United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, JULY 20, 1999 *No. 103*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

O God of history, You have been the guiding light for the Senate for 210 years. We trust You to lead us forward today. In the midst of the debate over crucial issues, we need Your divine intervention and inspiration. Give the Senators strength to communicate their perception of truth with mutual respect and without rancor. May they seek Your guidance in the exercise of the essence of democracy in vital debate. Help them to know that speaking the truth as they see it will contribute to a greater understanding than any one person could achieve alone. When we trust You, things go more smoothly and work gets done with greater excellence. Whatever happens to or around us today, we know we can count on You for strength in any stress and courage in any crises. We gratefully remember times when Your guidance brought consensus out of conflict and creative decisions out of discord. Thank You for the new page in the history of the Senate that will be written today.

Gracious Father, in addition to our continued prayers for the Kennedy family, today as a Senate we mourn the death of Kenneth C. Foss who worked with the Republican Policy Committee. We praise You for his brief life and his great leadership. In the name of our Lord. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. Senator VOINOVICH is now designated to lead the Pledge of Allegiance.

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, 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 MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Today the Senate will resume debate on the motion to proceed to the intelligence authorization bill with the cloture vote occurring at 10:30 a.m. Following the vote, Senator SMITH of New Hampshire will be recognized to make a motion to discharge from the Finance Committee S.J. Res. 28 regarding the trade status with Vietnam. Therefore, Senators can expect an additional vote prior to the weekly party caucus meetings. The Senate will recess from 12:30 to 2:15 so that the party conferences can meet and have lunch. Senator SMITH will again be recognized under a privileged resolution at 2:15 to offer a second motion to discharge from the Finance Committee S.J. Res. 27 regarding trade status with China. There will be 1 hour of debate on the motion with the vote occurring at approximately 3:15 p.m. Senators may also expect further action on the intelligence authorization bill or any appropriations bills on the calendar during today's session.

INTELLIGENCE AUTHORIZATION

Mr. President, there was debate yesterday on the intelligence authorization bill. Senator SHELBY, the chairman of the Intelligence Committee, and Senator KERREY, the ranking member, spoke on the importance of intelligence authorization. They have been doing good work together in a bipartisan way, as they should on matters of intelligence. This is a very important bill, one we should move forward as expeditiously as we can. Of course, the issue that is still being debated in connection with this intelligence authorization bill is, how do we deal with reorganizing the Department of Energy so we can stop the leaks that have been occurring at our labs.

There was a report in the papers just this morning that while some progress has been made in some areas, the necessary actions to stop these leaks and make sure they don't happen in the future haven't even begun. Senator DOMENICI, Senator KYL, and Senator MURKOWSKI have done real good work in this area. This should be a bipartisan solution where we get the focus at the Department of Energy rearranged in such a way that there is direct reporting so we have a quasi-autonomous agency within the Department of Energy. I hope we can still find a way to get this done because the American people understand that real damage has already been done. We should make sure, at the minimum, that it will not continue in the future.

I thank my colleagues for their attention. I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from California.

ORDER OF PROCEDURE

Mrs. BOXER. I would like to take about 5 minutes to pay tribute to Congressman George Brown and to John F. Kennedy, Jr., and those who perished with him. I wonder if I could take that 5 minutes at this point. I ask unanimous consent to do that.

Mr. KYL. Mr. President, we have 1 hour this morning to debate a very serious proposition. We are prepared to do that. The time is equally divided. I would have no objection to the Senator from California taking the time from the Democratic side, but we have at least 30 minutes of conversation on our

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

side that we want to use. We need to have a vote at 10:30 today.

RESERVATION OF LEADER TIME

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

There is ordered to be 1 hour of debate equally divided between the Senator from New Mexico, Mr. DOMENICI, and the Democratic leader, Mr. DASCHLE, or their designees prior to the cloture vote.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senator from California be allowed to proceed for not more than 5 minutes and that time not be taken out of the hour previously agreed to, delaying the 1-hour debate just a few minutes, and the vote would occur at 10:40 instead of 10:30.

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

The Senator from California.

Mrs. BOXER. I thank the Chair. I thank the majority leader for his graciousness.

THE LOSS OF MANY

Mrs. BOXER. Mr. President, Californians have been deeply saddened and moved by a number of losses we have faced. One involves the death of the senior member of our California Democratic delegation, George Brown, who was a beloved Congressman on both sides of the aisle. As a matter of fact, one of the Republicans in the House said on his passing, if everyone was like George Brown, we would not need to go on retreats to find out how to get along better with one another.

George Brown was that kind of person. George was a man of great compassion, of great reason. He was consistent. He never changed his views according to the polls. He was a mentor of mine when he ran for the Senate in 1970, which takes us back a long time. I very proudly worked on his campaign simply as a volunteer. He was an advocate for science and technology, and although he was 79 years old, he was an ageless person. He had so many young ideas, and he was so future oriented.

Then, of course, the Nation faced the tragedy that befell the Kennedy family once again with the tragic loss of John F. Kennedy, Jr., and his wife and her sister. The press was calling and asking for a comment. I said it truly is a tragedy beyond words. I think at times such as these all you can really do is pray that the family will be able to cope with a loss of such enormity.

I particularly want to spend a moment talking about my colleague, TED KENNEDY, because after all the tragedies with which the family has had to deal, TED has become a real father figure to the entire next generation of Kennedys. I know how Senator KENNEDY teaches those of us who have not been here as long as he, how he monitors us and guides us.

I can just imagine the close bond he had with John Kennedy, Jr., and what this has done to his heart. I know when he does come back, every one of us will give him our strength.

When President Kennedy died, Robert Kennedy said the following. He said:

When I think of President Kennedy, I think of what Shakespeare said in Romeo and Juliet:

When he shall die,
take him and cut him out into stars
and he shall make the face of heaven so fine
that all the world will be in love with night
and pay no worship to the garish sun.

I think when we think of John Kennedy, Jr., we will think of him sharing in those bright stars.

To close, I have a poem that was written by someone who is in her thirties. I think the words will have meaning for those who look to John, Jr., for their future. This is what it is called: ''If Only We Could Have Said Goodbye.''

Our special son
the namesake he
of honorable tradition
to serve our great country

Passed down through generations
of dedicated, determined souls
He understood our devotion
and carried with him a nation's hope

This honor never did he shun
In public he graced us well
With patience he regaled us
with tales
Of hiding behind
the Oval's chair,
Or that indelible salute

We mourned together his father's fate
While marveling his mother's grace
These traits were passed on to Kennedy's
own
to John, indeed

Could he be the return of Camelot?
We wondered
and inside we cheered this Kennedy's fate
with the wish that he could fulfill in his time
those hopes left so unmade

Or perhaps
just share with us,
a bit of the mystery, a bit of your name
If only we could have said goodbye

Mr. President, it is a sad day across this land. Our prayers are with the Kennedy family and the Bessette family.

I thank the majority leader for yielding me this time.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

I understand I am in charge of our half hour.

I say to the other side, you have a half hour on this also. We clearly would like to move back and forth with the time on each side for various speakers, but for now we have two or three speakers who have already indicated they want to address this issue. So I yield 8 minutes to the distinguished Senator from Arizona, Mr. KYL. Then, within the next 30 or 40 minutes, if Senator FRANK MURKOWSKI, the chairman of the Energy and Natural Resources Committee, desires to speak, we will give him some time. I understand the Senator from Kentucky would like to speak on our side also, so we will make time for him.

We will proceed now. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

First, I thank Senator DOMENICI for his leadership on this issue. It was really his leadership that brought this entire matter of reorganization of the Department of Energy to the fore. I appreciate his ability to predict what the President's Foreign Intelligence Advisory Board was going to be recommending to the President because indeed it was Senator DOMENICI's idea for the reorganization of the Department of Energy that eventually the Rudman board, the President's Foreign Intelligence Advisory Board—it was really that same idea that was recommended by the President's board which we have embodied in legislation that we bring to the floor.

As the leader announced a few minutes ago, at 10:40 this morning we will vote on whether to invoke cloture on a motion to proceed to the intelligence authorization bill, which will include this reorganization of the Department of Energy amendment.

This is the amendment Senator DOMENICI, Senator MURKOWSKI, and I have drafted with the purpose to halt the ongoing losses of our Nation's most sensitive military secrets from our Nation's laboratories.

As I look back over the last few months, it seems as if every week brought more news about Chinese espionage at our National Laboratories, about how the Chinese have obtained our country's nuclear secrets.

In May, the declassified version of the Cox committee report was released. It painted a sobering picture of the increased danger the United States now faces as a result of the Chinese espionage at our nuclear labs. This bipartisan committee unanimously concluded that China stole classified information on every nuclear warhead currently in the U.S. arsenal, as well as the neutron bomb—literally the crown jewels of our nuclear stockpile.

Worst still, the Cox committee noted that China also acquired other advanced American technology, including missile guidance and reentry vehicle technology, the results of developmental work on electromagnetic weapons that could be used to attack satellites and missiles, and radar technology and techniques that may someday allow China to track U.S. Navy submarines while they are submerged beneath the ocean's surface.

Chinese acquisition of this technology is particularly troublesome because the majority of its roughly 20

long-range nuclear missiles are aimed at U.S. cities. As we all know, the United States currently has no defense against missile attack.

Although one individual at the Los Alamos Laboratory, Wen Ho Lee, has been fired, Chinese espionage at our nuclear labs is presumably ongoing today. As the Cox committee stated in its report, China has engaged in a ''sustained espionage effort targeted at United States nuclear weapons facilities.''

Furthermore, the report notes: ''The successful penetration by [China] of our nuclear weapons laboratories has taken place over the last several decades, and almost certainly continues to the present.''

After the effects of China's espionage came to light earlier this year, the President asked the Foreign Intelligence Advisory Board, led by former Senator Warren Rudman, to examine why China was able to steal our nuclear secrets. The President's board released its findings in June, calling for sweeping organizational reform of the Energy Department to address what it described as ''the worst security record on secrecy'' that the panel members ''have ever encountered.''

The Presidential panel cited as the root cause of DOE's poor security record ''organizational disarray, managerial neglect, and a culture of arrogance . . . [which] conspired to create an espionage scandal waiting to happen.'' Terrible problems were uncovered during the panel's investigation. For example, employees at nuclear facilities compared their computer systems to automatic teller machines, allowing top secret withdrawals at our Nation's expense.

As public pressure has grown, Energy Secretary Richardson has announced various reforms; but these steps have been criticized as too little too late. In fact, the President's own advisory panel said, ''We seriously doubt [Energy Secretary Richardson's] initiatives will achieve lasting success,'' and noted ''these initiatives simply do not go far enough.'' In fact, though the Energy Secretary says he and his Department are on top of the situation, the Presidential panel warned that ''the Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself.'' Instead, the panel recommended that Congress reorganize the Department.

That is what Senator DOMENICI, Senator MURKOWSKI, and I have written legislation to do, to implement this recommendation of the President's advisory group. Our proposal would gather all of the parts of the nuclear weapons program under one semiautonomous agency within the Energy Department. It would separate the nuclear weapons work at the Energy Department from the other things they do there, such as setting efficiency standards for refrigerators.

The new agency will have clear lines of authority, responsibility, and accountability, with one person in charge, who will continue to report to the Energy Secretary. This would replace the current tangled bureaucratic structure that has led to the situation where everyone is responsible so no one is responsible. This is the only way to ensure that new security and counterintelligence measures are implemented to prevent future espionage from occurring unchecked.

I am pleased that the legislation enjoys broad bipartisan support. In addition to Senator DOMENICI, who chairs the Energy and Water Appropriations Subcommittee, and Senator MURKOWSKI, who chairs the Energy Committee, it is cosponsored by the chairman and vice chairman of the Intelligence Committee, Senators SHELBY and KERREY; the chairman of the Armed Services Committee and its subcommittee chairman on Strategic Forces, Senator WARNER and Senator SMITH; the chairman of the Governmental Affairs Committee, Senator THOMPSON; the chairman of the Foreign Relations Committee, Senator HELMS; the former chairman of the Intelligence Committee, Senator SPECTER; as well as Senators FEINSTEIN, HUTCHINSON, GREGG, BUNNING, FITZGERALD, and the distinguished majority leader, Senator LOTT.

Despite Secretary Richardson's recent announcement that he is prepared to drop his opposition to the creation of a semiautonomous agency, the reality is that he continues to oppose the core concepts underlying such an agency. Despite extensive discussions that the sponsors have had with the Secretary and his staff, he continues to oppose our legislation.

