplish what they want, and we are going to vote on that at 4:30. That is going to be defeated, soundly defeated.

Let me turn to President Clinton. I wonder if, in these waning hours of the Clinton administration, our President has not become so deluded by his power and the semblance of power he has exercised in the last 8 years in beating Congress into submission. I wonder if the President has not started to believe he is King, that somehow he can say to us, if you don't pass a law legalizing illegal activities in America, I will shut down the FBI and the Justice Department.

That is what the threat is. The threat is, if we don't pass a bill that says people who violated the law in coming to America can stay here, he will veto an appropriations bill that funds the FBI, the DEA, the Justice Department, and the Federal prison system. It seems to me those aren't the words of a President, those are the words of a King.

Does he believe we are so weak in our commitment to the constitutional principle? The Congress is given the power under article I of the Constitution to appropriate money, not the President.

I will say to the President, if he wants to veto the Commerce-State-Justice appropriations bill—I know the bill well because I once had the privilege of chairing that subcommittee—if he wants to veto that bill and risk shutting down the FBI and the Justice

Department and the DEA because we are not going to pass a bill that has nothing to do with those appropriations but simply a bill that legalizes illegal activity, then I would have to say to the President he had better get his pen out and he had better be sure it has ink in it.

You never know what is going to happen around here, but let me tell you, from one Senator's point of view, a private in the Army, as long as there is any possibility of resisting this I am never, ever going to sit by without using every right I have as a Senator to stop that from happening.

What an outrageous, deeply offensive threat. Are none of our Democrat colleagues offended? I will be interested to see how the sage of the Senate, our colleague from West Virginia, ranking member of the Appropriations Committee, former majority leader, former chairman of the Appropriations Committee, how he feels about a President who has become so deluded about his powers that he believes he is King and that he can say to us, you either legalize illegal acts in America or I will shut down the FBI and the DEA and the Justice Department.

I understand we are simple people here in the Senate. We have demonstrated over and over that we don't have President Clinton's ability to communicate with the public. We don't have the ability to stand for one thing one day and the next day do a 180-degree reversal and everybody thinks it is great.

But if we don't have the ability to stand up to a President in telling us that unless we pass legislation legalizing illegal activity, he is going to shut down the FBI and the DEA and the Justice Department and the prison system by vetoing an appropriations bill forum—if we can't stand up and debate that, we might as well eliminate Congress and just let Bill Clinton rule.

I don't intend to see that happen. It may be we will get run over here, but we are not going to get run over without one great fight. I am going to be surprised in the end if there is not at least one Democrat who is going to join us in this fight.

Now, let me turn to the heart and soul of this issue, the belief by our Democrat colleagues that it is good politics to make it legal for people to engage in illegal activity in coming to America. Our Democrat colleagues believe they are going to gain votes in this election by saying that if you violated the law in coming to America, if you jumped in line in front of the several million people who have applied to come legally, don't worry because we intend to legalize what you did. And don't worry about the spouses of people who are already here, who are waiting and praying for the day they can come to America legally, just jump ahead of them, violate the law, come to America, because once you get here, we will embrace you and legalize your actions.

I know our Democrat colleagues believe this is good politics. I know our

Democrat colleagues believe, because of the way they named this bill, that every immigrant and especially Latinos support illegal immigration. What an outrageous, offensive name for this bill, the "Latino and Immigrant Fairness Act." What is fair about a bill that sanctions illegal activities? What is fair about saying to several million people—more of them Latinos than any other ethnic extraction or origin—that it is fair for somebody to violate the law and come to America ahead of you, but it is fair to make you wait month after month, year after year, to join the people you love? That is the Democrats idea of fairness? What is fair about that?

I think immigrants—and, quite frankly, I still consider myself one—I don't think most people who are immigrants to America believe this is about fairness. They believe this is a raw political act, and they are right. This is putting politics ahead of people. This is about trying to single out a group of people, as if every Hispanic in my State believes that it is OK to let someone violate the law.

I reject that. That is not the way Texans feel, no matter what their ethnic origin. I think when people really look at this, they are going to see that this for what it is, an outrageous political act.

Since I am going to stand for reelection in a State where many Hispanics are going to vote—and I am proud of the fact that when I ran in 1990, I got about half of the Hispanic vote in my State—I, obviously, do not believe that this is the great political ploy that our Democrat colleagues believe it to be.

Mr. CRAIG. Will the Senator yield for a question?

Mr. GRAMM. I am happy to yield.

Mr. CRAIG. The Senator makes a point that I hope echoes across this country, which is that you cannot honor, recognize, or enhance the concept of breaking the law or acting illegally and therefore be rewarded for it. We are struggling mightily on the floor to address a need in this country; it is called an employment need—H-1B workers primarily for the high-tech industry.

The Senator knows I have worked on H-2A, the issue of primarily Hispanic workforces but migrant labor coming to this country to work in agriculture. We have a very real need there, but we are trying to adjust a law so that it accommodates a citizenry, treats them in a humane way, but stays within the law because we have to control our borders.

It is critically necessary that as a nation we control our borders. What you are suggesting—and this is my question—if you can make it across the border illegally, and if you can stay here long enough and raise your issue through an interest group long enough, or with a political party, you may be rewarded for having broken the law by getting someone to do something for you.

Mr. GRAMM. Basically, what their bill is, is that you will be rewarded by being put in front of the 7 million people who have applied to come to America legally because they weren't willing to violate America's laws to become Americans and you were. If I may say this, and I then will yield the floor——

Mr. CRAIG. May I ask one more question?

Mr. GRAMM. Yes.

Mr. CRAIG. Under current law as to the Immigration and Naturalization Service, people who seek either status in this country as a legal resident but not a citizen, apply and basically line up on a list and wait for the process to move them through; is that how it works? You are saying we would jump millions ahead of that?

Mr. GRAMM. We would jump millions ahead of those who are currently in other countries, some of them spouses of people who live in America who applied to come here legally. Basically, what the Democrats' bill says is, look, the people who violate the law will be rewarded. I don't believe you promote a respect for law by rewarding people who violate the law, and I don't know a single Texan who believes that, either.

Let me make this clear. I am not saying that there are not some special cases where people, because of bureaucracies—and we all know bureaucracies and how they work or don't work—I am not saying there are not thousands, maybe tens of thousands, maybe hundreds of thousands of people who have a good case against the bureaucracy and they should have an opportunity to make their case. Whatever we can do to speed the bureaucratic process and give people justice, I am for. I am sure our colleagues, at some point in the debate, will hold up some case of a person who has not gotten due process from the Clinton administration's Immigration and Naturalization Service. But the solution to that is not to throw out the law book; the solution is to install new leadership, to fix the INS bureaucracy and to deal with people's problems effectively and on an individual basis.

So let me conclude with the following highlights: No. 1, I am for legal immigration because I think it enriches America. As some of my colleagues know, I was once chairman of the National Republican Senatorial Committee. We were having an event and a very sweet little old lady from Florida stood up and said, "Senator GRAMM, why does everybody at this meeting talk funny?" Well, we had a lot of people who I guess you would call "ethnics" there, and everybody sort of gasped and wondered what I might say and not hurt anybody's feelings, including this lady's feelings. So I said the first thing that occurred to me: "Ma'am, I guess people talk funny because this is America."

I want immigrants to come to America. I want them to join in the American dream, as my family and my

wife's family have been blessed to join in. I want them to come legally, and I draw the line on that. I am willing to face every voter in Texas on that.

Our Democrat colleagues are really hoping today that the voters are not paying attention. They are hoping some of these radical groups wanting to change America's law to forgive the fact that their members have violated the law are watching this debate on television. But they hope that the working men and women of America are not paying attention to this issue. They want credit for saying they will reward you for violating the law, but I don't think they are going to want the American people to know the political game they are engaged in with putting politics before people.

Let me say that I am happy to debate this issue. I don't have any fear about this issue whatsoever—none. Anybody who wants to come to Texas and debate this issue will have a grand opportunity to do that when I am running, and I look forward to them coming. Texans, including Hispanics, do not believe that those who violate the law should be treated better than people who abide by the law.

I think our Democrat colleagues have misjudged this issue if they think hard-working Hispanics in this country believe we ought to allow people to break the law and be rewarded for it. I reject that, I will be happy to debate it, and I am going to be eager to vote on it at 4:30.

Finally, to repeat, in case anybody missed it, President Clinton threatened to veto the funding measure for the FBI, the DEA, the Justice Department, and the prison system unless we legalize illegal activity—something that is not only bad policy and that the American people are against, but that has nothing to do with funding Commerce-State-Justice. If the President really believes that is going to work, he believes he has become a King. I think the time has come to show him that he can veto a good bill, but he cannot make us pass this bad law that would legalize and reward lawlessness in America.

You can put a pretty face on this. You can sugarcoat it all you want. But what we are seeing is a blatant political act that is before the Senate in an effort to appeal to voters who believe that somehow it is good policy in America to legalize illegal actions and to reward people who have violated the law. Maybe I misjudge America. Maybe I don't understand this issue. But I don't think so.

I want everybody to know about this issue. I want to be sure everybody hears about this issue. I would be willing to let this election and every election from now until the end of time be determined by the issue of refusing to legalize illegal activity for political gain.

Our Democrat colleagues have chosen poorly, in my opinion. We are not going to be stampeded by President Clinton into passing this bill.

I can't prevent it from being put into some bill. I can resist and will resist, and maybe I can be run over as part of some backroom deal. But as a freestanding measure, this bill will never pass as a freestanding measure as long as I am in the Senate.

I thank the Chair for allowing me to speak this long. This is an important issue and I feel strongly about it. I want people to know about it.

If our colleagues are ready to debate this issue, to quote a famous Shakespeare play:

Lay on, Macduff,

And damn'd be he that first cries, "Hold, enough!"

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, we have colleagues on the floor who are waiting to speak. I apologize to them for breaking in ahead of them. I appreciate their kindness in allowing me to respond briefly to the comments of the Senator from Texas.

I can't believe what I have just heard, frankly. I am really amazed, and I may take a longer time at a later date to respond. I do not even know where to begin. But let me make four points very quickly.

First, to the point made by the Senator from Texas that somehow we are holding up the H-1B bill, that could not be further off the mark. That is not true.

I have suggested to Senator LOTT and to others that we would be willing to take a very short time agreement, period; it is over; let's have the vote.

I think what he said was we are trying to hijack the bill. What is it about offering an amendment that hijacks a piece of legislation? We are not hijacking anything. We are simply asking that we use the regular order here. Let's have the vote. Let's have the vote. We can do it this afternoon.

Second, with regard to this notion that somehow we are making illegal activity legal, I wonder if the Senator from Texas has looked at the Statue of Liberty recently—the Statue of Liberty welcoming those oppressed from around the world.

What is wrong with granting fairness to all immigrants regardless of circumstance? Why do we draw a distinction?

That is all we are suggesting—that we not draw any distinctions here; that if you come from El Salvador or Haiti that you ought to have the same rights as if you came from Cuba. We are simply saying we want some basic fairness. We are not condoning any illegal activity. He knows that.

Third, I must say that it seems that it is the Senator from Texas who is shedding crocodile tears—in his case, for people who have been waiting in a long line to become American citizens. I am sympathetic to these people too. But, with the passage of the H-1B bill that I know the Senator from Texas will vote for, we are going to allow

600,000 people—over three years—to go to the front of the line. We are going to put them at the front of the line. Never mind those 7 million people he just said were waiting. We are going to put them at the front of the line because they are filling high-paying, high-skilled jobs. Never mind the individuals who fill the thousands of available low-paying, low-skilled jobs. It is only the high-skilled workers we are interested in? To them, we say go to the front of the line. But if you work in a nursing home, if you work in a restaurant, if you work for the minimum wage, we say get back to the end of the line.

Fourth, let me correct this notion that somehow Democratic Senators are out of sync. This isn't our legislation. This is the legislation that virtually the entire Hispanic community has said they need. I didn't draft it. We worked with the Hispanic community to draft it. A large number of those people who the distinguished Senator from Texas said voted for him in the last election were the ones who came to this Senate, and said: Fix this problem. Fix it.

We are not out of sync. We are trying to respond, as we all must do, to legitimate problems in the Latino community, and the Liberian community. Fairness is what we are asking for.

We are not alone. It is the other side that is out there all by themselves. I know the distinguished Senator from Nevada, the Assistant Democratic Leader, has a list that Senator KENNEDY initially constructed, of 31 national organizations, including the National Restaurant Association, the Chamber of Commerce, and the National Retail Federation, that all believe we should pass these immigration reforms.

These organizations are not supporting sanctifying or somehow justifying illegal activity. How does the Senator from Texas possibly explain to the Chamber of Commerce that they are condoning illegal activity? For Heaven's sake.

That is why I say I don't believe what I just heard. I can't believe anybody would come to the floor and say those things. But they were said. They deserve a response, and I hope our colleagues will keep them in perspective.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I yield such time as I may consume from the Democratic time.

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

Mr. REED. Thank you, Mr. President.

Mr. President, there has been much discussion about the Latino and Immigrant Fairness Act. I think it is useful and appropriate to focus on precisely what this act does.

First, in 1997 Congress passed the Nicaraguan Adjustment and Central American Relief Act. Essentially, this bill granted permanent residency to

Nicaraguans and Cubans who had fled oppressive governments. But we also recognize that there were thousands of other individuals from Central America who were fleeing the same type of repression, the same type of uncertainty in their lives, and violence in their lives. Yet these individuals were not covered by this legislation.

One of the major provisions of the bill we are discussing is to recognize these individuals who also have been residing in the United States, who have been working in the United States, and who have been contributing to our communities. This is not at all some act of condoning illegality.

Frankly, in 1997, we recognized that simple justice demanded that we allow individuals who are living in this country to adjust to permanent residency. We now want to expand that principle of fairness and decency to the others from that region.

In addition, there are other areas of the world which have the same types of violence, chaos, and turmoil. Principally I have been active on behalf of the Liberians who are here—many since the early 1990s civil war in their country.

This is not about condoning or recognizing lawlessness. It is about fairness.

In fact, our immigration policy is such that we certainly recognize and extend extraordinary opportunities to Cubans who flee their country without documentation, simply by arriving on the shore, have argument or the opportunity to make the case to stay here. If we can do that for one particular group, I think in the context of the turmoil and chaos we have seen in Central America, we can do it for other groups. That is at the core of this legislation.

Second, we have, since 1929, established a principle that if one enters this country and stays long enough and contributes to the communities in which he or she lives, they will be allowed to adjust to permanent status—this notion, called the registry date, is the idea that if you can document your presence in the United States for a long enough period of time, we will allow you to become a permanent resident and part of the citizenry.

Another part of the legislation moves the day of registry from 1972 to 1986. I think that recognizes that periodically throughout our history we face the reality that people have come here and established themselves, and it would be unfair to send them to their native lands. We are simply updating that particular date to allow people who have been residing in this country since 1986 to become permanent residents.

Finally, we would extend provision 245(i) which allows a person who qualified for a green card or work authorization to obtain a visa without first leaving the country. One of the changes we made recently in the immigration law was to require people physically to leave the United States to apply for a

visa to come back in. That is not only an undue burden, but it complicates infinitely the lives of people who are working here, living here, and want to become permanent residents.

This is not legislation that condones lawlessness, it is legislation that is consistent with many legislative acts we have adopted beginning in the 1920s. It is legislation that recognizes if we are extending special opportunities to some people in a region, we should also, in fairness, extend it to others in that same region. This is legislation that is not particularly novel, but it is eminently and inherently just and fair and should be before the Senate.

But because of the parliamentary maneuvering and devices used, this legislation has not been offered in a way we can vote directly on it. Our plea has been, for months and months and months, to allow an up-or-down vote. There are serious policy issues regarding this legislation. People of good conscience can disagree. What is most disagreeable is that we have not had the opportunity to offer amendments on this legislation so that we can vote up or down.

There is one part of the bill in which I am particularly interested because it applies to a group of people who have been residing in our country for almost a decade, the Liberian population; 10,000 Liberians. The cause of their stay in the United States was a vicious civil war in their homeland. Many have been here for years. They have established themselves. They have been working and paying taxes and not, because they are subject to temporary protected status, enjoying any particular public benefits. Many have children who are American citizens.

One such individual, reported today in the Baltimore Sun is Gonlakpor Gonkpala, 48 years old. He has been living in the United States since he arrived as a student from Liberia in 1982. He got a degree in finance at Central State University in Wilberforce, OH, and did graduate work at Morgan State University. The civil war has prevented him from returning home. Today he lives in Brockton, MA, where he owns a three-bedroom house, belongs to a Masonic lodge, and is a member of the Methodist Church. He manages a CVS pharmacy. But Friday, without extension of DED, deferred enforced departure, his work authority will cease and he will be deported back to Liberia.

This is typical of so many people. It seems to me supremely ironic that as we are taking people from around the world under H-1B visas to man our industrial and commercial enterprises throughout this country, we are literally sending people who are already here, working hard, contributing and making our economy grow, we are sending them back to Liberia.

At the same time we are proposing to send people back to Liberia, our State Department is issuing warnings telling American citizens: Don't go there; it is too dangerous; you are likely to be threatened, if not worse.

We have been working with colleagues in this body for months to bring a bill to the floor on a bipartisan basis, Republicans and Democrats. Yet we have been denied systematically that opportunity. The denial to us means the status and the lives of 10,000 Liberians in the United States continue to hang by a very slender thread.

I hope all who embrace the notion of fairness and justice in immigration will give us the opportunity to vote on this issue. To date, that has not happened. It is critical because the prospect of sending these people home is very daunting and dangerous for these individuals. Liberia today is a democracy in form but not a democracy in substance. It is plagued with violence, economic turmoil, uncertainty, and fear. As so many Liberians report to me, it is a place where they will not be accepted readily. Also, they very well could be threatened physically. Certainly, they would have difficult problems adapting. Many face a very difficult choice: Do I leave my American-born children, American citizens here, and go back, or do I bring them back to a country that is unprepared to care for them in terms of health care, education, and other social endeavors?

That is what is at stake. It is the same for so many families who are Latinos in this country. That is what we are about: The same kind of simple justice since the same kind of difficult situations faced by the Liberians are faced by Hispanics. We want to give them a chance to adjust their status. It is not a recognition of lawlessness, it is in a sense a recognition of these people's contributions to America and their commitment to our country.

The situation is one which is especially compelling for me. Our ties to Liberia are older than any in Africa. The country was established by freed American slaves. Its capital is Monrovia, named after President Monroe. It has for years been a place for which Americans and Liberians have felt a special kinship. Today it is ruled by a President, Charles Taylor, who has been implicated in crimes of violence in neighboring country Sierra Leone, who has been nonsupportive of human rights and political freedoms, who has conducted a regime that is repressive and rightly criticized by so many.

I don't believe we can or should send thousands of Liberians residing here back to Liberia. What we have is an opportunity to do something that is both fair and, I believe, entirely appropriate. But that opportunity has been frustrated left and right by the unwillingness to give us the opportunity to bring this measure forward. Later today, we have an opportunity to vote on a resolution that will allow us at least to get a vote. We will continue to press on. We will continue to try to inject justice into our system of immigration, to recognize that there are thousands and thousands of people who are living here who desperately want to stay here, who want to continue to

contribute to America. I hope we recognize their contribution and give them a chance to stay.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to proceed for up to 10 minutes as in morning business.

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

#### ENERGY POLICY

Mr. BINGAMAN. Mr. President, first let me say a word about the procedural morass that we find ourselves in, as I understand it. I do not claim to understand it all. The Democratic leader was trying to get the Senate to actually consider and vote on this Latino Fairness Act, which I strongly support. But in order to keep that from happening, I understand the majority leader came forward with a motion to proceed to S. 2557. Now, S. 2557 is a bill to protect the energy security of the United States and to decrease America's dependence on foreign oil sources. This is a bill, parts of which I support but many parts of which I cannot support because they have, in my view, wrong-headed policy judgments in them. But that is the National Energy Security Act of 2000 to which the majority leader made a motion to proceed.

I am informed by those who follow this activity on the floor more closely than do I that there is no serious effort by the Republican majority to actually consider or vote on or pass any legislation regarding energy security; that that is not a subject which they believe has enough of a priority attached to it that it justifies any real action by this Senate.

So we are somewhat on this issue because of a procedural effort to keep us from considering something else. That is just by way of background, to identify for people why I am here today speaking about an amendment which I would offer. If we ever did seriously consider this National Energy Security Act of 2000, then I would offer an amendment to that on behalf of myself, Senator DASCHLE, Senator BYRD, Senator BAUCUS, Senator BAYH, Senator JOHNSON, Senator LEVIN, Senator ROCKEFELLER, and Senator AKAKA.

The amendment I would offer would replace the text of S. 2557 in its entirety, and in its place it would offer a comprehensive approach to energy policy, much of which we originally introduced as S. 1833 nearly a year ago.

In order to explain why I believe it would be good for this Congress and good for this Senate to go ahead and pass this legislation that I would offer as an amendment, let me just say a few things about the energy situation. There have been several speeches. I do not know about today; I haven't watched the floor proceedings all day, but I did see yesterday where several people were speaking about the problems we have with our energy supply. Those problems are real.

With the supplies of crude oil and refined products and natural gas extremely tight, which they are, energy prices and the availability of some of these products are in the forefront of the minds of a lot of people. In my State, people are receiving in their mail notices from the utility companies saying the price of natural gas will be going up, their utility bills will be going up substantially this winter. So I believe it is essential we assess the current circumstance and that we develop a strategy for remedying the identified deficiencies.

Current prices are extreme when we compare them with the relatively low prices that we have enjoyed for the past 10 years. Aside from the oil price spike at the time of the Gulf war, the average annual price of crude oil during the 1990s was about \$15 a barrel. The price of natural gas is somewhat less volatile than oil, historically, but it was also quite low. It was \$1.84 per thousand cubic feet. That was because of what was called by all who focused on it "the gas bubble." This was excess supply following the restructuring of the natural gas markets.

The reality is that oil and natural gas are commodities. They are commodities whose prices rise and fall just as those of any other commodity. Since oil and natural gas are often developed together out of common reserves, as they are in parts of my State, the dramatic drop-off in oil drilling in 1998 and 1999 had a direct impact on natural gas supply at the same time that it was impacting future oil supply.

So true to what we all learned in Economics 101, once supply was reduced enough—with some direct market intervention by OPEC, I would add—the price of oil began to rise and drilling began again. Drilling is now going on at a robust pace around this country. While U.S. oil production overall has been in decline since 1970, the deep waters in the Gulf of Mexico have recently proven to be a very active oil and gas production area for our country. The deep water royalty incentives that were proposed by Senator Johnston when he was representing Louisiana in this body, which were also supported by this administration, have been a major contributor to the 65-percent increase in offshore oil production that has occurred under this administration. That is something that is often not focused on, but there has been a 65-percent increase in offshore oil production since this administration came into office.

Natural gas production on Federal lands—and that is the bulk of the natural gas production in my State—has also increased 60 percent under this administration due, in part, to the development of coalbed methane. My State of New Mexico has been a major contributor to that growth in natural gas production. We look forward to a continuation of that trend.

A recent survey by Salomon-Smith Barney projected the highest increase

this year in worldwide spending on oil and gas exploration since 1981. The lion's share of that increased spending is directed toward North America, with companies planning to spend 76 percent more on natural gas projects alone this year than they did in 1999. So that is good news. However, those new supplies will not begin having a significant impact on natural gas prices until at least next spring or next summer.

There has been considerable consternation about the President's decision just this last week to go forward with a swap of 30 million barrels of oil from the strategic petroleum reserve to address concerns about heating oil stocks. I want to offer to this debate, which has occurred sporadically here on the Senate floor, the following information from the International Energy Agency's September monthly oil market report. That report says that world oil demand is always highest in the fourth quarter of the year, and the IEA, the International Energy Agency, is predicting a drop in world oil demand in the first quarter of next year on the order of 1 million barrels per day. In the near term, however—and this is a quote from their report:

The market is too fragile. It needs higher inventories to protect against circumstances such as an abnormally cold winter. Without adequate stock coverage, the market lurches from one problem to another, creating instability in its wake and dragging prices ever higher.

The reduction in world oil demand in the spring, coupled with the new production from non-OPEC sources, should bring prices down appreciably in the spring and summer of next year.

I ask unanimous consent a page from the September IEA Oil Market Report be printed in the RECORD following my statement.

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

(See Exhibit 1.)

Mr. BINGAMAN. Mr. President, I also ask that an article that appears in this morning's New York Times, the September 27 New York Times, also be printed in the RECORD after my statement. This is an article by Paul Krugman entitled "A Drop in the Barrel."

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

(See Exhibit 2.)

Mr. BINGAMAN. Mr. President, the thrust of that article is that the decision to go ahead with release of oil from the SPR, the Strategic Petroleum Reserve, was the right decision. He says we should be tapping our oil reserves. In fact, our mistake was that we waited too long; we should have been doing it months ago. But he applauds the decision of the President last week to go ahead now. I commend that article to my colleagues.

Beyond crude oil availability, the other key and a more complicated element is U.S. refining capacity, which currently is at near maximum utilization.

While it is true that the number of refineries has decreased during the past 10 years, the capacity has actually increased. In 1990, there were 205 refineries. By 1998, that number had decreased to 163. However, the total capacity increased from 15.57 million barrels per day to 15.71 million barrels per day over that same period. Certain small, inefficient refineries which were originally built to take advantage of the old oil allocation rules were shut down rather than upgraded to produce cleaner fuels, but the refineries that did upgrade to comply with the Clean Air Act actually expanded capacity—more specifically, the capacity to produce light products.

According to the Economist magazine, there was considerable excess capacity in the U.S. refining sector as recently as late 1996. I quote from an article in the Economist:

Demand for oil in North America and Western Europe is sluggish. According to the International Energy Agency, it was only 1 percent higher in 1995 than 1993. Yet both regions are plagued with over-capacity. In 1990–1995, the capacity of American refiners to produce light-oil products, such as gasoline, increased by an average of 1 million barrels per day—almost double the rate of growth in demand.

I ask unanimous consent that a copy of that article entitled "A case of Unrefined Behaviour" from the October 12, 1996, Economist be printed in the RECORD following my statement.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

(See Exhibit 3.)

Mr. BINGAMAN. Mr. President, robust demand growth has finally caught up to eliminate that excess capacity, both in the United States and in Europe. Clearly, domestic refining capacity is a significant concern that needs to be addressed, but if near-term crude prices come down enough—as they have started to since the announcement to swap oil from the reserve—the underutilized refining capacity in Asia and the Caribbean could be utilized to increase the distillate stocks in the world market.

There are many political and economic factors beyond the control of the Congress and the administration that drive OPEC decisions. To a substantial extent, the price of oil will be driven by world market factors beyond our control. Natural gas, on the other hand, is largely sold in the North American market. While there is no quick or easy fix, we need to assess the impacts of our current policies on natural gas and on oil development during very low world oil price periods to avoid these boom-and-bust cycles in the future.

No one wants to go back to the days of regulation with gasoline lines and natural gas shortages, but we do need to determine where there are market inefficiencies and market failures that cause this extreme volatility in product stocks and prices.

One of the major problems in the crude oil market is uncertainty about

actual global consumption and production until months after the fact. Our Energy Secretary, Bill Richardson, has already begun the process of improving market data with the successful meeting this summer involving both the consuming countries and OPEC representatives.

We also need a better assessment of whether and how increased demand for oil products and natural gas will be met, and this includes better coordination of environmental and fuel policies.

Over the long run, the least costly, most environmentally benign, and sustainable thing we can do is to use energy more efficiently.

I refer to this chart to make that point. When one looks at the petroleum consumption in this country by sector, it is very easy to conclude what our problem is. Our problem is consumption in the transportation sector. That is this top line, which is going off the chart.

What does that mean? It means the cars especially the sport utility vehicles, we are driving now are much less fuel efficient than they could and should be. That makes no sense. We now have much better technology than we used to have. We know how to produce a car with good power without it consuming such enormous quantities of gasoline, and in fact there are some of those on the market.

Because of lack of attention, because of lack of commitment, because of lack of purpose, we in the Congress in particular, but also the administration, have given too little attention to this transportation issue.

We are going to have to get serious about energy efficiency in this country if we are going to ever reduce the demand and see to it that we do not become further dependent upon foreign sources of petroleum products.

That is not popular, I understand. We had a vote last year on whether or not to even allow the study of whether sports utility vehicles could be considered to be cars and come under corporate fuel efficiency standards. The truth is, that effort last year failed. Most Senators chose to look the other way and to say this was not something that was a priority. Now we see the result.

I found it a little more than ironic that once gasoline prices began to rise this summer, our major auto manufacturers realized they could increase fuel economy of sport utility vehicles and light trucks by as much as 25 percent without costing jobs or eliminating the features that consumers want in those vehicles.

In fact, one of the companies' CEO made an announcement that they were going to go ahead and do that on their own, even though nobody required it of them. We need to make sure those efficiency improvements show up in the marketplace as quickly as possible, and we need to educate Americans on the importance of taking advantage of those efficiency improvements.

There was reference yesterday to a New York Times article suggesting that Japan appears unaffected by the current high price of crude oil. I point out that according to the Energy Information Administration, Japan has among the highest gasoline prices in the OECD, second only to Norway. Approximately half the price of gasoline in Japan is made up of taxes, about 48 percent. American consumers are not as inured to such high prices as the Japanese. The Japanese, however, have done a much better job of increasing overall fuel economy than we have in our country.

Many of the provisions in this amendment which I would offer if we were going to seriously consider passing legislation on energy security—and as I said at the beginning of my statement, there is no serious intention on the part of the majority leader to have us consider energy security before this Congress adjourns—but if we were to consider energy security and I were permitted to offer my amendment to S. 2557, it would address a broad range of technologies and industries that are necessary to meet our energy needs.

The amendment would include a serious commitment to more efficient use of energy in its many forms, as well as incentives to ensure we can maintain production of our domestic resources.

It would address several issues. I will list six of them.

First, it would address the purchase of more efficient appliances, homes, and commercial buildings;

Second, address greater use of distributed generation; that is, fuel cells, microturbines, combined heat and power systems and renewables;

Third, the purchase of hybrid and alternative fuel vehicles and development of the infrastructure to service those vehicles;

Fourth, the investment in clean coal technologies and generation of electricity from biomass, including co-firing with coal.

Fifth, countercyclical tax incentives for production from domestic oil and gas marginal wells. Those are extremely important in my State.

Finally, sixth, provisions to ensure diverse sources of electric power supply are developed in the United States and to continue our investment in demand-side management.

I notice the assistant Democratic leader is on the floor and anxious to proceed with other business. I conclude by saying I believe this is an important issue. I hope very much that the majority leader and the Republican majority in the Congress will work with us to pass a bipartisan energy package before we conclude this session.

Mr. President, I ask unanimous consent the full text of the amendment that I would offer be printed in the RECORD immediately following my statement.

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

The amendment is printed in today's RECORD under "Amendments Submitted."

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

## EXHIBIT 1

## A QUESTION OF BALANCE

With OPEC's third ministerial meeting of the year scheduled to begin on 10 September, followed by a Heads of State gathering later in the month, the usual questions are being asked: whether, when and by how much should or will producers increase production? In a complicated market, most analysts expect OPEC to boost production. If OPEC goes with a modest increase, it would simply endorse what has already happened: August crude supply from OPEC (excluding Iraq) exceeded the 1 July target by 435 kb/d. Whatever the outcome, producers will likely take it upon themselves to increase production in excess of formal targets.

Continuing high prices and extreme market volatility indicate that the market is fundamentally unbalanced. Stocks are stubbornly low even as economic activity has been strengthening globally. Low stocks are in large measure the result of 18 months of production restraint by producers in an effort to achieve price recovery on the heels of extremely low prices in 1998 and early 1999. At the margin, production restraint works, but it is an imprecise instrument. It can have profound and unforeseen side effects, including market instability and the distortion of economic behaviour.

The Labour Day weekend signals the end of the peak summer driving season in the US and Canada. Given earlier historic low gasoline inventories, North American refiners had been running flat out just to meet demand. Even when some additional OPEC crude did become available to the market it was for the most part sour and of a heavy grade, something the market could not fully digest in large quantities. Consequently, sweet-sour differentials widened and there was a build of sour crude stocks at the same time refiners were clamouring for more oil.

OPEC Crude Production  
(Million barrels per day)

|                                  | 1 July<br>2000<br>targets | August<br>2000<br>produc-<br>tion | Produc-<br>tion<br>v tar-<br>gets | Sustain-<br>able<br>produc-<br>tion<br>capacity | Spare<br>capacity |
|----------------------------------|---------------------------|-----------------------------------|-----------------------------------|---|-------------------|
| Algeria .....                    | 0.81                      | 0.83                              | 0.02                              | 0.90  | 0.07              |
| Indonesia .....                  | 1.32                      | 1.31                              | -0.01                             | 1.35  | 0.05              |
| Iran .....                       | 3.73                      | 3.67                              | -0.06                             | 3.73  | 0.06              |
| Kuwait .....                     | 2.04                      | 2.14                              | 0.10                              | 2.40  | 0.26              |
| Libya .....                      | 1.36                      | 1.43                              | 0.07                              | 1.45  | 0.02              |
| Nigeria .....                    | 2.09                      | 2.01                              | -0.09                             | 2.20  | 0.20              |
| Qatar .....                      | 0.66                      | 0.70                              | 0.04                              | 0.75  | 0.05              |
| Saudi Arabia .....               | 8.25                      | 8.55                              | 0.30                              | 10.50   | 1.95              |
| UAE .....                        | 2.22                      | 2.28                              | 0.07                              | 2.40  | 0.12              |
| Venezuela .....                  | 2.93                      | 2.92                              | -0.01                             | 2.95  | 0.03              |
| Subtotal .....                   | 25.40                     | 25.84                             | 0.44                              | 28.63   | 2.79              |
| Iraq .....                       |                           | 2.95                              |                                   | 3.00  | 0.05              |
| Total .....                      |                           | 28.79                             |                                   | 31.63   | 2.84              |
| Memo Item: Mexico<br>crude ..... |                           | <sup>1</sup> 3.10                 |                                   | 3.40  | 0.30              |

<sup>1</sup> Estimated.

Even as aggregate stocks rise, albeit from low levels, severe imbalances remain in product markets. By maximising gasoline yields, refiners unavoidably have contributed to a secondary problem. Distillate stocks in the Atlantic Basin are extremely low heading into the peak winter heating season. The market is too fragile. It needs higher inventories to protect against circumstances such as an abnormally cold winter. Without adequate stock coverage, the market lumbers from one problem to another, creating instability in its wake, dragging prices ever higher.

Fortunately, surplus crude oil production and refining capacity is available around the

world which, if mobilised quickly, can begin to address these market imbalances. Incremental feedstock is rich in distillates, something that is in high demand for heating-mode operations. But stocks need to build well in advance of peak seasonal demand. Producers need to look beyond the present to see their way through to market stability.

## EXHIBIT 2

## A DROP IN THE BARREL?

The decision to release part of our Strategic Petroleum Reserve has been widely criticized. Even many commentators with no ax to grind seem convinced that there is something irresponsible about the move.

But they're wrong. We should be tapping our oil reserves; in fact, the big mistake was not using them months ago.

Put it this way: Why has the Organization of Petroleum Exporting Countries, derided as irrelevant only two years ago, suddenly become so effective again? The answer is that now, as in the oil crises of 1973-4 and 1979-80, circumstances have given OPEC what amounts to a temporary corner on the world oil market. Our long-run policy should be to encourage production and discourage consumption, so this doesn't happen again. But in the meantime we should try to prevent OPEC from taking full advantage of that corner. Releasing oil reserves to set a cap on prices—and making it clear that we are prepared to release more—will do exactly that.

Successful attempts to corner markets are rare, but they happen. A Japanese company managed to corner the entire world copper market in the mid-1990's (through it lost it all by overplaying its hand). The standard procedure is to surreptitiously buy up a large part of the supply of your chosen commodity, then pull some of that supply off the market, causing prices to soar for the rest. In effect, the market manipulator creates a temporary monopoly position for himself—the market corner—and exploits that temporary monopoly by selling some but not all of his stockpile at very high prices.

OPEC did not follow the classic procedure, but events have produced much the same result. Very low oil prices a few years ago discouraged independent producers; oil exploration fell off sharply. Then demand for oil surged as Asia recovered from its financial crisis and Americans bought ever more S.U.V.'s. The result is that for the time being, even with non-OPEC production at maximum, a few major exporting nations know that they have enormous market power. By producing a few hundred thousand barrels a day less than they could, they can drive prices on the oil they do produce to levels not seen in many years.

This situation won't last indefinitely. As long as we don't do something foolish like encourage consumption by cutting taxes on gasoline, new supplies of oil, together with falling demand in response to high prices, will eventually eliminate that market power. Until then the oil exporters have us, yes, over a barrel, and are exploiting their temporary advantage with gusto.

But if withholding a few hundred thousands barrels a day from the market can drive prices sky-high, putting a similar amount back in can bring them back down to earth—as demonstrated by the sharp drop in oil prices that followed the announcement of plans to tap U.S. strategic reserves. And Western governments have more than a billion barrels in reserve. Why not use those reserves to break the market corner, or at least to limit its effectiveness?

Some warn that if we supply more oil, OPEC will supply less. Indeed, yesterday

Libya's oil minister made that threat explicit. But the logic of the situation suggests that this threat isn't credible. Oil producers know that they are getting higher prices for their oil now than they will in a year or two; the only reason they are not putting as much as they can is that they believe that holding back will keep prices high. But if they know that attempts to drive up prices by restricting production will be offset by increased release from Western reserves, they will have less, not more, reason to keep oil off the market. A credible promise (threat?) to use our petroleum reserves to prevent prices from going too high might well actually persuade OPEC to produce more than it otherwise would.

Remember that we're not talking about fundamental market forces here. This market is already being manipulated by a handful of exporting-nation governments—so why shouldn't the importing-nation governments also enter the game? We have a lot of influence over this market, if we choose to use it. And it would be not just a shame, but positively shameful, if we allow ourselves to be deterred from acting in our own interest because we're afraid to annoy the oil cartel.

## EXHIBIT 3

(From the Economist October 12, 1996, U.S. Edition)

A case of unrefined behaviour From Texas to Thailand, oil refining is a consistently miserable business. It will stay that way as long as pride is more important than profits.

This week three oil companies—Shell Oil, the American arm of Royal Dutch/Shell; Texaco, an American firm; and Star Enterprise, a joint venture between Texaco and Saudi Aramco, the state-run Saudi Arabian giant—announced they were discussing a possible merger of their American refining and marketing operations. That would mean pooling \$10 billion-worth of assets and creating America's biggest oil retailer, with a market share of 15 percent. Earlier this year, British Petroleum, BP, and America's Mobil, two other oil giants, announced a \$5 billion deal to merge their downstream businesses in Europe.

Both mergers are the sign of an industry in trouble. Until a decade or so ago, the oil business barely treated refining as an industry in its own right; it was simply the necessary process by which crude oil was adapted for an ever-growing market once the hard, glamorous job of wrenching the stuff out of the ground had been completed. Now that oil firms treat their downstream businesses as profit centres, they have discovered that they are often nothing of the sort.

The world's biggest oil firms have recently been making a much higher return from their upstream investments than from their downstream (one chart on next page). In most parts of the world there are simply too many refineries. In Europe and the United States, too few firms are willing to shut them down; and in Asia, they seem to be building many more than they need.

Demand for oil in North America and Western Europe is sluggish. According to the International Energy Agency, it was only 1 percent higher in 1995 than in 1993. Yet both regions are plagued with over-capacity. In 1990-95 the capacity of American refiners to produce light-oil products, such as gasoline, increased by an average of 1m barrels per day—almost double the rate of growth



in demand. Over the same period, the refining margin, ie, the value of a basket of typical refined products less the cost of crude, fell by 51 percent in real terms, to \$2.53 per barrel, according to Cambridge Energy Research Associates, CERA, a consultancy based in Massachusetts.

Two other factors complicate the picture. The first is the cost of having to refit plants to comply with environmental rules. American refiners reckon that they will need to spend \$150 billion over the next 15 years to meet green regulations. (Closing a refinery does not let a firm off the hook: there are extremely onerous environmental regulations about cleaning up old industrial sites.)

The other problem is that oil marketing—the other main activity of the downstream business—has become ferociously competitive in some countries. In Britain supermarkets have snatched a quarter of the retail petrol market, much of that from the big oil firms; in France supermarkets now sell around half of the country's petrol. European oil firms are beginning to follow the example of their American counterparts by adding convenience stores to their pumps: the typical American petrol station now makes some 40 percent of its profits from the sale of non-oil products, such as cigarettes and beer.

Certainly the new downstream mergers should help firms cut some costs. BP and Mobil reckon that they will save around \$450m a year; savings from the proposed new American merger will be four times that, according to one estimate. Much of these savings will come from merging and slimming head-office and other administrative functions. The worry is that this is too little, too late. The proposed American merger, as it is currently being discussed, apparently will not involve closing any refineries. And the BP-Mobil joint venture has so far led to no new closure previously announced by the two companies. After you. No, after you.

One problem is that it is in nobody's interest to move first to shut down capacity. While the costs of closing a refinery are paid by its owner, the benefits—in terms of higher refining margins—accrue to the industry as a whole. Hence every firm wants refineries to be closed, as long as they are not its own. Meanwhile, according to a new report by Enerfinance, a consultancy in Paris, there are still 600,000 barrels per day of excess refining capacity in Western Europe (although some oil companies reckon the surplus is double that).

Frustrated in Europe and America, many western refiners have been looking to Asia, where car ownership and electricity consumption are growing fast. Demand for oil products in the region is expected to rise by over 4 percent a year between 1995 and 2010, according to Chem Systems, a London consultancy. On some estimates, \$140 billion of new investment in refining will be required to meet this demand.

Yet, strangely, the refining business is proving dismal in Asia too. Refining margins have drifted lower since the start of the 1990s. In September, for example, the average Singapore refining margin—a benchmark—

had sunk to \$2.98 per barrel, compared with a 1992-93 average of over \$5 per barrel, according to CERA. One big oil company reckons many refineries in the region are now barely covering their running costs, let alone their huge capital investment (a typical new refinery costs around \$1.5 billion).

The problem is that over the past year refinery capacity in Asia has grown even faster than demand for oil products. Consumption in the region has been hit both by a recession in Japan, and by an attempt by the Chinese government to restrict imports of oil products into the country. But the excess capacity is also due to a swathe of new refineries that are being built.

In Thailand two new refineries have recently come on stream. Both are joint ventures with PTT, the state-run oil company—one involving Royal Dutch/Shell, the other involving Caltex, which is jointly owned by Texaco and Chevron, two giant American oil firms. Many South Koreans meanwhile are expanding the capacity of their existing plants. According to Petroleum Argus, an industry newsletter, new investment in South Korea, Thailand and India alone is expected to boost Asia's capacity this year by around 6 percent, to 17.5m barrels per day (last year, demand across the Asia-Pacific region as a whole rose by 4.5 percent).

Many refiners say that this is a short-term problem. They argue that low margins will now deter new investment, that demand will eventually outpace capacity, and that margins will thus widen again. Many other capital-intensive industries suffer from a similar boom-bust cycle.

Maybe. But many of those companies building refineries are doing so for reasons other than a calculation that they will make money. Politics often interferes. Middle East countries, for instance, are keen to ensure a secure outlet for their crude oil for decades to come. For this reason, their firms sometimes seem willing to tolerate lower returns than western oil. Saudi Aramco has bought a stake both in Petron, a Philippine oil-refining and marketing firm, and in Ssang-yong Oil, a South Korean refiner. The state oil companies of Kuwait, Oman and Abu Dhabi are now talking about building new refineries in a number of Asian countries, including Pakistan, Thailand and India.

Asian governments and oil firms also have their own reasons for increasing domestic refining capacity. The governments see it as a way to reduce their dependence on imported oil products. Pakistan has recently tried to tempt investors to build new refineries by offering them a guaranteed 25 percent annual rate of return. The companies see building refineries as a way to turn themselves into more international businesses. The big South Korean refiners have expanded their capacity partly in the hope of exporting greater volumes to China.

With so many people eager to build more refineries in Asia, there may be no significant improvement in refining margins over the next few years, predicts Dennis Eklof of CERA. In Asia everyone is rushing to build at once; in Europe and America nobody wants to shut a refinery. Either way, the col-

lective ambition of individual refiners thwarts the interests of the industry as a whole; and either way, oil refiners behave remarkably like lemmings.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On behalf of the minority, we have approximately 90 minutes left; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I yield 15 minutes to the Senator from Rhode Island, and yield Senator KENNEDY 40 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 15 minutes.

Mr. REED. Mr. President, I had the opportunity to speak prior to Senator BINGAMAN about the issues pending before us with respect to immigration, and, in particular, with regard to the Liberian community in the United States—10,000 individuals who are facing immediate deportation unless the President extends DED, which is the acronym for deferred enforced departure. I certainly would urge the President to do that.

As a result of our inability to bring this measure to the floor over the last several months, there is very little option for these people except for the Presidential issuance of a DED proclamation. I would urge him to do that.

But that does not solve the problem. That would essentially give the Liberians in the United States another year. But still their life would be tenuous. They would be unsure of whether or not they could stay through the next year.

As a result, I believe what we must do is come to grips with the underlying issue, and allow these individuals to adjust to permanent status in the United States and, hopefully, become citizens of this country. We have to do that, I think, because each year the equity and the logic of allowing them to become permanent citizens becomes more compelling.

It has been 10 years now since many of them came to this country. In another year it will be 11. At some point, simple justice requires that they be allowed to make an adjustment to permanent status and become citizens of this country.

It is important to recognize how the Liberian community got to this particular juncture. In 1991, in that era of

violent civil war in Liberia, the Attorney General granted temporary protected status, recognizing that the chaos in Liberia was so great that, in good conscience, we could not force these people to return to Liberia. That TPS status was extended year after year after year, until very recently when it was determined that the conditions in Liberia momentarily had stabilized.

But the President, recognizing that what appeared to be a formal democratic government process in Liberia was, in effect, covering up great confusion, great chaos, great turmoil in the country, and did not require the deportation of these individuals but invoked DED.

I have heard on the floor suggestions that our proposal with respect to Liberia and, indeed with respect to other immigrant groups, is some novel, unique, first-time attempt to upset the "majesty" of our immigration laws; when, in fact, periodically in the United States we have recognized that people have come here with temporary documentation but now have stayed long enough, have contributed to our communities, and, in doing so, deserve the opportunity to become permanent residents and citizens.

In 1988, Congress passed a law allowing four national groups that had been allowed to stay in the U.S. at the Attorney General's discretion to adjust to permanent resident status: 4,996 Poles who had been here for 3 years; 378 Ugandans who had been here for 10 years; 565 Afghanis who had been here for 8 years; and about 1,200 Ethiopians who had been here for 11 years. So this process of recognizing the reality of the contribution of people who come here intending initially to stay temporarily is nothing new.

The 102d Congress passed a law allowing Chinese nationals who had been granted DED—they were in the same position as Liberians are now—to adjust to permanent residency after the Tiananmen Square atrocity. After the Chinese authorities brutally repressed the demonstration of young students, it was feared that to return these people to China would place them in great peril—I think a well-founded fear. But over the next 4 years, 52,000 Chinese changed their status.

So, again, we recognized turmoil in a country, we recognized individuals are here who established themselves, and we have given them a chance to adjust. That is simply what we are asking for with respect to Liberians, with respect to many Central Americans who are here.

In the last Congress, we passed NACARA, which recognized some of the need and some of the demand to give people from Central America a chance to establish themselves here permanently. So what we have seen over the course of many years is a pattern of recognizing the need of particular groups who come here without documentation or with temporary pro-

tection, who establish themselves, who contribute to their communities, and who, under our law—both its letter and its spirit—deserve a chance to adjust their status.

That is at the heart of what we are attempting to do with these several amendments that we wanted to originally propose to the H-1B visa bill. I think it is an appropriate vehicle. After all, we are all supportive of the need of high-tech industry for workers. I think we can equally be supportive of those people who are working today, not only in high tech but in a host of enterprises throughout this country, who face deportation, who face being returned to their homeland. They are already contributing to our country, yet we have not been able to bring such measures to the floor for the kind of up-and-down vote that their situation demands. I hope we can at some point.

It is very critical to the Liberians. It is critical to many other people. The criticality for Liberians turns, I think, on the conditions in their own homeland. We have a situation where there was an election. It was monitored by international authorities. In form it looked democratic, but in substance it has not resulted in a democratic regime that is protective of the rights of individuals.

There are numerous examples of human rights abuses that persist today in Liberia. Last year, for example, human rights organizations estimated that approximately 100 individuals were victims of extrajudicial killings, but yet there have been no convictions of anyone involved in these killings.

I had an individual visit me in my office in Rhode Island who had just returned from Liberia. He went back there. He is trying to promote commerce and industry between the two countries of the United States and Liberia. And he is associated with a political party that is out of favor at the moment over there.

He was traveling with one of their principal politicians. He was in a car, leaving a particular village, and they were warned to go the other way because an ambush had been set up to either kidnap them or kill them. They avoided that situation by a few moments and the intercession of someone who gave them advice to go the other way. I am told this is very common in Liberia.

We have also seen eyewitness accounts of incidents in villages. Last year a village was surrounded by Government security forces. All the men were taken away. Their fate is yet to be determined.

In 1999, the State Department issued a report, their country report, which stated that Government security forces, sometimes torture, beat, and otherwise abuse and humiliate citizens. Victims reported being held in water-filled holes in the ground, being injured when fires were kindled on grates over their heads, suffering beatings, and sexual abuse. All of this is attributed to Government security forces.

President Taylor has stated that these reports of human rights abuses are simply the results of these human rights organizations trying to interfere with his country. I think that could not be further from the truth.

There is a pattern. There is evidence. There is persistent evidence of these types of abuses.

In 1999, Government security personnel were involved in the looting of 1,450 tons of food intended for Sierra Leone refugees. And they stole vehicles belonging to nongovernmental organizations that were sent to Liberia to help refugees in Sierra Leone.

Prison conditions are harsh in the country. There are reports of torture, of detainees being held without charges. Government security forces continue to harass and threaten political opposition figures.

Freedom of the press is not a reality. The press is repressed rather than encouraged.

We find a situation that is consistent throughout the country with these types of human rights abuses, so much so that our State Department has suggested and advised Americans not to travel to Liberia.

So we are on the verge of a decision, I hope, by the White House to extend deferred enforced departure, a decision that is entirely appropriate but insufficient to deal with the underlying issues. The underlying issues involve 10,000 Liberians who have come to this country, who have been offered sanctuary—we must applaud the generosity of spirit that motivated the offer of temporary protected status—have established themselves, and now wait with uncertainty and doubt about their future.

Simply to extend this uncertainty and this doubt year by year by year is cruel but also fails to recognize that they have become so much a part of our communities in such a constructive way. I mentioned before an individual who has a master's degree, who is now managing a CVS store in Massachusetts, who owns his home. He is somebody who is contributing to our economy today. He is someone who is here making our economy work for us. Yet he faces the prospect of being denied the ability to work, come Friday, and being potentially deported back to a country which is unwilling in many respects to accept him back.

For many reasons, we have to be supportive of this effort to bring this legislation to the floor. What is so frustrating is that for many months now, working in the way I believe the Senate works, making the case to my colleagues, getting the support across the aisle of several colleagues for bipartisan legislation, of working for the kind of support that would be necessary to pass this legislation, but ultimately being frustrated because it became quite clear there was no real intent to give this community, to give this legislation a vote, up or down, on the floor. That is the wrong way to use the process.

I don't think anyone here should be afraid of taking a vote on this particular measure. One could disagree with the policy. One could disagree with the principle, articulate those differences and then vote. What we find, time after time after time, is that type of principled, rational, careful legislative debate and decision is frustrated by the decision that we can only recognize one immigration issue, and that is ensuring that high-technology companies have sufficient workers. We can't recognize the many other immigration issues, the many other individuals who cry out for simple justice and cry out for the chance to be good Americans, to be recognized as such, to have the chance to change their status to permanent residents and, we hope, ultimately to become citizens of this great country.

We can do better. I don't think we have to limit our vision and our efforts and our activities simply to keep our economy moving forward. I think we can recognize something else, to ensure that we are fair and just in our dealings with thousands of people who come to this country and, by the way, who contribute significantly to our economy.

I hope we can do both. I hope in the next few days we can resolve this impasse and we can get a vote, and we can pass this measure with respect to the Liberians but also with respect to Latinos and other groups who have been here and continue to be part of our great country and want their contribution recognized with the opportunity to become citizens of this country.

With that, I yield the floor.

The PRESIDING OFFICER. By previous order of the Senate, the Senator from Massachusetts is recognized for up to 40 minutes.

Mr. KENNEDY. Mr. President, I thank my friend and colleague, Senator REED, for his presentation and strong support. I've had the good opportunity, since I first came to the Judiciary Committee, to be on the Subcommittee on Immigration. We have provided temporary protected status for probably 14 different nations over the past years. And we've also provided the green cards for six of those countries, more than half of those countries. What the good Senator has been pressing the Senate on is to take action—that would be consistent with past action—particularly with the guns of war that continue to wreak such havoc in Liberia. I think it is a very compelling case. I am in strong support.

Mr. President, for months, Democrats and Republicans have given their strong support for the H-1B high-tech visa legislation. In addition, Democrats have tried—but without Republican support—to offer the Latino and Immigrant Fairness Act.

We have worked hard to reach an agreement to vote on both of these important bills. We could easily have

voted on the Latino legislation as part of the high-tech visa bill, but our Republican colleagues have repeatedly blocked every effort we have made to do so. The Republican leadership is determined to prevent this basic issue from coming to a vote in the Senate.

Our Republican friends tell us that the Latino and Immigrant Fairness Act is a poison pill, that it will undermine the H-1B high-tech visa legislation before the Senate. But if Republicans are truly supportive of the Latino legislative agenda, that cannot possibly be true.

Yesterday, Senator GRAMM accused Democrats of "putting politics in front of people." Is Senator GRAMM prepared to say that to those who would benefit from the Latino and Immigrant Fairness Act, people such as Francisco?

Francisco and his wife completed applications for legalization and attempted to submit them to the INS. The INS refused to accept the applications, because Francisco and his wife briefly left the United States during the application period without INS permission. The courts have ruled against this INS practice, but Francisco and his wife were never granted legalization. They have worked legally with temporary permission while awaiting the court decision on their case.

If they are not permitted to work legally in the United States, they will not be able to support their three U.S. citizen children. With permission to work, they have been able to find jobs that accommodate a hearing disability that affects one of their children. If they lose their work permit, they may not be able to find work. They constantly fear detention and deportation.

It is shameful that the Senate refuses even to allow a vote on these issues of fundamental fairness for immigrant families. It is Republicans—not Democrats—who are playing politics with the lives of those who have come to our country as refugees from persecution in other countries. The hypocrisy is flagrant. Our Republican colleagues pretend to court the Latino vote across the country in this election year. But when the chips are down, they refuse to act.

The Senate Republican leadership can't have it both ways. Either they are part of the solution, or they are part of the problem. They can't call themselves friends of the Latino community, while working to prevent the Latino Fairness Act from becoming law.

Republican opposition to this legislation is so intense that they continue to delay passage of the H-1B legislation with their procedural tactics. For reasons that no one understands, the Republican leadership filed a meaningless cloture petition last week, and now they have filed three additional cloture petitions. I ask my Republican colleagues, wouldn't it be easier to allow a vote on the Latino and Immigrant Fairness Act? If you support the Latino community, if the priorities of the

Latino community are your priorities too, we can pass both bills and move forward.

The choice is clear. Instead of adopting long overdue family immigration reforms that have broad support from the business, religious, and labor communities, Republicans would prefer to stall action on the high tech visa bill and block a vote on the Latino Fairness Act. I urge my Republican colleagues to end this shameful hypocrisy and allow the vote that simple justice and fundamental fairness demand.

But these procedural road blocks won't stop those who support this legislation. After all, the immigrant community—particularly the Latino community—has waited far too long for the fundamental justice that the Latino and Immigrant Fairness Act will provide. These issues are not new to Congress. The immigrants who will benefit from this legislation should have received permanent status from the INS long ago.

Contrary to remarks made on the Senate floor earlier today, these issues have been around for a long, long time. If my friend, the chairman of the Senate Judiciary Committee, wanted to have a hearing, he could have scheduled a hearing at any time over the past 3 years. And if we had had such a hearing, it would have demonstrated that this legislation is not what he described as a "broad amnesty for illegal immigrants." It is a measured bill necessary to reunite families and ensure that American businesses have the workers they need. He would have learned that contrary to Republican concerns that this bill would "let everybody in," the legislation only seeks to create fairness where there is injustice and restore longstanding immigration policy objectives, and is similar to actions Congress has taken often in the past.

The Latino and Immigrant Fairness Act includes parity for Central Americans, Haitians, nationals of the former Soviet bloc, and Liberians. In 1997, Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which granted permanent residence to Nicaraguans and Cubans who had fled their repressive governments.

Other similarly situated Central Americans, Soviet bloc nationals, and Haitians were only provided an opportunity to apply for green cards under a much more difficult and narrower standard and much more cumbersome procedures. Hondurans and Liberians received nothing.

The Latino and Immigrant Fairness Act will eliminate the disparities for all of these asylum seekers, and give them all the same opportunity that Nicaraguans and Cubans now have to become permanent residents. It will create a fair, uniform set of procedures for all immigrants from this region who have been in this country since 1995.

The Latino and Immigrant Fairness Act will also provide long overdue relief to all immigrants who, because of

bureaucratic mistakes, were prevented from receiving green cards many years ago. In 1986, Congress passed the Immigration Reform and Control Act, which included legalization for persons who could demonstrate that they had been present in the United States since before 1982. There was a one-year period to file.

However, the INS misinterpreted the provisions in the 1986 Act, and thousands of otherwise qualified immigrants were denied the opportunity to make timely applications.

Several successful class action lawsuits were filed on behalf of individuals who were harmed by these INS misinterpretations of the law, and the courts required the INS to accept filings for these individuals. As one court decision stated: "The evidence is clear that the INS' . . . regulations deterred many aliens who would otherwise qualify for legalization from applying."

To add insult to injury, however, the 1996 immigration law stripped the courts of jurisdiction to review INS decisions, and the Attorney General ruled that the law superceded the court cases. As a result of these actions, this group of immigrants has been in legal limbo, fighting government bureaucracy for over 14 years.

Our bill will alleviate this problem by allowing all individuals who have resided in the U.S. prior to 1986 to obtain permanent residency, including those who were denied legalization because of the INS misinterpretation, or who were turned away by the INS before applying. Our bill would also amend some of the procedural blocks in terms of normalizing one's green card situation.

The nation's history has long been tainted with periods of anti-immigrant sentiment. The Naturalization Act of 1790 prevented Asian immigrants from attaining citizenship. The Chinese Exclusion Act of 1882 was passed to reduce the number of Chinese laborers. The Asian Exclusion Act and the National Origins Act which made up the Immigration Act of 1924, were passed to block immigration from the "Asian Pacific Triangle"—Japan, China, the Philippines, Laos, Thailand, Cambodia, Singapore, Korea, Vietnam, Indonesia, Burma, India, Sri Lanka, and Malaysia—and prevent them from entering the United States for permanent residence. Those discriminatory provisions weren't repealed until 1965. The Mexican Farm Labor Supply Program—the Bracero Program—provided Mexican labor to the United States under harsh and unacceptable conditions and wasn't repealed until 1964.

The Latino and Immigrant Fairness Act provides us with an opportunity to end a series of unjust provisions in our current immigration laws, and build on the most noble aspects of our American immigrant tradition.

It restores fairness to the immigrant community and fairness in the nation's immigration laws. It is good for families, it is good for American business, and it is good for our economy.

Last summer, Federal Reserve Board Chairman Alan Greenspan said,

Under the conditions that we now confront, we should be very carefully focused on the contribution which skilled people from abroad, [as well as] unskilled people from abroad, can contribute to the country, as they have for generation after generation. The pool of people seeking jobs continues to decline. At some point, it must have an impact. If we can open up our immigration rolls significantly, that clearly will make [the unemployment rate's effect on inflation] less and less of a problem.

The Essential Worker Immigration Coalition, a consortium of businesses and trade associations and other organizations shares this view and strongly supports the Latino and Immigrant Fairness Act. This coalition includes the health care and home care associations, hotel, motel, restaurant and tourism associations, manufacturing and retail concerns, and the construction and transportation industries.

These key industries have added their voices to the broad coalition of business, labor, religious, Latino and other immigrant organizations in support of the Latino and Immigrant Fairness Act.

The coalition of supporters includes Americans for Tax Reform, Empower America, the AFL-CIO, the Mexican American Legal Defense and Educational Fund, the National Council of La Raza, the League of United Latin American Citizens, the National Association of Latino Elected and Appointed Officials, the Anti-Defamation League, the National Conference of Catholic Bishops, the Union of Needletrades and Industrial Textile Employees, and the Service Employees International Union.

Few days remain in this Congress, but my Democratic colleagues and I are committed to doing all we can to see that both the Latino and Immigrant Fairness Act and the H-1B high tech visa legislation become law this year.

As others have pointed out, we have been discussing this issue now for several days. There is, as the indication of the votes suggest, overwhelming support for H-1B. There is virtual unanimity in the Senate to pass the H-1B program. I was very hopeful that we would be able to offer an amendment with a training component that would be available to Americans, so that the American worker would be able to obtain the level of skills which these new immigrants are bringing here to the jobs in the United States.

The average income for the H-1B worker is \$47,000; it is not \$150,000. Really, all that is necessary for Americans to fill the overwhelming majority of these jobs is training and skills. There is a small percentage of very highly skilled and talented individuals in the H-1B program who add an additional dimension in terms of our economy. But the great majority—the average, as I mentioned—is \$47,000.

We only require a \$500 application fee now. An immigrant family has to pay

\$1,000 to get a green card to cover the processing. If we were to require a \$2,000 fee for the Microsofts, the multi-billion-dollar companies, for every H-1B application they have, we would have a fund of about \$280 million a year. That fund would be allocated between the National Science Foundation and the existing workforce boards, under the bipartisan workforce legislation that we passed 2 years ago. It would be allocated on the basis of competition to these communities that develop training programs for high skills. That would include the employers, the workers, and the educational institutions. It would give them some continued resources to be able to provide the skills to Americans to meet this particular challenge.

We don't have a crisis in terms of workers; we only have a crisis in terms of skills. So we ought to be able to develop the kind of support so that out into the future these jobs will be fulfilled by Americans. But we are not able to offer that amendment under the cloture motion, even though it is directly relevant and even though we offered and debated those in the conference and even though it seems to me to be directly on target with regard to the underlying amendment. We ought to be able to do that.

I don't know what the problem is among those on the other side in refusing to permit us to develop a program so these jobs can be fulfilled by Americans. That seems to me to make sense. Good jobs, good benefits—why shouldn't they be for Americans? The only thing that is lacking is the skilled training. Is it asking too much to ask the Microsofts and the great successful IT businesses for a \$2,000 application fee for the H-1Bs? I don't think so.

We can develop that fund and develop the training program—not create a new bureaucracy—and use the existing training programs with additional funding that would be targeted for that purpose, and also support additional funding for the National Science Foundation, for outreach programs, for women and minorities in these high-tech areas to support those kinds of efforts because there is an enormous absence of women and minorities in the area of these H-1B jobs.

There is no reason in the world that we should not have an outreach program. There are excellent programs in terms of developing interest, and programming in terms of women and minorities in the high-tech area. They need additional support. We can use some resources to expedite the processing of the H-1B visas.

Massachusetts yields to no one in terms of the high-tech aspects of our industry. We are second to California in the small business innovative research programs. Half of all health patents created in this country are in my own State of Massachusetts. We get high awards in terms of peer review for research. But when I talk to either the private sector or talk to others, they

say: Right on. They don't question the importance of getting additional skilled workers.

It is difficult to understand the reluctance and the resistance for this. It is true that 30 years ago if someone worked, for example, in my State in the Four Rivers Shipyard, their grandfather worked there, their father worked there, they generally had a high school education. Every employee who enters the job force now is going to have eight different jobs. What it means in terms of the continued growth of that employee is that there is going to be continuing education and training programs that are going to be available to them. That is just obvious. If we don't understand that, we don't understand what is happening in terms of the needs of American highly competitive, high-tech industries in this Nation, and for the most part other industries as well.

We are denied the opportunity to offer that amendment. We would be glad to enter into a time limitation. We are denied that opportunity. We are denied the opportunity in terms of the Latino fairness, even though, as I have mentioned, we have a court decision that found for these particular individuals. But for the actions of the Immigration and Naturalization Service, they would have had their position adjusted and would have had a green card. It was certainly the intention of Congress at that time that they should. We are trying to remedy that situation. We are denied that opportunity.

We are denied the opportunity to give fairness to the other Central Americans and others who were given the assurance that it was just a matter that we were being rushed at the end of the last Congress and we were unable to get the clearance for these other Central Americans. We were denied that opportunity. We had the judgment for the Cubans and Nicaraguans but not for the Guatemalans, Haitians, Hondurans, and Eastern Europeans. They were given assurance that they would. Republicans and Democrats alike indicated that we are prepared to vote on that with a short time limit. But we are denied that opportunity as well.

We find ourselves in this extraordinary situation with all of the machinations on the other side to prohibit us from having a vote. Maybe they have the votes. They probably do, although I somehow feel that if we were to get to this fairness in the light of day, it would be difficult to argue against it. It would be difficult to argue against why on the one hand we are increasing the immigration for high skills and for the high-skilled industries, and on the other hand we are refusing to provide additional manpower and womanpower for many of the other industries with the kind of support that they have in terms of the Chamber of Commerce, labor, and church groups that say they should be able to get it.

If we are going to have sauce for the goose, let's have sauce for the gander.

Beyond that, they ought to treat these individuals fairly. They have been treated unfairly because of the actions that have been taken in denying them the kinds of protections and rights that they otherwise would have received.

They have the compelling argument that they ought to be treated similarly as the H-1Bs; and, second, because they been denied fairness because of other actions that have been taken by the Government.

It is difficult as we go through this to understand why we are being denied the opportunity to bring this up. It is very difficult to explain to our colleagues in the Hispanic caucus, let alone to church leaders and other groups, why fair is not fair. That is where we are. The extent to which the Republican leadership is going to deny us this opportunity is absolutely mind-boggling. Why not just let the chips fall where they may? No. We are being denied that opportunity. We are not even permitted a vote on it.

That is becoming sort of the custom. It never used to be that way in the Senate. The Senate used to be a place where you could have the clash of ideas, and also the opportunity to express them and get some degree of accountability. But we are being denied, on Latino fairness, to ever get a vote.

We are denied the opportunity to have another vote on minimum wage.

We are denied the opportunity to get a vote on the prescription drug program.

We are denied the opportunity on Patients' Bill of Rights.

We are denied the opportunity on the education programs.

We can't get those. We can understand people voting different ways, and maybe voting for positions I favor and against positions that I support. That was the way it was generally done in the Senate. But we cannot have that opportunity.

#### PRESCRIPTION DRUGS

Mr. KENNEDY. Mr. President, earlier this week, the Republican leadership in the House and Senate emphasized again their attempt to block needed action this year to provide prescription drug coverage under Medicare.

Their letter to President Clinton declared any legislation to provide fair prescription drug benefits dead for this year. President Clinton disagreed, and he was right to do it. There is still time for this Congress to pass a long overdue Medicare prescription drug benefit. House Democrats are for it. Senate Democrats are for it. So are many Republicans. President Clinton has been fighting for it for years.

All that is needed to make Medicare prescription drug coverage a reality for this year is for the Republican leadership to finally say yes to senior citizens and no to the drug companies.

In addition to opposing Medicare prescription drug coverage—in a shameful example of disinformation—the Repub-

lican leaders also tried to blame the President for their failure to act.

Their letter charges the President with rejecting the recommendations of the commission. But the commission proposed to raise premiums for senior citizens as much as 47 percent.

It proposed charging a copayment for home health services that could add more than \$3,000 a year to the out-of-pocket costs of the sickest and most vulnerable senior citizens.

It proposed restricting the eligibility for Medicare, forcing hundreds of thousands of senior citizens into the ranks of the uninsured.

And it proposed a new cap on Medicare spending that could push Medicare into bankruptcy as early as 2005.

In fact, the commission proposed the same anti-Medicare agenda that Governor Bush has adopted. The President was right to reject it, and Senator LOTT and Speaker HASTERT are wrong to endorse it.

Their letter criticizes the House Democrats for walking off the House floor when the House leadership refused to allow a vote on a fair Medicare drug benefit, and then rammed through a measure that was not Medicare and was not adequate. All the Speaker had to do was to allow a vote. Democrats wouldn't have walked out. He knew that a fair prescription drug benefit would have passed.

The GOP leadership letter also attacks the President for failing to endorse the Republican alternative of means-tested block grants to the States to help low-income senior citizens. But it would take years for States to put that alternative in effect and would leave out at least 70 percent of senior citizens.

It would provide yet another excuse for inaction.

Mr. President, do you understand that? It would limit the benefit. The block grant would be limited to persons under 175 percent of the poverty level, and only those persons under 135 percent of the poverty level would receive total coverage. But that leaves out 29 million seniors who, for the next 4 years, would not participate in the prescription drug program. That makes absolutely no sense.

Senior citizens want Medicare, not welfare. In 1965, the Nation rejected the idea that the only way for seniors to obtain health benefits should be to go to the welfare office. Medicare was passed, and today it has become one of the most successful social programs ever enacted. That decision was right then, and it continues to be right today. We should not turn back the clock. It is not too late for Congress to enact prescription drug coverage under Medicare for senior citizens. We know where the President stands. We know where Democrats in Congress stand. Most of all, we know where senior citizens and their families stand. The Republican leadership should listen to their voices and end its obstruction.

## EDUCATION

Mr. KENNEDY. I bring to the attention of the Senate the excellent recommendations announced today of the Glenn Commission, a very prestigious group of academic educators from around the country, Governors, and Members of Congress, who had been interested in education. The presentations and discussions over the past year have reinforced our sense of urgency about the need for better-qualified math and science teachers in the nation's classrooms.

The report emphasizes the need for greater investments in math and science at every level—federal, state, and local. We've made significant progress in recent years, but we can't afford to be complacent. In our increasingly high-tech economy, high school graduate need strong math and analytical skills in order to be competitive in the workplace. Schools also face record-high enrollments that will continue to rise, and looming teacher shortages.

Recruiting, training, and retaining high-quality math and science teachers deserve a higher priority on our education agenda in Congress. I intend to do all I can to see that schools have the federal support they deserve. The need is especially urgent in schools that serve disadvantaged students.

Mr. President, this brings me back to where we are on the issues of education. I can't turn my television on without finding Governor Bush in another school talking about education. I wish he would pick up the telephone and call our majority leader and say, why don't you bring up the Elementary and Secondary Education Act and have a debate on that legislation.

If we don't get action on it, it will be the first time in 35 years that we have not had debate or discussion on the Elementary and Secondary Education Act and have not been willing to take a position on this extremely important area of public policy.

We had 22 days of hearings in our committee on this measure. We had hours during markup, and we came to the floor of the Senate, and it was like running into a brick wall. We had 6 days of what could be called debate, although 2 days was debate only. And in this time we had 8 votes. But 1 vote was a voice vote, so we only had 7 votes. And 3 of those votes were virtually unanimous. So we only had 4 votes in a couple of days. Compare that to 55 amendments in 16 days on the bankruptcy bill.

For those on this side, we think we should have had a much longer opportunity to debate this issue. I think this was the position of the majority leader because he indicated in January of 1999:

Education is going to be the central issue this year . . . we must reauthorize the Elementary and Secondary Education Act.

In June of 1999:

Education is number one on the agenda for Republicans in Congress this year. . . .

In May of 2000:

This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

May 2, 2000:

No, I haven't scheduled a cloture vote: But education is number one in the minds of the American people all across this country and every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

July 25:

We will keep trying to find a way to go back to this legislation this year and get it completed.

We heard we would have two-track action during the course of the days on appropriations and we would deal with other issues at night. We completed the trade bill, and now we have protracted sessions without any kind of action.

We invited the majority leader to call up the Elementary and Secondary Education Act and deal with it in the evenings because it is something the American people want. We are told, no, we will not do that, because there was going to be a possible effort to include an amendment to try to reduce the number of guns that might be going into the schools of this country and we were told that safe schools were not relevant to education.

That might be an interesting philosophical position, but yesterday in New Orleans there was another school shooting. We have been following the terrible tragedy and the circumstances of the two children, ages 13 and 15, who are in critical condition.

I think parents across the country want to make sure we are doing everything we possibly can to make our schools safe and secure. There are other elements in the debate, but safety is enormously important. It is enormously important because we are reaching record high enrollments in the public school system.

Fifty-three million students enrolled in school this Fall. Over the next 100 years, we will double that number of students, and in order to deal with these increases, the Federal, State, and local governments should work together and share the responsibility. This is not an issue we can escape.

We have made significant progress in education over the last 30 years. Public schools are experiencing greater success than ever before—with higher graduation rates, increased test scores, higher academic standards, and greater accountability. Students have made gains in achievement, and are more effectively meeting the challenge of high standards.

More students are taking the advanced math and science classes. This chart indicates between 1990 and 2000, those who took precalculus rose from 31 percent up to 44 percent; 19 percent in calculus, up to 24 percent; 44 percent in physics, up to 49 percent.

The number of students taking the Scholastic Aptitude Tests has also in-

creased. 33 percent of all students were taking this test in 1980, and now it is 44 percent in 2000.

Contrary to what many have talked about, we are finding in many of the urban areas that a number of the urban school systems are doing increasingly better. One of those that was extremely challenged in the early 1990s was Detroit, for example. These are the increase-in-performance percentages from 1992 to 1998:

Michigan Education Assessment Program: In the district of Detroit, in 1992, 33 percent passed; in the State, 60 percent passed. In 1998, 65 percent in the district of Detroit passed, which is a 97-percent improvement; in the State 74 percent passed. So you are seeing not only is there a dramatic increase in the performance of children in this fourth grade on the subject of mathematics, but also the disparity between the children in a large urban area and those statewide have dramatically been reduced.

All of these indicators are rising. The fact is, also, that they are modest, but they are all the positive indicators. But, our work is far from over. In spite of this promising news—the results so far are not enough. Now is not the time to be complacent. We cannot leave any child or any group behind. We have a responsibility in Congress to help all students. The nation's children, the nation's parent, and the nation's schools are counting on us.

As we are getting closer to the election, it is getting fashionable to use the education issue as a political issue. But I think it is important to remind our colleagues and friends about who has the special responsibility for education. The fact is, the States and the Governors still have the prime responsibilities. They control effectively 97 cents out of every 100 cents that are spent on education. When some public officials go around and try to blame people for the fact that a particular area, region or community is failing in education, we ought to recognize who has the responsibilities—the local communities and the States.

We do have some important responsibilities as well. The American people expect us to fulfill those responsibilities. We are going to continue to speak about this issue and work until the end of this session, to see if we cannot put education back as a priority item for this Congress.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum and ask the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. 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. GRAMM. Mr. President, I had the opportunity, earlier today, to talk

about the effort by Senator DASCHLE and the minority to suspend the rules of the Senate and to bring before this body an amnesty provision. In essence, this provision would reward people who violated the laws of this country by coming to the United States illegally when we have millions of people waiting to come the right way, legally.

After I left, the minority leader, in response to what I said, asked if I had seen the Statue of Liberty lately. Let me assure him that not only have I seen it, but that when my grandfather, who came to this country by way of Ellis Island, saw the Statue of Liberty he rejoiced in it. I would also like to ask the people who are for this bill, if they have seen the Supreme Court Building lately? "Equal Justice Under Law."

Without law, we can't have liberty. Without law, we can't have an organized society. We corrupt the legal system when we have a set of rules that people are supposed to operate under, and then for political reasons in an election year, say to all of those who have abided by the law in waiting to come to America, that they are going to be treated differently than people who violated the law in coming to this country.

I have seen the Statue of Liberty and I rejoice in it. I want people to give us the best they have so we can build a greater country. But I want people to come, as my grandfather came, as my wife's grandparents came—I want them to come legally.

Second, the H-1B program is a temporary work program for highly skilled people. It is an entirely different issue than the issue before us, which is an effort to waive the rules of the Senate and bring before us a bill that would grant amnesty to and reward people who have violated the law. I do not believe my colleagues are going to do this. I know our Democrat colleagues believe this is good politics and that this is going to get them more votes, but I don't believe it. As I said before, I would be willing to let this election, and every other election for the remaining history of this country, be determined on this issue and this issue alone.

I do not believe it is good politics to basically say that we are going to reward people who violate the law at the expense of those who abide by the law.

Also, the idea that somehow immigrants support this bill I think is outrageous. I think those who have abided by the law resent the fact that we routinely reward people who violate the law.

Finally, in 1986 we adopted an amnesty provision, and that was supposed to be the final granting of amnesty. Now we are back trying to renegotiate the deal. The point is, every time we grant one of these amnesty provisions, we say to people all over the world: Violate the law, come to America illegally, and you will ultimately be rewarded for it.

I say to people all over the world: Come to America legally, and secondly I say, we need to promote free enterprise to individual freedom where we can take America to them. Not everybody who goes to bed at night praying to come to America is going to get to come. We cannot have the whole world in America, but we can take America to them by promoting the policies worldwide that have made us the greatest and richest country in the history of the world.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Idaho.

#### ANGELS IN ADOPTION

Mr. CRAIG. Mr. President, I am going to use some time this afternoon and depart from this immediate debate to talk about an event that occurred last night which I and my colleague from Louisiana had the opportunity to cohost, along with the Freddie Mac Foundation.

My colleague, Senator MARY LANDRIEU, and I are cochair of the Congressional Caucus on Adoption. Both she and I are adoptive parents and very proud of that fact. For the last good number of years, we have worked to organize our colleagues into a caucus to become sensitive to the issues of adoption. We became very active in the transformation of the foster care laws of our country which this Senate passed 5 years ago that have certainly made many children safer and available to individuals, couples who want to form families through adoption to provide permanent loving homes for those children.

More importantly, the Senator and I have been active with our colleagues on the House side to literally debate and move nationally the whole issue of adoption, both at the State and the Federal level. Why? For a very simple reason. We know, and many of my colleagues know, that there are literally hundreds of thousands of children who are in search of loving adults and parents who will provide them with a home—not a foster home, not a temporary home, but a permanent home. Why? Because their natural parents either are no longer alive or are dysfunctional in a way that they cannot provide for and love these children. In many instances, they were actually harming these children and, as a result, we have worked in a bipartisan way to make a very real difference.

In the course of all of our efforts, the Senator from Louisiana and I a year ago stumbled on an idea that we thought just made all the sense in the world, to lift the visibility of and the general public awareness of adoption: That there are marvelous, beautiful young people who are in search of a home.

We began to ask our colleagues in the Senate and the House to recognize individuals who were outstanding in the area of adoption, whether it was indi-

viduals, families, or couples who were adopting children, whether it was foster parents, whether it was mentors who were attempting to work in the adoption of children, or volunteers with the court-appointed special advocates, known as CASA, who help family courts by working with children in their homes, support communities, organizations across the country, or just outstanding individuals who stand above it all, whose greatest and most direct interest is in helping kids.

Last night, we recognized a number of people who are doing just that. One hundred and twenty nominees flowed from House and Senate Members and from their States to be recognized. At a gathering last night at the Hyatt, over 450 people, hosted by the Freddie Mac Foundation, came together to honor Angels in Adoption.

I now turn to my colleague, Senator MARY LANDRIEU, my cochair of the Congressional Caucus on Adoption, to speak to this issue. There is a lot more to be said, and I want her to have a full share of this time as we talk about the most important issue of providing loving, caring homes for children who do not have them and who can have them if we can simply help facilitate the ability of adults to adopt these children.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Idaho for being such a wonderful partner in this endeavor. He and I have quite enjoyed leading the Senate coalition on adoption and working with our counterparts, TOM BLILEY and JIM OBERSTAR on the House side.

Senator CRAIG is absolutely right. Last evening was a wonderful event with over 450 people from all around our Nation nominated by Members of Congress for the outstanding work they are doing in their communities and States to promote the great beauty and joy of adoption, that it is a wonderful way to be a family.

Before I list some of the award winners from last night, it is our hope—and I think Senator CRAIG will agree with me—that every child who comes into this world is wanted, loved, and can remain with the family who brought them into the world—that would be ideal—to have someone love them and care for them.