The time has clearly come for the Senate to debate and adopt strong measures to safeguard our Nation and its nuclear secrets. As my colleagues will recall, in May Senators DOMENICI and MURKOWSKI and I attempted to offer a similar amendment to the defense authorization bill which was met with a Democratic filibuster and a threat by the Energy Secretary that he would recommend the President veto the bill. In justifying his refusal to allow debate or even a vote on our amendment, the Democratic whip termed our proposal ''premature'' and urged the Senate to hold hearings on the measure.

Over the past 2 months, four committees of the Senate have held six hearings specifically on our amendment. Furthermore, in the time since we first offered our amendment to the defense authorization bill, the Presidential panel headed by former Senator Rudman has published its report vindicating the approach of our original amendment. It is well past time to fix the chronic problems at our nuclear weapons facilities. Failure to move forward will only further jeopardize our Nation's security.

I urge my colleagues on the other side of the aisle to rise above partisan politics, not to vote for obstruction and vulnerability but instead to vote in favor of cloture so the Senate can debate this important amendment.

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator MURKOWSKI.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my friend, Senator DOMENICI.

Yesterday we had an opportunity to discuss the pending amendment at some length. I think I spoke for some 45 minutes, so I will not repeat what I said yesterday, but I am going to focus in on why we need this amendment.

This whole issue associated with the lack of security in our labs has received a lot of attention over the last several months. My committee, the Committee on Energy and Natural Resources, has held nine hearings. We had the pleasure of getting together with four other committees—the Government Affairs Committee, the Armed Services Committee, the Intelligence Committee, joining with the Energy Committee—and it was the first time we had ever assembled four committees together. We had over 30 Senators present. So there has been a good deal of time, effort, and examination on this matter.

I am very pleased to join Senator DOMENICI, Senator KYL, and a number of other cosponsors, including Senators KERREY, LOTT, FEINSTEIN, SMITH, GREGG, HUTCHINSON, SHELBY, WARNER, BUNNING, HELMS, FITZGERALD, SPECTER, THOMPSON, and others in bringing this matter before the Senate.

We need this amendment because time is passing. This report, the Rudman report, entitled ''Science At Its Best, Security At Its Worst,'' in effect says it all. This was the expert panel authorized by the President, a special investigative panel of the President's Foreign Intelligence Advisory Board headed by former Senator Rudman. Again, the emphasis is on the title, recognizing that science has contributed probably the best in the world at the labs, but security at its worst.

Now, why do we need this amendment? Why do we need it now? I will be very brief. I am going to give you a few quotes from the Rudman report.

Organizational disarray, managerial neglect and a culture of arrogance, both at the Department of Energy headquarters and the labs themselves, conspired to create an espionage scandal waiting to happen.

Further from the report:

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself.

Further:

Accountability at the Department of Energy labs has been spread so thinly and erratically that it is now almost impossible to find.

That is the key word—''accountability.'' We had no accountability, as we look back on the espionage charges associated with the alleged Wen Ho Lee affair, no accountability. There it is.

Further, I quote:

Never have the members of the special investigative panel witnessed a bureaucratic

culture so thoroughly saturated with cynicism and disregard for authority.

Further, I quote:

Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the Federal Government: control of the design information relating to nuclear weapons.

Further, I quote:

Never before has the panel found an agency with the bureaucratic insolence to disrupt, delay and resist implementation of a presidential directive on security.

These are but a few of the quotes from the Rudman report. These few quotes and the full report itself speak eloquently about the need for this amendment, the justification for this amendment. While considering whether to vote for or against this amendment and the motion to invoke cloture, there is really only one relevant question: Do you want to put an end to lax management practices at the Department of Energy that have contributed to the poor security? In other words, do you want to fix it? Or do you want to do everything you can to prevent espionage from occurring again, further damaging national security?

I urge Members to vote for cloture.

I ask unanimous consent that excerpts from ''Science at its Best; Security at its Worst'' be printed in the RECORD.

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

SELECTED EXCERPTS FROM THE PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD REPORT: SCIENCE AT ITS BEST; SECURITY AT ITS WORST: A REPORT ON SECURITY PROBLEMS AT THE U.S. DEPARTMENT OF ENERGY

Findings (pp. 1–6):

As the repository of America's most advanced know-how in nuclear and related armaments and the home of some of America's finest scientific minds, these labs have been and will continue to be a major target of foreign intelligence services, friendly as well as hostile. p.1

More than 25 years worth of reports, studies and formal inquiries—by executive branch agencies, Congress, independent panels, and even DOE itself—have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs. p.2

Critical security flaws—have been cited for immediate attention and resolution—over and over and over—ad nauseam.

The open-source information alone on the weapons laboratories overwhelmingly supports a troubling conclusion: their security and counterintelligence operations have been seriously hobbled and relegated to low-priority status for decades. p.2

. . . the DOE and its weapons labs have been Pollyannaish. The predominant attitude toward security and counterintelligence among many DOE and lab managers has ranged from half-hearted, grudging accommodation been to smug disregard. Thus the panel is convinced that the potential for major leaks and thefts of sensitive information and material has been substantial.

Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen. pp.2–3

Among the defects this panel found:

Inefficient personnel clearance programs. Loosely controlled and casually monitored programs for thousands of unauthorized foreign scientists and assignees.

Feckless systems for control of classified documents, which periodically resulted in thousands of documents being declared lost.

Counterintelligence programs with part-time CI officers, who often operated with little experience, minimal budgets, and employed little more than crude ''awareness'' briefings of foreign threats and perfunctory and sporadic debriefings of scientists . . .

A lab security management reporting system that led everywhere but to responsible authority.

Computer security methods that were naive at best and dangerously irresponsible at worst.

DOE has had a dysfunctional management structure and culture that only occasionally gave proper credence to the need for rigorous security and counterintelligence programs at the weapons labs. For starters, there has been a persisting lack of real leadership and effective management at DOE.

The nature of the intelligence-gathering methods used by the People's Republic of China poses a special challenge to the U.S. in general and the weapons labs in particular. p.3

Despite widely publicized assertions of wholesale losses of nuclear weapons technology from specific laboratories to particular nations, the factual record in the majority of cases regarding the DOE weapons laboratories supports plausible inferences—but not irrefutable proof—about the source and scope of espionage and the channels through which recipient nations received information. pp.3–4.

The actual damage done to U.S. security interests is, at the least, currently unknown; at worst, it may be unknowable.

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. p. 4

Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Reorganization is clearly warranted to resolve the many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department. p. 4

Convoluted, confusing, and often contradictory reporting channels make the relationship between DOE headquarters and the labs, in particular, tense, internecine, and chaotic.

The criteria for the selection of Energy Secretaries have been inconsistent in the past. Regardless of the outcome of ongoing or contemplated reforms, the minimum qualifications for an Energy Secretary should include experience in not only energy and scientific issues, but national security and intelligence issues as well. p. 5

DOE cannot be fixed with a single legislative act: management must follow mandate. The research functions of the labs are vital to the nation's long term interest, and instituting effective gates between weapons and nonweapons research functions will require both disinterested scientific expertise, judicious decision making, and considerable political finesse. p. 5

Thus both Congress and the Executive Branch . . . should be prepared to monitor the progress of the Department's reforms for years to come.

The Foreign Visitor's and Assignments Program has been and should continue to be a valuable contribution to the scientific and technological progress of the nation. p. 5

That said, DOE clearly requires measures to ensure that legitimate use of the research laboratories for scientific collaboration is not an open door to foreign espionage agents.

In commenting on security issues at DOE, we believe that both Congressional and Executive branch leaders have resorted to simplification and hyperbole in the past few months. The panel found neither the dramatic damage assessments nor the categorical reassurances of the Department's advocates to be wholly substantiated. pp. 5–6

However, the Board is extremely skeptical that any reform effort, no matter how well-intentioned, well-designed, and effectively applied, will gain more than a toehold at DOE, given its labyrinthine management structure, fractious and arrogant culture, and the fast-approaching reality of another transition in DOE leadership. Thus we believe that he has overstated the case when he asserts, as he did several weeks ago, that ''Americans can be reassured: our nation's nuclear secrets are, today, safe and secure.''

Fundamental change in DOE's institutional culture—including the ingrained attitudes toward security among personnel of the weapons laboratories—will be just as important as organizational redesign. p. 6

Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority. Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons. Particularly egregious have been the failures to enforce cyber-security measures to protect and control important nuclear weapons design information, Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security, as DOE's bureaucracy tried to do the Presidential Decision Directive No. 61 in February 1998.

The best nuclear weapons expertise in the U.S. government resides at the national weapons labs, and this asset should be better used by the intelligence community. p. 6.

Reorganization pp. 43–53:

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management. *We strongly believe that this cleaving can be best achieved by constituting a new government agency that is far more mission-focused and bureaucratically streamlined than its antecedent, and devoted principally to nuclear weapons and national security matters.* (emphasis in original) p. 46

The agency can be constructed in one of two ways. It could remain an element of DOE but become semi-autonomous—by that we mean strictly segregated from the rest of the Department. This would be accomplished by having the agency director report only to the Secretary of Energy. The agency directorship also could be ''dual-hatted'' as an Under Secretary, thereby investing it with extra bureaucratic clout both inside and outside the Department. p. 46

Regardless of the mold in which this agency is cast, it must have staffing and support functions that are autonomous from the remaining operations at DOE. p. 46

To ensure its long-term success, this new agency must be established by statute. p. 47

Whichever solution Congress enacts, we do feel strongly that the new agency never should be subordinated to the Defense Department. p. 47

Specifically, we recommend that the Congress pass and the President sign legislation that: pp. 47–49

Creates a new, semi-autonomous Agency for Nuclear Stewardship (ANS), whose Director will report directly to the Secretary of Energy.

Streamlines the ANS/Weapons Lab management structure by abolishing ties between the weapons labs and all DOE regional, field and site offices, and all contractor intermediaries.

Mandates that the Director/ANS be appointed by the President with the consent of the Senate and, ideally, have an extensive background in national security, organizational management, and appropriate technical fields.

Stems the historical ''revolving door'' and management expertise problems at DOE. . . .

Ensures effective administration of safeguards, security, and counterintelligence at all the weapons labs and plants by creating a coherent security/CI structure within the new agency.

Abolishes the Office of Energy Intelligence.

Shifts the balance of analytic billets . . . to bolster intelligence community technical expertise on nuclear matters.

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

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask the Senator from New Mexico, how is the time being controlled?

Mr. DOMENICI. The Senator from Nebraska has 30 minutes and has used none of it.

Mr. KERREY. Do I have to use my time to speak against or not?

Mr. DOMENICI. The Senator may speak either way.

Mr. KERREY. Mr. President I yield such time as is necessary from our side to speak in favor of the Kyl-Domenici-Murkowski amendment.

I believe this reorganization plan complements the reforms already included in our defense authorization bill as well as the reforms set forth by Secretary Richardson and that they help him achieve his mission. This plan, which is contained in this amendment, will sustain and improve the extraordinary science performed by the nuclear laboratories of the Energy Department while significantly improving security and counterintelligence.

Under this reorganization, the Secretary of Energy will set policy and maintain authority over all elements of the new Agency for Nuclear Stewardship. The agency director will then implement his policy and demand that the highest security standards are maintained within the nuclear weapons laboratories.

This plan reduces the bureaucracy that both stifles scientific endeavors and hinders security and counterintelligence at our laboratories. The agency will maintain the links between the weapons labs and other labs in parts of the Department of Energy, thereby preserving the capability to cross-fertilize science that is being performed in different programs and in different locations.

Numerous reviews that have been performed over the past 25 years by executive branch agencies, the General Accounting Office, the Congress, independent panels, and the Energy Department itself have found security wanting and lax at all of the weapons laboratories. A spate of espionage cases over the last 15 years, cases involving the potential theft of our most potent nuclear weapons designs, shows that counterintelligence at the Energy Department needs serious improvement. In recent hearings, witnesses before the Senate Select Committee on Intelligence and other committees have described the confused lines of authority, lack of accountability, and both inadvertent and conscious disregard for security concerns.

Last month the President's National Foreign Intelligence Advisory Board, the PFIAB, led by former Senator Warren Rudman, issued the latest in a long series of reports critical of security and counterintelligence at the weapons laboratories.

In its report entitled ''Science At Its Best, Security At Its Worst,'' the PFIAB found that ''organization disarray, managerial neglect and a culture of arrogance both at DOE headquarters and the labs themselves, conspired to create an espionage scandal waiting to happen.''