For many reasons, which we do not have the time today to go into, families disintegrate or break down and children are abandoned or left alone. The fact of the matter is, children cannot raise themselves. The other fact is, although the Government can help with policies, the Government itself cannot raise children. The children need to be raised by adults who are responsible and who love them.

Today in our country—and the Senator from Idaho knows this because he speaks out regularly about it—there are 500,000 children, a half a million children—you could fill up the Superdome, which is in New Orleans, with



which a lot of people are familiar; it seats 80,000 people—you could fill up that Superdome many times with the number of children who have been taken from their homes because of abuse, neglect, or other very difficult situations. About 130,000 of those 500,000 are right now ready for adoption.

We believe there are no unwanted children, just unfound families. That is what our coalition is about: To promote the concept of reunification, obviously, when possible, but, if not, to move these children into loving homes.

We want to focus our attention on the children in the United States who need our help, but also there are children all around the world. There are literally too many to count. Millions and millions of children are being raised by themselves on the streets or are in institutions or are languishing in foster care. We want to correct that.

Last night, we nominated for our national Angels award Congressman TOM BLILEY, who is retiring this year, the wonderful Congressman from Virginia.

In his many years in Congress, he promoted tax credits for adoption, adoption awareness, family leave for adoptive parents, the formation of the National Adoption Information Center, foster care incentive payments, and aid to orphans and displaced children, which is one of the most recent things TOM BLILEY has promoted.

I say to Senator CRAIG, since you introduced Gale and Larry Cole, why don't you say a word on the record about this particularly wonderful family—Lynette Cole, Miss USA, and her parents.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, last night, as we were recognizing these national Angels in Adoption, I had the privilege of introducing Lynette Cole and her parents, Gale and Larry.

Lynette is a beautiful young lady whom we have come to know as Miss USA. She is a young lady of color, and her parents are not of color, they are Caucasian. Yet the marvelous chemistry of the family said they were made for each other. They came together, both she and her brother, to be adopted by Larry and Gale Cole and to be raised by them. Never prouder parents did you see than last night when they were standing beside their beautiful daughter on stage—all three—to be recognized as Angels in Adoption.

It was so appropriate that we did that. Here is a perfect example of what can happen when all of the right chemistry comes together, but, more importantly, when all of the right law comes together.

Here is an adult couple who wanted this child, who could not adopt her. They were not allowed to adopt her. They actually moved out of one jurisdiction into another, where the laws were different, so they could adopt this child and become her permanent parents.

The country knows the rest of that story now—not only the story of their unlimited love, but the fact that they raised and helped shape a beautiful young lady who ultimately became the reigning Miss USA 2000.

So it was my tremendous privilege last night to be there to honor them and to recognize them as the recipients of our Congressional Caucus on Adoption national award of Angels in Adoption.

I yield the floor.

Ms. LANDRIEU. Mr. President, let me just add to that an extraordinary element about this particular story. Obviously, part of it is that Lynette Cole went on to become Miss USA. But 25 years ago, her father had a steady job at Chrysler. He gave up his job, moved out of State, and his wife had to go back to work, so that they could basically fight the Government system to allow them to adopt this child.

When everyone said no—the Government said it was the wrong thing to do—this family, through sheer will and dedication, adopted this young lady. And she has grown up to be Miss USA. We are proud of them. These are the kinds of people who are helping us change the view of adoption and the way the system should work in this country. We are proud of them.

Let me mention Bertha Holt, another person we honored last night. I presented this award to her daughters because, unfortunately, she passed away just this year, at 96 years of age, as we were preparing to give her this award. So last night I said, she truly is our angel because she was observing, watching from Heaven last night.

But 50 years ago, Bertha Holt, and her husband Harry Holt, began breaking down the barriers for international adoption. They had six biological children of their own and were well on their way, raising those children, when the aftermath of the Korean war brought these two loving people basically to their knees. They said: What can we do to help? They went over to Korea and literally began trying to save children, one by one, picking them up off the streets, out of the hospitals, children who had been orphaned by the war, and said: Let's make a home for them here in our own home in the United States.

It took an act of Congress, back in the late 1950s, to allow them to do this. They had to literally change the law to allow them to do this. Because of that ground-breaking work and their advocacy, decade after decade they have found homes here in the United States for 2,000 children from around the world.

We honored Bertha Holt last night. She truly is an angel in Heaven.

Finally, one of our national award winners was Children's Action Network, a group of individuals who have great stature and standing because many of them operate in movies and in videos. So they are quite familiar to the general public. They have come to-

gether to use their celebrity status to promote this idea, to bring attention to it.

Last year, they raised money and contributed to a wonderful program that was filmed in our Nation called "Home For the Holidays." It was shown, I say to the Senator, all across the country. Because of that video, and because of the issue that was raised to the American public, hundreds of children were adopted into homes here.

So we had a grand night. These were our national Angels. I think for the RECORD we may submit these other names. There were over 120 of our award winners last night.

I am happy to yield.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me talk just a little more about what the Congressional Caucus on Adoption and the coalition we formed actually does.

As you know, coalitions or caucuses here in the Congress are nonpartisan. We are bicameral. We are an alliance of Members of the House and the Senate, now 150 strong, who work very closely together for the purpose that both Senator LANDRIEU and I have talked about.

We are from all political stripes: Liberal, moderate, conservative. But we have one goal, and that is to help facilitate and change the laws so young people, in search of loving, permanent homes and families can come together.

Just this last week, we were able to see the "adoption bonuses" announced. These are the incentive payments that were created by Congress in the Adoption and Safe Families Act, which provides to States, if you will, the carrot and the stick to assure that States help get more children out of that system once they have determined that the natural parents—if they are still living—are unable or unacceptable to parent these children. Then they move them into adoption and into loving homes. These are the incentives we have created in the passage of that law for the reshaping of foster care in our country.

I would be remiss if I did not mention the name of the late Senator John Chafee, and Senator MIKE DEWINE, who, with myself, and others—I say to Senator LANDRIEU, I think she was just coming to the Senate at that time—worked to reshape that law.

It has become a tremendously valuable change in the law because, tragically enough, for all the right reasons—and for some of the wrong motivations—the foster care system in our country was becoming a warehouse which young people went into and stayed and oftentimes graduated out of at the age of 18, never knowing a permanent home, sometimes living in three or four or five homes during their life. Foster care parents are wonderful, loving, giving people, but those children knew that this was not a permanent environment. They did not have a mom or a dad.

We are changing that now, and doing it very quickly, by erring on the side of

the child and making the determination for the child and not for the natural parent, because, by definition of being in foster care, that parent in some way has given up a good many rights or has been found dysfunctional and unable to care for the child they may have brought into this world.

Also, last week—and I will let the Senator speak more about this—Senator LANDRIEU, working with Senator HELMS, was very instrumental in bringing about the final clearance of the Hague Treaty that deals with international intercountry adoption, which is so critical as we try to change laws not just in our country, nationally and on a State-by-State basis, to create greater uniformity in State law to accommodate and enhance adoption, but also working internationally. These are very important steps.

Let me conclude and yield back to the Senator by saying this to my colleagues. In November, we are not going to be here, hopefully. We are going to be adjourned. All of us will be back in our States and back in our hometowns.

November is Adoption Month. That is when our Nation celebrates the institution of adoption. I certainly encourage my colleagues to think about November and look forward and ask the congressional coalition to work with them in giving them material or information so they could prepare to give a speech back in their home State about adoption. Host an adoption party for prospective parents and adoptable children. Most importantly, though, speak publicly about it. Make your citizens in your State more aware or at least give them the opportunity to be more aware of it.

You can also do something I did. You can host, with the U.S. Postal Service, a ceremony about the adoption stamp that was just released this year. You can give out those stamps. It is a marvelous activity that the Post Office loves to do, not only to bring attention to adoption but to bring attention to the fact that they are sensitive to these kinds of important issues in our country.

I yield the floor.

Ms. LANDRIEU. The Senator has made some wonderful suggestions as to what we all can do to celebrate Adoption Month, which is November, whether you have adopted children or perhaps adopted grandchildren; perhaps you yourself were adopted and you know someone, a neighbor, who has built a family through adoption. It is life affirming.

This is what we can all agree on, whether you are conservative or liberal, Democrat or Republican. It is an endeavor where we believe our Nation can step forward; we can do a better job of making sure that every child has a family to call their own. That is what this is about.

The Senator mentioned the Hague Treaty on Intercountry Adoption. I would be remiss if I did not thank publicly the chairman of that committee,

Senator JESSE HELMS, and our ranking member, Senator JOE BIDEN. There are many treaties sitting on shelves, waiting to be acted on by this Senate. There are literally, to my understanding, hundreds. But this chairman, even with a busy schedule, with many demands about taking up a treaty on other international issues, brought forth a treaty for intercountry adoption.

It is going to be and is already a historic milestone so that the United States can continue to lead, to say that there should be no barriers to adoption.

We would love all children to stay with the parents to whom they were born or the parent or the family to stay within the country where they were born. But if we can't find a home for them in that country or in that community, we should not leave children in institutions or orphanages or, for Heaven's sake, living on the street by themselves in boxes and boxcars. We should do everything we can.

This treaty will help us to do just that. It will help the governments of the world to shape laws and policies, minimize costs, stamp out corruption, and help us to have a system where we can all feel good about our work to bring help to these children. It will be done with the governments, in partnership with the nonprofit organizations, churches, faith-based organizations, and individuals throughout the world. It is quite exciting.

Perhaps, because there are other Senators on the floor who may want to speak, we could submit the names of our 120 Angels into the RECORD. I know the Senator probably will want to at least mention his Idaho Angel.

I will mention our Louisiana Angel. I was proud to present, with Congressman DAVID VITTER, the award last night to Judith Legett from the New Orleans area, and Sister Rosario O'Connell from the Houma area. Both are doing extraordinary work. The sister, with her other sisters, originally from Ireland but now long-time residents of Louisiana, are taking care of approximately 22 abused and neglected children, helping them to move through that system and find permanent homes. Mrs. Legett has been an outstanding spokesperson in our State.

I thank the Senator for the time and thank Chairman HELMS for his great leadership in intercountry adoption and thank the Senators for their vote on that earlier this year.

I ask unanimous consent to print in the RECORD the list of Angels in Adoption 2000 Awardees.

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

CONGRESSIONAL COALITION ON ADOPTION—  
ANGELS IN ADOPTION 2000 AWARDEES  
NATIONAL ANGEL IN ADOPTION AWARDEES  
The Honorable Tom Bliley  
Children's Action Network  
Gail and Larry Cole  
Lynette Cole

Bertha Holt

CONGRESSIONAL COALITION ON ADOPTION ANGEL  
IN ADOPTION AWARDEES

Alabama: John Hamilton Carr, Judith Smith Crane, and Anne Forgey.

Alaska: Dawn Crombie.

Arizona: Barbara and Samuel Aubrey, John A. Oliver, and Lori Vandagriff.

Arkansas: Curtis and Margaret Blake and Connie Fails.

California: Dr. Frank Alderette and Delia Morales, Hillview Acres Children's Home and Foster Family Agency, Mark and Sylvia Olvera, Walden Family Services, and Nancy Wang.

Colorado: Clem and Florence Cook, Yuri Gorin, Mike and Ellie Honeyman, and Jackie and Tom Washburn.

Delaware: Mary Lou Edgar.

Florida: Florence Gilbert, Jesse and Cheryl Parsons, Beverly Young, and Georgia Edward W. (Kip) Klein.

Hawaii: Denise and Frank Mazepa.

Idaho: Jolyn Callen.

Illinois: Chuck and Lynn Barkulis, Kenneth and Kim Lovelace, Annette and Jim McDermott, Henry and Odessa McDowell, and Judy Stigger.

Indiana: Ann and Moses Gray.

Iowa: Jim and Diane Lewis and Bambi Schrader.

Kansas: Joe Harvey.

Kentucky: Virginia Sturgeon and Martin and Lisa Williams.

Louisiana: Judith Legett and Sister Rosario O'Connell.

Maine: Anne Henry Sister Theresa Theuein, LCSW.

Maryland: Lisa A. Olney.

Massachusetts: Dr. Laurie Miller, Penny Callan Partridge, Dr. Joyce Maguire Pavao, and Nancy Reffsin.

Michigan: Sydney Duncan, Mary Ellyn Lambert, Jim Rockwell, Milton and Julia Smith, JoAnne Swanson, Craig and Paula Van Dyke, and Judge Joan E. Young.

Minnesota: Roger Toogood and The Witikko Family.

Missouri: Janet Harp, Ed and Joan Harter, Howard and Rochelle Muchnick, Connie Quinn, Small World Adoption Foundation, and Brenda Henn and Slava Plotonov.

Nebraska: Stuart and Dari Dornan and Tammy Nelson.

Nevada: Judge Nancy M. Saitta.

New Hampshire: David Villiotti.

New Jersey: Lawrence and Deborah Andrews, Barbara Cohen, Joseph Collins, Karen Flanagan Ken and Bonnie Moore, Jane Nast, Mary Hunt Peret, and Paytra Skelly.

New York: Dr. Jane Aronson, Linda and Thomas Bellick, Kevin and Eileen Gilligan, Frederick Greenman, Marie Keller Nauman, New York State Citizens' Coalition for Children, Inc., Paul and Jackie White, Barbara and Scott Williams, Alan M. Wishnoff and Lisa Smith.

North Dakota: Tammy and Jared Gasel and Family.

Ohio: Mary Malloy, Theodore and Lillian Mason, Faith and Marvin Smith.

Oklahoma: Jerry and Denise Dillion and Debbie Espinosa.

Oregon: Judith Spargo.

Pennsylvania: Barbara Schoener.

Rhode Island: Dennis B. Langley.

South Carolina: Brenda and Anthony Davis, Peggy Ewing, Tomilee Harding, William Brantley Hart.

South Dakota: Jeanine Jones and Andy Browles, Dale and Arlene Decker, Jeannie French, Mark Kelsey and Calla Rogue, Jon and Laurie LeBar, and Judge Merton B. Tice, Jr.

Texas: Kathleen Foster, Tom and Mary Alice McCubbins, and Armando and Lucy Valdes.

Utah: Gary Simmons.  
 Vermont: William M. Young.  
 Virginia: Cathy Harris, Brian and Kellie Meehan, Sandra F. Silvers, WRIC TV 8, and United Methodist Family Services.  
 Washington: Ivan Day, Janice Neilson, Jon and Kerri Steeb.

West Virginia: Scott and Faith Merryman.  
 Wisconsin: Cheri Kainz and Lisa Robertson.

Wyoming: Ellen McGee.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, again, a very special thanks to my cochair with the Congressional Coalition on Adoption for the tremendous work she has done.

We now are able to have an intern, thanks to a private organization helping facilitate the development of our coalition.

Lastly, a marvelous lady in Boise, ID, Jolyn Callen, is my Angel in Adoption. Her advocacy grew out of her own experience adopting her daughter from abroad. She is now a volunteer with a local adoption agency, helping others who are thinking about adopting or going through the adoption process. Even as we work to streamline this process and improve the law and create the tax credits, all of that, it is still a phenomenally daunting process. It takes time. It is a legal approach and necessary, as we make sure that the laws are dealt with appropriately.

What we want to make sure is that there are no locked doors, that the doors are there with large signs on them for people to walk through, whether it be State by State or across the Nation or nation to nation, to assure, as Senator LANDRIEU says, that every child in search of a home can find one.

Let me close by drawing attention to the map behind Senator LANDRIEU. A good many people will recognize that these are all of the people and their names and locations that we have just placed into the RECORD. For Senators who might be listening or Senators who will read this RECORD, look at the States where there are no Angels yet. That means you haven't done your homework. That means you haven't gone home to check to see who that marvelous individual is in your State who is helping facilitate an adoption or may have 10 or 12 or 15 adopted children of their own. They are all over America, wonderful people, whether it is at the court level, at the family level, at the agency level, advocating for children to be placed in permanent, loving homes.

Next year, when the Congressional Coalition on Adoption once again steps forward to name nationally our Angels in Adoption, let's make sure that this map is completely full, not 150 but several hundreds of citizens who are helping us facilitate and work for this very worthy cause across our country.

I thank the Senator from Louisiana for the tremendous work she does and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, S. 2045 and the Lott amendment would raise the H-1B visa cap for highly skilled workers, and there seems to be considerable support on both sides of the aisle for raising this cap.

Much has been said about the shortage of skilled workers for the information technology industry. In my State of Minnesota, the Minnesota Department of Economic Security has said that over the next decade, the industry will need about 8,800 more skilled workers, but at the same time they see only about 1,000 workers a year being trained for such jobs. I am sympathetic to what the business community is saying in Minnesota and around the country. But I think there is a right way and a wrong way to raise the H-1B visa cap. I rise to speak about what I think would be the right way.

The only way we can do it the right way is if we are able to bring amendments to the floor to improve this bill. That is how you are a good Senator representing people in your State.

One amendment would call for more resources for high-skilled training for workers in our country, for men and women who want nothing more than to be able to obtain a living wage job, earn a decent standard of living, take care of their families. We ought to make sure that there is a significant investment of resources for such skill development and job training. The Kennedy amendment would have done that. We are not able to do that because we are shut out from amendments.

If we are going to raise the H-1B visa cap, we ought to make sure that those workers with more advanced skills that Americans could not obtain the training for right away—that is to say, workers who have a PhD or a master's degree—would be the ones who, first of all, would be coming to our country from other countries.

That way, you make sure working people in our country who can easily be trained for these jobs are not shut out. My understanding is that Senator KENNEDY will be offering a carve-out amendment after the cloture vote.

Then there is rural America. The Center for Rural Affairs, located in Nebraska, came out with a study that one-third of households in rural counties in a six-State region, including Minnesota, have annual incomes of less than \$15,000 a year. Information technology companies say we need skilled workers. People in rural America have a great work ethic. Farmers and other rural citizens tell me: PAUL, we would like nothing more than to have the opportunity to receive the training for these jobs and then we could telework, do it from our homes and farms, or from a satellite office. We can make a decent wage. Why don't we put some focus on that?

I have an amendment, the telework amendment, and I have worked on this for the better part of a year. Whether it is Native Americans, first Ameri-

cans, who want the opportunity for skills development or whether it be rural people, I wanted to bring an amendment to the floor that would have provided funding for this telework. I think this amendment would have made all the sense in the world.

Rural workers need jobs. High-tech employers need workers. This amendment would have found a solution to these common challenges. It would authorize competitive grants to qualified organizations for 5-year projects to connect and broker employment in the private sector through telework to a population of rural workers, setting up centers of distance learning around the country in rural America, where we can make the connection between rural citizens who so desire the opportunity to have the skills and find the employment and the information technology companies that need these skilled workers.

It seems to me that if we are going to have such a piece of legislation on the floor—we would be respectful, of course, of skilled immigrants coming to our country to do the work. I am all for that. But at the same time, we would also make sure citizens within our own country who desire the opportunity to receive the skills and job training to obtain these jobs are given such an opportunity.

Cloture on the underlying bill would also doom another amendment that I think is necessary to improve this legislation. We cannot escape the irony that we are proceeding to pass a bill that would bring more foreign nationals into this country to work in high-tech companies, while we have done nothing to help literally thousands of immigrants who have been living in this country for years and paying taxes and often raising their children as American citizens. If we are going to bring more foreign workers into this country, it is only fair and just to take into account people who are already here, already contributing to our economy, and who already have families who have only known America as their home. It is hypocrisy, in my view, to do one without the other.

There are thousands of taxpaying immigrants who have been waiting years for an adjustment of status to permanent residency. Many of them have done everything they are required to do to stay in this country. But through a bureaucratic mixup, a change in laws, or another reason, largely beyond their control, they have become "out of status." It is for these people that we must—I use the word "must"—pass the Latino and Immigrant Fairness Act. Instead, we have moved to pass the H-1B bill and we ignore them. We ignore them, while we open our doors to more high-tech workers. With so many of our neighbors, our coworkers, our fathers, our mothers, and friends facing possible deportation to countries that have not been their home, I do not know how we can stand here and

argue that increasing the H-1B cap to admit new foreign nationals should pass without bringing fairness and relief to those who are already here. I include a thousand wonderful people in the Liberian community in my own State of Minnesota.

I don't know how a nation that believes in fairness could say that if you fled Castro, you can stay, but if you fled the death squads in El Salvador, you must go. I don't know how a nation that calls for more family values and responsible fatherhood would deport the father of American children such as JoJo Mendoza of Minnesota, who has worked for years building our economy, our community, and our Nation. Mr. Mendoza was deported 2 weeks ago from Minnesota. He left his children, who are Americans.

I would be prepared to vote for raising the H-1B visa cap if it were done in the right way. I do not think the LOTT amendment is the right way. I hope we can reach an agreement to do it in the right way—by permitting amendments that would make this bill one I could support.

Finally, I say one more time—and I feel as if I have said it so many times that perhaps I have deafened all the gods—we cannot be good Senators, whether we are Democrats or Republicans, when we no longer have a process that allows unlimited debate and allows any Senator to come to the floor with amendments that he or she believes will lead to an improvement in the quality of life of the people we represent. I have said to the majority leader a million times—he is not on the floor now, but I don't feel badly saying it because I have said it so many times when he has been on the floor of the Senate—I believe the way in which we have proceeded, the way in which the majority party doesn't want to debate amendments and doesn't want to vote on controversial questions, robs the Senate of its vitality. It makes it hard for any of us to be good Senators.

Here I am giving a speech. I like speaking on the floor of the Senate. I am honored to speak on the floor of the Senate. I get goose bumps every time I come to the Chamber. I love this Chamber, but I would rather be on the floor doing what I consider to be the work of a Senator, which is with an amendment that would set up centers for distance learning, that would focus on telework, that would be so important to so many rural Americans, including so many citizens in Minnesota, that would connect the need of the information technology industry for more skilled workers with a strong desire of rural people to be able to have the training. I say to my colleague from Idaho, and then telework from a satellite office from their home, a good job with a decent wage, with decent health care benefits.

I can't introduce that amendment to this bill with the way the majority leader has proceeded. I can't improve this bill. I can't represent the people in

greater Minnesota and rural Minnesota, many of whom are really hurting given the farm economy. For that reason, I certainly will vote for the motion to move forward on the immigrant fairness legislation, but I won't vote for this H-1B legislation as brought to the floor by the majority leader. I will not vote for cloture.

I am going to insist over and over again, as is my right as a Senator, to come to this floor and introduce and debate amendments that I think will make our country better. My solution could be another Senator's horror. I understand that. But the beauty and the greatness of the Senate, when we are at our best, is not this process, but it is the process of amending and debating, disposing of amendments, voting yes or no, and having more amendments to deal with, and then work to pass the legislation. I think we are making a terrible mistake in proceeding the way we have. I do not think it is for the good of the Senate as an institution, and I don't think it is for the good of Minnesota or the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, we will vote later this afternoon on a motion to change the way we proceed here to allow an amendment to come to the floor of the kind the Senator from Minnesota has spoken to.

This is an interesting process because the beauty of the process of the Senate that the Senator speaks of is that there are rules and procedures by which we live. Historically, most Americans understand that when they elect a majority to the Congress, they expect that majority, under the Constitution, to form a Congress and to form rules and to be able to manage that Congress. Under that responsibility of management, which this time the Republicans have under the majority leader of TRENT LOTT, there are the rules that each one of us as Senators have a right to enforce and to live by; that is, that we are all equal as our Founding Fathers assured that every State must be.

But it also recognized that there are more important procedures and processes that keep us functioning and functioning well. It is the rule of the majority, and in some instances in our Senate it is a supermajority that must move, giving the minority even greater rights to speak out.

While the Senator from Minnesota may be frustrated, clearly he has the right to make every effort to enjoy his right. But if a majority or a supermajority says, no, that is not the way we will proceed, and this is what we must do to carry on the business of the Senate and the Government, then while it may collectively have chosen to say to the Senator from Minnesota this is the way we are going to go, it is very difficult to suggest that is an outright denial of his right.

We are here to deal with allowing people from other countries to come to this country to work and not only to share in the American dream, to enhance the American dream, but to share in the freedoms and the benefits that all citizens in our country have.

While we as a country have always recognized the importance of our existence, we are a conglomerate as a country. We are not one people in the sense of one nationality or one color or one religion. We are all Americans, and we live under this marvelous system. We are brought together by our Constitution, and oneness under that Constitution which is really spelling out the rights and the freedoms of us as citizens.

We take seriously allowing others to come. They must come by rule, and they must come by law, or we become a nation quite lawless. Certainly a lawless nation is a nation that loses control of its boundaries, loses control of its borders, and, in fact, could lose control of its institutions—the very institutions of which the Senator from Minnesota and I are so proud.

We, as a country, have established laws. We have said this is the way a foreign national can enter our country to enjoy those things that are basically American. Some would choose to enter illegally; in other words, they would choose to violate the process or to violate the law.

We have before us today what we consider is waiving the rules of the Senate to consider a bill that basically says it is OK to violate the law; that we will change the law now that you violated it to make you legal.

I don't think American citizens with their full faith as it relates to how our institutions of government work are going to be very excited about that idea. They, too, may once have been a foreign national and became a naturalized American citizen. My family was five or six or seven generations ago. I am not sure when. But in the late 1700s, they were once foreigners coming from the great land of Scotland.

I have tremendous empathy for and have always voted when it came to changing our immigration laws or adjusting them to accommodate the needs of our country and the needs of our citizenry. But we as an institution and responsible as caretakers under the Constitution cannot reward the breaking of the law by simply changing it and saying it is OK now. It is OK if you can make it across the border into this country. Somehow we will accommodate you and change the law.

A sovereign nation is not a nation if it cannot control its borders—if it cannot police its borders and control the process of movement across those borders, both exit and entry. That is what creates a nation. That is what constitutes a nation. That is what identifies us as a nation. We are not one indivisible world. We are one indivisible nation under God. Nations make up a world.

There is a fundamental debate going on on the floor today, and it spells a difference.

My colleague from Texas talked about the millions and millions of foreign nationals who have applied to become American citizens, or at least legal as foreign nationals in our country. They stand in line. They work the procedure. It is complicated. We want it to be complicated. We do not want all of the world at our doorstep, nor would any other nation of the world. But we have always recognized that the vitality of our country is the uniqueness of our character, and our character is made up of many, many who come here and are not only the beneficiaries of our country but the great contributors to our country. They are many, and they are all different. Once they are here and once they are legal, under the process of law then they become part of that one nation indivisible.

There is a very important vote this afternoon that will occur about 4:30. It will be to decide whether we are going to change the law to allow those who came here illegally to all of a sudden be legal and, therefore, send a message to the world that there is no consequence. If you can make it across the border, you are home free.

That is not the way you sustain a nation. That is not the way you identify a border. That is not the way you protect the strength of our sovereignty. Diversity is important. We all recognize that because we are all part of this great diversity. We became the melting pot of the world, as so many down through the years have spoken of, but in doing so we did it through process and procedure—orderly with responsibility under the law. That is why this vote this afternoon will be so important.

I hope the Senate will not choose to waive our rule or waive our procedures for the purpose of an amendment that would clearly change the character of the law and allow an illegal alien to have benefits from having been the perpetrator of an illegal act.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### THE VIOLENCE AGAINST WOMEN ACT

Mr. TORRICELLI. Mr. President, in only a matter of 2 or 3 weeks, the Congress will adjourn—I trust having passed H-1B visas, but in all likelihood without passing a Patients' Bill of Rights, or, unfortunately, a prescription drug benefit, and probably without any real improvement in gun safety legislation.

While many of us will take comfort in helping American high-technology companies by providing H-1B visas, it is not even a mixed success. Worse, however, than most of these frustrations is the most unnecessary of all of these failures; that is, the failure to pass the Violence Against Women Act.

Five years ago, Senator BIDEN led this Congress in passing a Violence

Against Women Act, which I believe became noncontroversial and which benefits have been widely accepted. It makes it all the more difficult to understand that this \$1.6 billion package is languishing and will expire.

Under this legislation, we have trained thousands of police officers to make them sensitive to the problems of family violence and abuse. Judges and counselors have received training in sensitivity. We have increased the means of reporting domestic violence. So our records are accurate. We know the extent of the problem and how to respond.

Most importantly, we have provided real services, medical services, for a woman or a family who is abused; a place to go to get counselling from someone who understands domestic violence and how to deal with it; a place to take a child.

I think the most important of all is temporary housing. No American parent should have to choose between subjecting their child or themselves to violence, sexual abuse, or even a threat to life, and homelessness. Thousands of American women face that every night. Do I take my child to the streets, to a temporary motel, unsafe shelter, no shelter at all, or do I stay in a home where the child can be abused, where my life can be threatened?

The Violence Against Women Act has created thousands of beds in temporary shelters across the country so women do not have to face that choice. It established an emergency hotline which continues to get 13,000 calls a month, half a million calls since its inception; where a desperate woman, not knowing her options, or how to protect her child, not knowing what to do, how to get medical help, how to get counseling, how to get a police officer who understands, can call and get someone on the other end of a phone and get help.

The greatest part of the Violence Against Women Act is that it is showing results. Since 1997, the programs created by the Violence Against Women Act have reduced the rate of partner violence against women by 21 percent. This is a dramatic decline in the amount of violence against women since the act came into being. There may be many reasons.

We are also seeing dramatic drops in murders. Fewer murders were committed by intimate partners in 1996, 1997, and 1998, than any year since 1976. The number of women raped has declined by 13 percent between 1994 and 1997. Members may cite many reasons why violence is down, rape rates are down, and most importantly, murder rates are down, but one of those reasons must be that police officers are better trained and are responding more promptly, judges are more sensitive to the crime, and most importantly, women who feel threatened in these circumstances have a choice, are getting out of residences and into shelters, into protected environments.

During a recent recess, I visited a number of the shelters across my State of New Jersey. The Women's Center in Monmouth County, NJ, is receiving \$285,000 for counseling and shelter and emergency services. The Passaic County Women's Shelter in Paterson received \$185,000 under the Violence Against Women Act for Spanish-speaking women to get help and advice.

If this act is not reauthorized, these shelters lose their Federal funding, potentially close their doors, with the unescapable conclusion that violence may rise as women lose choices.

We have come to recognize in these years, the criminal justice system has come to recognize, as well, that violence in the family, particularly in cities, is dangerous not only to the individuals in the family, but society, which is built upon a family unit. We decided not to ignore the problem. But that may be exactly what this Congress is doing. This legislation will lapse, this funding will end, and people will get hurt. Those are realities. They are not partisan comments. They don't represent a philosophy or ideology. They are cold, hard, facts because for all the progress we have made, family violence in this country remains an epidemic. One in three women continues to experience domestic violence in their lifetime. A woman is still raped every 5 minutes, and still there are no arrests in half of all the Nation's rape cases.

The risks of not acting are great: Lose the shelters, lose another generation of police officers or judges who are not properly trained, a phone call in the night that cannot be made, beds that will not be available. Is it worth the price, the cost of this inaction?

I am pleased we are voting on this H-1B visa today. I wish we were doing many other things. Other things may be controversial, we may have our own ideas about them, but surely this could bring us together. It did once. In 1995, we acted together, without division. Are we less now than we were then—is the problem so much less in our minds?

I urge the leadership to bring the Violence Against Women Act to the floor and to do so now.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time?

If no one yields, time will be charged equally against both sides.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Mr. President, I again lend my support to the Latino and Immigrant Fairness Act. I understand we may be voting at 4:30 this afternoon to waive the rules to allow this legislation to be considered. I am hopeful in

the spirit of fundamental fairness the Senate will vote to allow a full debate on this issue.

The focus of this legislation is the same word that I just used to refer to what I hope will be the disposition of the Senate, and that is "fairness." There has been a lot of discussion over the past few days about high-tech workers, H-1B visas. Our American companies need these high-tech workers.

Unfortunately, there are deficiencies in the skill level of Americans which have resulted in the necessity of providing visas for specific high-skilled foreign workers to come to the United States to fill these jobs. I hope this deficiency will just be a temporary one and we will use the debate we are having on H-1B as a spur to do the fundamental reforms we are called upon to do to see that Americans have the skills to fill these high-tech, high-wage jobs. Until then, American industry needs these workers. High-tech industries are one of the engines that have been growing our prosperous economy.

I want to see the H-1B bill become law. I am a cosponsor and a long-time supporter of this legislation. However, high-tech workers are not the engine of our economic growth. The equally essential workers in our service and retail industry, manufacturing, care giving, tourism, and others are part of that economic engine. The need is great for H-1B and high-tech workers. The need is also great for these essential workers. Many of these workers would remain as legal, permanent members of our society under the relief provided with the Latino and Immigrant Fairness Act.

Simply put, what is fairness? I said before that we all learn in grammar school what is fair and what is not fair. It is fair for a teacher to punish two noisy and disruptive schoolchildren by keeping both of them inside during recess. But if the teacher keeps only one student in and lets the other go outside and play, that is unfair. In other words, fair is treating people in the same circumstances in the same way. This is exactly what we are trying to achieve with the "NACARA Parity" section of the Latino and Immigrant Fairness Act.

We are here today trying to achieve fairness because in 1996 we passed an immigration law that went too far. It was unfair because it applied retroactively. This is like changing the rules in the middle of the game. This is what we have done, and we should correct it, and we should begin that process of correction today.

What we are being asked to do is not to provide citizenship or even legal permanent status to the persons who will be affected by this legislation. In most instances what we are being asked to do is to give these people a chance to apply for legal status in the United States, just as we have given others who are in the same circumstances the right to apply for legal residence in the United States.

I spoke on the Senate floor earlier about the human faces and human stories I came to know when Congress corrected part of this unfairness, the unfairness of the 1996 act, in 1997 and 1998 with two immigration bills dealing with Central Americans and Haitians.

On the Senate floor I spoke of Alexandra Charles, whom I came to know when I participated in a hearing held in Miami when we were originally introducing the Haitian Refugee Immigration Fairness Act. Let me tell you Alexandra's story.

As a young child in Haiti, she witnessed the military murder her mother. Her father has disappeared. She came to the United States as an unaccompanied minor, but she has built a life here. When I testified about her at the hearing in Miami, she was working at two jobs. She was finishing 2 years at Miami Dade Community College. Congress took the right step, in 1997, to protect her future in the United States. We have the opportunity today to start the process to take the right step for others who are in Alexandra's same circumstances.

We are now treating differently those individuals who faced equally arduous hurdles to come to the United States: Those who fled civil wars, those who witnessed brutal acts—such as Alexandra, seeing a military man shoot down her mother—those who were forced out of a nation after a military overthrow because of their views on democracy. Our Nation has always set the standard for offering refuge to those in need. We did so in this case. We gave legal status to many in the mid-1980s who came here in these circumstances, fleeing persecution, seeking democracy and freedom. Then, in 1996 we took it away and did it retroactively. This is wrong. This is not the American way. We should correct this error in this legislation.

In July of this year, Congressman ALCEE HASTINGS and I met with members of the Haitian community in Fort Lauderdale, FL. One of the audience members who approached the microphone to speak was in elementary school. His name was Rickerson Moises. He and some of his siblings were born in the United States. They are U.S. citizens. His mother fled the violence in Haiti but was not protected in the Haitian Refugee Fairness Act because she came with a false document, a method she had to take to escape Haiti.

If I could just explain for a moment the differences in exit from Haiti during that period of the Duvalier regime and then the military dictatorship which followed. Most Haitians who fled the country did so by small boat. They arrived in the United States with no documentation at all. They had no passports, no other documents to support their exit from their former country or their arrival in the United States. There was another group, a smaller group, approximately 10,000, who came by commercial airline. These

frequently were the people who were in the greatest jeopardy. They realized they did not have time to seek out a boat, to wait possibly the days or weeks before the boat was prepared to leave. They had to leave tonight because of the nature of the threat they faced.

Mr. President, I ask for an additional 10 minutes.

The PRESIDING OFFICER. Will the Senator clarify as to what time that 10 minutes will come from? We have a time agreement which has a deadline for a vote.

Mr. GRAHAM. It will come from the minority side.

The PRESIDING OFFICER. There is no time on the minority side. It would have to come from the majority side. As a Senator from Idaho, I would have to object until I have advice from the majority leader as to the time.

Mr. GRAHAM. Mr. President, in light of the fact that there is no one here seeking the floor, I ask unanimous consent I be allowed to continue until someone seeks the floor or for an additional 5 minutes, whichever is shorter.

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

Mr. GRAHAM. Mr. President, those persons who came by commercial airliner had to have some documents in order to get on the plane. So what they would frequently do is get counterfeit passports so they could get onto the plane and out of Haiti and escape the imminent prospect of persecution or worse.

She was one of those persons. She came to the United States with false documents, counterfeit documents she admits. Had she come with no documents at all, she would have been allowed to stay here. But because she arrived with false documents, she is subject to deportation. After years of life in the United States, this action would separate U.S. citizen children from their Haitian mother. This is an agonizing choice—follow the law and leave your children behind or take your children back to a country where you suffered violence and persecution. I cannot think of any choice more un-American, more offensive to our basic principles. We have a chance to correct this and restore fairness, and we should do so as soon as possible.

Mr. President, I ask unanimous consent to have printed in the RECORD two editorials, one from the Miami Herald, one from the San Francisco Chronicle, which explain in greater detail the urgent need to take action and correct this injustice. I ask these two editorials be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 1.)

Mr. GRAHAM. Mr. President, I do not want to speak much longer. I didn't speak much when I was on the floor before about another element of the Latino and Immigrant Fairness Act because I focused on my own personal experiences in south Florida. But

the "registry date" component of the legislation will have a tremendously positive impact on my State and on our Nation as a whole.

Congress every so often in the course of legislation updates what is called the registry date in immigration law. This is the way, for many years, residents of our Nation have had to formalize their status in the United States. It recognizes the fact that after many years in our country doing the hardest work, paying taxes, participating in the community, and starting small businesses, there should be an avenue of appeal to be able to stay in the United States.

To apply for relief—and I underscore apply for relief, not be granted relief—to apply for relief under the new registry date, 1986, you must have been here since that time, nearly 15 years.

For many Floridians, these are the most long-term employees or our established neighbors. These workers for Florida's companies have the most experience and are among the most dedicated. It is fundamentally unfair to these workers, the businesses, and our communities to uproot these families after 15 years or more.

Critics have said this condones illegal immigration. Our Nation should have a firm policy on illegal immigration, and through the last few years' appropriations cycles, we have allocated more money for border enforcement. We have the Federal responsibility to strengthen our borders, but we also have the responsibility to face the reality and the consequences of uprooting families after nearly two decades of work and life in the United States.

Many of these individuals did have legal status at one time and were affected by the immigration laws passed in 1996. Some were given bad advice about whether they were eligible for the amnesty program in 1986. They were told not to apply, when, in fact, they were eligible for the program.

Updating the registry date allows those who have dedicated 15 or more years of their life to building and strengthening our economy and Nation to finally have the opportunity for a formal status here. It makes both economic and humanitarian sense.

Lastly, I want to react to some of the debate yesterday. I believe there should be a free and open debate on this important immigration issue, but, in my view, that debate does not need to be partisan.

This is an issue that affects every city, business, and family in America. It crosses State lines and party lines. There is a common ground, and I hope we can work together to find a way to allow both H-1B and the Latino and Immigrant Fairness Act to become law. It is in the greatest of America's tradition of justice and fairness.

I thank the Chair.

#### EXHIBIT 1

[From the Miami Herald, May 4, 2000]

#### HAITIAN PARENTS OF U.S. KIDS DESERVE TO REMAIN HERE TOGETHER

Imagine a scene where American children are made to bid goodbye to their mothers and fathers as federal agents force the parents to board a plane to Haiti, where they'll have to rebuild their lives.

After going to extraordinary lengths to reunite Elian Gonzalez with his father, Attorney General Janet Reno must not let that tragedy come to pass for the 5,000 U.S.-born children of Haitians who soon might be placed in this awful situation. These parents, some of whom have been here for as many as 20 years, could be deported at a moment's notice. They'd be forced to choose between leaving their children behind or raising them in a destitute, strife-torn country the children have never seen.

That's what the U.S. Immigration and Naturalization Service, which Ms. Reno oversees, proposes to do. Ms. Reno should be consistent in her concern for children. For their sake, she must protect these families by suspending their deportation at the highest executive level.

The next step is for Ms. Reno to allow these Haitians to be included in the Haitian Refugee Immigration Fairness Act of 1998, which was intended to cover Haitians fleeing political violence in Haiti in the early 1990s. The law granted amnesty from deportation to Haitians who made it to U.S. shores before the 1996 cutoff date, as these 10,000 people did.

But unlike those who arrived by boat or other means, most of these 10,000 came through South Florida's airports using phony documents to flee that country. Yet because they broke the law by using counterfeit papers, the INS has refused to let them apply for protection under that amnesty law signed by President Clinton in 1998. One such refugee was a former Haitian soldier who fled after refusing to follow orders and shoot at unarmed demonstrators.

Another is Kenol Henry who paid \$2,500 for a passport and visa that got him to Turk and Caicos, then to Miami. He was stopped at the airport and spent four months at the Krome Detention Center. "I knew it was illegal," says Henry, 32. "There was nothing else I could do."

That was 11 years ago. In the meantime, his wife died, leaving him alone to care for Kenisha, his asthmatic, American-born child. Since he arrived, Mr. Henry has worked at the same Medley tool-and-die shop. Recently he's been sharing a house in Hollywood to help a brother pay the mortgage.

Last August, Mr. Henry received his deportation letter with an extension set to run out in September if he's denied residency under HRIFA. He's interviewing with an INS officer today. If his request for amnesty is turned down, Henry fears he may be detained and deported on the spot.

What then? Here he has work and insurance for his asthmatic daughter. In Haiti—nothing.

Ms. Reno must show compassion for children like Kenisha, some who don't speak a word of Creole. She has the power to stop INS lawyers from prosecuting fraudulent-entry cases, and she must use it. The HRIFA law was intended to correct a wrong, not to break apart families.

[From the San Francisco Chronicle, April 5, 2000]

#### NO ROOM FOR 5,000 ELIANS

While much of the nation is consumed by the plight of one little Cuban boy, more than

5,000 Haitian children are facing an even more frightening prospect: banishment by the Immigration and Naturalization Service to a Caribbean hell of filth, tyranny, starvation and, some cases, surely death.

Obscured in the dark shadows just beyond America's spotlight on Elian Gonzalez, few know the pain of thousands of lesser known but equally vulnerable children on the verge of either being ripped from their families or booted out of the only homeland they've ever known. Worried and puzzled, the children await the execution of deportation orders that, at any moment will either make them orphans, doom them to a life of squalor, or both.

U.S. citizens by birthright, the children can't be deported. But their parents can and have been so ordered—the penalty for doctoring passports to escape a fearsome Haiti more than a decade ago.

Now, 3,000 parents face an agonizing choice: take their children with them or leave their children here—in effect making them orphans—as the only way to ensure them at least a chance at a better life.

The fate of the Haitians, long colored by politics and race, is a brutal tale of a people unable to awake from nightmares most thought they fled years ago. From 1981 to 1994, 10,000 Haitians boarded leaky boats, leaving a country wracked by street chaos, military coups and the kind of ruthless politics that made Cuba look orderly by comparison.

But the U.S. Coast Guard seized and burned their boats, and returned them to a regime the world routinely scorns. But many tried again, this time using altered passports to board airlines and fly.

In 1997, Cubans and Nicaraguans who came here in much the same way were given amnesty, but not Haitians who entered with fake passports. Apparently, scaling border fences or floating in on rafts like Elian is less criminal.

Ironically, Haitians mostly live in Florida, virtually next door to Elian and his rabid street crusade for citizenship.

The Haitians have worked hard at menial jobs, obeying laws, buying homes, educating their kids. But no politicians have taken up their cause. No one is protecting their dilemma, demanding parental rights or simply fighting to save their children.

But if it is wrong to tear one child away from his father, surely it's wrong to tear 5,000 children away from theirs. It's time to end America's double standard for Haitian refugees. Attorney General Janet Reno should stay the deportations and assure the Haitians that they too won't be ripped from their parents.

The PRESIDING OFFICER. The time of the Senator has expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. 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. THOMAS. Mr. President, I ask unanimous consent to be allowed to proceed as in morning business counted against the time on our side.

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

Mr. THOMAS. I thank the Chair.

#### RURAL HEALTH CARE

Mr. THOMAS. Mr. President, we are supposed to vote here at 4:30, so I want



to take a few minutes while we have a little time to talk about an issue that is very important to me and, I think, very important to many people in this country that has to do with rural health care.

I am cochairman of the Rural Health Care Caucus in the Senate. We are faced with a number of issues, of course, in health care for everyone. But one of the issues we always have to work at is the notion that when you have low population areas, rural areas, then the provision of health care and delivery of health care is different than it is in urban areas, than it is in city areas. So, from time to time, we have to make some different kinds of adjustments. That is what our Rural Health Care Caucus seeks to do.

It is also interesting that although Wyoming is certainly one of the rural States, almost every State has rural areas. Even New York, which we never think of that way, has, I think, a higher percentage of people who live in cities than any other State; so, therefore, they have rural areas as well.

I want to take a minute to bring to the attention of the Senate what I consider to be current inequities in the Medicare program that do not address the unique and different needs of rural Medicare providers and beneficiaries in my State and across the country.

Rural health care beneficiaries—those who utilize the program—tend to be poorer, tend to have more chronic illnesses than their urban counterparts. There is generally a higher proportion of seniors in rural areas. Rural providers generally serve a higher proportion of Medicare patients and therefore, of course, are impacted and are highly susceptible to changes and reductions in Medicare reimbursements for the services they provide.

It is because of these unique circumstances that rural providers and beneficiaries are working now to put into whatever package we come up with, as this Congress comes to a close, that which strengthens Medicare.

The Balanced Budget Act of 1997 asked for some reductions. Unfortunately, HCFA, the agency that handles the disbursements for Medicare, reduced those payments a great deal more than asked for by Congress. It had been provided at one time to bring them up again. There is an effort being made to have a sort of payback arrangement from the BBA this year as well.

So there are a number of specific provisions I hope will be considered that do pertain to rural areas and are specifically pertinent to rural Medicare providers.

The Balanced Budget Act of 1997 reduced the annual inflation—the market basket it was called—update that hospitals usually received in order to make the payments even with inflation. In fiscal years 2001 and 2002, hospitals were slated to receive a market basket which would have been the inflation minus 1.1 percent as an update.

Unfortunately, studies demonstrate that because of the reductions, many rural hospitals have margins now that hover below that. So we are really interested in that. This market basket payback does reflect what the increased inflationary costs are. I think that is terribly important as we move forward.

We need to revise the disproportionate share hospital payment formula. A majority of those hospitals serve large numbers of seniors who are in low-income brackets and receive little or no Medicare payments because of the differential qualifications for rural and urban hospitals.

Rural and sole community hospitals must meet a higher threshold of criteria of 45 percent and 30 percent than their urban counterparts. So here again is a certain amount of unfairness in these kinds of payments and distributions.

So we are asking that the committee apply the threshold of the 15 percent of having these kinds of patients, to make it fair and equitable—which is currently what it is in urban hospitals—rather than the 30 percent.

The wage index: Here again we have the formula that applies to most hospitals. The local wage index is considered to be about 70 percent of the total cost. However, that is not true in rural hospitals, where it is more like 50 or 60 percent. So when that adjustment is made, our hospitals in the rural areas have lower wages and, therefore, are unfairly penalized. So we are asking that each of them be assessed on what their average percentage really is.

Rural home health agencies are not able to spread out their fixed costs. They are not able to generally include the costs of the excessive traveling that takes place in rural areas. That needs to be changed.

Medicare-dependent hospitals: We find that this program was established in 1989 to provide special protections to rural hospitals that serve a high proportion of Medicare patients. They used the old figures that were there. We need to do something about that.

So there are a number of areas in rural health care that need to be justified, and hopefully can be justified, as we move forward toward the kind of changes that ought to be made to bring this balanced budget business back into play and to be fair.

All we are asking for is fairness as we compare the different kinds of hospitals. We found some time ago that the payments made in Florida were much larger than payments made for the same kind of services in Wyoming. Now there is some adjustment in terms of cost, and so on, but not nearly the kind of adjustment that showed up in the payments. We have made some improvements on that. I think it is something we have to continue to look at as we revise the criteria.

Last year, we also established a critical access hospital arrangement for small communities that could not sus-

tain a hospital with all the full requirements that are necessary in an urban hospital, so their hospitals could be listed so they could be paid for their services under Medicare.

We do have community access hospitals which basically are clinics. People can take care of emergencies knowing, if it is a serious illness or a serious accident, they can be moved to another location, but the community access hospitals can provide the emergency care that is needed and can be paid for it out of Medicare. That is simply a very reasonable, sensible, fair, and equitable thing that needed to be changed and was. I am pleased about that.

I am looking for ways to increase the program which entices providers to come to rural areas where they could pay off part of their educational expenses by serving in areas of low population in the United States. That is just one of the things, as we complete this session, that needs to be done. I hope it will be done. And as that happens, I am very anxious that the uniqueness of our rural communities be recognized and that we have fairness based on that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, it is my understanding that the minority has no more time left under the time agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I know the Chair, acting in his capacity as a Senator from Idaho, if there was a problem, would certainly correct it. But nobody is here.

I ask unanimous consent that until somebody from the majority wants to talk—I have spoken to Senator THOMAS, to whom I have indicated I was going to speak. I don't know if he knew that we had no time. I ask unanimous consent that I be allowed to address the Senate for up to 4 minutes.

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

The Senator from Nevada is recognized.

Mr. REID. Before the vote occurs at 4:30, I want to make sure we all understand where we are coming from in this instance. Our leader has asked that the rules be suspended, in effect, so that we can vote on the Latino and Immigrant Fairness Act. This is a very simple measure that we want to vote on. Some people disagree with what we are trying to do. We want an up-or-down vote on this amendment. The Latino and Immigrant Fairness Act contains Central American parity, date of registry,

245(i), and the matter that has been so well discussed by Senator REED from Rhode Island dealing with Liberians. We want an up-or-down vote on this and we will get one eventually. We hope this measure will pass.

Everybody should understand that a vote against our suspending the rules is against the amendment that we are advocating, the Latino and Immigrant Fairness Act. This has nothing to do with illegal immigration. These are people who are already in the United States, who are here seeking to have their status readjusted. It has nothing to do with criminals. None of these people are criminals who could apply to have legal status here and apply for citizenship.

There are a number of red herrings that have been thrown up, and this is a simple proposal. We want the ability of these people who are in the country to have their status adjusted. Some of it is so unfair that people have the ability to apply under an amnesty act passed in 1986. Anybody in the country prior to 1982 could apply to have their status readjusted. They had a year to do that. Some people took more than a year. We believe there should be the ability of these people who were here before 1982 to have their status adjusted. We have asked that that date be moved up to 1986 in keeping with what we have done in this country since 1929. We have been adjusting the time for individuals to readjust their status.

It is unfair if we are unable to do this. The President has said he would not allow this Congress to adjourn unless this fairness provision is passed and made law.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMERICAN WRESTLER RULON GARDNER WINS  
GOLD MEDAL

Mr. THOMAS. Mr. President, I want to suggest something that is very exciting for those of us in Wyoming and, I think, all over the country. I will start with a headline off of the Internet: "American Stops Russian's 13-year Streak."

It says:

"I cannot believe I actually won," said the 286-pound Rulon Gardner, and he was not alone.

He wasn't expected to win. He is a wrestler from Star Valley, WY, weighing 286 pounds. This was really an incredible thing. Listen to this:

Just how invincible was the Russian Icon he beat? Alexander Karelin had not lost a match in international competition in 14 years. Only one point had been scored against him by an opponent in 10 years. He'd won gold in the past three Olympics. The American who wrestled him in Atlanta in 1996, respected silver medalist Matt Ghaffari,

faced him 22 times over his career and lost every time.

He is a huge guy and has done this great, great job of wrestling throughout the years. In fact, it seemed so certain he would win again that the Olympic Committee president was there to present him with the medal. Sure enough, that did not happen. The unthinkable happened, in fact, and our man scored a point. Gardner scored a point early on and maintained that point, and now he is the gold medal winner in heavyweight wrestling at the world Olympics.

He grew up the youngest of nine in Afton, WY, population 1,400. He went to college and wrestled there. Before wrestling, he also played a little football. But he has been wrestling for some time and had a chance to go to the Olympics this year. This is the first Olympic gold for a U.S. wrestler since 1984.

We are especially proud in Wyoming to have had a number of athletes in the Olympics. But we are really so proud of this one in particular, who, as of yesterday, had the gold medal in heavyweight wrestling.

I couldn't resist the opportunity to recognize that.

Thank you, Mr. President.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### OIL CRISIS

Mr. BENNETT. Mr. President, this morning there was a meeting of the Joint Economic Committee on which I sit. The subject had to do with oil prices. I would like to report to my fellow Senators and any who may be watching on television some of the things we found out.

The first thing that became clear was that the oil crisis that we are dealing with now did not occur in the last 60 days. It has been building for months. Indeed, the conditions have been building for years.

One of the things that I found distressing was a comment made by one member of the committee whose suggestion was that anyone who disagreed with what the President and the Vice President are currently proposing should be challenged with this question: What is your solution? And if the answer was you don't have an easy solution, then stop complaining about our solution.

I think that is an irresponsible reaction.

I quoted to the members of the committee a column that was written in the New York Times yesterday by Thomas L. Friedman. He is the foreign affairs commentator for the New York Times, not normally known—either Mr. Friedman or his newspaper—for

their support of Republicans or for their disapproval of Democrats.

I found it a rather interesting column. I quoted some of this to my fellow committee members. I would like to quote from it here on the floor.

I ask unanimous consent that at the conclusion of my remarks, the entire column be printed in the RECORD.

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

(See exhibit 1.)

Mr. BENNETT. Mr. President, Mr. Friedman is writing this column from Tokyo. It has a Tokyo byline on it. He starts out by saying:

It's interesting watching the American oil crisis/debate from here in Tokyo. The Japanese are cool as cucumbers today—no oil protests, no gas lines, no politicians making crazy promises. That's because Japan has been preparing for this day since the 1973 oil crisis by steadily introducing natural gas, nuclear power, high-speed mass transit and conservation, and thereby steadily reducing its dependence on foreign oil.

That is one of the key paragraphs in this entire piece, that for nearly 30 years now the Japanese have been steadily reducing their dependence on foreign oil. In the same period in the United States, we have been steadily increasing our dependence on foreign oil.

Look at the power sources Mr. Friedman refers to: Natural gas, nuclear power, high-speed transit, on the conservation side. I have been a supporter of high-speed transit ever since I came to the Senate. There are some people who have said: Senator, you come from the West. Why do you care about Amtrak? Why do you care about high-speed ground transportation in the Northeast corridor? I have said I care about it because it is part of the long-term solutions in the United States. Even as a Senator from Utah, I have sided with the Senators from New Jersey, the Senators from New York, and the Senators from Delaware in supporting Amtrak and high-speed ground transportation, in hoping to keep that form of transportation alive so we are not always on the highways.

Natural gas: There is an enormous amount of natural gas in the United States.

Nuclear power: We have not built a nuclear powerplant in this country since the oil crisis of 1973. There are those who say nuclear power cannot be built. I am a strong supporter of nuclear power.

Just because we have large supplies of natural gas, including large supplies of natural gas on Federal lands, public lands, doesn't mean we can use the natural gas to heat our homes. Why? Because natural gas on Federal lands is of no value. It must be explored for, it must be brought out of the ground, and then it must be transported, which means building pipelines, usually across Federal lands.

Once we realize, particularly in this administration, what the attitude has been, we begin to understand why Mr.

Friedman can write this somewhat sarcastic column in Tokyo. This administration, for 8 years, has done everything it can to prevent the building of additional pipelines across Federal lands. They say, no, we don't want to do that; somehow it will despoil the Federal land if there is a pipeline under it. I stress "under it" because once a pipeline is in place, people who are out on that Federal land who love the wide open spaces will not be aware of the fact that the pipeline is there. The pipelines get buried, particularly natural gas pipelines, and the scenery is unaffected. It comes back quickly, in the age of the wide open spaces of the West, a few years, to recover from where a pipeline has been buried. It is nothing more than the blink of an eye in nature's time. This administration is opposed to pipelines.

Friedman goes on to tell us that America has failed to do the kind of exploration and conservation that the Japanese have done. He makes this comment:

Imagine if America had that sort of steely focus. Imagine, in fact, if at this time of soaring oil prices and endangered environments, America had a presidential candidate who could offer a realistic plan for how to preserve our earth in the balance.

Then Thomas Friedman goes on to make this comment, writing in the *New York Times*:

Wait a minute—that was supposed to be Al Gore, but in the heat of the campaign, Mr. Gore has shamelessly offered us instead a fly-by-night plan for putting America out of balance. The new Gore energy theory is to demonize the oil companies, tap into the Nation's strategic oil reserve—which only a few months ago he declared shouldn't be touched to manipulate prices—and talk about developing new magic energy-saving technologies that will create jobs in the swing states where Mr. Gore needs to get elected and will allow Americans to keep driving gas-guzzling big cars and indulging their same energy-consuming habits without pain.

I felt a little sense of satisfaction when I read that particular paragraph because I have just traded in my gas-guzzling car for one that will get 70 miles to the gallon on the highway. I am sorry to say that it is Japanese in its origin, but it is a lovely little car and I will be happy to give any Member of this body a ride in it at any point.

Back to the Friedman article, referring, again, to the Gore policy with respect to energy:

How nice! How easy! And how far from what's really required to free us from the grip of OPEC.

He goes on and describes what needs to be done and then makes this comment:

Mr. Gore knows this, but instead of laying it on the line he opted for an Olympic-quality, full-bodied pander—offering a quick-fix to garner votes and pain-free solutions for the future. Prime the pumps, pumps the polls and pay later. Don't get me wrong, tapping the strategic reserve makes some sense to ease the current distribution crisis—but doing it without also offering a real program for consuming less oil and finding more makes no sense at all.

I go back to the accusation made in this morning's committee hearing: you who are complaining about what the President is doing, have no solution yourselves, so stop complaining.

What Mr. Friedman is talking about illustrates what I and other Members of this body have been proposing as a solution for 8 years. For 8 years, we have been trying to increase the domestic supply of power. For 8 years, we have been on this floor asking this administration to allow us to drill more, to find more, to produce more so that we will have the supply when the demand comes. For 8 years, we have been sounding the alarm on the energy issue and we have been ignored by the President of the United States, or on those occasions where we have actually passed legislation, it has been vetoed by the President of the United States on the recommendation of the Vice President: No, we do not need to go after that vast pool of oil that is there in Alaska; It will despoil the environment.

The Senator from Alaska has pointed out if we compared this room to the Alaska Natural Wildlife Reserve or ANWR, say this room is the size of ANWR, the footprint of the drilling would be about the size of one of those decorative stars in the middle of the carpet. One could cover it entirely with a single piece of paper 8½ by 11. That would be the total amount of impact on the entire room in the bill that this Congress has passed and that the President has vetoed—not once but twice.

Yet now when we say wait a minute, it is the action of this administration that has prevented America from having the oil supplies we need to deal with this crisis, we are told: you have no solution. We have had a solution and we have had it for years and it is the President and the Vice President who have stymied us.

I don't want to overdramatize this, but I will try to be a student of history. I feel a little like Winston Churchill who for years and years and years warned of the coming threat, and then when it happened, he had to say to his people: I have nothing to offer you but blood, toil, tears, and sweat.

That is overdramatic, and I do not want to overplay it. The point is, there is one thing to be complaining about this over and over and then there is another thing to come along and say: We are in a mess and you guys don't have any solution.

My senior colleague from Utah is here. I understand he has reserved the last 10 minutes before the vote so I shall terminate my comments.

I want to make it clear, the solution to the problem of high oil prices does not lie in short-term fixes. It does not lie in the kind of neat conclusions that Thomas Friedman talks about. It lies in long-term plans and long-term policies. That being the case, we are not going to get out of this anytime soon.

I leave you with this one conclusion that came out of the witnesses. They

said this: If everything goes the very best that it can, if everything works according to our plans, home heating oil prices in New England this year will be substantially higher than they were last year. That is the best-case scenario.

I think those who should have seen the handwriting on the wall last year bear the responsibility for that situation and should not be let off the hook by just saying to us: Well, what's your solution?

We were not in charge. Those who were should bear the responsibility. I yield the floor.

#### EXHIBIT 1

[From the *New York Times*, Sept. 26, 2000]

#### CANDIDATE IN THE BALANCE

(By Thomas L. Friedman)

It's interesting watching the American oil crisis/debate from here in Tokyo. The Japanese are cool as cucumbers today—no oil protests, no oil protests, no gas lines, no politicians making crazy promises. That's because Japan has been preparing for this day since the 1973 oil crisis by steadily introducing natural gas, nuclear power, high-speed mass transit and conservation, and thereby steadily reducing its dependence on foreign oil. And unlike the U.S., the Japanese never wavered from that goal by falling off the wagon and becoming addicted to S.U.V.'s—those they just make for the Americans.

Imagine if America had that sort of steely focus. Imagine, in fact, if at this time of soaring oil prices and endangered environments, America had a presidential candidate who could offer a realistic plan for how to preserve our earth in the balance.

Wait a minute—that was supposed to be Al Gore, but in the heat of the campaign Mr. Gore has shamelessly offered us instead a fly-by-night plan for putting America out of balance. The new Gore energy theory is to demonize the oil companies, tap into the nation's strategic oil reserve—which only a few months ago he declared shouldn't be touched to manipulate prices—and talk about developing new magic energy-saving technologies that will create jobs in the swing states where Mr. Gore needs to get elected and will allow Americans to keep driving gas-guzzling big cars and indulging their same energy-consuming habits without pain.

How nice! How easy! And how far from what's really required to free us from the grip of OPEC. Here is how we got into this pickle, which you won't hear from Mr. Gore:

OPEC came along in the 1970's and pushed the crude oil price up too far too fast, and it created a global economic slowdown, triggered both energy conservation and widespread new exploration outside of OPEC. The result was an oversupply of oil from 1981 to 1998—culminating in 1998 with oil falling to \$10 a barrel, when the glut coincided with Asia's economic crisis.

This cheap oil lulled us into retreating from conservation, and was like a huge tax cut. And because it coincided with the technology revolution, it added to the booming U.S. economy, which helped fuel a world economic recovery. But this boom eventually stretched OPEC's capacity for quality oil, used up most of the world's oil tankers and once again pushed up prices. As such, today we either have to start to consume less oil—by shrinking our S.U.V.'s, raising gasoline taxes and again taking conservation seriously—or find more non-OPEC oil, which means figuring out how to tap more of Alaska's huge natural gas reserves without spoiling Alaska's pristine environment. Or else we pay the price.

Mr. Gore knows this, but instead of laying it on the line he opted for an Olympic-quality, full-body pander—offering a quick fix to garner votes, and pain-free solutions for the future. Prime the pumps, pump the polls and pay later. Don't get me wrong, tapping the strategic reserve makes some sense to ease the current distribution crisis—but doing it without also offering a real program for consuming less oil and finding more makes no sense at all.

It's also dangerous. Another name for the Gore strategy would be "The Saddam Hussein Rehabilitation Act of 2000." Because tapping into the strategic reserve, without conservation or exploration, only guarantees OPEC's dominance. And when the oil market remains tight, it means that Saddam is in an ideal position to hold America hostage. Any time he threatens to take any of his oil off the market, he can make the price soar.

Mr. Gore's oil pander also reminds many Democrats of what it is that bothers them about the vice president. Many Democrats really are not wild about him, yet they know they have to vote for him over Mr. Bush. They would at least like to feel good about that vote.

But when you hear Mr. Gore bleating that "I will work for the day when we are free forever of the dominance of big oil and foreign oil"—without leveling with Americans that the only way to do that is by us consuming less and drilling more—you just want to cover your ears. Surely Mr. Gore is better than that. Surely Gore supporters are entitled to expect more from him. I guess all they can hope for now is that he will show more spine and intellectual honesty as a president than he has as a candidate. You really start to wonder, though.

Ms. MIKULSKI. Mr. President, I rise to oppose cloture on the H-1B visa bill. I understand the importance of filling jobs in our high-tech industry. Yet hiring more people from abroad is only a short-term stop-gap solution.

We don't have a worker shortage—we have a skill shortage. We must upgrade the skills of American workers.

If we don't start dealing with the issue of skills, we will never have enough high-tech workers, and we'll perpetuate the underclass.

I am pleased that the H-1B visa bill would use visa fees for worker training and National Science Foundation scholarships, but we must do a lot more for K-12 education. That is why I want to offer an amendment to enable all Americans to learn the skills they need to work in the new digital economy.

My amendment is endorsed by the NAACP, the National Council of La Raza, the American Library Association, and the YMCA.

During consideration of the budget resolution, I offered an amendment to create a national goal: to ensure that every child is computer literate by the 8th grade, regardless of race, ethnicity, income, gender, geography, or disability.

My amendment passed unanimously. Yet in this Congress, we have done nothing to make this goal a reality.

A digital divide exists in America. Low-income, urban and rural families are less likely to have access to the Internet and computers. Black and Hispanic families are only two-fifths as

likely to have Internet access as white families. Some schools have ten computers in every classroom. In other schools, 200 students share one computer.

Technology is the tool; empowerment since the Civil Rights Act of 1964, or it could result in even further divisions between races, regions and income groups.

Last year I visited New Shiloh Church in Baltimore. The pastor, Reverend Carter is working to bring jobs and hope to his community. He wanted to start a technology center. He asked for my help—and I didn't know how to help him. So for over a year, I've been learning about the digital divide.

I reached out to the Congressional Hispanic Caucus, the Congressional Black Caucus, people throughout Maryland, including, Speaker Cass Taylor, who is trying to wire western Maryland, ministers in Baltimore, who want their congregations to cross the digital divide, business leaders, who need trained workers, and educators, who want to help their students become computer literate.

I learned that our Federal programs are scattered and skimpy. Teachers and community leaders have to forage for assistance.

The private sector is doing important, exciting work in improving access to technology. But technology empowerment can't be limited to a few zip codes or a couple of recycled factories. We need national policies and national programs.

We must focus on the ABC's: A—Universal Access; B—best trained—and better paid teachers; C—computer literacy for all students by the time they finish 8th grade.

My amendment would do two things. First of all, I am focusing on access. Community leaders have told me that we need to bring technology to where kids learn not just where we want them to learn.

They don't just learn in school; they learn in their communities.

Not every family has a computer in their home, but every American should have access to computers in their community.

This is a truly American ideal. We are the nation that created free public schools to provide every child with access to education.

We created community libraries across the country to provide all Americans with access to books.

We now need to bring technology into our communities to give all Americans access to technology.

What does this amendment do to improve access to technology? It creates 1,000 community based technology centers around the country. These centers would be created and run by community organizations, like a YMCA, the Urban League, or a public library.

The Federal Government would provide competitive grants to community based organizations.

At least half the funds for these sectors must come from the private sec-

tor. So we will be helping to build public-private partnerships around the country.

The private sector is eager to form these partnerships because their biggest problem is hiring enough skilled workers.

What does this mean for local communities? It means a safe haven for children, where they could learn how to use computers and use them to do homework or surf the Web.

It means job training for adults, who could use the technology centers to sharpen their job skills or write their resumes.

These community centers can serve all regions, races, and ethnic groups. They will be where they are needed, where there is limited access to technology.

They will be in urban, rural, and suburban areas.

They will be in Appalachia, and urban centers, and Native American reservations.

Over 750 community organizations applied for Community Technology Center grants last year.

We were only able to give grants to 40 community organizations.

There were so many excellent proposals last year that they didn't ask for new applicants this year, so this year, they are funding 71 more of the original applicants.

We must do better.

The second part of my amendment is about education.

My amendment doubles teacher training in technology.

Why is this important?

Because everywhere I go, teachers tell me that they want to help their students cross the digital divide. They need the training to do this because technology without training is a hollow opportunity.

Yet, according to a 1998 study by the National Center for Educational Statistics, only 20 percent of teachers feel fully prepared to use technology in their classrooms.

The Maryland Superintendent of Schools, Dr. Nancy Grasmick, told me that last summer, over 600 teachers from across the State volunteered to participate in a technology training academy. They volunteered their time to go to Towson State University to learn how to use technology in their classrooms. Over 400 were turned away because of lack of funding.

That is why my amendment would double funding for teacher training in technology.

Finally, my amendment doubles funding to train new teachers. Over the next 10 years, we will have to hire an additional 2 million teachers. In Maryland, over half our teachers will be eligible to retire by 2002. We must make sure that all new teachers have the skills they need to fully integrate technology into their classes.

Under cloture, I would not be able to offer my amendment.

Some of my colleagues would be glad about that.

They would say this bill is about immigration, not education.

Well, I would have preferred to offer this amendment to the Elementary and Secondary Education Act, but the majority leader pulled that bill off the floor after only nine days of debate.

So instead of educating Americans for high-tech jobs, we are putting a Band-Aid on the problem by relying on workers from abroad.

We are living in an exciting time.

The opportunities are tremendous: to use technology to improve our lives; to use technology to remove the barriers caused by income, race, ethnicity, or geography.

This could mean the death of distance as a barrier for economic development for poor children and children of color; it could mean the death of discrimination and enable them to leap frog into the future.

My goal is to ensure that everyone in Maryland and in America can take advantage of these opportunities, so that no one is left out or left behind.

It would be a shame and a disgrace for this Congress to end without helping all Americans to cross the digital divide.

Mr. HOLLINGS. Mr. President, I cannot agree with the premise of the H-1B Visa bill. Affluent America with all of its opportunities cannot be designated skill-short. I have been in the game of technical training for skills for years. At present we are attracting high-tech industries, like Black Baud, training computer operators overnight. Stop for a moment and analyze the zeal behind this movement. We have learned that 20 percent of Microsoft employees are part-time. The employees had brought a suit in 1992 so that they would receive stock options, health care and retirement benefits as other workers performing the same task. By 1998 these workers had prevailed in the courts, but Microsoft put them all on part-time employment. The trend in these high-tech industries is to part-time. Today this amounts to 20 to 30 percent of those at Redmond, Washington. In Silicon Valley 42 percent of the employ is part-time. So high-tech is not providing the paying jobs to support a middle class in America. High-tech is looking to bring in the so-called Indian or Chinese talented at a \$40,000 per year rate. But these jobs can and should be trained for in the United States. In fact, that is what they have told the 38,700 textile workers in South Carolina who have lost their jobs since NAFTA. "We have moved into a new economy" is the cry with the rejoinder, "retrain, retrain." So, as I set about retraining them for high-tech, the Congress prepares to superimpose 600,000 foreign trained before they have had a chance to compete in the new economy. Mind you me, I am devoted to advanced technology. I authored the successful advanced technology program now ongoing in the Department of Commerce. I believe America's security rests with its superiority in tech-

nology. But high-tech doesn't provide the number of jobs that manufacture does. Microsoft has 21,000 employees in Redmond, Washington; Boeing has 100,000. And high-tech doesn't pay. I know firsthand that we can train the cotton picker to become a skilled automobile manufacturer. We have done this at BMW in Spartanburg, South Carolina. Incidentally, the quality of the product of the South Carolina BMW plant exceeds the quality of the Munich product. What we are really facing is a foot race for the high-tech political money. I saw this in the farcical Y2K law adopted by the Congress. We saw it again in the foot race for the estate tax legislation to take care of 100 new Internet billionaires. And now we presume a non-existent national crisis in H-1B for the high-tech political contributions. I am not joining in this charade.

I ask unanimous consent that an article entitled "How To Create a Skilled-Labor Shortage" be 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, Sept. 6, 2000]

#### HOW TO CREATE A SKILLED-LABOR SHORTAGE (By Richard Rothstein)

To alleviate apparent shortages of computer programmers, President Clinton and Congress have agreed to raise a quota on H-1B's, the temporary visas for skilled foreigners. The annual limit will go to 200,000 next year, up from 65,000 only three years ago.

The imported workers, most of whom come from India, are said to be needed because American schools do not graduate enough young people with science and math skills. Microsoft's chairman, William H. Gates, and Intel's chairman, Andrew S. Grove, told Congress in June that more visas were only a stopgap until education improved.

But the crisis is a mirage. High-tech companies portray a shortage, yet it is our memories that are short: only yesterday there was a glut of science and math graduates.

The computer industry took advantage of that glut by reducing wages. This discouraged youths from entering the field, creating the temporary shortages of today. Now, taking advantage of a public preconception that school failures have created the problem, industry finds a ready audience for its demands to import workers.

This newspaper covered the earlier surplus extensively. In 1992, it reported that 1 in 5 college graduates had a job not requiring a college degree. A 1995 article headlined "Supply Exceeds Demand for Ph.D.'s in Many Science Fields" cited nation-wide unemployment of engineers, mathematicians and scientists. "Overproduction of Ph.D. degrees," it noted, "seems to be highest in computer science."

Michael S. Teitelbaum, a demographer who served as vice chairman of the Commission on Immigration Reform, said in 1996 that there was "an employer's market" for technology workers, partly because of post-cold-war downsizing in aerospace.

In fields with real labor scarcity, wages rise. Yet despite accounts of dot-com entrepreneurs' becoming millionaires, trends in computer technology pay do not confirm a need to import legions of programmers.

Salary offers to new college graduates in computer science averaged \$39,000 in 1986 and

had declined by 1994 to \$33,000 (in constant dollars). The trend reversed only in the late 1990's.

The West Coast median salary for experienced software engineers was \$71,100 in 1999, up only 10 percent (in constant dollars) from 1990. This pay growth of about 1 percent a year suggests no labor shortage.

Norman Matloff, a computer science professor at the University of California, contends that high-tech companies create artificial shortages by refusing to hire experienced programmers. Many with technology degrees no longer work in the field. By age 50, fewer than half are still in the industry. Luring them back requires higher pay.

Industry spokesmen say older programmers with outdated skills would take too long to retrain. But Dr. Matloff counters by saying that when they urge more H-1B visas, lobbyists demonstrate a shortage by pointing to vacancies lasting many months. Companies could train older programmers in less time than it takes to process visas for cheaper foreign workers.

Dr. Matloff says that in addition to the pay issue, the industry rejects older workers because they will not work the long hours typical at Silicon Valley companies with youthful "singles" styles. Imported labor, he argues, is only a way to avoid offering better conditions to experienced programmers. H-1B workers, in contrast, cannot demand higher pay; visas are revoked if workers leave their sponsoring companies.

As for young computer workers, the labor market has recently tightened, with rising wages, because college students say earlier wage declines and stopped majoring in math and science. In 1996, American colleges awarded 25,000 bachelor's degrees in computer science, down from 42,000 in 1985.

The reason is not that students suddenly lacked preparation. On the contrary, high school course-taking in math and science, including advanced placement, had climbed. Further, math scores have risen; last year 24 percent of seniors who took the SAT scored over 600 in math. But only 6 percent planned to major in computer science, and many of these cannot get into college programs.

The reason: colleges themselves have not yet adjusted to new demand. In some places, computer science courses are so oversubscribed that students must get on waiting lists as high school juniors.

With a time lag between student choice of majors and later job quests, high schools and colleges cannot address short-term supply and demand shifts for particular professions. Such shortages can be erased only by raising wages to attract those with needed skills who are now working in other fields—or by importing low-paid workers.

For the longer term, rising wages can guide counselors to encourage well-prepared students to major in computer science and engineering, and colleges will adjust to rising demand. But more H-1B immigrants can have a perverse effect, as their lower pay signals young people to avoid this field in the future keeping the domestic supply artificially low.

Mr. MCCAIN. Mr. President, I regret that the Latino and Immigrant Fairness Act, which I enthusiastically support, has fallen victim to political currents in the Senate that do a disservice to the many Latino and other immigrants who rightly deserve the status this legislation would afford them. I strongly support the H-1B visa bill but, like my colleagues, recognize that attaching the Latino and Immigrant Fairness Act to it would likely prevent the high-tech worker legislation's passage in the 106th Congress. Indeed, the

House leadership has indicated that it will not bring the H-1B visa bill to the floor with the Fairness provisions attached—a position I strongly disagree with.

Senators who support passage of both the H-1B bill and the Fairness Act thus find themselves in the position of being forced to vote against a procedural motion to allow consideration of the Fairness provisions to keep alive our hope of raising visa caps for the high-tech workers our companies so desperately need.

I hope the Senate will have the opportunity to vote on passage of the Latino and Immigrant Fairness Act before the 106th Congress adjourns. It is the right thing to do, and our leaders on both sides of the aisle should find a way to bring it to a vote.

Throughout my political career, I have been deeply honored by the support of Latinos and other immigrants in my home state of Arizona. Our compassion and advocacy of family values for all members of our society, including hard-working, tax-paying Latinos who have resided in this nation for many years, require us to take a closer look at the Latino and Immigrant Fairness Act than has been afforded us during the H-1B visa debate. I look forward to an up-or-down vote on this legislation and will support its passage.

Mr. BYRD. Mr. President, earlier today I voted against suspending the rule to allow for the consideration of the Latino and Immigration Fairness Act as an amendment to the H-1B visa legislation.

I opposed suspending the rules because the Latino and Immigration Fairness Act sends the wrong message to those persons who might consider illegally entering the United States. Under current law, a person who enters this country as a temporary alien or nonimmigrant must return to his native country after his temporary papers have expired if he wants to apply for permanent residency in the United States. This amendment would allow these nonimmigrants to pay a \$1,000 fee to the Immigration and Naturalization Service (INS) in order to remain in the United States while they apply for permanent residency. Advocates of this provision argue that this fee would be a significant source of income for the INS. That may be so, but, at the same time, the amendment would allow for illegal immigrants to legally work in the United States while their residency application is pending, and send the message abroad that this is the preferred route to U.S. residence. Although it may be inconvenient for eligible aliens who are in the United States to have to apply for residency from outside of the United States, that is not a sufficient reason for giving them an advantage that is unavailable to other hopeful immigrants who are patiently waiting abroad for their opportunity to legally immigrate.

Similarly, the Latino and Immigration Fairness Act would extend the

registration time line for immigrants who are here illegally to apply for permanent residence if they entered the country prior to 1986. While this provision would allow immigrants of good moral conduct to apply for permanent residency, it also rewards immigrants who managed to stay in the United States illegally. What is worse is, that it sends the unfortunate message that is possible to gain permanent residency in the United States regardless of whether you are an alien who arrived here legally or illegally.

I am opposed to Congress' sending these mixed signals to immigrants entering this country. The Immigration and Nationality Act, our primary law for regulating immigration into this country, sets out a very specific process by which nonimmigrants may apply for permanent residency in this country. The Latino and Immigration Fairness Act would effectively create short cuts around this process by allowing illegal immigrants to circumvent the normal rules. This is not the message I want to send abroad.

Mr. SMITH of New Hampshire. Mr. President, I rise today in support of S. 2045, the American Competitiveness in the Twenty-First Century Act.

This bill provides for an increase in foreign workers possessing special skills to enter the United States on a temporary basis in the field of information technology.

This bill also encourages more young people to study mathematics, engineering, and computer science to insure that in the future, Americans can fill these high technology jobs.

I support this legislation, but I do have some concerns about the potential for the theft of American technology through immigrant high-tech workers.

H-1B is a visa classification. H-1B visas were created for non-immigrant foreign nationals admitted to the U.S. on a temporary basis. These H-1B visas are valid for three years and can be renewed for an additional three years.

In order to qualify for H-1B visa status, an individual must be in a specialty occupation which requires a theoretical and practical application of a body of highly specialized knowledge and at least a bachelor's degree in the specific specialty area.

In 1998, Congress passed, and the President signed, legislation increasing the annual ceiling for admission of H-1B visas from 115,000 in fiscal year 1999 and 2000, and 107,500 in fiscal year 2001.

In 1999, it took nine months to exhaust the H-1B annual ceiling. This year the ceiling was reached in 6 months. The high tech industry has not filled these jobs and the American economy is paying the price.

Another provision of this legislation addresses the long-term problem that too few U.S. students are excelling in mathematics, computer science, and engineering. We need to encourage more young people to study mathematics, engineering, and computer

science and to train more Americans in these areas, so that there will be no need in the future for H-1B visas.

I do have national security concerns about the H-1B visa program. I would like to see a proper screening of candidates for H-1B visas by the Immigration and Naturalization Services to ensure that these foreign nationals do not steal technology for export to a foreign government.

I will be monitoring the implementation of this new law to ensure that national security and intellectual property rights are protected.

We also need to make a better effort to encourage these companies to train and recruit American workers for these high paying jobs.