In response to these problems, the Rudman panel calls for reorganization as necessary ''to resolve the many specific problems with security and counterintelligence in the weapons laboratories but also to address the lack of accountability that has become endemic throughout the entire Department.''

The new structure envisioned in this amendment strengthens the management structure overseeing the nuclear weapons laboratories. By removing the unnecessary involvement of redundant officials in the running of the labs, the new Agency for Nuclear Stewardship sets both clear lines of authority and defined lines of accountability in how the labs are managed. This helps assure that policy directives are properly and expeditiously developed, and that officials can be held accountable for success and failure related to scientific research and security measures.

No management structure, however well designed, can be effective if the personnel filling the organization chart are not up to the job. The Under Secretary for Nuclear Stewardship will be appointed by the President and subject to the advice and consent of the Senate. He or she will be required by statute to have an extensive background in national security, organizational management, and the appropriate technical areas relevant to weapons design work. This individual will be assisted within the Agency by three Deputy Directors for defense programs, nonproliferation and materials disposition, and naval reactors. To promote security throughout the Agency, the Director will be assisted by a Chief of Nuclear Stewardship Counterintelligence, a Chief of Nuclear Stewardship Security, and a Chief of Nuclear Stewardship Intelligence who will work to promote the awareness of and implement measures related to security and counterintelligence.

Under this amendment, the Under Secretary will have the necessary authority to effectively manage the Agency for Nuclear Stewardship. This Under Secretary will follow the policies established by the Secretary. The Agency's subordinate security, counterintelligence, and intelligence chiefs will follow policies developed by their corresponding Energy Department offices and approved by the Secretary.

The point here is that the Secretary remains accountable, the Secretary retains authority, and as a consequence, the Secretary retains responsibility for the work that is being done.

This amendment essentially, under statute, will remove much of the middle-level structure that has built up over the years, which has made it extremely difficult to manage and almost impossible to determine who is responsible. Despite the end of the cold war, our Nation still faces a nuclear threat, and that threat continues to grow. We must not allow the nuclear secrets paid for by the toil and ingenuity of Americans to become tools of those who may wish to harm our Nation. The new Agency for Nuclear Stewardship will help protect those secrets and keep our nuclear arsenal the most advanced and safest among nations.

Mr. President, I yield the floor.

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. DOMENICI. 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. DOMENICI. Mr. President, I yield 5 minutes off our side to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, our national laboratories have become revolving doors. On the way in, you have billions of dollars from the taxpayers to research and develop the most sophisticated weapons in the world, and on the way out you have all the plans and information any country needs to build a nuclear weapon.

Unfortunately, the doors to our labs are still open. While the Department of Energy has made some cosmetic changes in their security procedures, we are still stuck with the same bureaucratic mess that created this problem.

There is no accountability. Not one person has stood up and said, ''the buck stops here.''—Not the lab directors—not any of the former Secretaries of Energy—not even the President has taken any responsibility for what occurred at Los Alamos Laboratory.

It is clear that our nuclear weapons programs are in desperate need of accountability, leadership, and supervision. The amendment we are debating today will provide these essential ingredients.

Mr. President, the Kyl-Domenici-Murkowski amendment, creates a new agency for nuclear stewardship, which will provide clear lines of authority and responsibility within the Department of Energy. It will be managed by an administrator who will be directly responsible for all nuclear weapons production. Finally, someone will be able to say, ''the buck stops here.''

In addition, the amendment will codify an Office of Counterintelligence in the Department of Energy. The Director of this Office will have the power to create preventative programs to make sure this kind of espionage does not occur again.

The administration has proposed a number of band-aid type reforms, but none of them get to the heart of the problem. There are too many tangled lines of authority within the Department of Energy, and no one wants to take responsibility.

According to the Cox report, ''the PRC's theft of nuclear secrets from our National Weapons Laboratories enabled the PRC to design, develop, and successfully test modern strategic nuclear weapons sooner than would otherwise have been possible.''

Since the Chinese, who sell weapons around the world have these secrets, we can only ask who else may have this information. Iran? Iraq? Syria? North Korea?

While it is scary to think about who may have access to our nuclear secrets, it is even more frightening to think that this kind of espionage could still be going on. We need the clear lines of authority and leadership that would be established by the Kyl-Domenici-Murkowski amendment, to close the revolving door.

Mr. President, I urge all of my colleagues to vote for cloture and support this important amendment.

I yield the floor.

Mr. DOMENICI. Mr. President, might I ask the distinguished Senator, Mr. BUNNING, would he like to speak for an additional couple of minutes?

Mr. BUNNING. I have finished. I thank the Senator. I have completed my statement.

Mr. DOMENICI. Mr. President, I don't know how we are going to use the rest of the time. I will use a little bit of time. If anyone wants to speak on either side of the issue, there is some time between now and 10:40 or so when we are going to vote on cloture. I yield myself such time as I may use.

I, too, urge that everybody vote for cloture. There is absolutely no reason for us not to proceed with the intelligence bill, which has been carefully thought out. It is not my bailiwick. I am not a chairman, cochairman, or a member, but I have attended meetings with them since the breaking news about the Chinese and their involvement in gathering up very secure and secret information from the United States through our laboratories.

That bill should not be held up, and the Senate has already agreed by unanimous consent that when it comes up—the amendment we are alluding to, the amendment that has been talked about now for a number of weeks, has been prepared in its final form for some time. It has been circulated to whomever needs it. It has been discussed in various committees, and it has been criticized, praised, and modified.

Before it came to the floor, it had the input from the now famous board that Senator Rudman headed with four other distinguished Americans with great expertise in the area. Their recommendations are in the amendment. We had people who know the Department and who know the Department of Defense help us draft it. It was conceived and being prepared even before the Rudman board made their final recommendations.

Personally this Senator had arrived at the conclusion that something drastic had to be done even before the report. Now we can have some time this afternoon and this evening for those who want to argue about the potency of this amendment or whether it has some shortcomings to offer amendments.

We will be meeting at about 11:30 in the leader's office with five or six Senators who have a particular interest or bipartisan interests and may have amendments. We will be meeting in the leader's office to see if we can't discuss them.

I hope Senators who have raised issues about it and who have indicated they have amendments will join us and be prepared to talk on our bill on which they have amendments, and to bring forth their ideas also.

Later in the day, if we continue to debate this issue, I will have more to say about why we need it, and I will discuss the specific provisions of this amendment in more detail.

Let me just quickly read three or four provisions that I think should dispel some of the concerns that have been raised. If they do not quite do the job, let's talk about it.

On page 2 of the amendment, for those who are wondering whether the Secretary of Energy, a Cabinet member, will still be in charge of this semiautonomous agency, when you call it ''semiautonomous,'' it means that somebody is in control of it and, therefore, it is not autonomous. That is why semiautonomous is included as a description.

But the amendment says, first:

> The Secretary shall be responsible for all policies of the agency. The Under Secretary for Nuclear Stewardship shall report solely and directly to the Secretary, and shall be subject to the supervision and direction of the Secretary.

Skipping on a bit, to page 2 of the amendment:

> The Secretary may direct other officials of the Department who are not within the Agency for Nuclear Stewardship to review the agency's program and to make recommendations to the Secretary regarding the administration of such programs, including the consistency with other similar programs and activities of the Department.

There are some who want to make sure the Secretary has sufficient input, that he will have sufficient opportunity to look at what they are doing and make determinations as to the propriety of consistency with the Secretary's policies.

I think what we just said makes the case.

This morning, one of those writers who has been covering the deliberations in the Washington Post talked about the chief of nuclear stewardship counterintelligence and how there might be some inconsistency within that particular person's effort and what the Secretary's policies are on counterintelligence.

I refer to page 4 of the amendment. I read the following at the bottom of the page:

> The Chief of Nuclear Stewardship Counterintelligence shall report to the Under Secretary, and implement the counterintelligence policies directed by the Secretary and the Under Secretary. The Chief of Nuclear Stewardship Counterintelligence shall have direct access to the Secretary and all other officials of the Department and its contractors concerning counterintelligence matters, and shall be responsible for. . . .

Then it proceeds to delineate for what they will be responsible.

Mr. President, how much time do we have remaining on our side, and how much remains as a whole?

The PRESIDING OFFICER (Mr. GRAMS). The Senator from New Mexico has 30 minutes 22 seconds. The Democratic time remaining is 23 minutes 12 seconds.

Mr. DOMENICI. I note Senator KYL's presence on the floor. I want to talk with him for a moment.

I am not at all sure there will be additional time used on the other side of the aisle. When Senator KERREY left the floor for other urgent business, he suggested there was not any more time on that side. I would like to yield to Senator KYL the remaining time on our side. I am very hopeful, if there is going to be a wrap-up before the vote, that we will be able to get 2 or 3 minutes from the other side, although I am not sure that is the case at this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, perhaps we can inquire of the Democratic side if there is no one else who wishes to speak for that time to be yielded. I can take about 3 minutes now, and we can be prepared to vote at whatever time Members are ready.

Mr. DOMENICI. I understand that is not possible. I understand there are some who are now relying upon the time that is set for the vote around 20 minutes of 11 and who may be absent from the Hill. So we can't do that.

Mr. KYL. So as not to be in an unproductive quorum call, perhaps we could yield back time so we could speak in morning business.

Mr. President, I echo one of the thoughts of Chairman DOMENICI; that is, as we consider amendments to the proposal for a semiautonomous agency that tracks the recommendations of the President's Foreign Intelligence Advisory Board, I think we need to be very careful to ensure that the spirit of the recommendation, the fundamental basis for the recommendation of the President's Foreign Intelligence Advisory Board—the so-called Rudman panel—is not in any way degrading.

That spirit, that fundamental basis, was to go directly to the heart of the criticism of the Department of Energy to date that it is incapable of reorganizing itself; that there are too many disparate groups within the Department that want control of the nuclear weapons program, or at least their particular part of control; that what is really needed within the Department, the President's panel said, was a very clear direct line of responsibility from the Secretary right down through this entire nuclear weapons program so that no one else within the Department of Energy, in effect, could get their hands on it; and that there was only one line of responsibility, and it was the Under Secretary with his authority and his responsibility to make that program work.

The amendments we have received from Members on the other side—all to one degree or another—picked that apart. They said, well, the Secretary can designate other people outside this semiautonomous agency to be in charge of certain personnel matters, or things of that sort, or we could have the Secretary interspersed between the Secretary of Energy and the Under Secretary in charge of these nuclear weapons programs.

Those kinds of structural changes may not appear to be significant on the surface, but each one of them detracts from this concept of a semiautonomous agency, which is the fundamental basis of our amendment.

It is what the President's Foreign Intelligence Advisory Board, or panel, said was the critical component of any reform to ensure that there are not other areas of responsibility.

One of the proposals is that the Under Secretary would have to have field administrative staff administering this program. That is exactly what the Rudman panel said you didn't want. That was part of this bifurcation of responsibility that was creating the problem to date—too many people having to sign off on too many different things.

The point I want to make as we are prepared to vote on whether to proceed—I gather it will be a nearly unanimous vote—with the debate and potential amendment of this legislation, to echo what Senator DOMENICI said, is that whatever amendments we consider we have to remain true to the basic concept. You can't have a semiautonomous agency in name but have the same old disparate responsibility in practice. That is why we are not going to be agreeing to amendments that detract from the autonomy of this structure—this semiautonomous nature of the jurisdiction of the Under Secretary.

That is going to be a critical component of this reform. We are going to have to reject all amendments, as benign sounding as they may be, that detract from that central concept.

I hope, if Members are going to present amendments, that they will understand, at least from the sponsors of the legislation, they will be met with opposition if they detract from that central principle. We are going to be standing very firm to support the President's own advisory board recommendations to the President. We hope, obviously, that the President in the end will support those as well.

My hope is, if there is no one else on the Democratic side who wishes to address this, that we can get some time yielded so we can address it from our side.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank a number of people.

We have come a long way from not knowing exactly what we ought to do to a very strong cadre of Senators in a bipartisan nature who have decided that this amendment should be adopted, and perhaps a couple of changes and technical adjustments can be made. But this is not just the work of three sponsors. I am very pleased to have been one of the three who has gathered.

I note the Armed Services Committee's input is represented in this bill and has been present at almost all the meetings in the form of the chairman, JOHN WARNER. Senator WARNER has been an integral part, along with the Armed Services Committee staff which has knowledge in this particular area.