Mr. President, I ask that the Senate support this increase in the ceiling on H-1B visas and this increase in funding to train young Americans to fill these important jobs in the high tech industry.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, parliamentary inquiry: How much time is left on both sides?

The PRESIDING OFFICER. The majority controls all remaining time until 4:30.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Connecticut be granted 5 minutes to make whatever speech he desires, and that there be an additional 10 minutes for me to conclude my remarks on this bill.

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

The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Utah. As always, he is very gracious.

Mr. President, I rise today in support of the pending motion made by the Democratic leader on behalf of the Latino fairness legislation, and also in support of the underlying H-1B visa legislation. First, let me speak to the H-1B legislation, which is so vital to the economic growth of our nation. This legislation both raises the limit on the number of foreign high-tech workers admitted to the United States each year, and invests vital funds in educating our American students, especially those in low-income areas, in math, science, and technology. This is a critically important bill that is necessary to maintain the dynamic growth we have seen in the high-tech sector of our economy over both the short- and long-term.

We live in a remarkable period of prosperity. Just today we read in our newspapers that the poverty rate in America is the lowest in 20 years, while median household income is at an all time high—over \$40,000 a year. Yet, we can do more to lift the tide of growth for all Americans. Currently, approximately 190,000 high-tech jobs go unfilled in America each year, and it is expected that close to 1.3 million high-tech jobs will be unfilled in 2006. Our



high-tech businesses are hurting for employees, and there are not enough American students graduating with technology degrees to fill these jobs. The short-term answer to this shortage of technology skilled workers is simple: we must admit more highly-trained foreign workers to the United States. This legislation will do that by raising the number of H-1B visas issued to 195,000.

Yet, in the long-run, we should not simply keep importing foreign workers to shore up our workforce. We must do a better job of preparing our own students to seek careers in technology. That is why the education and training provisions included in this bill are so important. By making an investment in math and science education for our young people, especially those students who live in our low-income areas, we are investing in their future as well as America's future.

Having said that, we must remember that the economic prosperity that we enjoy today is not being distributed equally. There is a cloud behind the silver lining of our current prosperity. The gap between the most affluent Americans and the rest of the population is widening, and poverty rates are still too high. 11.8 percent of our citizens live below the poverty line. True, that number is the lowest in years. However, it also means that 32.2 million Americans cannot afford the basic necessities of life. A disproportionate number of those who live in poverty are minorities, including a great many who have left their country of birth for a better life in America.

This is one of the reasons why when we talk about H-1B visas we must also talk about the Latino Fairness Act. This act will help restore fairness and parity to our immigration laws, keeping families together and encouraging more Hispanics to work lawfully. This bill has three purposes;

First, it will update the date of registry to 1986, recognizing that immigrants who have lived in the United States for a very long time have deep roots here, and it is best to put them on a track toward citizenship.

Second, it would restore section 245(I) of the immigration code to allow immigrants who are undergoing the process of legalization to apply for their visas in the United States, rather than forcing them to leave the country and reenter, sometimes causing them to be "locked-out" of the United States for years.

Finally, the Latino Fairness Act would guarantee that Latinos from strife-torn nations are treated the same under immigration law. The oppression that residents of one Latin American country have suffered should not be considered more or less grave than the oppression faced by the residents of another country where serious human rights abuses have been committed. By improving parity and equality in our immigration law, this bill would even the playing field for many

Latin Americans who want to come to this country and be referred to as simply "Americans." In fact, I would hope that as we continue efforts to enact this legislation, we would consider expanding the list of covered nationalities to include people from countries that also experience economic strife.

I would like to take a moment to share with you the story of just one of the many immigrants that would be helped by this law. Ghey cell moved to the United States in 1991, when she was 12 years old, with her father and sister from war-torn Guatemala. She went to school and became an active member of her community. In high school, she formed a club to help homeless adults and children in Los Angeles. Her father applied for asylum and they were all given work permits. Ghey cell aspired to go to college to become a teacher and help others. She could not afford to go to a state university so she went to community college while working full time to save money for university tuition. Her father has applied for permanent residence under current law, but Ghey cell has turned 21 and no longer qualifies for adjustment of status through her father's application. Her work permit has expired and she is now undocumented. She must return to Guatemala where she will not have the opportunities she has here. Her father and sister are not getting their green cards and Ghey cell does not want to be separated from her family or give up her dream of educating and helping children here in her adopted homeland.

Do we really want to be responsible for turning Ghey cell away from her dream? America needs more teachers. Why are we sending this dedicated American away? Denying Ghey cell a visa is both her and America's loss. That is why we must act to help Ghey cell and others like her. Reforming our immigration laws is not only an issue that is important for our economy, but is also important to our values as a nation. If we truly believe in family values, we need to value families. We should be trying to keep families together, especially those families with children that need two wage-earners to stay above the poverty line. The Latino Fairness Act, as much as any other legislation this Congress will consider, tells Americans and the world that we do value families. It says that we will not turn family members away when they have for years been a part of America—working, serving their community, and contributing to the well-being of their families and our country.

We read stories every day in the paper and in magazines about the innovators and leaders of the new economy. Thanks in many respects to them, the technology sector is booming. That sector now needs the relief that the H-1B legislation will provide. However, we must remember that people like Ghey cell also exist—people who are not the subject of biographies and "man-of-the-year" awards—that need relief too.

While the Latino Fairness measures may not be technically germane to the H-1B bill, they are highly relevant to the issues we are debating today. The general goal of the H-1B legislation is to admit immigrants to our country to work and contribute to our economic prosperity. Why then are we attempting to limit consideration of a bill that would allow people who have been living and working in the United States to stay here and continue to contribute to our prosperity? We seem to be giving with one hand, and taking with the other. By obstructing the Latino Fairness Act, we are effectively closing our doors and contributing to a process that will result in the departure of people that have been working and adding to our prosperity for years. At a time when job vacancies are commonplace, we can't afford as a nation to turn people out. If we want to help the high tech community, our economic well-being, and families, we need to pass both the H-1B and Latino fairness bills, and I hope that my colleagues will agree with me on this matter.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Utah is recognized for 10 minutes prior to the vote.

Mr. HATCH. Mr. President, I spoke at length this morning on the issues before us, so I will try and be brief now.

First, let me begin by emphasizing how critical this bill is for our country's future. The second vote this afternoon is on the Hatch substitute to the underlying bill, S. 2045. Like the bill, the substitute raises the annual cap on H-1B visas to 195,000 in each of the next three years. The increase in the number of highly skilled temporary workers will help American companies continue to create jobs in this country and maintain their competitiveness in the global economy.

But this substitute, however, does a lot more. The use of skilled foreign labor is nothing more than a temporary stop gap solution to a long term problem we face in this Century. The problem is one of ensuring that our high tech industry has an adequate number of highly trained and educated workers to fill the demand. To hear some of my colleagues in recent days, one would think there is nothing in this bill on educating our young people and training our workforce. That is simple and completely inaccurate. The substitute contains important education and training provisions, worked out with my colleagues—including Senators LIEBERMAN, FEINSTEIN, KENNEDY, and ABRAHAM. Senators ABRAHAM and KENNEDY are respectively the chairman and ranking member of the Immigration Subcommittee. These provisions use the fees generated by these visas to finance important education and training programs for our children and our current workforce. These are critical measures for our country.

That, Mr. President, is the matter at hand. Unfortunately, however, much of the discussion and debate this week



has been on an unrelated and far-reaching immigration matter—the so-called Latino fairness bill. As I noted in some detail this morning, this measure, which purports to simply restore due process to a limited group is a broad, far-reaching and costly new amnesty program, conservatively estimated to cost \$1.4 billion over the next 10 years. It provides amnesty to hundreds of thousands if not millions of illegal aliens on an ongoing basis—or, in other words, an amnesty, “rolling” amnesty—over the next 5 years. That is right, Mr. President—it is a rolling amnesty, obviously creating an incentive for illegal aliens to continue to escape the law because the rewards for those who are most effective at remaining in this country illegally happen to be permanent resident status.

But this so-called Latino fairness is no fairness at all—no fairness to the millions of immigrants who have and will continue to play by the rules and follow the legal process. I have said to my friends on the other side, if we are so eager to increase the supply of labor from abroad, if we are so eager to unify families, then perhaps we should examine lifting the caps on legal immigrants or at least cutting down their waiting periods.

I am willing to work on that, but I can never get any cooperation from the other side. They want to have a “rolling” amnesty for several million illegal aliens in this country who can evade the law for a matter of time and then be eligible for full nonresident status on the way to citizenship.

To summarize:

First, the so-called Latino fairness bill extends a broad amnesty to illegal immigrants here since 1986.

Second, it is a “rolling” amnesty, so that over the next 5 years we move the date up to 1991.

Third, a conservative CBO estimate, even without considering the “rolling” provision, puts the cost of the amnesty at \$1.4 billion over 10 years.

Fourth, this provision rewards illegal immigrants who have been the most effective in evading law enforcement.

What this proposal does not do, and what I think real Latino fairness would be is:

First, we should increase the number of legal immigrants allowed in this country annually if such an increase is needed to ensure an adequate labor supply and greater family unification. This would be a wise thing to do. It would be a fair thing to do. It would also be the legal thing to do, compared to what they are trying to do over there.

They are trying to enact a bill that they did not even have the foresight to bring up on the floor or to file until July 25 of this year.

Mr. DURBIN. Will the Senator yield?

Mr. HATCH. I only have a limited period of time, so I have to finish my remarks.

Second, we should expedite INS review of petitions by family members of

citizens. Let's face it, the INS is in a mess right now, and it could be reformed to expedite the processing of legal immigrants.

Third, we should restore the right of persons allowed amnesty back in 1986 to have their claims adjudicated.

These three changes in law, in contrast to what is proposed today by our friends on the other side, would be real Latino fairness. It would reward those who have followed the law and played by the rules.

So this is where we are. The vote we are about to have on suspending the rules is a “have it both ways” vote. My colleagues voted overwhelmingly for cloture yesterday—including almost all Democrats and all Republicans. The last time I looked, cloture meant the inability to consider nongermane amendments.

Today, many of these same persons who voted for cloture are voting to suspend the results of that vote and allow debate on this unrelated measure. Tomorrow, they will probably vote for cloture again.

So on Tuesday, the high-tech community gets its vote. On Wednesday, many of the same group vote to undo their vote, and on Thursday they vote with high tech again. Oh, it is confusing when you are trying to have it both ways.

I hope no one will be fooled by what is happening. I urge my colleagues to oppose suspending the rules, which is an extraordinary procedural move aimed at playing politics.

I am told that this procedure of suspending the rules has not been used since 1982. I do not believe it has ever been used in this manner for crass political purposes and maneuvering. I hope it will be overwhelmingly rejected. I hope that, once again, we will vote for cloture on this bill.

Mr. President, I ask unanimous consent that a letter from the Chamber of Commerce dated September 26, 2000, be printed in the RECORD.

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

U.S. CHAMBER OF COMMERCE,  
Washington, DC, September 26, 2000.

TO MEMBERS OF THE UNITED STATES SENATE: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I wish to clarify our position with regard to the current debate on the H-1B legislation and proposals unrelated to that legislation concerning legalization of certain workers already in the United States. During this afternoon's debate on this issue, there have been misleading statements as to the Chamber's position on provisions relating to updating the registry date, restoring section 245(i), and adjustments for certain Central Americans.

While the U.S. Chamber of Commerce, as part of the Essential Worker Immigration Coalition, has expressed its general support for these concepts, it strongly opposes efforts to amend the pending H-1B legislation with these provisions. These are completely

separate issues and must be considered separately.

Sincerely,

R. BRUCE JOSTEN.

Mr. HATCH. Mr. President, I have heard all this talk on the other side about how all these people are supporting what they want to do. It just “ain't” true. Let me read this letter dated September 26, 2000:

TO MEMBERS OF THE UNITED STATES SENATE: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I wish to clarify our position with regard to the current debate on the H-1B legislation and proposals unrelated to that legislation concerning legalization of certain workers already in the United States. During this afternoon's debate on this issue, there have been misleading statements as to the Chamber's position on provisions relating to updating the registry date, restoring section 245(i), and adjustments for certain Central Americans.

While the U.S. Chamber of Commerce, as part of the Essential Worker Immigration Coalition, has expressed its general support for these concepts, it strongly opposes efforts to amend the pending H-1B legislation with these provisions. These are completely separate issues and must be considered separately.

Sincerely,

R. BRUCE JOSTEN.

*Executive Vice President Government Affairs.*

Mr. President, it is remarkable to say all these organizations support this type of extraordinary procedural maneuvering. Because when you really look at what the organizations support, they support a regular process whereby the committee with jurisdiction holds real substantive hearings to determine what is right and what is wrong. The organizations do not support just slamming some bill that would change our immigration laws wholesale—on the floor at the last minute—for no other reason than to try to indicate that they are currying favor with certain groups in this society. In reality this so-called Latino fairness bill would undermine every one of the people who have come here legally, have earned their right to be citizens, and have abided by the rules of this country.

That is just not right. I think this type of procedural maneuvering and politicking should not occur on something where most everybody in this body agrees. And we—most everybody—agrees that this bill should pass.

Mr. President, I ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The question is on agreeing to the motion to suspend the rules in reference to amendment no. 4184. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 257 Leg.]

#### YEAS—43

|          |            |             |
|----------|------------|-------------|
| Akaka    | Feingold   | Mikulski    |
| Baucus   | Graham     | Miller      |
| Bayh     | Harkin     | Moynihan    |
| Biden    | Hollings   | Murray      |
| Bingaman | Inouye     | Reed        |
| Boxer    | Johnson    | Reid        |
| Breaux   | Kennedy    | Robb        |
| Bryan    | Kerrey     | Rockefeller |
| Cleland  | Kerry      | Sarbanes    |
| Conrad   | Kohl       | Schumer     |
| Daschle  | Landrieu   | Torricelli  |
| Dodd     | Lautenberg | Wellstone   |
| Dorgan   | Leahy      | Wyden       |
| Durbin   | Levin      |             |
| Edwards  | Lincoln    |             |

#### NAYS—55

|            |            |            |
|------------|------------|------------|
| Abraham    | Frist      | Murkowski  |
| Allard     | Gorton     | Nickles    |
| Ashcroft   | Gramm      | Roberts    |
| Bennett    | Grams      | Roth       |
| Bond       | Grassley   | Santorum   |
| Brownback  | Gregg      | Sessions   |
| Bunning    | Hagel      | Shelby     |
| Burns      | Hatch      | Smith (NH) |
| Byrd       | Helms      | Smith (OR) |
| Campbell   | Hutchinson | Snowe      |
| Chafee, L. | Hutchison  | Specter    |
| Cochran    | Inhofe     | Stevens    |
| Collins    | Jeffords   | Thomas     |
| Craig      | Kyl        | Thompson   |
| Crapo      | Lott       | Thurmond   |
| DeWine     | Lugar      | Voinovich  |
| Domenici   | Mack       | Warner     |
| Enzi       | McCain     |            |
| Fitzgerald | McConnell  |            |

#### NOT VOTING—2

Feinstein Lieberman

The PRESIDING OFFICER. On this vote the ayes are 43, the nays are 55. Two-thirds of the Senators duly chosen not having voted in the affirmative, the motion is rejected.

Mr. HATCH. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### VOTE ON AMENDMENT NO. 4178

The PRESIDING OFFICER. Under the previous order, amendment No. 4201 is agreed to, and amendment No. 4183, as thus amended, is agreed to.

The amendments (Nos. 4201 and 4183) were agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4178.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 258 Leg.]

#### YEAS—96

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

#### NAYS—2

Hollings Wellstone

#### NOT VOTING—2

Feinstein Lieberman

The amendment (No. 4178) was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

#### NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now withdraw the pending motion to proceed to S. 2557.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

#### AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—Continued

##### AMENDMENT NO. 4214 TO AMENDMENT NO. 4177

Mr. LOTT. Mr. President, I call up amendment No. 4214 at the desk to the pending first degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4214 to amendment No. 4177.

Mr. LOTT. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

##### AMENDMENT NO. 4216

Mr. LOTT. Mr. President, I now call up amendment No. 4216 at the desk to the pending bill and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4216.

Mr. LOTT. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

##### AMENDMENT NO. 4217 TO AMENDMENT NO. 4216

Mr. LOTT. Mr. President, I now call up the filed second-degree amendment No. 4217 at the desk to the pending amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4217 to amendment No. 4216.

Mr. LOTT. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

##### MOTION TO RECOMMIT

Mr. LOTT. Mr. President, I move to recommit the bill back to the Judiciary Committee to report back forthwith, and I send the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] moves to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

##### AMENDMENT NO. 4269

Mr. LOTT. Mr. President, I now send an amendment to the desk to the pending motion to recommit with instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4269.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4270 TO AMENDMENT NO. 4269

Mr. LOTT. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4270 to amendment No. 4269.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

#### NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to S. 2557, regarding America's dependency on foreign oil sources.

The PRESIDING OFFICER. The motion is debatable.

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The assistant minority leader.

Mr. REID. Mr. President, before the majority leader leaves the floor, I know that he and the minority leader have had the opportunity to speak this afternoon. I haven't had an opportunity to speak since that took place.

For purposes of informing Members, could the leader give us some idea of what we can expect. We know that tomorrow is pretty well filled up. We have 7 hours set aside for the continuing resolution, but there is some progress being made on various bills. Energy and water, they are reading that now. Hopefully, that might be filed tonight.

Mr. LOTT. I might say, Mr. President, I know the Senator from Nevada helped with some of the completion efforts on that energy and water appropriations bill. We should have it ready, hopefully, to be considered tomorrow; if not tomorrow, then the first part of next week.

I yield further for his questions and then I have some answers for him.

Mr. REID. On the H-1B, we are ready to vote on it. We have tried to have a vote on the Latino and Immigrant Fairness Act. There was one this afternoon that this Senator considers a vote on that amendment. Perhaps we are arriving at a point where we can start moving some of these things because I know we are going to get out of here next Thursday or Friday.

Mr. LOTT. That sounds like an excellent suggestion to me, Mr. President.

If I could respond, of course, the Senator is correct when he noted that we have, I believe, 7 hours of time that will be consumed, if it is all used, to discuss the continuing resolution. And, of course, we would have a vote at the end of that time. Obviously, Senator REID and others have made their points on the immigration issue. The H-1B issue, hopefully, we could come to agreement to have a vote scheduled on that. And I would like to work with the minority in determining what time they would find agreeable to have that vote. Perhaps we could do that tomorrow. I am fixing to ask consent that we consider the D.C. appropriations bill, which would give us a time agreement on that, if we could get that.

On the appropriations bills, it is like all appropriations conferences. They are never closed until they are closed. There are one or two issues that are very important that are still pending on a number of them. Interior appropriations, I believe, is very close to closure. There is still discussion going on with regard to so-called lands legacy funding and the CARA conservation bill.

The Agriculture appropriations bill is very close to conclusion. Once again, we have a couple of issues that have to be dealt with in finality. One of them is how do you deal with the sanctions question. A lot of people are making suggestions and, hopefully, a compromise can be reached that satisfies the great majority of the Senate and the House, Republicans and Democrats.

We think we are very close on the HUD-VA appropriations bill. The information I get is the administration is signaling that they think that could be an acceptable bill. There might be some issues that would be considered being added to that, not necessarily appropriations bills.

The Transportation appropriations bill, I believe, is for the most part done, with one remaining issue that is very difficult to resolve. But I know the Senator from New Jersey has a very passionate feeling about that. I understand that. So there are at least four or five appropriations bills that are pretty close to being wrapped up in terms of the dollar amounts. There is about one policy issue left on each one of them.

We hope to have two or three of those done, perhaps in the House of Representatives tomorrow, and then as quickly as we could get to them after that, we would want to do that.

I might say, I am expecting that we will be in session obviously on Monday. We do have the Jewish holiday to honor on Friday, September 29. But we will expect to be here on Monday, October 2, and could be having votes on these conferences that Monday.

I want to give Senators as much notice as we can, although we have indicated for quite some time that that first week in the new fiscal year, obvi-

ously we will have to be prepared to be in session the whole week and into the night, if necessary.

Those are the issues we now have identified. There are a number of other issues that are being worked on. The Finance Committee has been doing some work on the railroad retirement bill and on the community renewal legislation, two issues in which I know there is a lot of interest on both sides of the Capitol. I will give the Senator that list, and, hopefully, we can begin to work together to move a number of these. I believe I sense that opportunity now, when maybe it hadn't been quite ready for that earlier.

#### HEROISM OF WILLIBALD C. BIANCHI AND LEO K. THORSNESS

Mr. DASCHLE. Mr. President, the state of South Dakota has just dedicated a very special park at my alma mater, South Dakota State University. This park holds two new granite markers, each honoring a former SDSU student who won the Congressional Medal of Honor, our nation's highest award for valor in action against an enemy force.

Today I offer my solemn appreciation to these great Americans: First Lieutenant Willibald C. Bianchi, whose heroism occurred in the Philippines during the first weeks of World War II, and Lt. Colonel Leo K. Thorsness, who was decorated for his feats as a fighter pilot over North Vietnam.

First Lieutenant Bianchi, a Minnesota native, was a football player at SDSU and graduated in 1940 with a degree in animal science. During World War II, he served in the 45th Infantry, Philippine Scouts, one of the largest units in the Philippines during the Japanese invasion of December 1941. The invasion was brutally effective and, after less than a month, our Filipino and American troops were forced to retreat onto the Bataan Peninsula where they mounted a final stand against a numerically superior foe.

For three desperate months, the Americans and Filipinos battled the Japanese in a sweltering, mountainous jungle. Food was limited and medical supplies scarce. About a month into the fight, however, First Lieutenant Bianchi participated in a crucial series of battles that helped eliminate a pocket of Japanese troops behind the American line.

Four days after the Japanese incursion, our forces targeted "the Big Pocket" in a coordinated infantry-tank attack. A tank was lost and only slight gains made. On February 3, our forces tried again. Although he was assigned to another unit, First Lieutenant Bianchi volunteered to join a rifle platoon that was directed to destroy two machine gun nests. While leading part of the platoon, First Lieutenant Bianchi was struck by two bullets in his left hand. Refusing to pause for first aid, he dropped his rifle and began firing a pistol. He located one of the

machine gun nests and silenced it with grenades. When wounded again, this time by machine gun bullets through his chest muscles, First Lieutenant Bianchi climbed atop an American tank, seized its anti-aircraft gun, and fired into another enemy position until he was knocked off the tank by a third severe bullet wound.

This story has a sad ending. First Lieutenant Bianchi survived that day and returned to the fight a month later. The American-Filipino forces crushed "the Big Pocket" about a week after his heroics. But the Japanese would take Bataan in the end, and First Lieutenant Bianchi was sent off on the Bataan Death March. Though he survived the march, he died on January 9, 1945, when an American plane bombed a Japanese prison ship, not realizing that it held Americans.

The other hero memorialized in Brookings is Lt. Colonel Leo Thorsness, with whom I share some history. We both studied at SDSU, we both served in the Air Force, and we both ran for South Dakota's 1st Congressional District seat in 1978. While I prevailed, it was only by the skin of my teeth—110 votes out of more than 129,000 total ballots. And from that struggle, I gained a first-hand appreciation of the spirit, determination and patriotism of Leo Thorsness. For me, that experience enhances my appreciation for the remarkable story of a 35-year-old Air Force major who, in the words of his strike force commander, took on "most of North Vietnam all by himself."

Lt. Colonel Thorsness had served as a pilot for about 15 years when he was assigned to the 357th Tactical Fighter Squadron at Takhli Royal Thai Air Base. Lt. Colonel Thorsness was sent in just months after the Soviet Union began supplying North Vietnam with surface-to-air missiles (SAMs), and his mission was a new and dangerous one—distract and destroy the SAMs so that U.S. bombers could deliver their ordnance.

At one o'clock in the afternoon on Wednesday, April 19, 1967, his F-105 screamed off the runway, headed for the Xuan Mai army barracks and storage supply area, 37 miles southwest of Hanoi. Lt. Colonel Thorsness and his wingman attacked from the south, while another pair of F-105s attacked from the north. He silenced one SAM site with missiles, and then destroyed a second SAM site with bombs. But in the attack on the second site, Lt. Colonel Thorsness' wingman was shot down by intensive anti-aircraft fire, and the plane's pilot and electronic warfare officer were forced to eject over North Vietnam. Lt. Colonel Thorsness circled their parachutes and relayed their position to search and rescue crews. While he was circling, a MIG-17 was sighted in the area. Lt. Colonel Thorsness immediately initiated an attack and destroyed the MIG, but he was then forced to depart the area in search of an aerial tanker for refueling.

After learning that rescue helicopters had arrived, but that no additional F-105s were arriving to provide cover, Lt. Colonel Thorsness returned alone, flying back through an area bristling with SAMs and anti-aircraft guns to the downed flyers' position. As he approached, he spotted four MIG-17 aircraft, which he attacked, damaging one and driving away the rest. Soon it became clear that Lt. Colonel Thorsness' plane lacked sufficient fuel to continue protecting the rescue operation and that he would have to find an aerial tanker. On his way to the tanker, however, Lt. Colonel Thorsness received a distress call from a fellow F-105 pilot who had gotten lost in battle and was running critically low on fuel. In response, Lt. Colonel Thorsness allowed that pilot to refuel at the tanker, while he himself flew toward the Thai border, a decision that may have saved the other plane and the life of its pilot, according to the Medal of Honor citation. Lt. Colonel Thorsness managed to return to a forward operating base—"With 70 miles to go, I pulled the power back to idle and we just glided in," he would recall later. "We were indicating 'empty' when the runway came up just in front of us."

A week-and-a-half later, on a similar mission, Lt. Colonel Thorsness was shot down over North Vietnam by a heat-seeking missile from a MIG-21. He spent the next six years as a North Vietnamese prisoner of war. He was released on March 4, 1973, and in October of that year, the President of the United States draped the light blue ribbon of the Congressional Medal of Honor around Lt. Colonel Thorsness' neck.

The official citation says: "Lt. Colonel Thorsness' extraordinary heroism, self-sacrifice, and personal bravery involving conspicuous risk of life were in the highest traditions of the military service and have reflected great credit upon himself and the U.S. Air Force." I could not have put it any better myself.

With this statement before the United States Senate, I join in saluting First Lieutenant Bianchi and Lt. Colonel Thorsness. As Congressional Medal of Honor winners, they are a symbol of the finest our nation has to offer. Their feats serve as extraordinary lessons in courage, commitment, and self sacrifice, and I am proud that they are identified with my home state.

#### THE PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2000

Mr. LEAHY. Mr. President, I spoke earlier this month about the continuing problems for Federal law enforcement caused by the so-called McDade law, which was slipped into the omnibus appropriations law at the end of the last Congress. I discussed how the interplay of the McDade law and a recent attorney ethics decision by the Oregon Supreme Court is se-

verely hampering Federal law enforcement efforts in Oregon. Oregon's Federal prosecutors will no longer use federally authorized investigative techniques such as wiretaps and consensual monitoring, and by the end of this week, the FBI will shut down Portland's Innocent Images undercover operation, which targets child pornography and exploitation. This is just the latest example of how the McDade law has impeded important criminal prosecutions, chilled the use of traditional Federal investigative techniques and posed multiple hurdles for Federal prosecutors.

Due to my serious concerns about the adverse effects of the McDade law on Federal law enforcement efforts, I introduced S. 855, the Professional Standards for Government Attorneys Act, on April 21, 1999. The Justice Department has called this legislation "a good approach that addresses the two most significant problems caused by the McDade Amendment—confusion about what rule applies and the issue of contacts with represented parties."

Since that time, I have conferred with a number of lawmakers from both sides of the aisle about crafting an alternative to the McDade law. Together, we worked out a proposal based on S. 855, which would address the problems that have caused by the McDade law, while adhering to the basic premise of that law—that the Department of Justice should not have the authority it long claimed either to write its own ethics rules or to exempt its lawyers from the ethics rules adopted by the Federal courts. Based on these discussions, I am filing this substitute amendment to my bill, S. 855.

I regret that we have squandered opportunities to move any corrective legislation through the Congress. The consequences of our inaction have been severe, as I have discussed, and it is clear that Federal law enforcement efforts will continue to suffer if we do not act now.

I ask unanimous consent that a copy of the substitute amendment and a section-by-section summary be printed in the RECORD.

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

#### SUMMARY OF THE PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2000

##### 1. OVERVIEW

The Professional Standards for Government Attorneys Act of 2000 adheres to the basic premise of section 801 of the omnibus appropriations act for fiscal year 1999 (Pub. L. 105-277), commonly known as the McDade law: the Department of Justice does not have the authority it has long claimed to write its own ethics rules. The proposed legislation would establish that the Department may not unilaterally exempt federal trial lawyers from the rules of ethics adopted by the federal courts. Federal courts are the more appropriate body to establish rules of professional responsibility for federal prosecutors, not only because federal courts have traditional authority to establish such rules for lawyers generally, but because the Department lacks the requisite objectivity.

The first part of the proposed legislation embodies the traditional understanding that when lawyers handle cases before a federal court, they should be subject to the federal court's rules of professional responsibility, and not to the possibly inconsistent rules of other jurisdictions. By incorporating this ordinary choice-of-law principle, the proposed legislation would preserve the federal courts' traditional authority to oversee the professional conduct of federal trial lawyers, including federal prosecutors. It would thereby avoid the uncertainties presented by the McDade law, which subjects federal prosecutors to state laws, rules of criminal procedure, and judicial decisions which differ from existing federal law.

The second part of the proposed legislation addresses the most pressing contemporary question of government attorney ethics—namely, the question of which rule should govern government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to govern other areas in which the proliferation of local rules may interfere with effective federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the federal judiciary traditionally is responsible for overseeing the conduct of lawyers in federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

## 2. SHORT TITLE

Section one is the short title of the bill.

## 3. AMENDMENTS TO 28 U.S.C. 530B

Section two supersedes the McDade law with a new 28 U.S.C. 530B, consisting of four subsections.

Subsection (a) codifies the definition of "attorney for the Government" in the current Department of Justice regulations, and also includes in the definition any outside special counsel, or employee of such counsel, as may be appointed by the Attorney General under 28 CFR 600.1 or any other provision of law.

Subsection (b) establishes a clear choice-of-law rule for government attorneys with respect to standards of professional responsibility, modeled on Rule 8.5(b) of the ABA's Model Rules of Professional Conduct. An attorney who is handling a case in court would be subject to the professional standards established by the rules and decisions of that court. An attorney who is conducting a grand jury investigation would be subject to the professional standards of the court under whose authority the grand jury was impanelled. In other circumstances, where no court has clear supervisory authority over particular conduct, an attorney would be subject to the professional standards established by rules and decisions of the United States district court for the judicial district in which the attorney principally performs his official duties, except that the Act does not apply to government attorney conduct that is unrelated to the attorney's work for the government.

Thus, for example, an Assistant United States Attorney for the Eastern District of New York would ordinarily be subject to the attorney conduct rules prescribed by the E.D.N.Y. courts, as interpreted and applied by those courts. If the attorney handled a government appeal in the United States Court of Appeals for the Second Circuit, the attorney's conduct in connection with the appeal would be subject to the local rules and interpretive decisions of the Second Cir-

cuit. If cross-designated to handle a prosecution in another judicial district, e.g., the District of New Jersey, the attorney's conduct with respect to that prosecution would be subject to the local federal district court rules. Similarly, if the attorney were to handle a matter for the government before a New York State court, the attorney would be subject to the professional standards established by the rules and decisions of that court, in the same manner and to the same extent as other New York State practitioners.

This provision anticipates that the Supreme Court might promulgate one or more uniform national rules governing the professional conduct of government attorneys practicing before the federal courts. In this event, the terms of the uniform national rule would apply.

Subsection (c) codifies the predominant practice with respect to state disciplinary proceedings against government attorneys. A government attorney whose conduct is subject to the professional standards of a federal court may be disciplined by state authorities only if referred to state authorities by a federal court. No referral is needed when the applicable professional standards are those of a state court (which may occur, under subsection (b), if the attorney is handling a matter before a state court). This gatekeeping provision ensures that federal courts will have the first opportunity to interpret and apply federal court rules to government attorneys, while leaving substantial enforcement authority with state disciplinary bodies. This provision also specifically promotes federal uniformity in the application of professional standards to government attorneys.

Subsection (d) clarifies the law regarding the licensing of government attorneys, an issue that is currently addressed through the appropriations process. Since 1979, appropriations bills for the Department of Justice have incorporated by reference section 3(a) of Pub. L. 96-132, which states: "None of the sums authorized to be appropriated by this Act may be used to pay the compensation of any person employed after the date of the enactment of this Act as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia."

Subsection (d) codifies this longstanding requirement, and also makes clear that government attorneys need not be licensed under the laws of any state in particular. The clarification is necessary to ensure that local rules regarding state licensure are not applied to federal prosecutors. Cf. *United States v. Straub*, No. 5:99 Cr. 10 (N.D. W. Va. June 14, 1999) (granting defense motion to disqualify the Assistant United States Attorney because he was not licensed to practice in West Virginia).

Subsection (e), like the McDade law, authorizes the Attorney General to make and amend rules to assure compliance with section 530B.

## 4. JUDICIAL CONFERENCE REPORTS AND RECOMMENDATIONS

Section three directs the Judicial Conference of the United States to prepare two reports regarding the regulation of government attorney conduct. Both reports would contain recommendations with respect to the advisability of uniform national rules.

The first report would address the issue of contacts with represented persons, which has generated the most serious controversy regarding the professional conduct of government attorneys. See, e.g., *State v. Miller*, 600 N.W.2d 457 (Minn. 1999); *United States v.*

*McDonnell Douglas Corp.*, 132 F.3d 1252 (8th Cir. 1998); *United States v. Lopez*, 4 F.3d 1455 (9th Cir. 1993); *United States v. Hammad*, 858 F.2d 834 (2d Cir. 1988).

Rule 4.2 of the ABA's Model Rules of Professional Conduct and analogous rules adopted by state courts and bar associations place strict limits on when a lawyer may communicate with a person he knows to be represented by another lawyer. These "no contact" rules preserve fairness in the adversarial system and the integrity of the attorney-client relationship by protecting parties, potential parties and witnesses from lawyers who would exploit the disparity in legal skill between attorneys and lay people and damage the position of the represented person. Courts have given a wide variety of interpretations to these rules, however, creating uncertainty and confusion as to how they apply in criminal cases and to government attorneys. For example, courts have disagreed about whether these rules apply to federal prosecutor contacts with represented persons in non-custodial pre-indictment situations, in custodial pre-indictment situations, and in post-indictment situations involving the same or different matters underlying the charges.

Lawyers who practice in federal court—and federal prosecutors in particular—have a legitimate interest in being governed by a single set of professional standards relating to frequently recurring questions of professional conduct. Further, any rule governing federal prosecutors' communications with represented persons should be respectful of legitimate law enforcement interest as well as the legitimate interests of the represented individuals. Absent clear authority to engage in communications with represented persons—when necessary and under limited circumstances carefully circumscribed by law—the government is significantly hampered in its ability to detect and prosecute federal offenses.

The proposed legislation charges the Judicial Conference with developing a uniform national rule governing government attorney contacts with represented persons. Given the advanced stage of dialogue among the interested parties—the Department of Justice, the ABA, the federal and state courts, and others—the Committee is confident that a satisfactory rule can be developed within the one-year time frame established by the bill.

While the "no contact" rule poses the most serious challenge to effective law enforcement, other rules of professional responsibility may also threaten to interfere with legitimate investigations. The proposed legislation therefore directs the Judicial Conference to prepare a second report addressing broader questions regarding the regulation of government attorney conduct. This report, to be completed within two years, would review any areas of conflict or potential conflict between federal law enforcement techniques and existing standards of professional responsibility, and make recommendations concerning the need for additional national rules.

## HISPANIC HERITAGE MONTH

Mr. KERRY. Mr. President, I would like to take this opportunity to commemorate the 30-day period from September 15 through October 15, which was designated by the President as Hispanic Heritage Month. Hispanic Heritage Month was first initiated by Congress in 1968 to celebrate the diverse cultures, traditions, and valuable contributions of Hispanic people in the United States.

We are living through the longest and strongest economic boom in American history. Since 1992, our economy has created 22 million new jobs—and Hispanics in Massachusetts and around the country are sharing in our national prosperity and contributing to this marvelous growth. Since 1993, Hispanic employment has increased by nearly one-third nationwide, and median weekly wages for Hispanics have risen more than 16 percent. The unemployment rate for Hispanics is the lowest since we began tracking it, and the median income for Hispanic households has risen 15.9 percent over the last three years.

But for all our progress, we know that many challenges remain. The dropout rate for Hispanic youth is astonishingly high. There are far too many young people with nothing to do after school, and the unemployment rate is still too high in many predominantly-Hispanic communities. We cannot ignore or turn our backs on these young people, because they are truly the future of this nation. And prosperity that is not broadly shared is not true prosperity.

In February of 1994, President Clinton signed Executive order 12900, "Educational Excellence for Hispanic Americans," specifically, "To advance the development of human potential, to strengthen the Nation's capacity to provide high-quality education, and to increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs." I am proud to tell you about an initiative in my state, the Massachusetts Education Initiative for Latino Students (MEILS), which was created to implement the White House Initiative on Educational Excellence for Hispanic Americans in Massachusetts. MEILS created a Steering Committee responsible for developing and implementing a comprehensive approach for dealing with Latino educational issues statewide. MEILS has formulated a partnership between the state, federal, and local government to ensure high-level educational achievements for Latino students, from preschoolers to lifelong learners. MEILS has already established working groups in 13 of the communities with the highest percentages of Hispanic populations in the state of Massachusetts. Last Fall, MEILS held a conference in Worcester, Massachusetts, expecting approximately 300-400 participants, but ultimately drawing 700. They are currently planning their second conference, anticipating over 1,000 participants.

By 2050, one-quarter of all Americans will be Hispanic. In Massachusetts, Hispanics comprise 6% of the population and have made significant contributions to our communities, to our workplaces, to our public schools, and to academe. One of those contributors, Juan Maldacena, an Associate Professor of Physics at Harvard University, recently secured a MacArthur Foundation "genius" grant for his

work on "string theory," a method for describing gravity in the same terms as other forces in the universe. A colleague of Mr. Maldacena's from the University of Chicago was so taken by this theory that he penned a new version of the "Macarena" called the "Maldacena."

We know that the key to growing and staying strong is making sure that every American participates in our nation's prosperity. I will continue, and I hope the Congress will continue, to work closely with the Hispanic community because, together, we bring Massachusetts and America closer to the vision of a nation where all citizens are free to reach their potential.

#### THE PREVENTION OF CIRCUMVENTION OF SUGAR TARIFF RATE QUOTAS

Mr. DORGAN. Mr. President, I rise in support as a cosponsor of S. 3116. The purpose of this legislation is to prevent molasses stuffed with sugar from being allowed into this country.

As others have stated, the molasses in question is stuffed with South American sugar in Canada, and then transported into the United States. The sugar is then spun out of this concoction and sold in this country while the molasses is sent right back across the border to be stuffed with more sugar—and the smuggling cycle starts over again.

This practice is a blatant circumvention of our tariff quota. The sole purpose of this process is to smuggle excess sugar into the United States, and I urge my colleagues to support this legislation, which will put an end to this loophole.

#### ENERGY POLICY

Mrs. BOXER. Mr. President, yesterday, the Senator from Alaska, Senator MURKOWSKI, made a reference to me which I would like to respond to and set the RECORD straight.

The Senator from Alaska said that H.R. 2884, which would reauthorize the Strategic Petroleum Reserve, is being held up by a senator from the Democratic side of the aisle who is objecting to the reauthorization of the Energy Policy and Conservation Act.

I support H.R. 2884, but I oppose Senator MURKOWSKI's substitute amendment that undermines the new oil valuation rule for royalty payments on oil produced on Federal lands. This rule took over three years to finally implement. Senator MURKOWSKI's amendment would do great damage to the rule, which just took effect a few months ago and taxpayers would be hurt.

In conclusion, I support the House bill, which sets up a heating oil reserve for the northeastern states and reauthorizes the Strategic Petroleum Reserve, but I object to the royalty provision in the substitute amendment.

I call on the Senator from Alaska to let H.R. 2884 move forward as it was

passed by the other body—without the royalty language.

#### VICTIMS OF GUN VIOLENCE

Mr. AKAKA. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 27, 1999: Jermaine Allen, 26, Baltimore, MD; John Arcady, 49, Cincinnati, OH; Nathaniel Ball, 61, Tulsa, OK; Patrick Penson, 18, Fort Worth, TX; Eric Shine, 29, Charlotte, NC; Kevin Woods, 37, St. Louis, MO.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 26, 2000, the Federal debt stood at \$5,648,781,388,359.77, five trillion, six hundred forty-eight billion, seven hundred eighty-one million, three hundred eighty-eight thousand, three hundred fifty-nine dollars and seventy-seven cents.

Five years ago, September 26, 1995, the Federal debt stood at \$4,953,251,000,000, four trillion, nine hundred fifty-three billion, two hundred fifty-one million.

Ten years ago, September 26, 1990, the Federal debt stood at \$3,214,541,000,000, three trillion, two hundred fourteen billion, five hundred forty-one million.

Fifteen years ago, September 26, 1985, the Federal debt stood at \$1,823,103,000,000, one trillion, eight hundred twenty-three billion, one hundred three million.

Twenty-five years ago, September 26, 1975, the Federal debt stood at \$552,848,000,000, five hundred fifty-two billion, eight hundred forty-eight million, which reflects a debt increase of more than \$5 trillion—\$5,095,933,388,359.77, five trillion, ninety-five billion, nine hundred thirty-three million, three hundred eighty-eight thousand, three hundred fifty-nine dollars and seventy-seven cents, during the past 25 years.

## ADDITIONAL STATEMENTS

## DANIEL DYER CELEBRATES 100TH ANNIVERSARY

• Mr. LEAHY. Mr. President, I rise today to speak about an extraordinary Vermonter, Daniel Dyer. As the world celebrates the end of the twentieth century, Daniel Dyer is celebrating the end of his first century. He has seen history made, but he has also made history of his own. Growing up on a farm in Vermont, Mr. Dyer attended the local school in Albany. His strong academic record afforded him the opportunity to attend Craftsbury Academy—where he performed odd jobs to help defray the cost of his room and board. From there, he moved on to the University of Vermont to study education and agriculture, and graduated in 1924. Since then, Mr. Dyer has given over forty years of dedicated service to the young people of Vermont as a teacher, a coach and a principal.

Even after retiring, Mr. Dyer remains active in his community—just last year he was speaking to a classroom of sixth-grade students about his experiences growing up. His contributions to Vermonters were recognized by the University of Vermont when he received awards for Community Service Leadership in 1978 and Distinguished Service in 1988. Today Mr. Dyer is the University's oldest active alumnus and still maintains an amicable relationship with members of the faculty.

On November 3, Daniel Dyer will celebrate his one hundredth birthday with friends and family. Of course, this grand event will include his children, grandchildren and great-grandchildren, all of whom—along with countless other Vermont children—have been touched by this special man.●

## TRIBUTE TO CAROLYN C. ROBERTS

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Carolyn C. Roberts, an outstanding Vermonter and a national leader in the area of health care reform. As she prepares to retire from her position as President and Chief Executive Officer of Copley Health Systems in Morrisville, Vermont, it is important to reflect on how much one person can accomplish in serving others.

Carolyn was the first Vermonter and the second woman to serve as the Chair of the Board of Trustees of the American Hospital Association. While Carolyn worked to represent all hospitals in this country, she stressed the importance of ensuring residents of rural communities access to health services in their communities. Carolyn also fought hard to preserve the role of community hospitals by advocating for relationships with other health systems. In this, as in every other capacity, her mark has been felt far beyond the boundaries of Lamoille County, Vermont.

Carolyn began her vocation as a nurse and quickly rose to leadership positions as a direct provider, clinical

administrator, and executive. Since 1982, Carolyn has been at the helm of Copley, a rural, community-wide, health delivery system in Morrisville, Vermont. Under her leadership, Copley Hospital received the 1987 Foster G. McGaw Prize for Excellence in Community Service in 1987.

During Carolyn's career, she has frequently held leadership positions on national boards, including the Joint Commission on Accreditation of Healthcare Organizations, The Hospital Fund, the Commission on Professional and Hospital Activities, the Institute for Healthcare Improvement, the American Academy of Medical Administrators, and the American College of Healthcare Executives.

I must also acknowledge Carolyn's willingness to advise me personally over the years on critical health care policy issues. As Chairman of the Senate Committee on Health, Education, Labor, and Pensions, I have been gratified to know that I could always rely on Carolyn's expertise in such arenas as rural health care, integrated systems of care, and Medicare reform.

Vermont has much to be grateful for, in view of Carolyn's steadfast commitment to improving the quality of life in our State. Whether serving on Governor Snelling's Blue Ribbon Health Care Commission or on Governor Dean's Task Force on Medicaid Managed Care, she always brought a sense of knowledge, dedication, and grace to solving the problem at hand. It is reassuring to know that her legacy will lead Copley Health Systems and the greater community of Vermont itself into the next millennium.

Mr. President, Carolyn's unwavering commitment toward improving the health status of Vermont and its citizens serves as a testament to us all. Vermont is truly indebted to her. Her deep commitment to the citizens of the Green Mountain State has endeared her to us. She has our sincerest good wishes for the future.●

## MESSAGES FROM THE HOUSE

At 11:20 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1248. An act to prevent violence against women.

H.R. 2267. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

H.R. 2572. An act to direct the Administrator of NASA to design and present an award to the Apollo astronauts.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 4259. An act to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 4292. An act to protect infants who are born alive.

H.R. 4429. An act to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.

H.R. 4519. An act to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration, to provide for reform of the Federal Protective Service, and for other purposes.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.R. 4835. An act to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

H.R. 4904. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes.

H.R. 4944. An act to amend the Small Business Act to permit the sale of guaranteed loans made for export purposes before the loans have been fully disbursed to borrowers.

H.R. 4946. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

H.R. 5034. An act to expand loan forgiveness for teachers, and for other purposes.

H.R. 5036. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

H.R. 5117. An act to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit for missing children, and for other purposes.

H.R. 5273. An act to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

H.J. Res. 100. Joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

The message further announced that the House has passed the following bill, without amendment:

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include Wills House, and for other purposes.



## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2267. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes, to the Committee on Energy and Natural Resources.

H.R. 2572. An act to direct the Administrator of NASA to design and present an award to the Apollo astronauts; to the Committee on Commerce, Science, and Transportation.

H.R. 4429. An act to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such business to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry; to the Committee on Commerce, Science, and Transportation.

H.R. 4519. An act to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration, to provide for reform of the Federal Protective Service, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4835. An act to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4944. An act to amend the Small Business Act to permit the sale of guaranteed loans made for export purposes before the loans have been fully disbursed to borrowers; to the Committee on Small Business.

H.R. 4946. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business.

H.R. 5034. An act to expand loan forgiveness for teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5117. An act to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit for missing children, and for other purposes; to the Committee on Finance.

H.R. 5273. An act to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

## MEASURES PLACED ON THE CALENDAR

The following bills and joint resolution were read the first and second time by unanimous consent, and placed on the calendar:

H.R. 1248. An act to prevent violence against women.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in

Lincoln County through a competitive process.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.J. Res. 100. Joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, without amendment:

S. 3121: A bill to reauthorize programs to assist small business concerns, and for other purposes (Rept. No. 106-422).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3059: A bill to amend title 49, United States Code, to require motor vehicle manufacturers and motor vehicle equipment manufacturers to obtain information and maintain records about potential safety defects in their foreign products that may affect the safety of vehicles and equipment in the United States, and for other purposes (Rept. No. 106-423).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2899: A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, and for other purposes (Rept. No. 106-424).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 4868: A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DASCHLE (for Mrs. FEINSTEIN):

S. 3117. A bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children to ensure that their best interests are held paramount in immigration proceedings and actions involving them; to prescribe standards for their custody, release, and detention; to improve policies for their permanent protection; and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 3118. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profits adjustment on crude oil (and products thereof) and to fund heating assistance for consumers and small business owners; to the Committee on Finance.

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

S. 3119. A bill to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes"; to the

Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. KERRY, Mr. WELLSTONE, Mr. DURBIN, and Mr. FEINGOLD):

S. 3120. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. BOND:

S. 3121. A bill to reauthorize programs to assist small business concerns, and for other purposes; from the Committee on Small Business; placed on the calendar.

By Mr. HUTCHINSON:

S. 3122. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAMS:

S. 3123. A bill to provide for Federal class action reform; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. THURMOND):

S. 3124. A bill to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 3125. A bill to amend the Public Health Service Act, the Internal Revenue Code of 1986, and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas; to the Committee on Finance.

By Mr. HAGEL (for himself and Mr. BIDEN):

S. 3126. A bill to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; to the Committee on Foreign Relations.

By Mr. SANTORUM (for himself, Mr. HUTCHINSON, and Mr. FITZGERALD):

S. 3127. A bill to protect infants who are born alive; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. SARBANES, and Mr. BIDEN):

S.J. Res. 53. A resolution to commemorate fallen firefighters by lowering the American flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for Mrs. FEINSTEIN):

S. 3117. A bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children to ensure that their best interests are held paramount in immigration proceedings and actions involving them; to prescribe standards for their custody, release, and detention; to improve policies for their permanent protection; and for other purposes; to the Committee on the Judiciary.

UNACCOMPANIED ALIEN CHILD PROTECTION ACT  
OF 2000

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to change the way unaccompanied immigrant children are treated while in the custody of the Immigration and Naturalization Service (INS). The Unaccompanied Alien Child Protection Act of 2000 would ensure that the federal government addresses the special needs of thousands of unaccompanied alien children who enter the U.S. It would ensure that these children have a fair opportunity to obtain humanitarian relief when eligible.

Central throughout this legislation are two concepts:

(1) The United States government has a special responsibility to protect unaccompanied children in its custody; and

(2) In all proceedings and actions, the government must have as its paramount priority the protection of the best interests of the child.

The Unaccompanied Alien Child Protection Act of 2000 would ensure that children who are apprehended by the INS are treated humanely and appropriately by transferring jurisdiction over the welfare of unaccompanied minors from the INS Detention and Deportation division to a newly created Office of Children Services within the INS.

This legislation would also centralize responsibility for the care and custody of unaccompanied children in a new Office of Children's Services. By doing so, the legislation would resolve the conflict of interest inherent in the current system—that is, the INS retains custody of children and is charged with their care while, at the same time, it seeks their deportation.

Under this bill, the Office of Children's Services would be required to establish standards for the custody, release, and detention of children, ensuring that children are housed in appropriate shelters or foster care rather than juvenile jails. In 1999, the INS held some 2,000 children in juvenile jails even though they had never committed a crime. Equally as important, the bill would require the Office to establish clear guidelines and uniformity for detention alternatives such as shelter care, foster care, and other child custody arrangements.

The bill would strengthen options for the permanent protection of alien children in the United States, including providing asylum or adjustment of status to those who qualify.

Finally, the Unaccompanied Alien Child Protection Act would provide unaccompanied minors with access to legal counsel, who would ensure that the children appear at all immigration proceedings and assist them as the INS and immigration court considers their cases. The bill would also provide access to a guardian ad litem to ensure that they are properly placed in a safe environment. The guardian ad litem would also make sure that the child's attorney is, in fact, operating in his or her best interest.

Let me turn for a moment to the issue of access to counsel. Children, even more than adults, have immense difficulty tackling the complexities of the asylum system without the assistance of counsel. Despite this reality, most children in INS detention are unrepresented. Without legal representation, children are at risk of being returned to their home countries where they may face further human rights abuses.

I am aware of two cases that demonstrate the compelling need for counsel on behalf of these children. The first case involves two 17-year-old boys from China. Li and Wang were apprehended on an island near Guam and have been in INS custody for 16 months. During their detention on Guam, the two boys testified in federal court against the smugglers who brought them to Guam. In their testimony, they described being beaten by the smugglers even before leaving China, and stated that others were beaten during the trip to Guam. In the spring of 2000, the two boys were brought to a corrections facility in Los Angeles and are currently being held in the INS section of that facility. This is where the similarity in their cases end.

While both of the boys would face danger from the smugglers if they returned to China because of their testimony, only one was granted asylum. Li applied for asylum and was denied. He was not represented by counsel at his hearing. Despite the fact that the INS trial attorney mentioned that Li had testified in federal court against the smugglers, the judge did not include this information in her decision on the claim. Luckily for Li, an attorney overheard the hearing, and after speaking with Li, agreed to appeal his asylum claim. Li is still being held in a Los Angeles corrections facility. The story is different for Wang. Wang had an attorney and won his asylum hearing. But INS is appealing the decision so Wang still sits in a Los Angeles corrections facility, too.

These cases demonstrate the pressing need of legal representation for children. Li may have won his asylum claim if he had been represented by counsel and if the evidence regarding his testimony in federal court had been incorporated into his asylum claim. Instead, a 17-year-old boy unfamiliar with our immigration system and our language was forced to navigate the tricky court system alone.

According to Human Rights Watch, children detained by the INS, whether in secure detention or less restrictive settings, often have great difficulty obtaining information about their legal rights. On a visit to the Berks facility in 1998, Human Rights Watch staff found that none of the children they interviewed had received information about their rights or available legal services from either the INS or the facility's staff. Neither could local INS or facility staff identify how these children might receive this information.

In one way or another, we have been affected by the six-year-old shipwreck survivor from Cuba, Elian Gonzalez. His tragic story brought to light the plight of numerous other youngsters who find their way to the United States, unaccompanied by an adult and, in many cases, traumatized by the experiences provoking their flight.

Unaccompanied alien children are among the most vulnerable of the immigrant population; many have entered the country under traumatic circumstances. They are unable to protect themselves adequately from danger. Because of their youth and the fact that they are alone, they are often subject to abuse or exploitation.

Because of their age and inexperience, unaccompanied alien children are not able to articulate their fears, their views, or testify to their needs as accurately as adults can. Despite these facts, U.S. immigration laws and policies have been developed and implemented without careful attention to their effect on children, particularly on unaccompanied alien children.

Each year, the INS detains more than 5,000 children nationwide. They are apprehended for not having proper documentation at the ports-of-entry for entering the United States. Their detention may last for months—and sometimes for years—as they undergo complex immigration proceedings.

Under current immigration law, these children are forced to struggle through a system designed primarily for adults, even though they lack the capacity to understand nuanced legal principles and procedures. Children who may very well be eligible for relief are often vulnerable to being deported back to the very abuses they fled before they are able to make their case before the INS or an immigration judge.

Under current law, the INS is responsible for the apprehension, detention, care, placement, legal protection, and deportation of unaccompanied children. I believe that these are conflicting responsibilities that undercut the best interests of the child. Too often, the INS has fallen short in fulfilling the protection side of these responsibilities.

The INS uses a variety of facilities to house children. Some are held in children's shelters in which children are offered some of the services they need but still may experience prolonged detention, lack of access to counsel, and other troubling conditions.

The INS relies on juvenile correctional facilities to house many children, even in the absence of any criminal wrongdoing. Today, one out of every three children in INS custody is detained in secure, jail-like facilities. These facilities are highly inappropriate, particularly for children who have already experienced trauma in their homelands.

There is currently no provision of federal law providing guidance for the placement of unaccompanied alien

children. In 1987, the *Flores v. Reno* settlement agreement on behalf of minors in INS detention established the nationwide policy for the detention, release, and treatment of children in the custody of INS. The *Flores* agreement requires that the INS treat minors with dignity, respect, and special concern for their particular vulnerability. It also requires the INS to place each detained minor in the least restrictive setting appropriate to the child's age and special needs.

In response to *Flores*, the INS issued regulations that permitted its officers to detain children in secure facilities only in limited circumstances. The INS officers were required to provide written notice to the child of the reasons for such placement. More importantly, the regulations required the INS to segregate immigration detainees from juvenile criminal offenders.

Although INS officials have contended that these children are placed in these facilities largely because they are charged with other offenses, the INS statistics do not bear out this claim. In fiscal year 1999, only 19 percent of the children placed in secure detention were chargeable or adjudicated as delinquents.

According to non-governmental organizations (NGOs) such as Human Rights Watch and the Women's Commission on Refugee Women and Children, the INS regularly violates these regulations. The NGOs contend that too often children are placed in jail-like facilities for seemingly arbitrary reasons, seldom notified of the reasons why, and forced to share rooms and have extensive contact with convicted juvenile offenders.

I was also astonished to learn that many of these children, some as young as four and five years old, are placed behind multiple layers of locked doors, surrounded by walls and barbed wire. They are strip searched, patted down, placed in solitary confinement for punishment, forced to wear prison uniforms and shackles, and are forbidden to keep personal objects. Often they have no one to speak with because of the language barrier.

The Unaccompanied Alien Child Protection Act of 2000 would ensure that the particular needs of the thousands of unaccompanied alien children who enter INS custody each year are met and that these children have a fair opportunity to obtain immigration relief when eligible.

In 1999, the INS held approximately 4,600 children under the age of 18 in its custody. Some of these children fled human rights abuses or armed conflict in their home countries, some were victims of child abuse or had otherwise lost the support and protection of their families, some came to the United States to join family members, and some came to escape economic deprivation.

Many of these children came from troubled countries around the world, including the Peoples Republic of

China, Honduras, Afghanistan, Somalia, Sierra Leone, Colombia, Guatemala, Cuba, former Yugoslavia, and others. They range in age from toddlers to teenagers. Some traveled to the United States alone, while others were accompanied by unrelated adults.

Sadly, a significant number are victims of smuggling or trafficking rings. In one recent instance, Phanupong Khaisri, a two-year-old Thai child, was brought to the U.S. by two individuals falsely claiming to be his parents, but who were actually part of a major alien trafficking ring. The INS was prepared to deport the child back to Thailand. It was not until Members of Congress and the local Thai community had intervened, however, that the INS decided to allow the child to remain in the U.S. until the agency could provide proper medical attention and determine what course of action would be in his best interest. Now his case is before a federal district court judge who will determine whether he should be eligible to apply for asylum.

The Unaccompanied Alien Child Protection Act aims to prevent situations like this from recurring by centralizing the care and custody of unaccompanied children into a new Office of Children's Services within the INS, but outside the jurisdiction of the District Directors. By doing so, the Act resolves the conflict of interest inherent in the current system—that is, the INS retains custody of children and is charged with their care while, at the same time, it seeks their deportation.

I would like to take a moment to share with you a few other examples of how the federal government has fallen short in the manner in which we handle vulnerable unaccompanied minors. One would think that our country would treat unaccompanied minors with the sensitivity and care their situations demands. Unfortunately, in too many instances, that has not been the case. Too often, these children are often treated like adults and, under the worst circumstances, like criminals.

Xaio Ling, a young girl from China who spoke no English, was detained by the INS at the Berks County Juvenile Detention Center. The INS placed her among children guilty of violent crimes, including rape and murder. Xaio was never guilty of any crime, and yet she slept in a small concrete cell, was subjected to humiliating strip searches, and forced to wear handcuffs. She was forbidden to keep any of her clothes or possessions and, under the policies of the Berks Center, Xaio was not allowed to laugh.

Imagine the fear this child had: thrust into a system she did not understand, given no legal aid, placed in jail that housed juveniles with serious criminal convictions, including murder, car jacking, rape, and drug trafficking. She did not speak English and was unable to speak to any staff who knew her language, and she had to submit to strip searches. It is hard to believe that our country would have al-

lowed this innocent child to be treated in such a horrible manner.

Situations like that of the young Chinese girl make a compelling case for a change in the way our nation treats unaccompanied alien children. Under the legislation I have introduced today, this youngster would never have been placed in a detention center with criminal offenders. Rather, she would have immediately been placed in shelter care, foster care, or a home more appropriate for her situation. She would have been provided an attorney for her immigration proceedings and a social worker would have been appointed as guardian ad litem to ensure that the child's needs were being met. Sadly, this young girl was given none of these options. Neither was a 16-year-old boy from Colombia.

This youngster fled Colombia to escape a life of violence on the streets of Bogota, where FARC guerrillas attempted to recruit him and the F-2 branch of the Colombian government harassed him in its attempt to get rid of street children. Fearing for his life, he fled Colombia for Venezuela where he lived without shelter or sufficient food. In search of a safer life, he sneaked into the machine room of a cargo ship bound for the United States. He was lucky to survive; many other stowaways were thrown overboard when discovered by the ship's crew.

The boy remained on the ship from November 1998 until March 1999, when he arrived in Philadelphia. He was soon turned over to the INS and placed into the same detention center the young Chinese girl was held in. He, too, was kept with criminal offenders. He did not understand English, which created a myriad of problems because he was unable to understand what was expected of him in the detention center. He was held in an inappropriately punitive environment for six months.

I have one last story to share with you today. Placed on a boat bound for the United States by her very own parents, a 15-year-old girl fled China's rigid family planning laws. Under these laws she was denied citizenship, education, and medical care. She came to this country alone and desperate. And what did our immigration system do when they found her? They held her in a juvenile jail in Portland, Oregon. She was held for eight months and was detained for an additional four months after being granted political asylum. At her asylum hearing, the young girl could not wipe away the tears from her face because her hands were chained to her waist. According to her lawyer, "her only crime was that her parents had put her on a boat so she could get a better life over here."

For years children's rights and human rights organizations have implored Congress to improve the way our immigration system handles unaccompanied minors—just like the ones whose stories I have just told. I believe my bill would do just that.

We cannot continue to allow children, who come to our country, often

traumatized and guilty of no crime, to be held in jails and treated like criminals. We cannot continue to allow children, scared and helpless, to be thrown into a system they do not understand without sufficient legal aid and a guardian to look after their best interests. We must adhere to the principles of our justice system. What kind of message do we send when we deprive children who come to our country seeking refuge of their basic rights and protections?

As a nation that holds our democratic ideals and constitutional rights paramount, how then can we continue to avert our attention from repeated violations of some of the most basic human rights against children who have no voice in the immigration system? We should be outraged that children who come to the U.S. alone, many against their will, are subjected to such inhumane, excessive conditions.

I am proud to have the support of the United States Catholic Conference and the Women's Commission on Refugee Women and Children, with whom I have worked closely to develop this legislation.

Although we are nearing the end of the session, I want to highlight this issue now so that we can begin to think about the importance of protecting the rights of children in immigration custody and work towards passing this legislation in the next Congress. •

By Mr. LEAHY:

S. 3118. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profits adjustment on crude oil (and products thereof) and to fund heating assistance for consumers and small business owners; to the Committee on Finance.

WINDFALL OIL PROFITS FOR HEATING ASSISTANCE ACT OF 2000

Mr. LEAHY. Mr. President, the Windfall Oil Profits for Heating Assistance Act of 2000 is a bit of a mouthful, but let me explain what this does. My legislation imposes a windfall profits adjustment on the oil industry so we can fund heating help for consumers and small business owners across America.

Mr. President, while American families have been paying sky-high prices at the gas pump and are bracing for record-high home heating costs this winter, the oil industry is savoring phenomenal profits. Something is wrong when working families are struggling to pay for basic transportation and home heat while Big Oil rakes in obscene amounts of cash by the barrel.

Indeed, the overall net income for the 14 major petroleum companies more than doubled in the second quarter of 2000 relative to the second quarter of 1999, to \$10.3 billion.

In the second quarter of 2000, BP Amoco PLC reported profits of \$2.87 billion, Chevron Corporation reported profits of \$1.14 billion, Conoco reported profits of \$460 million, Exxon Mobil Corporation reported profits of \$4.53

billion, Marathon Oil Company reported profits of \$367 million, Phillips Petroleum Company reported profits of \$439 million, Royal Dutch/Shell Group reported profits of \$3.15 billion and Texaco, Inc. reported profits of \$641 million.

Look at these huge profits. When people in Vermont and New England want to know why they are paying so much extra for home heating oil, pick up the phone and call Texas and ask them how they justify these huge windfall profits.

This chart illustrates the phenomenal profits of the oil industry. Keep in mind, these profits came as gasoline prices soared and heating oil stocks fell. The oil industry executives said: It is the people of OPEC. It is not our fault. We love our customers. We are your friends. We wouldn't raise these prices. It is the naughty people overseas. We are not making any money from this. We are sorry you have to pay so much more to commute to work. We are sorry you can't heat your home.

In my State, where it can drop down to 20 below zero, this is not a matter of comfort. It is a matter of whether you will live or not.

But the oil industry executives say: We are sorry you have to pay so much more. Gee, maybe you should fill up early. Stocks are low. It is not our fault. We are not making anything out of this. We are not making any money out of it.

They are liars. They are making money. They are making windfall profits.

I have a chart here that illustrates the phenomenal profits of the oil industry for the past year when gasoline prices soared and heating oil stocks fell. Compared to the second quarter of 1999, the profits in the second quarter of 2000 increased 133 percent for BP Amoco, 136 percent for Chevron, 205 percent for Conoco, 123 percent for Exxon Mobil, 208 percent for Marathon, 275 percent for Phillips, 96 percent for Shell and 124 percent for Texaco.

Not surprisingly, these multi-million and even multi-billion dollar profits in the second quarter of 2000 for BP Amoco, Chevron, Conoco, Exxon Mobil and Shell were record quarterly profits.

These gushing profits are not new for the oil industry in 2000. In the first quarter of 2000, Big Oil also reaped record profits.

In the first quarter of 2000, ARCO reported profits of \$333 million, BP Amoco reported profits of \$2.68 billion, Chevron reported profits of \$1.10 billion, Conoco reported profits of \$391 million, Exxon Mobil reported profits of \$3.35 billion, Phillips reported profits of \$250 million, Shell reported profits of \$3.13 billion, and Texaco reported profits of \$602 million.

I have a second chart here that illustrates the phenomenal profits of the oil industry for the first quarter of the past year. Compared to the first quarter of 1999, the profits in the first quar-

ter of 2000 increased 136 percent for ARCO, 296 percent for BP Amoco, 291 percent for Chevron, 371 percent for Conoco, 108 percent for Exxon Mobil, 257 percent for Phillips, 117 percent for Shell and 473 percent for Texaco.

Again, these multi-million and multi-billion dollar profits in the first quarter of 2000 for BP Amoco, Conoco, Exxon Mobil and Shell were record quarterly profits.

Yet these same oil company executives can tell the people of Vermont, the Northeast and elsewhere: Sorry you have to pay so much more for your gasoline. Sorry you have to pay so much more for your home heating oil. It is not our fault. We are not making any profits. It is those mean people in the Middle East.

Man, what hypocrisy.

Somebody once said, in Vermont: We will rely on the facts. Vermonters are not fooled by this. But how frustrating it is for all of us, how frustrating it is for middle America, to pay these bills, feeling they are helpless. Because the fact comes down, in our State, in an extraordinarily cold winter, we have to have heat. The fact comes down, when men and women have to go to work and they have to commute, they have to pay the price of going there. Everybody expects to pay what it costs to live. But they do not expect to have to pay windfall profits for a cartel of companies.

Big Oil reaped record profits while American consumers and small business owners dug deeper into their pockets to pay for soaring gasoline prices. And more record profits for Big Oil at the expense of consumers and small business owners are expected this winter when heating costs go through the roof.

Even more disturbing are the recent press reports that the major oil companies are not using their record profits to boost production and lower future prices, but are instead cutting back on exploration and production.

If they were using some of these huge profits to create more fuel, to create more production ability to be able to stave off shortages in the future, I would say let them have the profits because we will all benefit. They are not. They are just pocketing the profits. They are not doing a thing to find new oil, to find new production facilities.

Listen to this from a report in yesterday's Wall Street Journal: "Exploration and production expenditures at the so-called super majors—Exxon Mobil Corp., BP Amoco PLC, and Royal Dutch/Shell Group—fell 20 percent to \$6.91 billion in the first six months of the year from a year earlier. . . ." Mr. President, that is outrageous.

The oil industry is made up of corporations formed under the laws of the United States. These oil industry corporations have a responsibility to the public good as well as their shareholders.

To reap record windfall profits and then cut back on exploration and production to further increase future profits is poor corporate citizenship and an abuse of the public trust by these oil industry corporations and their executives.

Well I for one have had enough of Big Oil making record profits at the expense of the working families and the small business owners who pay the oil bills, live by the rules and struggle mightily when fuel and heating costs skyrocket.

In response to the energy crisis of the 1980s, Congress enacted the Crude Oil Windfall Profit Tax Act of 1980. This windfall profits tax, which was repealed in 1988, funded low-income fuel assistance and energy and transportation programs.

Similar to the early 1980s, American families again face an energy crisis of high prices and record oil company profits. This past June, gasoline prices hit all-time highs across the United States, with a national average of \$1.68 a gallon, according to the Energy Information Administration.

This winter, the Department of Energy estimates that heating oil inventories are 36 percent lower than last year with heating oil inventories in New England estimated to be 65 percent lower than last year. In my home state of Vermont, energy officials estimate heating oil costs will jump to \$1.31 per gallon, up from \$1.19 last winter and 80 cents in 1998.

Given the oil industry's record windfall profits in the face of this energy crisis, it is time for Congress to act and again limit the windfall profits of Big Oil.

The Leahy bill would do just that and dedicate the revenue generated from this windfall profits adjustment to help working families and small business owners with their heating oil costs this winter.

If they are not going to put more money into providing more energy for us, then the Windfall Oil Profits For Heating Assistance Act of 2000 would impose a 100 percent assessment on windfall profits from the sale of crude oil. My legislation builds on the current investigation by the Federal Trade Commission, a well deserved investigation into the pricing and profits of the oil industry.

My bill requires the Federal Trade Commission to expand this investigation to determine if the oil industry is reaping windfall profits.

The revenue collected from windfall oil industry profits, under my legislation, would be dedicated to two separate accounts in the Treasury for the following: 75 percent of the revenues to fund heating assistance programs for consumers such as the Low Income Home Energy Assistance Program (LIHEAP), weatherization and other energy efficiency programs; and 25 percent of the revenues to fund heating assistance programs for small business owners.

American consumers and small business owners continue to pay sky-high gasoline prices and home heating oil costs are expected to hit an all-time high this winter while U.S. oil corporations reap more record profits. We ought to restore some basic fairness to the marketplace. It is time for Congress to transfer the windfall profits from Big Oil to fund heating oil assistance for working families.

If big oil executives say: But we need these profits so we can continue our exploration, we can continue to increase refineries—then let them spend the money for that. If they are actually spending the money for that, it is not a problem. But they want to have it both ways: They want to have a shortage, they want to force up the price, they want to have a windfall profit, and they want to stick it in their pocket and they don't want to do anything to help the consumer. If they are unwilling to help the consumer, the Congress ought to stand up and help the consumer.

I ask unanimous consent the text of the bill be printed in the RECORD at the conclusion of my remarks and the bill be appropriately referred.

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

S. 3118

*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 "Windfall Oil Profits For Heating Assistance Act of 2000".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The overall net income for the 14 major petroleum companies more than doubled in the second quarter of 2000 relative to the second quarter of 1999, to \$10,300,000,000.

(2) In the second quarter of 2000, BP Amoco reported profits of \$2,870,000,000, Chevron Corporation reported profits of \$1,140,000,000, Conoco reported profits of \$460,000,000, Exxon Mobil Corporation reported profits of \$4,530,000,000, Marathon Oil Company reported profits of \$367,000,000, Phillips Petroleum Company reported profits of \$439,000,000, Royal Dutch/Shell Group reported profits of \$3,150,000,000, and Texaco, Inc. reported profits of \$641,000,000.

(3) When compared to the second quarter of 1999, the profits in the second quarter of 2000 increased 133 percent for BP Amoco, 136 percent for Chevron, 205 percent for Conoco, 123 percent for Exxon Mobil, 208 percent for Marathon, 275 percent for Phillips, 96 percent for Shell, and 124 percent for Texaco.

(4) The profits in the second quarter of 2000 for BP Amoco, Chevron, Conoco, Exxon Mobil, and Shell were record quarterly profits for these oil companies.

(5) In the first quarter of 2000, ARCO reported profits of \$333,000,000, BP Amoco reported profits of \$2,680,000,000, Chevron reported profits of \$1,100,000,000, Conoco reported profits of \$391,000,000, Exxon Mobil reported profits of \$3,350,000,000, Phillips reported profits of \$250,000,000, Shell reported profits of \$3,130,000,000, and Texaco reported profits of \$602,000,000.

(6) When compared to the first quarter of 1999, the profits in the first quarter of 2000 increased 136 percent for ARCO, 296 percent for BP Amoco, 291 percent for Chevron, 371 percent for Conoco, 108 percent for Exxon

Mobil, 257 percent for Phillips, 117 percent for Shell, and 473 percent for Texaco.

(7) The profits in the first quarter of 2000 for BP Amoco, Conoco, Exxon Mobil, and Shell were record quarterly profits.

(8) On June 19, 2000, gasoline prices hit all-time highs across the United States, with a national average of \$1.68 per gallon, according to the Energy Information Administration.

(9) On September 22, 2000, the Department of Energy estimated that heating oil inventories nationwide are 36 percent lower than in 1999, in the East such inventories are 40 percent lower than in 1999, and in New England such inventories are 65 percent lower than in 1999.

(10) American consumers continue to pay sky-high gasoline prices and home heating oil prices are expected to hit an all-time high in the winter of 2000-2001 while the oil industry continues to reap record profits.

(b) PURPOSE.—The purpose of this Act is to transfer windfall profits from the oil industry to fund heating assistance for consumers and small business owners.

#### SEC. 3. WINDFALL PROFITS ADJUSTMENT.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

##### **"CHAPTER 55—WINDFALL PROFITS ON CRUDE OIL AND PRODUCTS THEREOF**

"Sec. 5886. Imposition of tax.

##### **"SEC. 5886. IMPOSITION OF TAX.**

"(a) IN GENERAL.—An excise tax is hereby imposed on the windfall profit from any domestic crude oil or other taxable product removed from the premises during the taxable year at a rate equal to 100 percent of such windfall profit.

"(b) DEFINITIONS.—For purposes of this section—

"(1) PREMISES.—The term 'premises' has the same meaning as when used for purposes of determining gross income from property under section 613.

"(2) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil or taxable product.

"(3) REASONABLE PROFIT.—The term 'reasonable profit' means the amount determined by the Chairman of the Federal Trade Commission to be a reasonable profit on the crude oil or taxable product.

"(4) TAXABLE PRODUCT.—The term 'taxable product' means any fuel which is a product of crude oil.

"(5) WINDFALL PROFIT.—The term 'windfall profit' means, with respect to any removal of crude oil or taxable product, so much of the profit on such removal as exceeds a reasonable profit.

"(c) LIABILITY FOR PAYMENT OF TAX.—The tax imposed by subsection (a) shall be paid by the producer of the crude oil or taxable product.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of such Code is amended by adding at the end the following new item:

"CHAPTER 55. Windfall profits on crude oil and products thereof."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil or other products removed from the premises on or after January 1, 2000.

#### SEC. 4. FEDERAL TRADE COMMISSION INVESTIGATION AND DETERMINATION OF REASONABLE PROFITS.

(a) INVESTIGATION OF OIL INDUSTRY PROFITS.—The Chairman of the Federal Trade

Commission shall investigate the profits of the oil industry, including the 14 major petroleum companies, on the sale in the United States of any crude oil or other taxable product (as defined in section 5886(b) of the Internal Revenue Code of 1986) made after January 1, 1999.

(b) DETERMINATION OF REASONABLE OIL INDUSTRY PROFITS.—The Federal Trade Commission shall make reasonable profit determinations for purposes of applying section 5886 of the Internal Revenue Code of 1986 (relating to windfall profit on crude oil and products thereof).

(c) FUNDING.—There are authorized to be appropriated to the Federal Trade Commission such funds as are necessary to carry out this section.

**SEC. 5. ALLOCATION OF REVENUES FROM WINDFALL OIL PROFITS ADJUSTMENT TO HEATING ASSISTANCE.**

(a) ESTABLISHMENT OF TRUST FUND.—Subchapter A of chapter 98 of subtitle I of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section: “SEC. 9511. WINDFALL OIL PROFITS TRUST FUND.

“(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Windfall Oil Profits Trust Fund’, consisting of such amounts as may be appropriated or credited to the Windfall Oil Profits Trust Fund as provided in this section.

“(b) TRANSFERS TO WINDFALL OIL PROFITS TRUST FUND.—There are hereby appropriated to the Windfall Oil Profits Trust Fund amounts equivalent to the taxes received in the Treasury under section 5886.

“(c) EXPENDITURES FROM WINDFALL OIL PROFITS TRUST FUND.—Amounts in the Windfall Oil Profits Trust Fund shall be available, as provided by appropriations Acts, for making expenditures—

“(1) in an amount not to exceed 75 percent of amounts transferred under subsection (b), for heating assistance for consumers, and

“(2) in an amount not to exceed 25 percent of amounts transferred under subsection (b), for heating assistance for small businesses.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of subtitle I of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 9511. Windfall oil profits trust fund.”

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

S. 3119. A bill to amend the Act entitled “An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes”; to the Committee on Energy and Natural Resources.

THE FORT CLATSOP NATIONAL MEMORIAL  
EXPANSION ACT OF 2000

Mr. WYDEN. Mr. President, today I am pleased to introduce, with my friend and colleague from Oregon, Senator GORDON SMITH, the Fort Clatsop National Memorial Expansion Act of 2000. I am also pleased that Congressman DAVID WU, representing Fort Clatsop and Clatsop County in the United States House of Representatives, is introducing companion legislation in the House.

The Fort Clatsop Memorial marks the spot where Meriwether Lewis, William Clark and the Corps of Discovery spent 106 days during the winter of 1805. The bicentennial of their historic journey is fast approaching and it is es-

timated that over a quarter-million people will visit the Memorial during the bicentennial years of 2003 through 2006. Despite this anticipated influx of visitors, the Memorial is still legally limited to no more than 130 acres. This legislation would authorize the boundary expansion of the Memorial to no more than 1500 acres so as to help accommodate the large number of expected visitors.

Since the 1980s, the U.S. Park Service in Astoria, Oregon has been trying to negotiate a land purchase with Willamette Industries to acquire approximately 928 acres for the expansion of the Ft. Clatsop National Memorial. These acres are integral to the interpretation and enjoyment of the Memorial’s historic site. Over the past 13 months the Park Service and Willamette Industries negotiated and, recently, reached an agreement that will lead to the Park Service acquiring this property. Before that can happen, however, this legislation, authorizing the expansion of the park boundary, will allow the Park Service to acquire the Willamette land administratively. The bill also authorizes a study of the national significance of Station Camp, another Lewis and Clark stopping point in 1805, located in Washington State.

The Park Service has targeted the expansion of the Fort Clatsop Memorial as one of its highest priorities. The Clatsop County Commission supports this legislation, as do the local landowners in and around the Memorial. In addition, I have heard from the National Parks and Conservation Association [NPCA], the Trust for Public Lands and the Conservation Fund, all of whom support efforts to expand the Ft. Clatsop Memorial.

I look forward to working with my colleagues to see this legislation pass because the protection of this important American historic area will enable us to illustrate the story of Oregon and America’s western expansion for all who visit this special place. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 3119

*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 “Fort Clatsop National Memorial Expansion Act of 2000”.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, where they spent 106 days waiting for the end of winter and preparing for their journey home. The Fort Clatsop National Memorial was created by Congress in 1958 for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American continent, and is the only National Park

Service site solely dedicated to the Lewis and Clark Expedition.

(2) The 1995 General Management Plan for the Fort Clatsop National Memorial, prepared with input from the local community, calls for the addition of lands to the memorial to include the trail used by expedition members to travel from the fort to the Pacific Ocean and to include the shore and forest lands surrounding the fort and trail to protect their natural settings.

(3) The area near present day McGowan, Washington where Lewis and Clark and the Corps of Discovery camped after reaching the Pacific Ocean, performed detailed surveying, and conducted the historic “vote” to determine where to spend the winter, is of undisputed national significance.

(4) The National Park Service and State of Washington should identify the best alternative for adequately and cost effectively protecting and interpreting the “Station Camp” site.

(5) Expansion of the Fort Clatsop National Memorial would require Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

(6) Congressional action to allow for the expansion of Fort Clatsop for both the trail to the Pacific and, possibly, the Station Camp site would be both timely and appropriate before the start of the national bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.

**SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOP NATIONAL MEMORIAL.**

The Act entitled “An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes”, approved May 29, 1958 (Chapter 158; 72 Stat. 153), is amended—

(a) by inserting in section 2 “(a)” before “The Secretary”.