The Intelligence Committee has been excellent. While they have conducted their hearings—and they had a heavy workload to get ready for this bill—they have taken significant time to discuss this issue and to discuss this approach.

This amendment is cosponsored by the chairman and cochairman of the Intelligence Committee. I thank Senator SHELBY, the chairman, for his fine cooperation and that of his staff, and, obviously, the presence of Senator BOB KERREY on the floor indicates he is totally cognizant, fully aware of this, and supports what we are trying to do.

In addition, obviously there has been tireless work in terms of trying to get the facts in the name of the chairman of the Energy and Natural Resources Committee. Senator MURKOWSKI of Alaska has spent a great deal of time with a very competent staff. It is small in number but efficient and knowledgeable. They have conducted some of the best hearings on this subject matter. I am very pleased he is taking an active role. The fact he is on this bill and articulately defending the approach within the amendment is very helpful and should be helpful to the Senate.

Mr. KYL. Mr. President, I also note Senator THOMPSON, the chairman of the Governmental Affairs Committee, which has responsibility for monitoring the organization and providing oversight to the Departments of Government, is also very interested and has provided assistance. I know he wants to speak on this later today.

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

Mr. DOMENICI. I ask unanimous consent for 1 additional minute off their side.

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

Mr. DOMENICI. Mr. President, Senator THOMPSON and his staff have been very objective. Obviously, his committee has a lot of jurisdiction to conduct hearings with reference to restructuring of anything in Government. We are very pleased he chose to join us and he chose to lend us the excellence and expertise of his staff as we put this package together.

It is a very good approach. After 20 years of actually floundering around within a bureaucracy at the Department of Energy that was very top heavy, as reported by various commissions, I am very thrilled to be in this Chamber and able to say we are going to try to do better by the most serious research and the activities which are most apt to harm us in the future if others get them. It is the national security of America and perhaps peace in the world that hangs on whether this Department can do its job right, this autonomous agency with reference to nuclear activities, and whether we can find a better way to maintain freedom for those scientists, the greatest in the world, so they will come and do their work and at the same time do a far better job of securing the secrets that are within the minds and the products that our great scientists are producing at the nuclear laboratories.

In the meantime, there are some who want to punish the laboratories. I note with some interest the appropriations bill in the House from the subcommittee that is supposed to fund our nuclear activities. Obviously, it has been reduced so dramatically I am not at all sure they can function. I do not know if that is a function of not having enough money or a function of saying: Let's do something about the fact that we are worried about security.

That is not the way to do it. The way to do it is to adopt this amendment in both Houses, send it to the President, and get started with the task, for the first time in 22 years, of trying to set up an appropriate semiautonomous agency to do our nuclear work, to conduct the activities of our nuclear laboratories.

I have been asked by the leader, unless my colleagues have an objection,

to ask unanimous consent that all the time be considered used on both sides of the aisle and the cloture vote occur at 10:40 this morning. This means we will go into a quorum call, and anybody who wants to can call off the quorum and speak. Is that fair enough to the Senator from Idaho?

Mr. CRAIG. It is.

Mr. DOMENICI. I propose that unanimous consent request I just articulated.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from New Mexico and the Senator from Arizona for their leadership on the issue of our laboratories and our concern about nuclear weapons security and the work they have done and the vote that will soon be taken in the Senate on that effort. It is of prime national importance.

TRIBUTE TO KENNETH CHRISTOPHER FOSS

Mr. CRAIG. Mr. President, I come to the floor of the Senate this morning to report a sad event to my colleagues. This past Saturday, July 17, I received news of the untimely death of Kenneth Christopher Foss, one of the analysts on the staff of the Republican Policy Committee, of which I am chairman. He was 29 years old and had been a lifelong sufferer of diabetes.

Since assuming the RPC chairmanship in 1996, I had gotten to know Ken very well. Most recently, I had worked very closely with him on legislation affecting Second Amendment rights. As anyone who knew Ken can attest, he was not a man to compromise on principle. He was an extraordinary individual who stood on solid moral and conservative principles. In an age of relative values and indifference to truth, he will be sorely missed. For Ken, devotion to principle was not an option, it was an imperative.

Ken's achievements during his all-too-short time in the Senate and on Earth were truly remarkable. He began his career with former Senator Dan Coats, first as an intern and then as a staff assistant. He moved over to the RPC during the chairmanship of my predecessor, Senator DON NICKLES.

Many of my colleagues may not fully be aware of Ken's contributions to the operation of the committee's in-house cable television facility, channel 2, which we all know is an indispensable tool for Senators and their staffs to keep abreast of floor action. This past year, Ken was the backbone of channel 2 as its manager.

In addition, he had shouldered the increased responsibility of a constantly growing list of issues as a policy analyst, including guns, education, alcohol and tobacco, drugs, immigration, American flag protection, census ''sampling'', prosecutorial ethics and asset forfeiture, and adoption, among others.

For Ken, these were not just a list of bureaucratic responsibilities at the RPC—they were to him truly a passion, objects of his deeply held commitment to justice, the rule of law, and the truest values of the American Republic. I might add, his passion extended to the issue of Puerto Rican statehood, where his position was diametrically opposed to mine. Though he was gentleman enough not to be obvious about it, it was very clear to me where he stood.

Whatever he worked on, he was meticulous and thorough. Whatever his task, he was the first to volunteer for the heavy lifting, to collect all the background, to consult all the authoritative sources, to do all the detailed reading and analysis, to become a walking library on the issue at hand. As anyone who has been to what we call the ''big room'' at the RPC or down to his basement station at channel 2 in the Capitol, known as ''the cave,'' Ken's desk was a veritable archive, testimony to both his devotion to duty and to his active mind.

I want to mention two matters in particular that define Ken and his work in the Senate. To say that Ken was devoted to defending American rights under the Second Amendment is a masterpiece of understatement. As one of the bumper stickers displayed on his desk puts it: ''A man with a gun is a citizen; a man without a gun is a subject.'' For Ken, those were words by which to live. Ken had a keen devotion to the concept of ordered liberty under constitutional government and the reciprocal rights and duties of the citizens, especially armed citizens. Whatever the gun-related issue—concealed-carry laws, instant background checks, mandatory trigger locks, or any other efforts to circumvent our founders' clear words—Ken was Horatio at the bridge. His assistance to me during the recent debate on gun show restrictions was invaluable. He will be sorely missed by me certainly, and by the Nation.

Second, it would be impossible to talk about Ken Foss without mentioning his devotion to the unique cultural heritage of the South, and especially his native State, the Commonwealth of Virginia. In all he did, in his stubborn unwillingness to forsake a cause that he thought was just, he was constantly following, and consciously following, in the footsteps of famous Virginians of the past upon whom he looked as role models: George Washington, Patrick Henry, George Mason, Robert E. Lee, Stonewall Jackson. Philosophically in agreement with the antifederalism of Mason and Henry, Ken really did believe that eternal vigilance is the price of liberty, and his tireless work reflected that conviction.

His love of Virginia and of the South extended from honoring and emulating the great names of the past and ''Sic Semper Tyrannis,'' the motto of the State of Virginia on the screen-saver on his computer, to his fondness for Allman's barbecue down in Fredericksburg, southern rock music, and Alabama football.

Ken prized the distinctive heritage of his State and his region and was afraid that in our modern, homogenized world, we were losing an irreplaceable part of a precious cultural patrimony. In his passing, Virginia and the South have lost a true son, and the Nation is, I think, poorer for it.

Ken is survived by his parents, Gary and Andra Foss, and by his brother Eric. I am sure I speak for all my colleagues in expressing our condolences to his family. Ken's father, Gary Foss, is director of the Fredericksburg Christian School.

In closing, I should mention that Ken's dedication in his nonprofessional life extended no less to the principles of Christian education and the Reformed tradition. For Ken, service to God, to his church, to his parents, to his fellow man was an expression of the same qualities he demonstrated in his professional life. Whether it was the Ten Commandments or the Constitution, Ken knew his duty and inspired others to respond to the call.

This is how I remember him, and this is how I believe he will be remembered. We will all miss Ken Foss.

I yield the floor.

Mr. NICKLES. Mr. President, I wish to join my colleague and friend, Senator CRAIG, in making a few comments about a friend of ours—both of ours—Ken Foss, who passed away this past Saturday.

His passing is a real loss to the Senate and a real loss to this country. He was a very dedicated member of the Senate family, a person with whom I had the pleasure of working for several years. When I was chairman of the Policy Committee, I got to know Ken Foss. He started his career when he worked for Senator Coats, starting in 1990 or 1991. He did good work for Senator Coats, and was an asset to our former colleague's staff.

In 1992, I stole him from Senator Coats' office because he had great talent, and great promise; and he quickly became an integral part of our team at the Policy Committee.

I was fortunate enough to be chairman of the Policy Committee from 1991 to 1996, and blessed to know this energetic person who had a real love affair with this country and a real love affair with history. Ken was energetic. He worked with a lot of zeal, a lot of passion, and a lot of real belief.

I remember him working in the Policy Committee as a person who always did his homework. On any issue, he did his research, and he knew his subject. I remember also his dedicated work in the cave, down in the basement of the Capitol, doing television work, keeping Members—all Members—apprised of what was going on on the floor. He was one of the individuals on whom you could count to give an update of what was happening on the floor, what was happening politically, what was happening substantively, what was happening procedurally, keeping colleagues and staff fully informed and ready to act when the time came.

I remember one time traveling to Richmond, VA, to speak at a GOP gathering—actually a State convention. It was an effort to try to bring the party together after a somewhat divisive campaign. Ken was my guide to all the party officials, from those with high rank to those whom we never hear much about, but make our party work. His understanding and devotion to the Virginia State Republican party was strong, and unwavering, and Virginia benefited from his dedication and hard work.

But his political knowledge was equaled, and exceeded, by his vast storehouse of knowledge about Virginia history. He knew more on this subject than any person I have ever met. From the beginning of the Commonwealth as a colony of England, to the present day, you had no better guide than Ken. When you are talking about Civil War battlefields, which I happen to be interested in, my small knowledge paled in comparison to Ken Foss's. And all this information, Ken shared freely, enthusiastically, from school children to the elderly, inspiring many whom he met.

As all of our colleagues know, we are renovating the Rotunda. I had the pleasure earlier this year of making my second or third trip to see the Rotunda in my Senate career. Of course, Ken Foss wanted to participate in that, and he climbed all the way to the top with us. All of us on that tour certainly enjoyed his presence that morning, because, again, his ability to be able to illuminate history, going back to Washington, going back to the founding of our country, and explaining various facts about our Capitol, was certainly informative and reminded us all of what a resource the Capitol is to tell our country's story to her citizens.

To Ken Foss's family, to his father and mother, to his brother, to his countless friends, to his colleagues in the Senate, certainly he will be missed by all of us. We deeply appreciate his dedication to the Senate. We wish to extend our condolences and sincere sympathies to his family and to his friends.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 1555, the intelligence authorization bill:

Senators Trent Lott, Pete V. Domenici, Paul Coverdell, Jesse Helms, Chuck Hagel, Judd Gregg, Slade Gorton, Craig Thomas, James Inhofe, Frank H. Murkowski, Jon Kyl, Jim Bunning, Tim Hutchinson, Connie Mack, Rick Santorum, and Richard Shelby.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on the motion to proceed to H.R. 1555, the intelligence authorization bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

[Rollcall Vote No. 212 Leg.]

YEAS—99

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

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote the yeas are 99, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

DISAPPROVING THE EXTENSION OF THE WAIVER AUTHORITY CONTAINED IN SECTION 402(c) OF THE TRADE ACT OF 1974 WITH RESPECT TO VIETNAM—MOTION TO DISCHARGE

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire, Mr. SMITH, is recognized to offer a motion to discharge the Finance Committee of S.J. Res. 28, on which there shall be 1 hour of debate, equally divided.

The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, pursuant to the Trade Act of 1974, and the rules of the Senate, I make a privileged motion that the Senate Committee on Finance be discharged from further consideration of Senate Joint Resolution 28, a resolution disapproving the President's June 3, 1999, waiver of freedom of emigration requirements for Vietnam as a condition for expanded U.S. trade benefits.

Before going into that, Mr. President, on behalf of the leader, I ask unanimous consent that the time accorded to the majority leader on the two motions—the one on China and the one on Vietnam—be allocated to the Senator from New Hampshire, Mr. SMITH.

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

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that the vote with respect to trade with Vietnam be postponed to occur in a stacked sequence following the vote with respect to trade with China.

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

Mr. SMITH of New Hampshire. I yield the floor, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I yield as much time as he should desire to my distinguished chairman and friend, the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. I thank the Senator from New York. I also express my appreciation for the cooperation of my good friend, the Senator from New Hampshire.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Holly Vineyard, a Finance Committee detailee from the Department of Commerce, be granted floor privileges during the pendency of S.J. Res. 27 and S.J. Res. 28.

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

Mr. ROTH. Mr. President, I rise today in opposition to Senator SMITH's motions to discharge the Finance Committee of S.J. Res 27 and 28. These resolutions would overturn the President's extension of the Jackson-Vanik waiver authority with respect to China and Vietnam.

I can understand Senator SMITH'S desire to have the Senator consider and debate these resolutions. Our economic relationship with these countries is clearly worth our attention.

This, however, is not the time for such a debate. There is a process already underway in the House on these resolutions that we should allow to continue. The Ways and Means Committee has already reported out these resoltuions—both adversely, I might add. Floor action in the House on both these measures is already planned for the next few weeks. With the House ready to act, there is no reason for us to undercut that process by taking these matters up at this time.

If the House does pass either of these resolutions, then the Senate should consider them on their merits. On the issue of China, I will be ready, along with many of my colleagues, to discuss why maintaining normal trade relations with that country is in our national interest. In short, there are—and there will continue to be—areas of significant disagreement between our two nations. But the record is clear that our commercial relationship with China has been good for our economy. It has also helped bring about positive change in China.

On the issue of Vietnam, I look to my colleagues, Senators JOHN KERRY, MCCAIN, BOB KERREY, HAGEL, ROBB, and CLELAND. These Senators—all Vietnam veterans—support the Jackson-Vanik waiver. In their view, the President's waiver has helped in resolving the problems we have had with Vietnam on emigration.

While these are my views, in brief, a more substantive discussion of these issues should come at a later time. Until the House acts, we should complete our work on the matters already before us. After all, the motions to discharge the committee are effectively motions to proceed to the resolutions themselves. That means, under the Jackson-Vanik statute, 20 hours of floor debate on each measure. That also means putting off our consideration of the appropriations bills.

For these reasons, I urge my colleagues to vote against Senator SMITH's motions.

Mr. MCCAIN. Mr. President, I oppose Senator SMITH's motion to discharge from the Senate Finance Committee his resolution disapproving of the extension of the Jackson-Vanik waiver for Vietnam. I do so because I believe the House should properly act first on a measure of this nature, because the Committee should be afforded the opportunity to render judgment on Senator SMITH's resolution before it is taken up by the full Senate, and because Vietnam's Jackson-Vanik waiver, like China's Normal Trade Relation status, is too important to fall victim to the political currents buffeting the Senate at this time.

Procedurally, the Senate has traditionally reserved consideration of Jackson-Vanik waivers and the granting of Normal Trade Relation status until after the House has acted. As my colleagues know, the House Ways and Means Committee has unfavorably reported the House resolutions of disapproval for both Vietnam's Jackson-Vanik waiver and China's Normal Trade Relation status. These measures are scheduled for floor action in the House. The Senate should not rush to judgment on either of these measures until the House has voted on them. Indeed, the Senate has over 40 remaining days under the statutory deadline for action on the waiver.

Substantively, the Jackson-Vanik amendment exists to promote freedom of emigration from non-democratic countries. The law calls for a waiver if it would enhance opportunities to emigrate freely. Opportunities for emigration from Vietnam have clearly increased since the President first waived the Jackson-Vanik amendment in 1998. The waiver has encouraged measurable Vietnamese cooperation in processing applications for emigration under the Orderly Departure Program (ODP) and the Resettlement Opportunity for Vietnamese Returnees agreement (ROVR).

The Jackson-Vanik waiver has also allowed the Overseas Private Investment Corporation (OPIC), the Export-Import Bank (EXIM), and the Department of Agriculture (USDA) to support American businesses in Vietnam. Withdrawing OPIC, EXIM, and USDA guarantees would hurt U.S. businesses and slow progress on economic normalization. It would reinforce the position of hard-liners in Hanoi who believe Vietnam's opening to the West has proceeded too rapidly.

Let me assure my colleagues that I harbor no illusions about the human rights situation in Vietnam. There is clearly room for improvement. The question is how best to advance both the cause of human rights and U.S. economic and security interests. The answer lies in the continued expansion of U.S. relations with Vietnam.

Although the Jackson-Vanik waiver does not relate to our POW/MIA accounting efforts, Vietnam-related legislation often serves as a referendum on broader U.S.-Vietnam relations, in which accounting for our missing personnel is the United States' first priority. Thirty-three Joint Field Activities conducted by the Department of Defense over the past six years, and the consequent repatriation of 266 sets of remains of American military personnel during that period, attest to the ongoing cooperation between Vietnamese and American officials in our efforts to account for our missing service men. I am confident that such progress will continue.

Just as the naysayers who insisted that Vietnamese cooperation on POW/MIA issues would cease altogether when we normalized relations with Vietnam were proven wrong, so have those who insisted that Vietnam would cease cooperation on emigration issues once we waived Jackson-Vanik been proven wrong by the course of events since the original waiver was issued in March 1998.

The Jackson-Vanik amendment was designed to link U.S. trade to the emigration policies of communist countries, primarily the Soviet Union. The end of the Cold War fundamentally restructured global economic and security arrangements. As the recent expansion of NATO demonstrated, old enemies have become new friends. Moreover, meaningful economic and political reform can only occur in Vietnam if the United States remains engaged there.

Last year, I initiated a Dear Colleague letter to members of the House of Representatives signed by every Vietnam veteran in the Senate but Senator SMITH, who has opposed every step in the gradual process of normalizing our relations with Vietnam over the years. There are those in Congress, including Senator SMITH, who remain opposed to the extension of Vietnam's Jackson-Vanik waiver. But they do not include any other United States Senator who served in Vietnam and who, as a consequence, might be understandably skeptical of closer U.S.-Vietnam relations.

That body of opinion reminds us that, whatever one may think of the character of the Vietnamese regime, such considerations should not obscure our clear humanitarian interest in promoting freedom of emigration from Vietnam. The Jackson-Vanik waiver serves that interest. Consequently, I urge my colleagues to oppose Senator SMITH's extraordinary motion to discharge consideration of his resolution from the Finance Committee.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, on behalf of the minority of the Finance Committee, I want to associate myself wholly with the remarks of our chairman.

This is not the time to engage in protracted debate on the Senate floor over our economic relations with China and Vietnam. The Finance Committee has not yet had an opportunity to consider the disapproval resolutions that the Senator from New Hampshire seeks to discharge. Nor has the House acted on the companion measures. It will do so later this month. If the motions to discharge the Finance Committee are approved, the Senate will be committing itself, as the Trade Act of 1974 provides, to 20 hours of debate on Vietnam and 20 hours of debate on China. The Senate's time is better spent on other matters.

The Senator from New Hampshire has moved to discharge the Finance Committee from further consideration of Senate Joint Resolution 27 and Senate Joint Resolution 28. Let us be clear what is at issue here. S.J. Res. 27 and S.J. Res. 28 disapprove of the President's decision of June 3, 1999 to extend for another year his waiver of the so-called ''Jackson-Vanik'' amendment as

it applies to China and Vietnam, respectively.

A bit of history is in order. The Jackson-Vanik amendment was the vision of Senator Henry M. Jackson of Washington, who, in 1972, first proposed:

> . . . an unprecedented measure to bring the blessings of liberty to these brave men and women who have asked only for the chance to find freedom in a new land.

''Scoop'' Jackson's amendment was precipitated by the decision of the Soviet Union, in August 1972, to assess exorbitant fees on persons wishing to emigrate. Cloaked as ''education reimbursement fees'' or ''diploma taxes,'' the Soviet authorities argued that emigrants owed an obligation to reimburse the Government for their free education, since, by reason of their departure, the emigrants would no longer put their education to use for the benefit of Soviet society.

The exit taxes applied to all emigrants, but affected primarily Soviet Jews wishing to emigrate to Israel or the United States. Thus was born the Jackson-Vanik amendment. Representative Charles Vanik of Ohio was the chief sponsor in the House. The amendment—Section 402 of the Trade Act of 1974—provides that no country shall be eligible to receive Normal Trade Relations tariff treatment or to participate in any United States Government programs that extend credit or credit guarantees or investment guarantees if that country:

(1) denies its citizens the right or opportunity to emigrate;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice.

Under the law, the President may waive these restrictions if he determines that:

> . . . such waiver will substantially promote the objectives of this section . . . and he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

The United States has granted NTR status to China since 1980, on the basis of a waiver of the Jackson-Vanik provisions. Vietnam does not yet enjoy NTR status, but, since 1998, when the President first waived the Jackson-Vanik requirements, U.S. exports to Vietnam and investment projects in that country have been eligible for certain U.S. Government credits and credit and investment guarantees issued by the United States Export-Import Bank, the Overseas Private Investment Corporation and the United States Department of Agriculture.

The issue before the Senate, then, is whether the Senate agrees with the President's assessment of the emigration policies and practices of China and Vietnam. At stake are our economic relations with those countries.

The first point to be made is that the authors of the Jackson-Vanik amendment had neither China nor Vietnam in mind when they drafted their provision. The amendment was a creature of the Cold War, and is today an anachronism in many respects.

The President's June 3, 1999 report to the Congress, which accompanied his determination to extend the Jackson-Vanik waiver to China for another year, made the following points:

> In FY 1998, 27,776 U.S. immigrant visas were issued to Chinese nationals abroad, up slightly from FY 1997 . . . and up to the numerical limitation under U.S. law . . . .
>
> The principal constraint on increased emigration continues to be the capacity and willingness of other nations to absorb Chinese immigrants rather than Chinese policy.

On Vietnam, the President reported the following:

> Overall, Vietnam's emigration policy has liberalized considerably in the last decade and a half. Vietnam has a solid record of cooperation with the United States in permitting Vietnamese to emigrate. Over 500,000 Vietnamese have emigrated as refugees or immigrants to the United States under the Orderly Departure Program (ODP), and only a small number of refugee applicants remain to be processed.

The President reported particular progress in the so-called ROVR program—the Resettlement Opportunities for Vietnamese Returnees program—formalized in 1997 to facilitate the emigration of Vietnamese who were still in asylum camps in Southeast Asia or who had recently returned to Vietnam.

As the President noted in his June 3, 1999 report:

> After a slow start, processing of eligible cases under the ROVR program accelerated dramatically in 1998 and is now near completion. As of June 1, 1999, the [Government of Vietnam] had cleared for interview 19,975 individuals, or 96 percent of the ROVR applicants.

Given these findings, I would submit that the President's determination to waive the Jackson-Vanik freedom-of-emigration provisions with respect to both China and Vietnam was fully in accordance with the law. I urge my colleagues to vote against the motion to discharge the Finance Committee from further consideration of the disapproval resolutions: there is no need to take the Senate's time at this point.

Mr. HELMS. Mr. President, the able Senator from New Hampshire is to be commended for bringing to the attention of the Senate the issue of normal trade relations with the communist regimes of China and Vietnam.

Few Senators have so steadfastly opposed communism in East Asia as Senator BOB SMITH. During this decade when it has been fashionable to declare the cold war over and just forget about the billion-plus people who continue to suffer under communist oppression, Senator SMITH has remained firm in his commitment to freedom in East Asia and that is why he is bringing these motions before the Senate today.

And on that score, I join Senator SMITH in support of the policies that he is emphasizing here today—that of denying normal trade status to Communist China and Vietnam. The Senator is right on the mark. Neither of these illegitimate regimes merits this honor. Mr. President, too often, in our search for trade dollars, we neglect to ask ourselves: With whom are we doing business?

Well, let's ask.

We are dealing with a communist regime in China that has illegitimately held power for 50 years. The same regime, in fact, that killed so many U.S. soldiers in the Korean war. The same regime that has killed tens of millions of its own people since 1949. And the same regime that has consistently identified the United States as the number one obstacle to its strategic agenda.

Supporters of the engagement theory dismiss all of this. They say that normal trade with China is in the U.S. interest and, in any event, will change China's behavior for the better. Reality has yet to catch up with the theory. Red China's behavior continues to be unacceptable and it is difficult to see which U.S. interests are being served by trade-as-usual with this regime.

This year, as in the past, there is voluminous evidence to contradict the claims of the engagement theorists. Whether it be national security issues or human rights, the picture in China is even bleaker than it was a year ago, the exact opposite of what the engagement theorists have predicted.