(b) by inserting in section 2 a period, “.”, following “coast” and by striking the remainder of the section.

(c) by inserting in section 2 the following new subsections:

“(b) The Memorial shall also include the lands depicted on the map entitled ‘Fort Clatsop Boundary Map’, numbered and dated ‘405-80016-CCO-June-1996’. The area designated in the map as a ‘buffer zone’ shall not be developed but shall be managed as a visual buffer between a commemorative trail that will run through the property, and contiguous private land holdings.

(c) The total area designated as the Memorial shall contain no more than 1,500 acres.”

(d) by inserting at the end of section 3 the following:

“(b) Such lands included within the newly expanded boundary may be acquired from willing sellers only, with the exception of corporately owned timberlands.”

**SEC. 4. AUTHORIZATION OF STUDY OF STATION CAMP.**

The Secretary of the Interior shall conduct a study of the area known as “Station Camp” near McGowan, Washington, to determine its suitability, feasibility, and national significance, for inclusion into the National Park System. The study shall be conducted in accordance with Section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. KERRY, Mr. WELLSTONE, Mr. DURBIN, and Mr. FEINGOLD):

S. 3120. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.



## THE IMMIGRANT FAIRNESS RESTORATION ACT OF 2000

Mr. KENNEDY. Mr. President, I am honored to join my colleagues, Senators GRAHAM, LEAHY, KERRY, WELLSTONE, DURBIN, and FEINGOLD in introducing the Immigrant Fairness Restoration Act. This legislation will restore the balance to our immigration laws that was lost when Congress enacted changes in 1996 that went too far.

The 1996 law has had harsh consequences that violate fundamental principles of family integrity, individual liberty, fairness, and due process. Families are being torn apart. Persons who are no danger to the community have languished in INS detention. Individuals who made small mistakes and atoned for their crimes long ago are being summarily deported from the United States to countries they no longer remember, separated from all that they know and love in this country.

The Immigrant Fairness Restoration Act will repeal the harshest provisions of the 1996 changes. It will eliminate retroactive application of these laws. The rules should not change in the middle of the game. Permanent residents who committed offenses long before the enactment of the 1996 laws should be able to apply for the relief from removal as it existed when the offense was committed. Unfair new consequences should not attach to old conduct.

Our legislation will also restore proportionality to our immigration laws. Current immigration laws punish permanent residents out of proportion to their crimes. Relatively minor offenses are now considered aggravated felonies. Permanent residents who did not receive criminal convictions or serve prison sentences should not be precluded from all relief from deportation.

Our proposal also restores the discretion of immigration judges to evaluate cases on an individual basis and grant relief from deportation to deserving families. Currently, these judges are unable to grant such relief to many permanent residents, regardless of their circumstances or equities in the cases. Their hands are tied, even in the most compelling cases, and deserving legal residents are being unfairly treated by these laws.

In addition, our proposal will end mandatory detention. The Attorney General will have authority to release person from detention who do not pose a danger to the community and are not a flight risk. The traditional standards governing such determinations should be restored to immigrants. Dangerous criminals should be detained and deported. But indefinite detention must end. Those who have lived in the United States with their families for years, established strong ties in our communities, paid taxes, and contributed to the Nation deserve to be treated fairly.

The 1996 changes also stripped the Federal courts of any authority to re-

view the decisions of the INS and the immigration courts. As a result, life-shattering determinations are often now made at the unreviewable discretion of an INS functionary. Immigrants deserve this day in court, and our proposal will provide it.

It is long past time for Congress to end these abuses. Real individuals and real families continue to be hurt by the unacceptable changes made four years ago.

Armando Baptiste of Boston was recently featured in a column in the New York Times by Anthony Lewis. Armando came to the United States at the age of 9 from Cape Verde. As a teenager, he became involved in a gang and was convicted of assault. Later, he joined a church-sponsored group and turned his life around. He became a key figure in the city, helping other young people in the Cape Verdean community avoid the mistakes that he had made.

But the 1996 law made Armando deportable as a result of his earlier conviction. In February, he was jailed by the INS, and he now awaits deportation. The immigration judge will not be able to consider his positive contributions to his community, his family ties, or the hardship that severing those ties will cause.

Mary Anne Gehris was born in Germany and adopted by a family in Georgia when she was 2 years old. She is married and has two children, including a 14-year-old with cerebral palsy. Eleven years ago, she pulled another woman's hair during an argument and pled guilty to a misdemeanor. Although she never spent a day in jail, the crime is a deportable offense under the 1996 laws. Mary Anne was pardoned by the Georgia Board of Pardons this year. The Board does not usually grant pardons for misdemeanor convictions, but it decided to do so because, it said, the 1996 laws have "adversely affected the lives of numerous Georgia residents."

Ana Flores also deserves a chance. For several years, she complained to police about physical abuse by her husband. In 1998, she bit her husband during a domestic dispute. Without consulting a lawyer, she pleaded guilty at the urging of a judge and was placed on probation for six months. Because the 1996 immigration law calls domestic violence a deportable offense, she is now being deported to Guatemala, even though she has two children who are U.S. citizens.

We still have time to act this year to end these abuses. The House of Representatives has already passed legislation that is an important first step in this process, but it fails to deal with many of the most harmful aspects of the 1996 laws. The legislation we are introducing today is needed to end these festering abuses once and for all, and we urge Congress to enact it.

Mr. GRAHAM. Mr. President, I rise today, with my colleagues, Senators KENNEDY, LEAHY, DURBIN, KERRY, and

WELLSTONE to introduce legislation that will help restore fairness and justice to our legal system.

Our nation is known worldwide for our system of justice.

We proclaim that everyone is equal under the eyes of the law.

Since the passage of the 1996 immigration law and the Anti-Terrorism and Effective Death Penalty Act, this statement has been only partially true.

There have been thousands of individuals who have been, in simple terms, punished twice: once for a crime, even a very minor crime, that was committed, and once again for their immigration status.

These are individuals who are legally here in the United States; but they are not U.S. citizens.

I do a workday once a month.

On these days I work a full shift on jobs ranging from garbage collection to teaching.

In my 345th workday, in May 1999, I spent the day at the INS Krome Detention Center near Miami.

I met individuals who had been legally present in the United States for years.

They had committed a crime, and for that they had fully served any criminal sentence that was imposed.

When I met them, they were being indefinitely detained by the INS solely because of their immigration status.

Under the two laws we passed in 1996, the United States could not release them.

And because we don't have a treaty with their country of origin—in this case—Cuba, we could not deport them.

Cuba won't take them back.

So we are locking up for life individuals who may have bounced a check, or stolen a car radio and have already been sentenced, and have completed their sentence, for those crimes by a court of law.

Allow me to offer a few examples from my home state of Florida.

Catherine Caza was born in Canada but came to this country as a legal permanent resident when she was three years old.

She has always considered herself an American.

Until recently, she had no reason to believe otherwise.

Twenty years ago Ms. Caza made a terrible mistake. She sold drugs to an undercover policeman. For this she pleaded guilty and received five years probation—which she successfully completed.

That was 20 years ago. Now she is 40 years old. She is the mother of a 7-year-old girl. She is attending college, hoping to someday become a social worker. The INS wants to deport her.

Ms. Caza is scared, and justifiably so. She wonders how she will be able to build a new life for herself and her daughter, her American-born daughter, in a country that is wholly unfamiliar.

Roberto and Sheila Salas are facing an equally bleak future.



Mrs. Salas dreamed of going overseas with the United States Air Force. Naturally, she planned to take her husband and two children with her.

Her husband, 31-year-old Roberto Salas, came to this country from Peru as a permanent legal resident when he was 17.

At 19, he was sentenced to five years probation. He was released from probation two years early because he followed all the rules. He has followed the rules ever since.

His family calls him a loving husband and father and a good provider. In 1997 he applied for naturalization so his wife could go overseas. Months later he was told that his adopted country was sending him back to Peru. The rules had changed.

These are, as I have said, just two of countless stories from every state in the nation. This is not fair. This is not humane. This is simply not reasonable.

Our legislation tries to restore a measure of sanity to the laws governing deportation of legal aliens.

First and foremost: It is blatantly unfair to change the rules in the middle of the game. This is what we did in 1996.

We passed a bill that applied new rules retroactively. We need to fix this. Under our legislation, if you committed a crime 10 years ago, the rules that will punish you will be the rules that were in place then.

This bill restores proportionality to our immigration law. With the passage of Immigrant Fairness Restoration Act, the "punishment will fit the crime."

Under our current law, an individual can be deported for very minor crimes.

They can be punished even if a judge and jury hand down no jail time.

This person may have children who were born in this country, a spouse who is a U.S. citizen, even a business with many U.S. citizen employees.

This legislation returns to judges the discretion they had before 1996. There are some cases where deportation is the appropriate sanction. There are other cases where it is clearly not.

Let's let judges look at the facts and decide instead of taking over their role and insisting on a one-size-fits-all system of justice.

Let's not treat someone who stole a car as a teenager, served his time, and has since become a law-abiding productive adult, the same way we treat someone who has committed violent crimes over and over again.

Let's also not lock someone up for life because they have the bad fortune to come from a country that won't take them back. Long-term detention is an extremely powerful judicial tool.

We ask that the INS use this action only when necessary—not as a first option.

This is a very difficult issue to advocate. These are criminals. I absolutely believe they should be punished. They should fully repay their debt to society through incarceration, monetary res-

titution, community service, or any other sanction.

Judges and juries decide these punishments, and the legal immigrant should fully comply with each and every decision. However, from that point on, they should be allowed to start over.

As Americans, we cannot and should not re-punish them.

What we are doing now is locking up everyone: car radio thieves, check bouncers, and others, all mixed in with the most dangerous felons. Everyone should get an equal change to plead their case.

Experienced judges should have the discretion to keep together American families who now face the prospect of lifetime separation. I do not want a mass release of legal immigrants who pose a threat to our society.

However—I do want fairness and discretion restored to all those who legally live in the United States.

Mr. LEAHY. Mr. President, I am proud to be a cosponsor of a bill as important as the Immigrant Fairness Restoration Act, which would restore a number of the due process rights that were taken away by the passage in 1996 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Anti-Terrorism and Effective Death Penalty Act (AEDPA). With those laws, we turned our back on our historical commitment to immigration and the rule of law. It is long past time to undo the damage that was done then, and this bill provides an excellent foundation for such important change.

First, this bill would eliminate the retroactive effects of the 1996 laws. Those laws not only contained new and overly harsh provisions calling for increased deportations for minor offenses, it applied those new provisions retroactively. Under those laws, immigrants who may have committed a crime years before and had since gone on to live productive lives suddenly faced removal from the United States. Some had plead guilty to minor offenses—many of which did not even require jail time—with the understanding that such a plea would have no effect on their immigration status. And that was true at the time. But suddenly, with the passage of this law, they face removal and are not even allowed to apply for relief. They receive no due process, despite the fact that they have American families and legal immigration status.

This part of our immigration law simply must be changed. I have previously introduced legislation that would at least provide noncitizen veterans of our Armed Forces the right to due process before being removed for past offenses under these laws—the Fairness to Immigrant Veterans Act (S. 871). This bill has the support of the American Legion, the Vietnam Veterans of America, and other veterans' groups. It is unconscionable that those who served our country would be forced to leave it for a crime they committed

20 years ago, under a different immigration law regime, without even receiving the chance to convince a judge that they deserve the opportunity to stay. But in truth, this country should not treat any immigrant in that way, and I welcome a total eradication of the retroactivity provisions of these laws.

The Immigrant Fairness Restoration Act also refines the definition of "aggravated felony" that was itself altered in the 1996 legislation. This redefinition will ensure that immigrants who commit relatively minor offenses will not be classified as aggravated felons and precluded from all relief from deportation. Current law is unfair even when it is not applied retroactively, and we must fight to restore the concept of judicial review in our immigration law. The United States has historically been committed to the idea that people should be judged as individuals, and that we are just to impose penalties—whether they be criminal penalties or severe civil measures such as removal—because we have considered them carefully. We must return to that historical commitment.

The bill will also return the definition of "crimes involving moral turpitude" to the pre-1996 definition of that term. Before the 1996 laws were passed, an immigrant had to have been sentenced to a year in prison for a crime involving moral turpitude to be deportable. Today, any crime that could lead to a sentence of a year—even if a judge decides to impose no sentence whatsoever—qualifies as a crime involving moral turpitude. A one-year prison term requirement makes sense and could prevent great unfairness. Our immigration law should respect the decisions of judges and juries, not seek to undermine them.

This bill also touches on an area that I have worked on extensively—expedited removal. Expedited removal allows low-level INS officers with cursory supervision to return people who enter the United States to their home countries without opportunity for review. Although those who say they fear returning are given the opportunity for a credible fear hearing, there is ample evidence that that protection is insufficient to help those who have learned to fear authority in their native lands, or those whose grasp of English is halting or nonexistent. Senator BROWNBACK and I last year introduced S. 1940, the Refugee Protection Act, which would restrict the use of expedited removal to immigration emergencies, as certified by the Attorney General. I have been greatly disappointed that the Judiciary Committee has not scheduled a hearing on this bipartisan bill. I hope that we can still take action in this Congress to resolve this critical human rights issue. Meanwhile, I strongly support this bill's provision to restrict the use of expedited removal to our ports of entry. The INS has recently begun implementing expedited removal inside the United States. I believe an expansion of this program is inappropriate,

considering the bipartisan movement in Congress to reevaluate its existence even at our ports of entry. This bill will limit expedited removal's growth while we continue our efforts to restrict its use altogether.

I would also like to note this bill's restoration of the authority of federal courts to review INS decisions. Portions of this authority were stripped in both 1996 bills, a move I opposed at the time and continue to oppose today. Congress should not be in the business of micromanaging the federal docket, especially in politically sensitive areas such as immigration law. We should restore the pre-1996 status quo and give federal courts back the power we impropvidently removed in the midst of the anti-immigration movement that seized this Congress.

I have highlighted only some of the excellent provisions in this bill today. This legislation also contains good provisions addressing the detention of immigrants, and allowing immigrants who have already been deported under the 1996 laws to reopen their cases. We cannot be content simply to fix these problems while ignoring those who have already been harmed by them. Rather, we must find a way to rectify the situations of those who have been treated unfairly over the last four years.

Although it is late in this Congress, there is a real opportunity for action on these issues. The House has already passed bipartisan legislation eliminating some of the retroactive effects of the 1996 laws. That legislation is not comprehensive enough in my view, but it is a good start, and it shows that members on both sides of the aisle are concerned about the effects—perhaps unintended—of those laws.

I would like to thank Senator KENNEDY and Senator GRAHAM for their hard and consistent work on these issues. I am happy to be able to join with them and I hope that we can work together to gain attention for this bill, and convince our colleagues and the Administration that these are changes that need to be made this year.

Mr. HUTCHINSON:

S. 3122. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on Health, Education, Labor, and Pensions.

#### ADA NOTIFICATION ACT

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

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

S. 3122

*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 "ADA Notification Act".

#### SEC. 2. AMERICANS WITH DISABILITIES ACT OF 1990; AMENDMENT TO PROVIDE OPPORTUNITY TO CORRECT ALLEGED VIOLATIONS AS PRECONDITION TO CIVIL ACTIONS REGARDING PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES.

Section 308(a)(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12188(a)(1)) is amended—

(1) by striking "(1) AVAILABILITY" and all that follows through "The remedies and procedures set forth" and inserting the following:

"(1) AVAILABILITY OF REMEDIES AND PROCEDURES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the remedies and procedures set forth";

(2) in subparagraph (A) (as designated by paragraph (1) of this section), by striking the second sentence; and

(3) by adding at the end the following subparagraphs:

"(B) OPPORTUNITY FOR CORRECTION OF ALLEGED VIOLATION.—A court does not have jurisdiction in a civil action filed under subparagraph (A) with the court unless—

"(i) before filing the complaint, the plaintiff provided to the defendant notice of the alleged violation, and the notice was provided by registered mail or in person;

"(ii) the notice identified the specific facts that constitute the alleged violation, including identification of the location at which the violation occurred and the date on which the violation occurred;

"(iii) 90 or more days has elapsed after the date on which the notice was so provided;

"(iv) the notice informed the defendant that the civil action could not be commenced until the expiration of such 90-day period; and

"(v) the complaint states that, as of the date on which the complaint is filed, the defendant has not corrected the alleged violation.

"(C) CERTAIN CONSEQUENCES OF FAILURE TO PROVIDE OPPORTUNITY FOR CORRECTION.—With respect to a civil action that does not meet the criteria under subparagraph (B) to provide jurisdiction to the court involved, the following applies:

"(i) The court shall impose an appropriate sanction upon the attorneys involved (and notwithstanding the lack of jurisdiction to proceed with the action, the court has jurisdiction to impose and enforce the sanction).

"(ii) If the criteria are subsequently met and the civil action proceeds, the court may not under section 505 allow the plaintiff any attorneys' fees (including litigation expenses) or costs."

By Mr. GRAMS:

S. 2123. A bill to provide for Federal class action reform; to the Committee on the Judiciary.

#### CONSUMER RIGHTS IN FEDERAL CLASS ACTIONS ACT OF 2000

• Mr. GRAMS. Mr. President, I offer today legislation entitled the "Consumer Rights in Federal Class Actions Act of 2000." It is designed to incorporate checks upon the abuses of class action law that has led to an increasing number of suits where the primary benefit accrues to the attorney, and not the class represented. The bill also takes steps to ensure that attorney fees in class action resolutions are in proportion to the benefits that actually accrue to the class.

The last few years have seen the rise of "coupon settlements" in class action suits, in which attorneys reap literally hundreds of thousands of dollars in fees while the class members merely receive coupons for discounts on later purchases. For instance, in one well-known airline price-fixing settlement, class members received coupons in \$8, \$10, and \$25 denominations which could not be pooled. In another class action settlement, a manufacturer was sued because its dishwashers caught on fire under conditions of normal use. Under the settlement, customers were provided coupons to purchase replacement dishwashers from the very same maker. So not only are the trial lawyers hitting the jackpot for themselves, but the defendants in many coupon settlements actually receive the benefit of a promotional tool for their products. These types of deals only further erode the credibility of our judicial system.

Moreover, notices to class members are so densely worded and difficult to slog through that they are routinely ignored, and the class action attorneys are free to proceed and negotiate without true accountability to their supposed clients. The idea of attorneys working for the benefit of their clients has been turned on its head, and now in many class action lawsuits class members exist for the benefit of the lawyer, and the lawyer walks away from the table with a large fee while the class members receive next to nothing.

The Senate Judiciary Committee has recently addressed the problem of "coupon settlements" with S. 353, the Class Action Fairness Act, which would move more large, multi-state claims into federal court where there has been more vigilance in reviewing class action certifications and settlements. This is an important reform, but I think we can take specific steps that go beyond this reform to cut down on the number of "coupon settlements" in class action lawsuits.

The first reform in my bill requires that the attorney filing the class action lawsuit file a pleading, including a disclosure of the recovery sought for class members and the anticipated attorney's fees, along with an explanation of how any attorney's fees will be calculated. This will give the court and the public notice of what the attorney is actually attempting to accomplish with the litigation for the class, and for themselves.

The second reform would require that, after a proposed settlement agreement has been filed by the parties, counsel for the class shall provide notice to the class members of the expected benefits they will receive, the rights they will waive through the settlement, the fee amount class counsel will seek, an explanation of how the attorney fee will be calculated and funded, and the right of any class member to enter comments into the court record about the proposed settlement terms. This will give class members a

more thorough knowledge about what they will receive in the settlement compared to what the attorney would receive, and will provide the court a mechanism for receiving comments from the class about the proposed settlement terms before rejecting or approving the agreement.

The third reform would require a regular, continuing disclosure as to how many members of the class are participating in the settlement. One of the dirty secrets of coupon settlements is that the benefits to the class are often of such minimal value that the class members do not even bother to take the steps necessary to receive the benefit, making the high fees received by the attorneys even more outrageous. Some settlements even offer cash recoveries to class members that are so minimal that it is not worth their time to recover the funds. The required disclosure will be via Internet so that the public and legal researchers can access the information, and also will be mailed directly to the class members for their information and use.

The final reform is that Congress will authorize a report by the Judicial Conference of the United States on ways to correct a particular abuse by class action lawyers in which they use polling surveys of the class to determine how many class members would utilize the settlement, and then submit it to the court as evidence for determining an appropriate fee. Courts have indeed used these tools to determine fees, however, the polling numbers regularly overestimate class utilization of the settlements by a wide margin, leading to inflated fee awards for class attorneys. My legislation directs the Conference to make recommendations to ensure that attorneys receive fees that are commensurate with the degree that the lawsuit benefits the class. The Judicial Conference is also directed to make recommendations affecting the broader topic of ensuring that proposed class action settlements are fair to the class members for whom the settlements are supposed to benefit.

My legislation will expose the trial bar to greater scrutiny in lawsuits that are filed primarily to line their own pockets, give class members greater rights in assessing the settlement offers, and set in motion other reforms that will put attorneys fees in line with the benefit they bring to the class. This is a true consumers' rights bill that will cut down on the abuses by the trial bar and shed more light on who is actually being benefited by these lawsuits. I urge all of my colleagues to join me in supporting this commonsense reform.●

Mr. CONRAD:

S. 3125. A bill to amend the Public Health Service Act, the Internal Revenue Code of 1986, and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas; to the Committee on Finance.

SUSTAINING ACCESS TO VITAL EMERGENCY  
MEDICAL SERVICES ACT OF 2000

Mr. CONRAD. Mr. President, today I am introducing the Sustaining Access to Vital Emergency Medical Services (EMS) Act of 2000. This bill would take important steps to strengthen the emergency medical service system in rural communities and across the nation.

Across America, emergency medical care reduces human suffering and saves lives. According to recent statistics, the average U.S. citizen will require the services of an ambulance at least twice during his or her life. As my colleagues surely know, delays in receiving care can mean the difference between illness and permanent injury, between life and death. In rural communities that often lack access to local health care services, the need for reliable EMS is particularly crucial.

Over the next few decades, the need for quality emergency medical care in rural areas is projected to increase as the elderly population in these communities continues to rise. Unfortunately, while the need for effective EMS systems may increase, we have seen the number of individuals able to provide these services decline. Nationwide, the majority of emergency medical personnel are unpaid volunteers. As rural economies continue to suffer, and individuals have less and less time to devote to volunteering, it has become increasingly difficult for rural EMS squads to recruit and retain personnel. In my state of North Dakota, this phenomenon has resulted in a sharp reduction in EMS squad size. In 1980, on average there were 35 members per EMS squad; today, the average squad size has plummeted to 12 individuals per unit. I am concerned that continued reductions in EMS squad size could jeopardize rural residents' access to needed medical services.

For this reason, the legislation I introduce today includes two components to help communities recruit, retain, and train EMS providers. First, this proposal would establish a Rural Emergency Medical Services Training and Equipment Assistance program. This program would authorize \$50 million in grant funding for fiscal years 2001–2006, which could be used by rural EMS squads to meet various personnel needs. For example, this funding could help cover the costs of training volunteers in emergency response, injury prevention, and safety awareness; volunteers could also access this funding to help meet the costs of obtaining State emergency medical certification. In addition, EMS squads would be offered the flexibility to use grant funding to acquire new equipment, such as cardiac defibrillators. This is particularly important for rural squads that have difficulty affording state-of-the-art equipment that is needed for stabilizing patients during long travel times between the rural accident site and the nearest urban medical facility. This grant funding could also be used to pro-

vide community education training in CPR, first aid or other emergency medical needs.

Second, the Sustaining Access to Vital Emergency Medical Services Act would help individuals meet the costs of providing services by offering all volunteer emergency medical personnel a \$500 income tax credit. Volunteers could use this credit to cover some of the incidental expenses incurred in providing services, such as purchasing gasoline for the vehicles they use to respond to emergencies or to buy medical gear like safety gloves and clothing. It is my hope that this tax credit would provide an incentive for unpaid EMS volunteers to continue providing services and for new volunteers to join rural emergency medical squads.

In addition to the provisions I have just described, this legislation also includes two other measures that would provide additional resources to EMS squads. The Balanced Budget Act (BBA) of 1997 reduced inflationary update payments to ambulance providers through 2002. This means that during this time frame, ambulance providers have not been given adequate resources to keep up with increasing service demands. To ensure ambulance providers receive appropriate resources, this legislation would eliminate the BBA market basket reductions and would instead provide a full inflationary update over the next two years. Also, this bill would provide an extra one percentage point increase in fiscal year 2001 to all EMS providers.

In addition, this proposal takes steps to fix the shortcomings of the newly implemented Medicare ambulance fee schedule. The negotiated rulemaking committee that developed the fee schedule voiced concern that the payment system does not adequately account for the costs of providing emergency care to low-volume rural areas. In response to this concern, the Committee included an add-on payment for services provided to rural areas. While this payment adjustment is a step in the right direction, we must go further in identifying low-volume areas and ensuring EMS providers are paid appropriately for serving these communities. This proposal would direct the Department of Health and Human Services (HHS) to conduct a study and provide recommendations to Congress on options for providing more appropriate payments to the nation's rural EMS providers. In conjunction with providing these recommendations, HHS would be required to implement any appropriate reimbursement changes by January 1, 2002.

It is my hope that the Sustaining Access to Vital Emergency (SAVE) Medical Services Act will help ensure EMS providers can continue providing quality medical care to our communities. I urge my colleagues to support this important effort.

By Mr. HAGEL (for himself and  
Mr. BIDEN):

S. 3126. A bill to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; to the Committee on Foreign Relations.

FAMINE PREVENTION AND FREEDOM FROM HUNGER IMPROVEMENT ACT OF 2000

• Mr. HAGEL. Mr. President, today I am introducing a bill to amend title XII of the Foreign Assistance Act of 1961. Title XII describes the relationship between American universities and the United States Agency for International Development (USAID), with respect to USAID's international agriculture development programs. I am pleased to be joined in introducing this bill by my distinguished colleague from Delaware, Senator BIDEN.

This bill revitalizes the relationship between our universities, their public and private partners, and USAID. It reflects the fact that agriculture development work has changed dramatically in the past few years. For example, universities have long been important partners in the United States' efforts to promote agricultural development and decrease world hunger, but universities are no longer ivory towers. They now work with a variety of public and private partners to carry out agriculture-related assistance projects. This bill authorizes universities to utilize such partners when carrying out projects for USAID.

The bill also reflects the fact that agriculture development work increasingly focuses on income generation, rather than simply on household subsistence production. In addition to helping farmers grow enough to feed their immediate families, foreign agricultural assistance should also help farmers market and sell their products, and maximize their household income. This bill recognizes this new focus on income generation as a goal of American foreign agricultural assistance programs.

Lastly, the bill reflects the fact that sustainable development has increased in importance. Environmental and natural resource issues should be considered as part of the big picture in agriculture development.

I ask unanimous consent that the full text of the bill be printed in the RECORD immediately following these remarks.

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

S. 3126

*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 "Famine Prevention and Freedom From Hunger Improvement Act of 2000".

**SEC. 2. GENERAL PROVISIONS.**

(a) DECLARATIONS OF POLICY.—(1) The first sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended to read as follows: "The Congress declares that, in order to achieve the mutual goals among nations of ensuring food secu-

rity, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 103 and 103A of this Act, for: (1) global research on problems affecting food, agriculture, forestry, and fisheries; (2) improved human capacity and institutional resource development for the global application of agricultural and related environmental sciences; (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets; and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries."

(2) The second sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) in subparagraph (A) (as redesignated), by striking "in this country" and inserting "with and through the private sector in this country and to understanding processes of economic development";

(C) in subparagraph (B) (as redesignated), to read as follows:

"(B) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research institutions in other countries, the private sector, and nongovernmental organizations worldwide, in expanding global agricultural production, processing, business and trade, to the benefit of aid recipient countries and of the United States";

(D) in subparagraph (C) (as redesignated), to read as follows:

"(C) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food is in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest";

(E) by striking subparagraphs (E) and (G) (as redesignated);

(F) by striking "and" at the end of subparagraph (F) (as redesignated);

(G) by redesignating subparagraph (F) as subparagraph (G); and

(H) by inserting after subparagraph (D) the following:

"(E) that, with expanding global markets and increasing imports into many countries, including the United States, food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;

"(F) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States);";

(I) in subparagraph (G) (as redesignated), by striking "in the United States" and inserting "and the broader economy of the United States"; and

(J) by adding at the end the following:

"(H) that there is a need to responsibly manage the world's natural resources for sustained productivity, health and resilience to climate variability; and

"(I) that universities and public and private partners of universities need a dependable source of funding in order to increase the impact of their own investments and those of their State governments and constituencies, in order to continue and expand their efforts to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy."

(b) ADDITIONAL DECLARATIONS OF POLICY.—Section 296(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(b)) is amended to read as follows:

"(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, the following components must be brought together in a coordinated program to increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—

"(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;

"(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;

"(3) broadly disseminating the benefits of global agricultural research and development including increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;

"(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds;

"(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges, graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and

"(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources."

(c) SENSE OF THE CONGRESS.—Section 296(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(c)) is amended—

(1) in paragraph (1), by striking "each component" and inserting "each of the program components described in paragraphs (1) through (6) of subsection (b)";

(2) in paragraph (2)—

(A) by inserting "and public and private partners of universities" after "for the universities"; and

(B) by striking "and" at the end;

(3) in paragraph (3)—

(A) by inserting "and public and private partners of universities" after "such universities";

(B) in subparagraph (A), by striking "and" and inserting a semicolon;

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) by striking the matter following subparagraph (B); and

(E) by adding at the end the following:

"(C) multilateral banks and agencies receiving United States funds;

"(D) development agencies of other countries; and

"(E) United States Government foreign assistance and economic cooperation programs"; and

(4) by adding at the end the following:

"(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for aid recipient countries and United States communities and industries, and for the wise use of natural resources; and

"(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this title is periodically reviewed for its performance."

(d) **DEFINITION OF UNIVERSITIES.**—Section 296(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(d)) is amended—

(1) by inserting after "sea-grant colleges;" the following: "Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);"; and

(2) in paragraph (1), by striking "extension" and inserting "extension (including outreach)";

(e) **DEFINITION OF ADMINISTRATOR.**—Section 296(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(e)) is amended by inserting "United States" before "Agency".

(f) **DEFINITION OF PUBLIC AND PRIVATE PARTNERS OF UNIVERSITIES.**—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(f) As used in this title, the term 'public and private partners of universities' includes entities that have cooperative or contractual agreements with universities, which may include formal or informal associations of universities, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries."

(g) **DEFINITION OF AGRICULTURE.**—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(g) As used in this title, the term 'agriculture' includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food

science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resources sciences."

(h) **DEFINITION OF AGRICULTURISTS.**—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(h) As used in this title, the term 'agriculturists' includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from salt and fresh waters, individuals who cultivate trees and shrubs and harvest nontimber forest products, as well as the processors, managers, teachers, extension specialists, researchers, policymakers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources."

### SEC. 3. GENERAL AUTHORITY.

(a) **AUTHORIZATION OF ASSISTANCE.**—Section 297(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(a)) is amended—

(1) in paragraph (1), to read as follows:

"(1) to implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;";

(2) in paragraph (3), to read as follows:

"(3) to provide long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;"; and

(3) in paragraph (4)—

(A) by inserting "United States" before "universities";

(B) by inserting "agricultural" before "research centers"; and

(C) by striking "and the institutions of agriculturally developing nations" and inserting "multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs".

(b) **REQUIREMENTS.**—Section 297(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "universities" and inserting "United States universities with public and private partners of universities"; and

(B) in subparagraph (C)—

(i) by inserting "environment," before "and related"; and

(ii) by striking "farmers and farm families" and inserting "agriculturalists";

(2) in paragraph (2), by inserting "including resources of the private sector," after "Federal or State resources"; and

(3) in paragraph (3), by striking "and the United States Department of Agriculture" and all that follows and inserting "the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations."

(c) **FURTHER REQUIREMENTS.**—Section 297(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(c)) is amended—

(1) in paragraph (2), to read as follows:

"(2) focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and natural resources managers;"; and

(2) in paragraph (4), to read as follows:

"(4) be carried out within the developing countries and transition countries com-

prising newly emerging democracies and newly liberalized economies; and".

(d) **SPECIAL PROGRAMS.**—Section 297 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b) is amended by adding at the end the following new subsection:

"(e) The Administrator shall establish and carry out special programs under this title as part of ongoing programs for child survival, democratization, development of free enterprise, environmental and natural resource management, and other related programs."

### SEC. 4. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.

(a) **ESTABLISHMENT.**—Section 298(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(a)) is amended in the third sentence, by inserting at the end before the period the following: "on a case-by-case basis".

(b) **GENERAL AREAS OF RESPONSIBILITY OF THE BOARD.**—Section 298(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(b)) is amended to read as follows:

"(b) The Board's general areas of responsibility shall include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, the activities described in section 297 of this title."

(c) **DUTIES OF THE BOARD.**—Section 298(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "increase food production" and all that follows and inserting the following: "improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;"; and

(B) in subparagraph (B), by inserting before "sciences" the following: "environmental, and related social";

(2) in paragraph (4), after "Administrator and universities" insert "and their partners";

(3) in paragraph (5), after "universities" insert "and public and private partners of universities";

(4) in paragraph (6), by striking "and" at the end;

(5) in paragraph (7), by striking "in the developing nations," and inserting "and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), and the amendments made by that Act"; and

(6) by adding at the end the following:

"(8) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;

"(9) investigating and resolving issues concerning implementation of this title as requested by universities; and

"(10) advising the Administrator on any and all issues as requested."

(d) **SUBORDINATE UNITS.**—Section 298(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(d)) is amended—

(1) in paragraph (1)—

(A) by striking "Research" and insert "Policy";

(B) by striking "administration" and inserting "design"; and

(C) by striking "section 297(a)(3) of this title" and inserting "section 297"; and

(2) in paragraph (2)—

(A) by striking "Joint Committee on Country Programs" and inserting "Joint Operations Committee"; and

(B) by striking "which shall assist" and all that follows and inserting "which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 297.".

#### SEC. 5. ANNUAL REPORT.

Section 300 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220e) is amended by striking "April 1" and inserting "September 1".

• Mr. BIDEN. Mr. President, I am pleased to join my good friend Senator HAGEL in introducing the Famine Prevention and Freedom from Hunger Improvement Act of 2000.

The challenge facing developing nations whose people live in hunger today is no longer just how to increase food production. As we enter the new millennium, those countries must also confront the problems of inadequate income, lack of access to markets for both producers and consumers, and unsustainable natural resource management practices.

One of the keys to all these issues must be a new, more productive relationship between educational institutions—here in the U.S. and in the affected countries—and their private partners involved in agricultural development. In short, they must become part of the new, higher-tech, international agricultural economy. This bill, an amendment to the Foreign Assistance Authorization Act, is designed to move us in that direction.

Mr. President, when delegates from around the world gathered in Rome in 1996 for the World Food Summit, they pledged to reduce by half the number of people suffering from hunger by the year 2015. At that time the number of hungry people was estimated to be between 830 and 840 million. Now, four years later, the Food and Agriculture Organization of the United Nations estimates that there are 790 million people in the developing world who do not get enough to eat each day. This is positive news, but it is painfully evident that more needs to be done.

Title XII of the FAA, Famine Prevention and Freedom from Hunger, was written in 1975, at a time when there was a significant level of famine and hunger in the world. Its aim was to involve U.S. universities in the fight to increase food production. Mr. President, that mission has achieved a large degree of success. It is time to go beyond the basic issue of production, to take on the further challenges of increasing access to markets, improving shipping and storage, promoting environmentally sustainable agriculture, and turning farming in developing nations from a subsistence activity into a source of income.

The U.S. Action Plan on Food Security was developed to fulfill America's part of the 1996 commitment to cut in half the number of hungry persons by 2015. This plan includes several key priority areas, including strengthened research and educational capacity, increased liberalization of trade and in-

vestment, and greater attention to natural resource management and environmental degradation. This legislation furthers U.S. efforts by amending title XII of the Foreign Assistance Act to reflect these priorities.

As a donor country, our task is to channel assistance into the areas in which it is most needed, and to use the most effective means to do so. American land and sea grant colleges have been engaged in agricultural research for years and, increasingly in the past decade, have partnered with private research institutions. In my own state of Delaware, Mr. President, both the University of Delaware and Delaware State University are engaged in just the kind of research that could benefit from the support this legislation will provide.

I would wager, Mr. President, that most Americans are not aware of the many direct benefits that our country's foreign assistance programs can provide for us right here at home. Our commitment to reduce hunger in developing countries not only benefits those in need: with the changes this bill proposes, we will increase the existing benefits to U.S. universities and research institutions, and our private organizations involved in agricultural development. Our assistance programs, while primarily aimed at helping those abroad, can and should reflect our commitment to involve U.S. universities and businesses, with all of their expertise and experience, in making the world a healthier, more productive, and a safer place.

Mr. President, here in the United States, we are experiencing a period of unprecedented growth. At a time in which we have so much, I believe that we have a moral obligation to share our blessings. This bill helps us to shift our priorities to reflect changing realities so that the generosity of the American people is as effective and targeted as possible.

Mr. SANTORUM (for himself, Mr. HUTCHINSON, and Mr. FITZGERALD):

S. 3127. A bill to protect infants who are born alive; to the Committee on the Judiciary.

#### BORN ALIVE INFANTS PROTECTION ACT OF 2000

• Mr. SANTORUM. Mr. President, I rise today to introduce the Born Alive Infants Protection Act. I would like to thank Senator HUTCHINSON and Senator FITZGERALD for joining me as original sponsors. This bill is the Senate companion to H.R. 4292, which the House of Representatives passed by a vote of 380-15.

When I came to the Senate six years ago, I never imagined that the bill I am offering today would be necessary. Simply stated, this measure gives legal status to a fully born living infant regardless of the circumstances of his or her birth. I am deeply saddened that we must clarify federal law to specify that a living newborn baby is, in fact, a person.

One could ask, "Why do you need federal legislation to state the obvious? What else could a living baby be, except a person?" I will begin my explanation with events in 1995, when the Senate began its attempts to outlaw a horrifying, inhumane, and barbaric abortion procedure: partial birth abortion. In this particular abortion method, a living baby is killed when he or she is only inches from being fully born. Twice, the House and Senate have stood united in sending a bill to President Clinton to ban this procedure. Twice, the President has vetoed the bill. And twice, the House courageously voted to override the veto. Although support in the Senate grew each time the ban came to a vote, the Senate fell a few votes shy of overriding the veto.

The Supreme Court's ruling in *Stenberg v. Carhart*, as well as subsequent rulings in lower courts, are disturbing on a number of levels. First, the Supreme Court struck down Nebraska's attempt to ban a grotesque procedure the American Medical Association has called "bad medicine," and thousands of physicians who specialize in high risk pregnancies have called "never medically necessary." Further, the Court said it did not matter that the baby is killed when it is almost totally outside the mother's body in this abortion method. In other known abortion methods, the baby is killed in utero. Finally, the U.S. Supreme Court, and the Third Circuit Court have stated it does not matter when the baby is positioned when it is aborted. This assertion, to me, is the most horrifying of all.

In the five years worth of debates on partial birth abortion, I have asked Senators a very simple question: "If a partial birth abortion was being performed on a baby, and for some reason the head slipped out and the baby was delivered, would the doctor and the mother have the right to kill that baby?" In five years, not one Senator who defended the procedure has provided a straightforward "yes" or "no" response. They would not answer my question. So last year, I revised it. In an effort to try to define when a child may be protected by the Constitution, I asked whether it would be alright to kill a baby whose foot is still inside the mother's body, or what if only a toe is inside? Again, I did not receive an answer.

Unfortunately, evidence uncovered at a recent hearing before the House Judiciary Subcommittee on the Constitution suggests my questions were not so hypothetical. In fact, two nurses testified to seeing babies who were born alive as a result of induced labor abortions being left to die in soiled utility rooms. Furthermore, the intellectual framework for legalization of killing unwanted babies is being constructed by a prominent bioethics professor at Princeton University. Professor Peter Singer has advocated allowing parents a 28 waiting period to decide whether

to kill a disabled or unhealthy newborn. In his widely disseminated book, *Practical Ethics*, he asserts, "killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all."

In response to these events, the Born Alive Infants Protection Act grants protection under federal law to newborns that are fully outside of the mother. Specifically, it states that federal laws and regulations referring to a "person," "human being," "child," and "individual" include "every infant member of the species *homo sapiens* who is born alive at any stage of development." "Born alive" means "the complete expulsion or extraction from its mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definitive movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, caesarean section, or induced abortion." The definition of "born alive" is derived from a World Health Organization definition of "live birth" that has been enacted in 30 states and the District of Columbia.

Again, all this bill says is that a living baby who is completely outside of its mother is a person, a human being, a child, and an individual. Similar legislation passed by the House of Representatives received overwhelming bipartisan support from Members on both sides of the general abortion debate. I am hopeful that the Senate and the President can agree that once a baby is completely outside of its mother, it is a person, deserving protections and dignity afforded to all other Americans.

I ask unanimous consent that the text of the Born Alive Infants Protection Act be printed in the RECORD following my remarks.

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

S. 3127

*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 "Born-Alive Infants Protections Act of 2000".

#### SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title, 1, United States Code, is amended by adding at the end the following:

**"§ 8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant**

"(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administration bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species *homo sapiens* who is born alive at any stage of development.

"(b) As used in this section, the term 'born alive', with respect to a member of the species *homo sapiens*, means the complete ex-

pulsion or extraction from its mother of that member of any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, caesarean section, or induced abortion."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

"8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant."

Mr. HUTCHINSON. Mr. President, I rise today in support of the Born-Alive Infants Protection Act. While I am profoundly saddened by the fact that such legislation has become necessary, I am proud to be an original cosponsor and commend Senator SANTORUM for his efforts on behalf of those members of our society who don't yet have a voice.

While the abortion lobby announced its vociferous opposition to this common-sense legislation and will most certainly denounce this as an attack on *Roe v. Wade*, this is not such an attack. Rather, it is an effort to end the brutal practice of infanticide, and to reaffirm that a child may not be killed once it has been born.

I simply do not know how some of my colleagues will be able to defend the practice of killing children who have been born alive. We are talking about children who have been fully delivered. As I think of the moment I first held my grandson Jackson, I am repelled by the fact that our society has degenerated to the point where some people say that Jackson's life should be able to be taken even after his birth. I truly fear that if this practice is not stopped, some day, when the Peter Singers of the world have their way, the weakest members of our society—babies, the mentally retarded, the terminally ill, and the elderly—will have their lives taken from them against their will after someone has determined that their life is not meaningful.

Accordingly, I ask that my colleagues join me and work to enact this legislation.

Mr. ROTH (for himself, Mr. SARBANES, and Mr. BIDEN):

S.J. Res. 53. A resolution to commemorate fallen firefighters by lowering the American flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland; to the Committee on the Judiciary.

Mr. ROTH. Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 53

Whereas 1,200,000 men and women comprise the American fire and emergency services;

Whereas the fire and emergency services is considered one of the most dangerous jobs in the United States;

Whereas fire and emergency services personnel respond to over 16,000,000 emergency calls annually, without reservation and with little regard for their personal safety;

Whereas fire and emergency services personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident;

Whereas approximately one-third of all active fire and emergency personnel suffer debilitating injuries annually; and

Whereas approximately 100 fire and emergency services personnel die annually in the line of duty: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That each year, the American flags on all Federal office buildings will be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

#### ADDITIONAL COSPONSORS

S. 622

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Louisiana (Mr. BREAU), the Senator from North Dakota (Mr. CONRAD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1020

At the request of Mr. MACK, his name was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Florida (Mr. MACK), the Senator from Georgia (Mr. CLELAND), the Senator from Hawaii (Mr. INOUE), the Senator from Maryland (Mr. SARBANES), the Senator from Connecticut (Mr. DODD), the Senator from Virginia (Mr. ROBB), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to



modernize programs and services for older individuals, and for other purposes.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 2052

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2052, a bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities.

S. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2293

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2341

At the request of Mr. GREGG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2665

At the request of Mr. KYL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2665, a bill to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Iowa (Mr.

GRASSLEY) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2868

At the request of Mr. FRIST, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. 2887

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2904

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2904, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes.

S. 2912

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

S. 2936

At the request of Mr. ROBB, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2936, a bill to provide incentives for new markets and community development, and for other purposes.

S. 2986

At the request of Mr. HUTCHINSON, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3002

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3002, a bill to authorize a coordinated research program to ensure the integrity, safety and reliability of natural gas and hazardous liquids pipelines, and for other purposes.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3060

At the request of Mr. WELLSTONE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3071

At the request of Mr. MACK, his name was added as a cosponsor of S. 3071, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 3073

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 3073, a bill to amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the medicare program, the medicaid program, and the maternal and child health program.

S. 3105

At the request of Mr. BREAUX, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3105, a bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes.

S. 3112

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3112, a bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the medicare system.

S. RES. 292

At the request of Mr. CLELAND, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 292, a resolution recognizing the 20th century as the "Century of Women in the United States."

S. RES. 339

At the request of Mr. REID, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. REED), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), the Senator from North Carolina (Mr. HELMS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. SCHUMER), the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 339, a resolution

designating November 18, 2000, as "National Survivors of Suicide Day."

S. RES. 340

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Wyoming (Mr. ENZI), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. Res. 340, a resolution designating December 10, 2000, as "National Children's Memorial Day."

S. RES. 343

At the request of Mr. FITZGERALD, the names of the Senator from Rhode Island (Mr. L. CHAFEE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 359

At the request of Mr. SCHUMER, the names of the Senator from Virginia (Mr. ROBB), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as "National Teach For America Week."

#### AMENDMENTS SUBMITTED

[Due to transmission difficulties, today's amendments were not available for printing. They will appear in the next issue of the RECORD.]

#### NOTICE OF HEARING

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research, Development, Production and Regulation.

The hearing will take place on, Thursday, October 5, 2000 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the electricity challenges facing the Northwest.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger at (202) 224-7875.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 27, 2000, at 9:30 a.m., in open session to receive testimony on the status of U.S. military readiness.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 27, 2000, at 9:30 a.m. on motion picture CEO's.

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

##### COMMITTEE ON FINANCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 27, 2000 to mark up H.R. 4844, the Railroad Retirement and Survivors' Improvement Act of 2000 and the Community Renewal and New Markets Act of 2000.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 27, 2000 at 2:30 p.m. to hold a hearing.

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

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 27, 2000 at 9:30 a.m. for a business meeting to consider pending Committee business.

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

##### COMMITTEE ON INDIAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 27, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on S. 2052, the Indian Tribal Development Consolidated Funding Act of 2000, to be followed immediately by a business meeting to markup S. 1840, the California Indian Land Transfer Act; S. 2665, to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; S. 2917, the Santo Domingo Pueblo Claims Settlement Act of 2000, H.R. 4643, the Torrez-Martinez Desert Cahuilla Indian Claims Settlement Act; S. 2688, the Na-

tive American Languages Act Amendments Act of 2000; S. 2580, the Indian School Construction Act; S. 3031, to make certain technical corrections in laws relating to Native Americans; S. 2920, the Indian Gaming Regulatory Improvement Act of 2000; S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act; and H.R. 1460, to amend the Ysleta Sur and Alabama and Coushatta Indian tribes of Texas restoration Act, and for other purposes.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 27, 2000 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

##### SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, September 27, 2000, at 9:30 a.m. The hearing will take place in Dirksen Room 226.

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

##### SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be authorized to meet Wednesday, September 27, at 2:15 p.m., Hearing Room (SD-406), to receive testimony from State and local governments on the reauthorization of the Clean Air Act.

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

##### SUBCOMMITTEE ON RESEARCH, NUTRITION AND GENERAL LEGISLATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Research, Nutrition and General Legislation be authorized to meet during the session of the Senate on Wednesday, September 27, 2000. The purpose of this hearing will be to review U.S. Department of Agriculture Financial Management issues.

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

#### PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that the congressional fellow in my office, Miss Terri Ceravolo, be granted privileges of the floor during duration of this debate on S. 2045.

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

UNANIMOUS CONSENT  
AGREEMENT—S. 3041

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 800, S. 3041, the D.C. appropriations bill, and following the reporting of the bill by the clerk, the bill be advanced to third reading, and the Senate then proceed to Calendar No. 805, H.R. 4942, the House companion bill.

I further ask unanimous consent that the Senate text be considered offered and agreed to as original text, also including a series of managers' changes sponsored by the two managers which are at the desk, that the House bill then be advanced to third reading, and passage occur, all without intervening action or debate.

I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, which will be the entire Subcommittee on the District of Columbia, including the chairman of the full committee and Senator INOUE.

I further ask unanimous consent that the Senate bill then be placed back on the calendar.

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

DISTRICT OF COLUMBIA  
APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3041) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The amendment (No. 4271) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The bill (S. 3041), as amended, was read the third time.

The bill (H.R. 4942), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

DISTRICT OF COLUMBIA  
APPROPRIATIONS BILL

Mr. BYRD. Mr. President, I want to thank the chairman and the ranking member of the Appropriations Subcommittee for the District of Columbia, Senators KAY BAILEY HUTCHISON and RICHARD DURBIN, for the very fine work they have done to bring forward the District of Columbia appropriations bill for fiscal year 2001.

Even though this bill is neither the largest nor the most complex of the appropriations bills, it is not an easy bill to resolve. Senators HUTCHISON and

DURBIN are to be commended for working together and bringing this bill before the Senate. We have followed the regular order with this bill. The Senate has an opportunity to work its will on this measure.

With the passage of this bill, we have brought all but three fiscal year 2001 appropriations bills to the Senate floor. I call upon my colleagues to finish the Senate's work on these final three measures.

The PRESIDING OFFICER (Mr. VOINOVICH) appointed Mrs. HUTCHISON, Mr. KYL, Mr. DURBIN, Mr. STEVENS, and Mr. INOUE conferees on the part of the Senate.

WATER RIGHTS OF AK-CHIN  
INDIAN COMMUNITY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 813, H.R. 2647.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2647) to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2647) was read the third time and passed.

COASTAL BARRIER RESOURCES  
REAUTHORIZATION ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 483, S. 1752.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1752) to reauthorize and amend the Coastal Barrier Resources Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1752

*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 "Coastal Barrier Resources Reauthorization Act of 1999".

**SEC. 2. DEFINITIONS.**

Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended—

(1) by striking "For purposes of" and all that follows through the end of paragraph (1) and inserting the following:

"In this Act:

"(1) UNDEVELOPED COASTAL BARRIER.—

"(A) IN GENERAL.—The term 'undeveloped coastal barrier' means—

"(i) a geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

"(I) is subject to wave, tidal, and wind energies; and

"(II) protects landward aquatic habitats from direct wave attack; and

"(ii) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters.

"(B) EXCLUSIONS.—The term 'undeveloped coastal barrier' excludes a feature or habitat described in subparagraph (A) if, as of the date on which the feature or habitat is added to the System—

"(i) the density for the unit in which the feature or habitat is located is equal to or greater than 1 structure per 5 acres of land above the mean high tide, which structure—

"(I) is a walled and roofed building (other than a gas or liquid storage tank) that is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

"(II) covers at least 200 square feet; or

"(ii) the feature or habitat contains infrastructure consisting of—

"(I) a road, to each lot or building site, that is under the jurisdiction of, and maintained by, a public authority and is open to the public;

"(II) a wastewater disposal system for each lot or building site;

"(III) electric service for each lot or building site; and

"(IV) availability of a fresh water supply for each lot or building site.";

(2) in paragraph (2), by striking "refers to the Committee on Merchant Marine and Fisheries" and inserting "means the Committee on Resources"; and

(3) in paragraph (3), by striking the second sentence.

**[SEC. 3. VOLUNTARY ADDITIONS TO COASTAL BARRIER RESOURCES SYSTEM.]**

**SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFFEE COASTAL BARRIER RESOURCES SYSTEM.**

(a) IN GENERAL.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by adding at the end the following:

"(d) ADDITIONS TO SYSTEM.—

"(1) IN GENERAL.—The Secretary may add a parcel of real property to the System, if—

"(A) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

"(B) the parcel is a feature or habitat covered by section 3(1).

"(2) MAPS.—The Secretary shall—

"(A) keep a map showing the location of each parcel of real property added to the System under paragraph (1) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

"(B) provide a copy of the map to—

"(i) the State in which the property is located;

"(ii) the Committees; and

"(iii) the Federal Emergency Management Agency; and

"(C) revise the maps referred to in subsection (a) to reflect each addition of real property to the System under paragraph (1), after publishing in the Federal Register a notice of any such proposed revision."

(b) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking “which shall consist of” and all that follows and inserting the following: “which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled ‘Coastal Barrier Resources System’, dated October 24, 1990, as those maps may be modified, revised, or corrected under—

“(1) subsection (c) or (d);

“(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591); or

“(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.”.

#### SEC. 4. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—Sections 10 and 11 of the Coastal Barrier Resources Act (16 U.S.C. 3509, 96 Stat. 1658) are repealed.

(b) EFFECT ON PRIOR AMENDMENTS.—Nothing in subsection (a) or the amendments made by subsection (a) affects the amendments made by section 11 of the Coastal Barrier Resources Act (96 Stat. 1658), as in effect on the day before the date of enactment of this Act.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

The Coastal Barrier Resources Act is amended by striking section 12 (16 U.S.C. 3510) and inserting the following:

##### “SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary to carry out this Act \$2,000,000 for each of fiscal years 2001 through 2004 and \$3,000,000 for each of fiscal years 2005 through 2007.”.

#### SEC. 6. DIGITAL MAPPING PILOT PROJECT.

(a) IN GENERAL.—

(1) PROJECT.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the [Coastal Barrier Resources System] *John H. Chafee Coastal Barrier Resources System* maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(b)).

(2) MINIMUM NUMBER OF UNITS.—The pilot project shall consist of the creation of digital maps for at least 75 units of the [Coastal Barrier Resources System] *John H. Chafee Coastal Barrier Resources System* (referred to in this section as the “System”), 25 of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)).

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the pilot project under this section, the Secretary shall use—

(A) digital spatial data (including digital orthophotos) in existence at the time at which the project is carried out;

(B) shoreline, elevation, and bathymetric data; and

(C) electronic navigational charts in the possession of other Federal agencies, including the United States Geological Survey and the National Oceanic and Atmospheric Administration.

(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses data or a chart referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data or chart to the Secretary at no cost.

(3) ADDITIONAL DATA.—If the Secretary determines that data or a chart necessary to carry out the pilot project under this section

does not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data or chart required to carry out this section.

(4) DATA STANDARDS.—All data and charts used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (1994)); and

(B) any other standards established by the Federal Geographic Data Committee established by the Office of Management and Budget Circular A-16.

(c) DIGITAL MAPS NOT CONTROLLING.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps created under this section.

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(2) CONTENTS.—The report shall include a description of—

(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

(C) the need for additional data to complete digital mapping of the entire System;

(D) the extent to which the boundary lines on the digital maps differ from the boundary lines of the original maps; and

(E) the amount of funding necessary to complete digital mapping of the entire System.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$500,000 for each of fiscal years 2001 through 2003.

#### [SEC. 7. ECONOMIC ASSESSMENT OF COASTAL BARRIER RESOURCES SYSTEM.]

##### SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the [Coastal Barrier Resources System] *John H. Chafee Coastal Barrier Resources System*.

(b) REQUIRED ELEMENTS.—The assessment shall consider the past and estimated future savings of Federal expenditures attributable to the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including the savings resulting from avoidance of Federal expenditures for—

(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) development assistance for roads, potable water supplies, and wastewater infrastructure.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

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

The committee amendments were agreed to.

AMENDMENT NO. 4272

Mr. LOTT. Mr. President, Senator BOB SMITH has a substitute amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. SMITH of New Hampshire, proposes an amendment numbered 4272.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. LOTT. I ask unanimous consent that the substitute be agreed to.

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

The amendment (No. 4272) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I rise today to encourage my colleagues to support final passage of S. 1752, a bill to reauthorize the Coastal Barrier Resources Act, CBRA. I am offering a manager's amendment in the nature of a substitute that makes several important changes to the bill that was reported by the Committee on Environment and Public Works. These changes have been negotiated with the House Committee on Natural Resources. I believe that in adopting these changes, we will not only improve the bill, but will also ensure that this important legislation is signed into law this year.

Most people do not realize that coastal barriers are the first line of defense protecting the mainland from major storms and hurricanes. This extremely vulnerable area is under increasing pressure from development. From 1960 to 1990, the population of coastal areas increased from 80 to 110 million, and is projected to reach over 160 million by 2015. Continued development on and around coastal barriers place people, property and the environment at risk.

To address this problem Congress passed CBRA in 1982. This extremely important legislation prohibits the Federal Government from subsidizing flood insurance, and providing other financial assistance, such as beach replenishment, within the Coastal Barrier Resources System. Nothing in CBRA prohibits development on coastal barriers; it just gets the Federal Government out of the business of subsidizing risky development.

The law proved to be so successful that Congress expanded the Coastal Barrier System in 1990, with the support of the National Taxpayers Union, the American Red Cross, Coast Alliance and Tax Payers for Common Sense, to name just a few. The 1990 act doubled the size of the System to include coastal barriers in Puerto Rico, the U.S. Virgin Islands, the Great Lakes, and additional areas along the Atlantic and Gulf coasts. Congress also allowed the inclusion of areas that are

already protected for conservation purposes, such as parks and refuges. Currently the system is comprised of 3 million acres and 2,500 shoreline miles.

Development of coastal barriers decreases their ability to absorb the force of storms and buffer the mainland. The devastating floods of Hurricane Floyd are a reminder of the susceptibility of coastal development to the power of nature. The Federal Emergency Management Agency reports that 10 major disaster declarations were issued for this hurricane, more than for any other single hurricane or natural disaster. In fact, 1999 sets a record for major disaster declarations—a total of 14 in that year alone. As the number of disaster declarations has crept up steadily since the 1980's, so has the cost to taxpayers. Congress has approved on average \$3.7 billion a year in supplemental disaster aid in the 1990's, compared to less than \$1 billion a year in the previous decade.

Homeowners know the risk of building in these highly threatened areas. Despite this, taxpayers are continually being asked to rebuild homes and businesses in flood-prone areas. The National Wildlife Federation published a study that found that over 40 percent of the damage payments from the National Flood Insurance Program go to people who have had at least one previous claim. A New Jersey auto repair shop made 31 damage claims in 15 years.

At a time when climatologists believe that we are entering a period of turbulent hurricane activity after three decades of relative calm, the safety concerns associated with continued development of coastal barrier regions must also be considered. As roadway systems have not kept up with population growth, it will become increasingly difficult to evacuate coastal areas in the face of a major storm.

Beyond the economic and safety issues, another compelling reason to support the Coastal Barrier Resources Act is that it contributes to the protection of our Nation's coastal resources. Coastal barriers protect and maintain the wetlands and estuaries essential to the survival of innumerable species of fish and wildlife. Large populations of waterfowl and other migratory birds depend on the habitat protected by coastal barriers for wintering areas. Undeveloped coastal barriers also provide unique recreational opportunities, and deserve protection for present and future public enjoyment.

S. 1752, would reauthorize the act for 5 years and make some necessary changes to improve implementation. Due to the complexity of the coastal barrier maps, Congress periodically authorizes changes to the map, primarily to correct errors. In this process, we always ask the administration to determine whether or not a modification to the coastal barrier maps is "technical" in nature. This provision would require the Secretary of the Interior to use a set of criteria when making this determination. The criteria that we in-

cluded in the bill is based on a rule that the administration proposed in 1982, and on guidance published in 1985.

This provision would require the Secretary to determine whether the area in question, at the time of its inclusion into the system, has more than one structure per 5 acres and a "complete set of infrastructure." Infrastructure, for the purposes of this bill, is described as a road with a reinforced roadbed, wastewater disposal system, electric service, and fresh water to each lot or building site. If the area, at the time of its inclusion into the system, does not meet all of the criteria, the Secretary is required to find that the area is undeveloped and therefore should remain in the system.

I strongly believe this criteria is necessary because some recommendations recently made by the administration have concerned me. For example, the administration claimed in one instance that a golf cart path should be considered a road. By requiring in law that a road must contain a reinforced roadbed, Congress is indicating that we mean real roads—roads where construction work has been done by a public or private entity to ensure that the road includes surfaces, shoulders, roadsides, structures, and any traffic control devices as are necessary for safe use. This definition will preclude future golfcart paths and trails from being considered legitimate roads.

S. 1752 will also require the Secretary of the Interior to complete a pilot project to determine the feasibility of creating digital versions of the coastal barrier system maps. Digital maps would improve the accuracy of the older coastal barriers maps, and make it easier for the Department of Interior and homeowners to determine where a structure is located. Eventually, we hope that the entire system can be accessed by the Internet.

I believe that Congress should make every effort to conserve barrier islands and beaches. This legislation offers an opportunity to increase protection of coastal barriers, and at the same time, save taxpayers money. I urge my colleagues to support S. 1752.

Mr. LOTT. Mr. President, I ask unanimous consent the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1752), as amended, was read the third time and passed, as follows:

#### S. 1752

*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 "Coastal Barrier Resources Reauthorization Act of 2000".

#### SEC. 2. GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.

Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503), as otherwise amended by

this Act, is further amended by adding at the end the following:

"(g) GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.—

"(1) IN GENERAL.—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

"(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

"(B) there is existing infrastructure consisting of—

"(i) a road, with a reinforced road bed, to each lot or building site in the area;

"(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

"(iii) electric service for each lot or building site in the area; and

"(iv) a fresh water supply for each lot or building site in the area.

"(2) STRUCTURE DEFINED.—In paragraph (1), the term 'structure' means a walled and roofed building, other than a gas or liquid storage tank, that—

"(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

"(B) covers an area of at least 200 square feet.

"(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a)."

#### SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by inserting after subsection (c) the following:

"(d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—

"(1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

"(2) the parcel is an undeveloped coastal barrier."

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1)—

(I) by striking "one hundred and eighty" and inserting "180"; and

(II) in subparagraph (B), by striking "shall"; and

(ii) in paragraph (2), by striking "subsection (d)(1)(B)" and inserting "paragraph (1)(B)"; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—Section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591) is amended—

(A) in subsection (b)(2), by striking "subsection (d) of this section" and inserting "section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e))"; and

(B) by striking subsection (f).

(c) ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by inserting after subsection (e) (as added by subsection (b)(1)) the following:

"(f) MAPS.—The Secretary shall—

"(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

"(2) provide a copy of the map to—

"(A) the State and unit of local government in which the property is located;

"(B) the Committees; and

"(C) the Federal Emergency Management Agency; and

"(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision."

(d) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking "which shall consist of" and all that follows and inserting the following: "which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as those maps may be modified, revised, or corrected under—

"(1) subsection (f)(3);

"(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591); or

"(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction."

#### SEC. 4. CLERICAL AMENDMENTS.

(a) COASTAL BARRIER RESOURCES ACT.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(2) (16 U.S.C. 3502(2)), by striking "refers to the Committee on Merchant Marine and Fisheries" and inserting "means the Committee on Resources";

(2) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking "Effective October 1, 1983, such" and inserting "Such"; and

(3) by repealing section 10 (16 U.S.C. 3509).

(b) COASTAL BARRIER IMPROVEMENT ACT OF 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591) is repealed.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10, moved to appear after section 9, and amended to read as follows:

##### "SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Secretary to carry out this Act \$2,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005."

#### SEC. 6. DIGITAL MAPPING PILOT PROJECT.

(a) IN GENERAL.—

(1) PROJECT.—The Secretary of the Interior (referred to in this section as the "Secretary"), in consultation with the Director of the Federal Emergency Management Agency, shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(d)).

(2) NUMBER OF UNITS.—The pilot project shall consist of the creation of digital maps for no more than 75 units and no fewer than 50 units of the John H. Chafee Coastal Barrier Resources System (referred to in this

section as the "System"), 1/3 of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)).

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the pilot project under this section, the Secretary shall use digital spatial data in the possession of State, local, and Federal agencies including digital orthophotos, and shoreline, elevation, and bathymetric data.

(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses data referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) ADDITIONAL DATA.—If the Secretary determines that data necessary to carry out the pilot project under this section do not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data required to carry out this section.

(4) DATA STANDARDS.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (April 13, 1994)); and

(B) any other standards established by the Federal Geographic Data Committee established by Office of Management and Budget Circular A-16.

(c) DIGITAL MAPS NOT CONTROLLING.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps created under this section.

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(2) CONTENTS.—The report shall include a description of—

(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

(C) the need for additional data to complete digital mapping of the entire System;

(D) the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps; and

(E) the amount of funding necessary to complete digital mapping of the entire System.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$500,000 for each of fiscal years 2002 through 2004.

#### SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the John H. Chafee Coastal Barrier Resources System.

(b) REQUIRED ELEMENTS.—The assessment shall consider the impact on Federal expenditures of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including impacts re-

sulting from the avoidance of Federal expenditures for—

(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) development assistance for roads, potable water supplies, and wastewater infrastructure.

#### ORDERS FOR THURSDAY, SEPTEMBER 28, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Thursday, September 28.

I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of H.J. Res. 109 under the previous order.

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

#### PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will begin consideration of the continuing resolution at 9:30 a.m. tomorrow.

Under a previous agreement, there will be 7 hours for debate, with the vote scheduled to occur after the use or yielding back of that time. After adoption of the resolution, the Senate will proceed to a cloture vote with regard to the H-1B visa bill, unless it can be agreed to be vitiated, and a vote on the final passage could occur.

Therefore, Senators can expect at least two votes during tomorrow's afternoon session, and hopefully more. We hope we can possibly have as many as three or four votes. That will depend on further action by the House on conference reports.

#### ORDER FOR RECESS

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks of Senator LAUTENBERG for up to 15 minutes.

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

#### AMENDMENT VEHICLE

Mr. REID. Mr. President, before the majority leader leaves, I think what we have heard today has been comforting, except for one thing. I wish we had a vehicle here before us that we could amend. I think we have a number of amendments we would like to offer to this legislation. The leader decided not



to do that. I hope in the next few days we can work on some of the issues that we believe are so important, which we have talked about on many occasions, such as minimum wage, Patients' Bill of Rights, prescription drugs, and education. We understand where we are in a parliamentary situation now that we can't offer any amendments. We look forward to the next week being very productive and our being able to move forward on some of this very important legislation.

Mr. LOTT. Mr. President, in response, I believe the Senate has voted one or more times on all of the issues that Senator REID mentioned. It is my full expectation that before this session is over a minimum wage bill, coupled with a small business tax relief package that we will have to work through the final details on, will be incorporated in some other bill or moved in one way or another and sent to the President. I fully expect that it will be accomplished.

I think maybe the Senator knows there is a Patients' Bill of Rights conference that is still meeting. I think there are meetings, even today, to see if we can come to an agreement to get a bill that truly protects patients, but not just become a bill that provides more opportunities for my brother-in-law to sue people. So I am hopeful on a combination there. In fact, I discussed that with the President directly and said we would still like to see if we couldn't have some sort of a sit-down meeting and a broad, bipartisan, bicameral, "bi-branch" of the Government discussion and get an end result. I am still hopeful that can occur.

On education, obviously, when we get to the Labor-HHS-Education appropriations conference report, it is going to have funds for education in it—more funds than was requested by the administration or was in our budget resolution. We will have to come to some agreement about how we help local school districts in terms of flexibility, accountability, school construction, and if the best way to be helpful is a bond or some other program. All of that is under discussion now, and it is occurring between the House and Senate and the administration.

So certainly I understand that there is a desire to perhaps offer other amendments. I am sure the Senator can understand my feeling that we have already voted on all of those issues, and repeated votes don't necessarily render a result. I think what we need to do in this final period of the session is get agreements and work together.

I had a meeting with Senator DASCHLE. We talked about a bill that has broad bipartisan support—actually, a couple of bills. We looked at whether we can consider them on the floor, or if there is another way we can get a result that would be satisfactory to the largest number of Senators without having an extended cloture process, such as we had on H-1B.

I have indicated I would like for us to see if we can find a way to do the railroad retirement bill. But if I bring that up, it probably would have to go through a lot of hurdles, and there is opposition to some aspects of it. Instead of trying to find a way to have a fight, I am trying to find a way to get an agreement and get it done.

I certainly understand Senator REID's position. He has been persistent in that effort, and he has done it without rancor. I appreciate that. As we go into these final few days of the session, hopefully we can keep the channels of communication open and see what we can do to facilitate a conclusion with which most Senators can be satisfied.

Mr. REID. Finally, the majority leader raised the minimum wage issue. I believe we can do something on a bipartisan basis. The three Senators on the floor presently—two Democrats and one Republican—know that one of the tax incentives we have to give small business is a meals tax deduction. We cut that back significantly and it has hurt restaurant businesses all over America. For Mississippi, having a heavy resort industry, along with Atlantic City and Nevada, I think that is something we can do on a bipartisan basis.

I hope we can get the minimum wage issue before us and have decent tax breaks that aren't budget busters and move forward on that.

On the Patients' Bill of Rights, for example, sadly, the structure of the Senate has changed by one. We believe we are entitled to another vote, and that failed by one vote previously. That is an issue we can debate later in some other forum. We have talked enough today on H-1B and matters related thereto. I can say that I am comforted by the fact that we were able to get an early vote on the motion to suspend the rules. I hope that will satisfy everybody because it was an up-or-down vote on the Latino and Immigrant Fairness Act.

I hope we can set that matter aside and schedule an early vote on H-1B.

Mr. LOTT. I would be glad to work with Senator REID and our colleagues to see if we can find a time to do that tomorrow. I ask our staff to see if we can work through that agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I understand that I have 15 minutes based on the unanimous consent agreement that we just concluded.

#### TRANSPORTATION

Mr. LAUTENBERG. Mr. President, I am getting very close to the end of my Senate career. One of the issues I consider vital in terms of my knowledge and experience in the Senate for these last 18 years is that I have learned, among several other serious problems, of a problem that looms large and is often ignored. That is, how do we es-

tablish our transportation system to satisfy the growing needs for travel in this country?

I see a crisis looming in our country because of congestion and because of our inability to move in a timely and reasonably comfortable fashion. We constantly read about delays at airports. As a matter of fact, these days I can almost never travel by air without resigning myself to the fact that I am not going to get there on time. There is a very good chance that I am going to miss my connection. There is a very good chance that a flight may be canceled. There is a very good chance that it is going to be a stressful, tough trip.

I was fortunate enough to be a grandparent for the eighth time. My son lives in Colorado. I am, as everyone knows, I hope, from New Jersey. My son and his wife just had their first child, my number eight grandchild. The oldest is six years old. They are little kids. They are an awful lot of fun. I would like to see more of them if I could do it and still make sure I perform the duties necessary to represent the people of New Jersey and the people of this country.

The trip I made consisted of two legs: one to Denver, CO, and the next one a short trip outside of Denver. It was on a Saturday. It wasn't on a busy weekday. It left an hour late from Newark. We were told that we should plan on a refueling stop in Wichita, KS. I have nothing against Kansas. I just didn't want to stop there if I didn't have to, because I was in such a hurry to get out and see my newest granddaughter. Her name is Hannah Lautenberg. I wanted to see her in the worst way. We stopped in Wichita long enough, about 40 minutes, to add more fuel.

Why did we leave the Newark airport to start on a trip knowing full well that we weren't going to have enough fuel to make the trip? They said, based on the passenger load, the baggage load, and the severe headwinds that we were going to run into, we had to provide for circling over Denver Airport in case that was necessary. We managed to take on the fuel. We didn't have to circle over Denver. The weather was reasonable. But it was enough for me to miss my next flight.

I called ahead and tried to reserve the second flight 2 hours later and was told that it was canceled and that the one 2 hours after that was full. Normally I would have exploded. But nobody would have cared. The worst thing is that you kind of resign yourself to saying, "Oh, well, that is what I expected." Instead of getting a 30-minute airplane ride, I took a 2½ hour van ride bouncing along the pavement and trying to figure out what to do to keep myself amused during that period of time. It was hard to read.

I got to see that beautiful grandchild. Boy, was I happy, too. She was as glorious as my daughter-in-law and my son described her. I thought she looked a lot like me. They said no. But it was a pleasant experience.



I stayed overnight and planned to take a 1:30 flight out because I had only come in 5 o'clock the night before to Denver, CO from New Jersey. But I was told that the short flight was canceled and that I have to go back in the van. I have nothing against the van, the company, or the driver. It was just a lot of time to spend together with a stranger. That is what I did.

I got back having missed two legs of the flight for which I paid in advance. I am not blaming that particular airline.

It is terrible what we have adjusted to. We have adjusted to poor performance. We have adjusted to discomfort. We have adjusted to not having services that we paid for. That is the kind of society we created.

I have all kind of friends. I come out of the corporate world, as the distinguished occupant of the Chair knows, and am accustomed to business travel. In the days before I came to the Senate, you would have a reservation and arrive kind of at the last minute, get on the plane, arrive on time, do your business, and get on your way. It is not so anymore at all.

Again, it is not simply because the airlines are neglectful or that the airlines aren't trying. They simply can't carry the load.

We have to face up to it. If you have bad weather in Denver, CO, you can bet your boots that you will be held up by aviation travel throughout the country. If you have bad weather, as we do even in Washington, DC, where sometimes they say the weather is always sunny—it is hard to believe that—you get stuck, and you feel it all over the country.

We had a meeting at the Newark airport. I sat down with people from the FAA, the Secretary of Transportation, people from the controllers operation, people who manage the airports, and people from the Air Transport Committee who operate the airlines.

I asked one question: Is the sky a finite place or can we say it is infinite and just put every airplane that you can get in the sky up there without feeling the impact? I don't think they were surprised. I was. The answer was no. It is crowded up there.

I went to a place in central southern New Jersey just about two-thirds of the way down where a couple of weeks ago we had an airplane crash. Two airplanes with a total of 11 people collided in the sky on a bright, sunny day. All 11 people died. It was a miracle that more people on the ground were not killed. I don't want to get too grizzly. But part of the airplane fell through a house roof with people in it. It was a stark reminder about how this system is overloaded.

I fly a lot in the second seat in the airplane, listen to the radio, and do some of the observing that one has to do in an airplane cockpit.

I hear over the collision warning system "traffic," "traffic," "traffic." That means that there are airplanes

close enough to you that you had better be careful.

I point these out because we have our heads in the sand. We are not facing up to the problem. There is no more room in the sky.

I can tell you this: There are no communities that I have seen begging for more airplanes to come into their airports. I have not seen anybody that says, let's not build more highways. I don't care if the cars pass underneath my window making noise all night. I don't care if my kids read that excessive carbon monoxide and other emissions come out of automobiles and diesel trucks. I don't know of anybody saying that. They are saying, help us get around more effectively. There is one way to do that, Mr. President; that is, get this country into the 21st century transportation mode.

Not too long ago, I was on a trip to NATO and went from Brussels, Belgium, to Paris, France, a distance of 200 miles in about an hour and 25 minutes. We are 250 miles from New York. Sometimes I make it in a cool 4 hours by air, because I have to get on the plane. One time they told me: Get on the plane, Senator. I want you to know that we are moving away from the gate but we are going to wait 3 hours because of the line-up of traffic before we can take off. But we have to pull away from the gate. So please make the adjustment.

In 1987 I had the good fortune to understand the problem and wrote the law that banned smoking in airplanes. It happened right here. It was a tough fight, but we got it through. I thought, my goodness, suppose we had to sit in an airplane 3 hours before we took off today with the people who are accustomed to smoking in airplanes saying to the pilot while banging on the door: Let us smoke. It would have been awful, and people across the country would have been in rebellion if they had to do that. So there is a solution: Get on with an investment in high-speed rail.

I have heard debate on this floor that distresses me, from intelligent people, from people who say: No, we don't want to spend any more on Amtrak, we have spent enough. This is a cash guzzler.

The fact of the matter is, we haven't done the job that we planned or that we thought we should have. We have spent \$23 billion, approximately, since Amtrak—as we know it now—was developed in the early 1970s. It sounds like a lot of money, but it isn't a lot of money, not when we consider what we put into aviation, what we put into airports over the same period of time. I repeat, \$23 billion since 1971.

Since that period of time, we have spent \$160 billion on aviation programs, \$380 billion on highways. Yes, we do collect a highway tax, and I am not saying we haven't done a pretty good job in building highways and airports. I am glad to see things being updated and upgraded. The fact of the matter is, when it is compared to \$23 billion in

Federal subsidies for high-speed rail, it is a drop in the bucket. Germany is going to spend \$70 billion in a decade upgrading its high-speed rail system. We ought to learn from that.

To say just because a State doesn't have active rail service they don't want it to happen is crazy. Everybody doesn't have the same kind of aviation airline service we have in Chicago or New York or Los Angeles or Dallas, TX. But we help the system perform. We pay funds into FAA and build control towers and build a flight service network. Why? Because it is good for the country. And so is high-speed rail, even if it doesn't touch your neighborhood.

As a matter of fact, we have a bunch of locations that are going to be beneficiaries of high-speed rail. They are included in 14 of the most congested urban areas that are designated high-speed corridors, including Chicago, Los Angeles, Seattle, Atlanta, GA, Houston, TX, Washington, DC, and Portland, OR, just to name a few of the places that are going to benefit by investments in high-speed rail. However, we have a problem convincing people from those States that it is good for them, that we ought to be spending more money on getting this system up to snuff.

I proposed a piece of legislation that calls for \$10 billion worth of capital investment by Amtrak over the next 10 years to try to bring the system up to grade for the 21st century. That is on top of other subsidies for which we appropriate funds. It gives them the ability to sell \$10 billion worth of bonds. The Federal Government does have to take some cost for providing a tax credit for bondholders.

The benefits are enormous. Within 2 weeks, we will see the first high-speed rail train set come into Washington. It will be there just as a showpiece to tell us what is coming. Very soon thereafter, within 4 or 5 weeks, we will be seeing high-speed rail service or modified high-speed rail service in this corridor, between Washington and New York. We started in New York, the New York to Boston route. It is not truly high-speed rail; it is modified high-speed. It took an hour and a half off a 5½-hour trip, and the trains are loaded. It is as if people were standing on the platform for weeks waiting to find a train ride that would get them to their destinations, depending on weather, overcrowded skies, congestion all over the place, getting in your car and sitting there with all of the toxic emissions, all of the pollution, waiting for the traffic to move along. It was indeed a blessing, recognized by the public.

When we get the system in the New York to Washington area, it will be considerably less than a 3-hour trip. That competes very effectively with aviation and the shuttle flights. We have approximately 100 flights a day. I don't want to deprive the airlines of revenue. That is not my mission. My mission is to help the American public

get to their destinations on time, not miss connections, and to feel more comfortable, and lift the spirit of people who have to travel for a living, or recreationally, for family reunions or all kinds of reasons—to make it easier. That is the mission we are on.

We have endorsements from many organizations. I know the occupant of the Chair was a member of the National Governors' Association when he was the Governor of Ohio. They endorse high-speed speed rail. National Conference of State Legislatures; U.S. Conference of Mayors; we have environmentalists; the American Road and Transportation Association; the AFL-CIO, Rail Labor Division; all people who have an interest in seeing high-speed rail. And newspapers that think about these things and whether or not they are going to be affected by this: The New York Times, the Houston Chronicle, the Philadelphia Inquirer, the Chicago Sun-Times, the Tampa

Tribune, Minneapolis Star Tribune, and other newspapers support this investment in high speed rail.

I think we ought to get on with it. I plead with my colleagues, don't let this be a last-ditch stand to try to uproot the possibilities of getting these trains underway, getting this track underway, getting the signal systems underway. It will make a difference in lives all across this country. Some of those whose States are serviced or will be serviced by this high-speed rail connection have to recognize what it means to them directly and step up to the plate and say this will be a national asset, even if it doesn't touch any of the cities in my State.

Recognizing time is precious and not wanting to hold the present occupant of the chair to a stricter schedule than he would like, I am feeling very generous and sympathetic because I know I am going to be able to call on the occupant of the chair to help us with the

high-speed rail situation. I thank the chair for the courtesy of permitting me to make these comments. This is a milestone for America. It is a very important point in how we see ourselves getting from here to there.

I hope my colleagues will support this with enthusiasm, knowing very well this is going to be the mode of transportation that is essential to continue to carry out our responsibilities.

I thank the Chair.

I yield the floor.

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RECESS UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., Thursday, September 28, 2000.

Thereupon, the Senate, at 6:19 p.m., recessed until Thursday, September 28, 2000, at 9:30 a.m.