For starters, we have the Cox Committee's revelations of China's massive pilfering of our nuclear secrets. At a minimum, the Cox report has laid waste to the notion of China as a strategic partner. And the orchestration of anti-American riots by the Chinese government in May has reminded us that the true colors of the communist regime remain unchanged.

Meanwhile, China continues its reckless foreign policies that engagement was supposed to help moderate. In March, ace reporter Bill Gertz revealed that despite its promises to the Clinton administration, China continues to proliferate weapons of mass destruction to fellow rogue regimes around the world.

In February, the Pentagon reported that China is engaged in a massive buildup of missiles aimed at the democratic country of Taiwan.

Similar to national security issues, human rights have also regressed after another year of normal trade with China. The State Department itself was forced to admit this in April in its annual Country Reports on Human Rights Practices. Even on the economic front, where one might expect some benefits to accrue to America from trade with China, the yield is minimal. In 1998, American exports to Communist China were just $14 billion, less than one-fifth of one percent of GNP and fifty percent less than we export to democratic Taiwan.

The picture in Vietnam is similar. That country is still run by the same

communist autocrats as when the U.S. trade relationship resumed in 1994. These, of course, were the same revolutionaries who killed 58,000 Americans in the Vietnam war. Meanwhile, the Vietnamese people today still don't enjoy any real freedoms of speech, assembly, religion or political activity. The Vietnamese government continues to put up roadblocks to emigration for Montagnards and other citizens who wish to escape the misery and tyranny of Communist Vietnam. The economy is still a socialist mess, riddled with bureaucracy and corruption.

And yet again, Mr. President, we cannot stand here today and honestly claim that the Vietnamese government has provided a full accounting of our missing soldiers from the Vietnam war.

The bottom line, Mr. President, is that granting normal trade relations to China and Vietnam has purchased precious little for the United States and we ought to revoke the status for both countries.

But while I support Senator SMITH from a policy point of view, I cannot agree with the method that is being used here today. I am concerned that utilizing a motion to discharge these resolutions infringes on the prerogatives of the committee of jurisdiction, in this case the Finance Committee. Thus, I cannot support these motions.

However, given the gravity of the underlying policy issues, I would strongly encourage the Committee on Finance to report out Senate Joint Resolutions 27 and 28 so that the Senate can debate these important measures.

Mr. SMITH of New Hampshire. Mr. President, I thank Senator HELMS for his support of both the motion to discharge on the Vietnam issue, as well as the China issue.

Mr. President, I yield myself 15 minutes. In response to my colleague from Delaware regarding what has happened in the past on the differences between the House and the Senate on such resolutions, I state for the record that the Trade Act of 1974, which is the item in question, on procedures in the Senate regarding discharges, says:

> If the Senate passes a resolution before receiving from the House of Representatives a joint resolution that contains the identical matter, the joint resolution shall be held at the desk pending receipt of the joint resolution from the House.

So there is absolutely no problem whatsoever in having the Senate deal with this. In the past, the Senate has deferred action on the Jackson-Vanik waivers, according to Senator ROTH, and the House has acted first. But we don't have to wait for the House to pass anything to act on it. It is clearly within the act of 1974. And so, with all due respect, I am not trying to assume any powers that aren't in the act itself.

I also want to respond to the point that Chairman ROTH made in which he said: Until the House acts, there is no need to defer action on the critical matters currently before the Senate. Indeed, House action may moot the need to take up these resolutions at all.

Let me also point out that should the discharge motion prevail, there is no attempt by me to bring this up immediately and get into the Senate's time. If the majority leader and minority leader determine they want to take this up at another time other than today or tomorrow or even this week, that is perfectly all right with me. I am not in any way trying to interrupt the Senate schedule. There is simply an hour equally divided on these motions. So it will take 2 hours of the Senate's time and that is it, as far as I am concerned today. Unless the leaders decide they want to take it up now, that would be OK.

Also, regarding critical matters before the Senate, China has been in the news a lot lately, to say the least, and if the situation in China in terms of the human rights violations, the spy scandal, and all the other things that have gone on—if that is not a critical matter to bring before the Senate, I guess I am not sure what critical is. I believe it is critical, and I think it should be discussed.

In spite of that, should the leaders determine this should not be discussed today, tomorrow, or next week, I am amenable to whatever schedule the majority leader would like to work out to bring this matter to the floor for the 20 hours of debate, which would follow if the discharge resolution prevails.

For the information of my colleagues, the discharge motion I have made as a sponsor of S.J. Res. 28 is a privileged matter and in accordance with the Trade Act of 1974. I am very pleased to have the distinguished chairman of the Foreign Relations Committee, Senator HELMS, as a cosponsor of this resolution.

The discharge motion now before the Senate is in order under the 1974 Trade Act simply because more than 30 days have expired since I introduced it on June 7, 1999. And to date, the resolution has not been reported by the Finance Committee. I am sure it is not being reported because, respectfully, the chairman disagrees with me on this. He has every right to not report it, and I respect that. But I also have the right to discharge it.

What is S.J. Res. 128 in layman's terms, and why do I want my colleagues on both sides to allow this bill to be discharged and placed on the Senate calendar? It is a fair question and I want to answer directly.

Under section 402 of the Trade Act of 1974, Communist countries—in this case the Socialist Republic of Vietnam—are not eligible to participate, either directly or indirectly, in U.S. Government programs that extend credit or investment guarantees if the country denies its citizens the right or opportunity to emigrate, if it denies its citizens the right to emigrate, if it imposes more than a nominal tax on emigration and visa papers, and more than a nominal tax, levies a fine, fee, or other charge on any citizen as a consequence of that citizen's desire to emigrate or leave their country. In other words, if a citizen is taxed to leave, or denied the right to leave, then this is what the Trade Act is all about.

Simply put—and this would not surprise many colleagues, I hope—Vietnam severely restricts the rights of its citizens to have the opportunity to emigrate. It has done so since the fall of Saigon, and it continues to do so. Corruption and bribery by Vietnamese officials is rampant with respect to those desperately trying to get out through the application process. Many of these people bring their life savings, some of them borrowing money to get out, and then after the money is confiscated they are still denied.

That is why Vietnam has historically not been eligible to take advantage of American taxpayer-funded programs which subsidize business deals between American companies and the Communist Government agencies in Hanoi; that is, until last year. It is very important.

When President Clinton decided to use the section of this same Trade Act of 1974 which allows him to grant a waiver of Jackson-Vanik, the freedom of immigration requirement, if he determines that such a waiver will ''substantially promote the objections of this section,'' which, as I said, is to ensure that countries do not impose more than a nominal tax fee or fee to immigrate and they don't hinder the human rights—if the President determines that there are no human rights violations, or no fees beyond nominal fees to get out processing, then we grant this waiver.

But the question is: Is that true? I don't think it is.

I would like to have the opportunity—which is all I am asking for in this discharge motion—to prove that on the floor of the Senate. I know there are 20 hours equally divided. I don't need 10 hours, but I would like to have a little time to prove it. I hope my colleagues will respect me on that.

The President cannot use the waiver unless he has received assurances that the immigration practices of that country will henceforth lead substantially to the achievement of the objectives I just outlined before, such as stopping bribery and corruption by Communist officials. But the President's use of this waiver authority with regard to Vietnam has been in effect now for a little over a year.

My colleagues should understand that we now have the opportunity to go back and look over the past several months and make an informed judgment about whether the President's waiver of the freedom of immigration requirement during this period has actually resulted in ''substantial promotion'' in Vietnam's human rights records on immigration matters.

If you believe it has, then you should not be afraid to come to the floor and debate me on it whenever the leader

decides to bring it here. You will have the opportunity to vote against a disapproval resolution I have introduced with Senator HELMS to nullify the President's waiver. But why would you? Why would you be afraid to stand up and defend it? If you think that everything is fine and that all of these policies have not been violated, then come to the Senate floor and debate me, and we will see who wins on that point.

If you think President Clinton should not abuse this waiver based on Vietnam's performance, if you think President Clinton should have instead insisted that Vietnam actually comply with the freedom of immigration standards, then you would vote for this discharge. You would vote for S.J. Res. 28, and ultimately you would vote against granting the waiver.

However—this is important—in order to have the debate on the resolution, in order to carry out our constitutional duty under article I, section 8, to regulate trade matters with foreign nations, we need to discharge the bill and bring it to the floor.

I want to point out, because sometimes we forget we took an oath to the Constitution of the United States, it says in article I, section 8, that ''Congress shall have Power to . . . regulate Commerce with Foreign Nations . . .'' It is pretty clear.

If there is some difference of opinion as to a particular law regarding commerce with foreign nations, then we ought to have the opportunity to debate it on the floor. That is all I am asking in this resolution. It is that simple. As I said in my ''Dear Colleague,'' whether you support or whether you oppose the actual underlying resolution, you should at least be willing to support having a debate on the measure.

That is all I am asking: Could we have a debate on it, instead of leaving the bill bottled up in the Finance Committee where it automatically becomes effective. Come down, make your arguments, and allow me to make mine. That is what the American people expect us to do. Then we will have a vote after a few hours of debate.

I have studied it. People say there are so many other important things. I am not too sure about that. In the case of Vietnam, we still have MIA matters unresolved. We have foreign businesses that are going to make huge profits if we allow all of these things to go on. We have Vietnamese citizens in this country who escaped and who have had a lot of their earnings confiscated. They sent them over there to try to get their families out. What happened? The Vietnamese Government confiscated the money, and then they did not let the family members out.

I have been going over this a lot over the past several months. I have heard from countless Vietnamese Americans all across this country in all 50 of our States. They have family members and friends in Vietnam, many of whom fought alongside the United States during the Vietnam war. I want to tell you their stories. I want to share the stories of these people who have tried so hard to get their loved ones out after they themselves have been able to escape. But I can't do it in half an hour. I can't do it in 30 minutes. I need the time to do it so we can make an intelligent decision on this waiver that the President has granted.

Every Member of the Senate needs to hear these accounts of persecution and corruption that many Vietnamese continue to experience at the hands of Communist Government officials throughout that nation. Some of them have been forced to pay bribes into the thousands of dollars, and even after they paid the bribes, they have been denied the right to emigrate. I want to tell you those stories.

I have also heard from our staff who are assisting refugees in Southeast Asia who are trying to help these Vietnamese. I want to share with you all of what they have been telling me. But I am not going to be able to get into any serious level of detail on these matters if 51 of my colleagues prevent me from debating this on the Senate floor.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. SMITH of New Hampshire. I thank the Chair.

Let me say up front that I am a Vietnam veteran who feels very strongly about this issue. Some of my colleagues neglect to mention that when they are talking about Vietnam veterans. But I am one in the Senate. However, there are others, such as the junior Senator from Massachusetts, who is here today, and the senior Senator from Arizona, who disagree with me. That is fine. I asked them, and the four other Vietnam vets in the Senate—indeed, every Member in the Senate—not to duck the debate, to come down and debate me, to have a good debate, and then let the Senate decide based on what they hear. But let's not bottle this up in the Senate Finance Committee. Vote to let this debate take place. Come down and participate. I look forward to debating you. It is going to take a little bit of the Senate's time. It is worth it. It is the taxpayers' money that is being used. People's lives are being affected. Good American citizens, who have family members in Vietnam, have a right to have this heard on the Senate floor.

I am not asking people to vote with me on the underlying resolution. I am just asking people to give me a chance to debate it and make a decision. It might take an afternoon. It might take an evening. I am certainly not going to use 10 hours, but I am prepared to do this in detail at whatever time the majority leader says so. I think we owe the American people that. I think it is wrong to prevent this debate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Senator from Montana.

Mr. President, I rise to oppose the effort of the Senator from New Hampshire whose efforts on this are long and untiring. I respect his commitment to the opposing point of view, but I disagree with him, as I know a number of my colleagues do.

I agree with the procedural arguments that the distinguished chairman of the Finance Committee has made. On the merits of the issue, I strongly support the President's decision to renew the waiver of the Jackson-Vanik amendment for Vietnam. There is no question that overturning that waiver would have serious consequences—negative consequences—for our bilateral relations with Vietnam and for our larger interests in the region.

The United States has very important interests, as we know. One is for obtaining the fullest possible accounting of American servicemen missing from the war. That still remains the first priority of our relationship. But in addition to that, we have interests in promoting freedom of immigration, promoting human rights and freedoms, and encouraging Vietnam to maintain its course of economic reform and to open its markets to American and to other companies.

We also have important political and strategic interests in promoting the stability of the often volatile region of Southeast Asia, as well as in balancing some of the interests of China in the region, and clearly our relationship with Vietnam is important in that effort. These interests, in my judgment, dictate that we should maintain a very active presence and a very effective working relationship with all of the countries in the region, including Vietnam.

The real question to be asked is, How do you promote the most effective relationship in the region, and with Vietnam? It is, in my judgment, not by denying Vietnam trade and other benefits of interaction with the United States, nor do we do it by engaging them in an incremental process of building an effective and mutually beneficial policy of engagement.

Some of us have been engaged in this issue for a long time in the Senate. I have been involved in it for the 15 years I have been here.

As the former chairman of the POW/MIA committee that set up the policy whereby we began to get some answers to the questions regarding our missing servicepeople, let me just say that there is one clear fact that is irrefutable. For 20 years we denied a relationship. For 20 years we didn't engage. For 20 years we refused to build the kind of cooperative effort in which we are currently engaged. For those 20 years after the war, we didn't get any

answers at all regarding our missing. The fact is that it was under President Reagan and President Bush that we began a process of engagement. President Bush and General Scowcroft moved us carefully down that road, and President Clinton has continued that policy of eliciting from the Vietnamese the kind of cooperation that has provided the answers to many families in this country about their loved ones who are missing in Vietnam.

I have recounted that progress many times in this Chamber. I don't intend to go through it again now, in the interest of time. Let me just emphasis one very important point.

Last year, those who opposed the waiver of the Jackson-Vanik amendment suggested as one of the arguments for opposing it that POW/MIA accounting was going to stop or it would decrease. In fact, the opposite is true. Their predictions of dire impact last year have proven wrong, just as the predictions that, by being more hard-line and not involving ourselves with them, we would get answers have proven wrong.

The Vietnamese have continued to conduct bilateral and unilateral investigations and document searches and to cooperate in the trilateral investigations. Leads that might help resolve outstanding discrepancy cases continue to be investigated by the Vietnamese and the American teams. In fact, the waiver of the Jackson-Vanik amendment last year served as an incentive for continued progress on immigration. As a result, the processing of our applicants under the orderly departure program and the ROVR program have continued to the point that we are extraordinarily satisfied.

Although progress in the area of human rights is not everything we want it to be, even liberalization has continued over the last year, as evidenced by increased participation in religious activities, Vietnamese access to the Internet, 60 strikes by workers, including strikes against state-owned enterprises, as well as the release of 24 prisoners of conscience.

If we overturn the Jackson-Vanik waiver, in my judgment and in the judgment of Senator MCCAIN, Senator BOB KERREY, Senator CHUCK ROBB, and Senator HAGEL, and others who have served, we run the risk of setting back progress on these issues as well as negating the current extraordinary progress on the bilateral trade agreement, which I believe is extraordinarily close to being signed.

Our step-by-step approach to normalizing relations is working, and it is in keeping with the many interests of our Government that I have expressed. I believe we should stay the course and therefore oppose the efforts of the Senator from New Hampshire.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I rise to urge my colleagues to vote against the motion to discharge the Committee on Finance from further consideration of the resolution disapproving the extension of the Jackson-Vanik waiver for Vietnam.

The chairman of the Committee on Finance, Senator ROTH, has explained why this is a premature and unnecessary motion because the underlying resolution is privileged, and if the House passes either resolution, then the full Senate would be required to take up the resolution. It is expected that the full House will vote on the measure soon. So let's keep our attention on the very important and timely legislation currently being considered by the Senate.

But I also want to stress that even if this were the right time to consider the Jackson-Vanik waiver, the Senate should not adopt a resolution of disapproval. Although it is often forgotten in the debate over normal trade relations, the Jackson-Vanik waiver's chief objective is promoting freedom of emigration.

The President extended Vietnam's Jackson-Vanik waiver because he determined that doing so would substantially promote greater freedom of emigration in the future in Vietnam. I support this determination because of Vietnam's record of progress on emigration and on Vietnam's continued and intensified cooperation on U.S. refugee programs.

According to testimony by the U.S. Ambassador to Vietnam, Pete Peterson, Vietnam's emigration policy has opened considerably in the last decade and a half. As a consequence, over 500,000 Vietnamese have emigrated as refugees or immigrants to the United States under the Orderly Departure Program, and only a small number of refugee applications remain.

So on the merits, the waiver is justified. But I also believe that since it was first granted in March 1998, the Jackson-Vanik waiver has been an essential component of our policy of engagement and has directly furthered progress with Vietnam on furthering U.S. policy goals. Goals which include, first and foremost, accounting for the missing from the Vietnam war—our MIAs, promoting regional stability, improving respect for human rights, and opening markets for U.S. business.

I support the President's decision because I continue to believe, and the evidence supports, that increased access to Vietnam leads to increase progress on the accounting issue.

Resolvin the fate of our MIAs has been, and will remain, the highest priority for our government. This nation owes that to the men and the families of the men that made the ultimate sacrifice for their country and for freedom.

In pursuit of that goal, I have traveled to Vietnam three times and I held over 40 hours of hearings on the issue in 1986 as chairman of the Veterans' Committee. The comparison between the situation in 1986 and today is dramatic.

In 1986, I was appalled to learn that we had no first hand information about the fate of POW/MIAs because we had no access to the Vietnamese government or to its military archives or prisons. We could not travel to crash sites. We had no opportunity to interview Vietnamese individuals or officials.

In 1993, opponents of ending our isolationist policy argued that lifting the trade embargo would mean an end to Vietnamese cooperation. This is distinctly not the case. American Joint Task Force—Full Accounting (JTF–FA) personnel located in Hanoi have access to Vietnam's government and to its military archives and prisons. They freely travel to crash sites and interview Vietnamese citizens and officials.

During the post-embargo period, the Vietnam Government cooperated on other issues as well, including resolving millions of dollars in diplomatic property and private claims of Americans who lost property at the end of the war.

The Jackson-Vanik waiver has helped the U.S. government influence Vietnam's progress toward an open, market-oriented economy. It has also benefited U.S. companies by making available a number of U.S. Government trade promotion and investment support programs that enhance their ability to compete in this potentially important market. And I hope that soon our trade negotiators will be able to complete a sound, commercially viable trade agreement with Vietnam that will further expand market opportunities for American companies.

Before I close, let me urge my colleagues who may be unsure about their vote to consult with the U.S. Ambassador to Vietnam, Pete Peterson. Ambassador Peterson, a Vietnam veteran who himself was a prisoner of war, and who also served in the House of Representatives, has been a tireless advocate of U.S. interests in Vietnam. With his background and experience, his counsel should be trusted.

I urge my colleagues to vote against the motion to discharge.

Mr. HAGEL. Mr. President, I associate myself with the remarks of my friend and colleague, the distinguished Senator from Massachusetts. I oppose this motion to discharge S.J. Res. 28 from the Finance Committee. I oppose this for both procedural and substantive reasons.

Under the Constitution, the House of Representatives must initiate all tax, trade, and revenue measures. The Senate has always deferred to the House to take first action on Jackson-Vanik waivers because they are tax-and-trade measures.

On July 1, the House Ways and Means Committee voted out the House version of this resolution with a negative recommendation. The House will soon take up that resolution. I expect the full House to repeat its vote of last year and defeat that resolution.

Last year, the House defeated 260 to 163 a resolution to disapprove the

President's Jackson-Vanik waiver for Vietnam. If the House should pass either the China or Vietnam resolution, the Senate would then take up that resolution. The motions to discharge the Finance Committee of these two resolutions are inappropriate and premature.

The comments made by the distinguished Senator from Massachusetts, in my opinion, capture the essence of this issue. Vietnam is still an authoritarian government. Much progress yet needs to be made. But it is the opinion of many of us that the best way to encourage that progress and to lead that progress is to engage. That means open not just dialog, but opportunities. History has been rather clear that commerce is the one bridge, the one vehicle that has done the most over the hundreds and thousands of years of human history to accomplish these issues we still must deal with—human rights issues, immigration issues and, certainly, as the Senator from Massachusetts opened his speech, the MIA issue.

There is not a Senator in this body, certainly none of us who served in Vietnam, who does not take that as a serious responsibility. I think this approach is a mistaken approach but well-intended. I salute my friend and colleague from New Hampshire for his efforts, but I believe it is taking us down the wrong path.

I am proud to stand with Ambassador Pete Peterson and the other five Vietnam veterans in the Senate to support the Jackson-Vanik waiver for Vietnam. The other Senate Vietnam veterans are: Senators MCCAIN, JOHN KERRY, BOB KERREY, ROBB, and CLELAND.

Is Vietnam a Jeffersonian Democracy and a full market economy? Of course not. But Vietnam has made progress. We should nurture that progress, not turn back the clock.

It is ironic that we would undermine our modest trade relationship with Vietnam at this time. Ambassador Barshefsky is in the final stages of negotiating a trade agreement that would substantially open Vietnam's market. We should support her efforts to open Vietnam's markets and promote economic reform.

The Jackson-Vanik waiver for Vietnam primarily benefits Americans, not Vietnamese. It allows the U.S. Export-Import Bank and the Overseas Private Investment Corporation to support American exports and jobs.

This is not about normal trading relations or expanding access to the U.S. market. We not yet provide NTR status to Vietnam, although Vietnam provides NTR status to the United States.

We can only have normal trading relations with Vietnam if we conclude an agreement that would increase U.S. access to the Vietnamese market. That would be the time to debate whether it serves our Nation's interest to have normal trade relations with Vietnam.

The Jackson-Vanik amendment was all about trying to apply leverage on the Soviet Union in the 1970s to increase Jewish emigration. The Soviet Union no longer exists. But it was written into permanent law to affect all ''non-market economies,'' including Vietnam.

Is Vietnam perfect? No, far from it. But look how far Vietnam has come and U.S.-Vietnam relations have come in five short years:

Before 1994, the U.S. and Vietnam had no political or economic relations;

In January 1994, JOHN MCCAIN and JOHN KERRY offered an amendment calling for and end to the U.S. economic embargo on Vietnam;

In February 1994, President Clinton followed the lead of the Senate and ended the U.S. trade embargo;

In July 1995, the President granted diplomatic recognition to Vietnam;

In April 1997, the Senate confirmed our first Ambassador to Vietnam, Pete Peterson; and

In March 1998, the President waived the Jackson-Vanik law and permitted our trade promotion agencies to operate in Vietnam. This has always been the first step to full compliance with the law, the negotiation of a trade agreement, and the establishment of normal trading relations.

The Senator from New Hampshire honestly believes that turning back the clock of the last five years is a better policy than engagement. I respect the Senator's views, but believe that his position is simply wrong.

I will not engage in the debate on whether emigration from Vietnam is totally free. Vietnam itself is not totally free. Far from it. But there has been tremendous improvement.

In fiscal year 1998, 9,742 Vietnamese were granted immigrant visas to the United States under the ''Orderly Departure Program.'' The State Department expects that number to rise to 25,000 this year and 30,000 next year.

In the last 15 years, 500,000 Vietnamese have immigrated to the United States, and very few refugees remain to be processed. As a result of the first Jackson-Vanik waiver granted last year, Vietnam's cooperation on immigration matters has intensified.

The State Department expects that processing will be completed for all special caseloads, including the Orderly Departure Program [ODP] and the Resettlement Opportunity for Vietnamese Returnees [ROVR] programs.

Again, we must consider how to encourage Vietnam to do even more to open up its society, its economy and its political system. Do we encourage openness through isolation? No, we spread American values through economic, cultural and political contact between our two peoples.

I urge defeat of this motion, and I yield back the remainder of my time. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I say to my colleague from Nebraska, with respect, if there is information and evidence which indicates that Vietnam or China—but, in this case, Vietnam—was not following the spirit and intent of Jackson-Vanik, why does my colleague oppose the opportunity to have me present that information to the Senate? We may respectfully disagree after looking at all the information, but it seems to me a reasonable request on my part to discharge this. To not discharge it, I say to my colleagues, bottles it up, does not give us the opportunity to debate it, does not give me the opportunity to present to my colleagues information I have that will show dramatically that that is not the case.

I only have, at the most, 15 minutes, so let me do it as quickly as I can with the facts at my disposal. I regret very much I am not going to get the opportunity, unless my colleagues support me on this.

This is a memorandum from the Joint Voluntary Agency that runs the Orderly Departure Program in Bangkok, July 14, 1999:

REQUEST FOR REFUGEE STATISTICS AND ASSESSMENT OF ODP CASES

Corruption and Bribery by the Vietnamese Government: Although ODP has no formal statistics . . . over the years we have received and continue to receive communications from ODP applicants that point to consistent and continuing cases of bribery, extortion and other kinds of malpractice. . . .

Re-education Camp Detainee Caseload: At the present rate of granting interview permission, we do not expect Re-education Camp Detainee Caseload to be completed by the end of [the] Fiscal Year. . . .

Contact With the Montagnards: Prior to March, 1998, people from this ethnic group experienced tremendous difficulties communicating with ODP . . . Since March, 1998, contact with the Montagnards has continued to be limited. The Socialist Republic of Vietnam has made it clear they do not want ODP to contact applicants directly. . . .

I do not have the time to get into this. I want to take the time. Please give me that opportunity. This is the Joint Voluntary Agency that runs the Orderly Departure Program in Bangkok. They do not have an ax to grind with anybody. They are trying to do their job. My colleagues are not going to give me the time, if you defeat my motion to discharge, to bring this information to the forefront.

Let's look at another one. This is a memorandum from the Joint Voluntary Agency, Orderly Departure Program, American Embassy, Bangkok, July 14, 1999:

REQUEST FOR REFUGEE STATISTICS AND ASSESSMENT OF ODP CASES

The Socialist Republic of Vietnam has frequently determined applicants did not meet ODP criteria, despite our confirmation that they did; many applicants are still awaiting interview authorization . . . As of July 9th, there are 3,432 ODP refugee applicants and 747 ROVR applicants awaiting Vietnamese Government authorization for interview . . . ODP has continually received requests from applicants for assistance in dealing with local officials; many applicants originally applied to ODP as long ago as 1988 but have yet to be given authorization by the Vietnamese Government to attend an interview.

Impact of Jackson-Vanik Waiver: It would not appear that Jackson-Vanik had a telling impact on ODP activities . . . Staff [of the Joint Voluntary Agency] are of the opinion that there has been little, if any, indication of improvement in the Vietnamese Government's efforts to deal with remaining ODP cases.

If given the opportunity, I will present to you that evidence. I do not have time in another 5 or 6 minutes.

This is from the State Department, Dewey Pendergrass, most recent Orderly Departure director and current director of Consular Services in Saigon, November 24, 1998. Listen to what the State Department is saying. Because they support MFN with China, because they are not paying any attention to ODP, they do not care about these people who are trying to desperately get their loved ones out and paying exorbitant fines and fees and still cannot get them out. Listen to what he says and then tell me you do not want to give me opportunity to debate this:

Generally speaking, I would discourage any dialogue with the U.S. Catholic Conference or the International Catholic Migration Commission, or any of the other refugee advocacy organizations, on Vietnamese refugee processing . . . You are dealing here with true believers.

My God, true believers. They want to get these people out. They are trying to get them out of Vietnam. They are trying to stop the persecution so they are labeled ''true believers.'' What is wrong with that? This is a State Department official. This is a memo we are not supposed to have:

I would not try to explain why we are doing what we are doing. From long and unhappy experience, I can assure you that you do not want to get mired in a ''dialogue'' with these guys . . .

Of course not; if you get mired in a dialog, you will find out the truth. God forbid we find out the truth. Let's sweep it all under the rug. Let's make sure we get most-favored-nation treatment for this communist dictator group that tramples on the human rights of its own people, refuses to give us answers still on our missing service personnel, and we are going to sweep this under the rug.

Dewey Pendergrass from the State Department says this. Let's finish it:

As I said, these are true believers, and they are fighting at this very moment to expand refugee processing as we near the completion of the residual caseload . . . I'm sounding paranoid here, right? Believe me, I know whereof I speak . . . I really am not exaggerating. Again, I recommend that you do not meet with them, not explain, not apologize, regardless of any professional courtesy you may think is due. Just send the polite acknowledgment.

The State Department, which is there to help these people, is making those kinds of comments. It is an absolute insult, and the man should be fired on the spot.

To: Joint Voluntary Agency.

From: Orderly Departure Program, Bangkok.

Subject: JVA Failure to Destroy Denied Ameriasian Files Over Two Years Old as Instructed by Department of State.

So now we are going to destroy files to make darn sure that if they have any opportunity to get out, they will not be able to get out. Ameriasians are children of American servicemen and Vietnamese women:

The Department has asked me to determine the reason for JVA's failure to destroy the old files on Ameriasian cases denied over two years ago as instructed. I note that JVA has been instructed in writing to perform this task several times—

To destroy these files.

I am hoping that you will be able to provide me with a satisfactory reason why these specific directions have not been carried out.

He is chewing somebody out because they did not destroy these files on people who are desperately trying to make contact with their fathers, their loved ones.

The goal of these reports is simple: to tell the truth about human rights conditions . . . These reports form the heart of United States human rights policy, for they provide the official human rights information based upon which policy judgments are made. They are designed to provide all three branches of the Federal Government with an authoritative factual basis for making decisions . . .

Testimony before Congress.

The 1998 country Reports on Human Rights Practices: Vietnam. Released February 26, 1999, by the U.S. State Department:

The Socialist Republic of Vietnam is a one-party state rule and controlled by the Vietnamese Communist Party. The Government's human rights record remains poor.

Poor, yet it is supposed to be good—it is not excellent —to have a waiver.

There were credible reports that security officials beat detainees. Prison conditions remain harsh. The Government arbitrarily arrested and detained citizens. . . .

I say to my colleagues, give me the opportunity to get into the details on this before we vote. All I am asking is to discharge this so I can get on the floor and get into the details of these kinds of abuses.

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

The PRESIDING OFFICER. Six minutes, 25 seconds.

Mr. SMITH of New Hampshire. In the same report:

Citizens' access to exit permits frequently was constrained by factors outside the law such as bribery and corruption. Refugee and immigrant visa applicants to the Orderly Departure Program sometimes encountered local officials who arbitrarily delayed or denied exit permits. . .There are some concerns that some members of the minority ethnic groups, particularly nonethnic Vietnamese, such as the Montagnards, may not have ready access to these programs. The Government denied exit permits for emigration to certain Montagnard applicants.

And on and on:

Vietnam's Politburo has issued its first-ever directive on religion, in an apparent bid to tighten Communist Party control over the clergy and over the places of worship. Although no religions are mentioned by name, the directive, published in the official Nhan Dan daily, targets the unofficial Buddhist Church and the Catholic Church.

Unofficial. Interesting.

Banned practices include organizing meetings, printing and circulating bibles, constructing and renovating places of worship. . .The Communist Party strictly controls all religious matters in Vietnam and many members of the Buddhist Church and the Catholic Church are presently in detention or under house arrest.

French Press Agency of Hanoi, July 8, 1998.

I say to my colleagues, we need to expose this. Why would you deny me the opportunity to bring this matter to the floor? I urge you, please give me the opportunity to get into these matters in the time allocated under the rules. Yes, it is 20 hours equally divided, 10 hours each. Will I use 10 hours? Absolutely not; a couple hours probably would do it.

If my colleagues are not familiar with these issues, it will open their eyes. I have very specific details about what is happening to these people. If Senators oppose me and they do not believe it, then come down here and present the alternative information for my colleagues and let our colleagues make the choice. But give me the opportunity by supporting me on this discharge. Do not let it stay bottled up.

That is the rule, and I respect the rule. The rule is, it stays there. If the Finance Committee does not discharge it, it goes away. I know that. That is why I am trying to discharge it. It goes away in the sense that the Jackson-Vanik waiver is granted because the burden is on us to prove otherwise. I want that opportunity, but I cannot get it if you leave it buried in the Finance Committee and do not discharge it. That is not a full debate.

Help me look at the issue. The bill needs to be put on the Senate calendar so we can have debate. I repeat, if my colleagues missed it, I am not trying to take the Senate's time. If there is something else the leaders want out here, that is fine. I will work out something with the leaders where we can do 20 hours equally divided at any time the leader thinks it is appropriate.

Also, when we delegate waiver powers to the President—let me go back to the Constitution of the United States, article I, section 8—we lose our constitutional prerogative. We have the right to debate this. Do not give up our constitutional prerogative to debate it. Do not be afraid to come out on the floor and challenge me on what I have to offer. I welcome it. I look forward to it.

I hope no one will come down here and say: Let's have the House kill this first so we do not have to be accountable to the voters. That is basically the pitch being made by my friend, the chairman of the Finance Committee: Let's have the House kill the bill first, and then there will not be any need for us to debate it at all.

Vote for the discharge motion. Let's get on with the debate, under the time agreement we will be bound by, and then the Senate can make an informed

judgment and go on record in favor or in opposition as to whether President Clinton's waiver of freedom of emigration requirements, in the context of our trading with Vietnam, is appropriate or not. That is all I am asking.

I pray this body will not put the concerns about business profits or most favored nation over principle. Support the discharge motion. Give me the opportunity to make these cases.

I ask unanimous consent to have printed in the RECORD a letter from John Sommer of The American Legion written to Congressman Philip Crane, the chairman of the Subcommittee on Trade, Committee on Ways and Means, in support of discharge.

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

THE AMERICAN LEGION,
Washington, DC, June 22, 1999.

HON. PHILLIP M. CRANE,
Chairman, Subcommittee on Trade, Committee on Ways and Means, House of Representatives, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: It is unacceptable to The American Legion for the United States to put business concerns over the fate of Vietnamese citizens who fought alongside us during the Vietnam war, and who have sacrificed so much for so long and are still unable to freely emigrate to this country.

The American Legion recognizes that the U.S. business community is concerned with maintaining and strengthening economic ties in Vietnam, but we cannot let these commercial interests take precedence over the destiny of our former allies who assisted us and are still loyal to our cause. The retention of the Jackson-Vanik waiver can be a powerful sign to show that we honor our commitments to human rights.

Obstacles continue to exist on the road to free emigration for Vietnamese who want to come to the United States and other countries in the free world. Ethnic groups that were allied with the Americans during the war, namely the Montagnards, and former employees of the U.S. government are still discriminated against by the Vietnamese government when applying and processing through the Resettlement Opportunities for Vietnam Returnees program (ROVR), the Orderly Departure Program (ODP), and others.

What better way to show that we truly are committed to allowing those Vietnamese who have remained faithful to the United States to emigrate than by denying U.S. exporters to Vietnam access to U.S. Government credits. This would be a powerful signal that we demand increased progress and cooperation on the part of the Vietnamese government.

The American Legion strongly urges you and sub-committee members to not grant the Jackson-Vanik waiver for this year.

JOHN F. SOMMER JR.,
Executive Director.

Mr. SMITH of New Hampshire. Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 5 minutes to the distinguished Senator from Arizona.

Mr. MCCAIN. I thank the Senator from Montana for yielding me time.

Mr. President, just a few facts. We process 96 percent of the ROVR applications. Last year we processed only 78 percent. The Jackson-Vanik waiver is working. Almost 16,000 applicants have been granted admission to the United States. Today there are only 79 outstanding ROVR cases. Last year there were 1,353 outstanding cases.

Mr. President, I oppose this motion to discharge from the Senate Finance Committee. It disapproves the extension of the Jackson-Vanik waiver for Vietnam. I do so because I believe the House should properly act first on a measure of this nature, because the committee should be afforded the opportunity to render judgment on Senator SMITH's resolution before it is taken up by the full Senate, and because Vietnam's Jackson-Vanik waiver, like China's normal trade relation status, is too important to fall victim to the political currents buffeting the Senate at this time.

As we all know, procedurally, the Senate has traditionally reserved consideration of Jackson-Vanik waivers and the granting of normal trade relation status until after the House has acted. As my colleagues know, the House Ways and Means Committee has unfavorably reported the House resolutions of disapproval for both Vietnam's Jackson-Vanik waiver and China's normal trade relation status. These measures are scheduled for floor action in the House. The Senate should not rush to judgment on either of these measures until the House has voted on them. Indeed, the Senate has over 40 remaining days under the statutory deadline for action on the waiver.

Substantively, the Jackson-Vanik amendment exists to promote freedom of emigration from non-democratic countries. The law calls for a waiver if it would enhance opportunities to emigrate freely. Opportunities for emigration from Vietnam have clearly increased since the President first waived the Jackson-Vanik amendment in 1998. The waiver has encouraged measurable Vietnamese cooperation in processing applications for emigration under the Orderly Departure Program and the Resettlement Opportunity for Vietnamese Returnees agreement, ROVR.

The Jackson-Vanik waiver has also allowed the Overseas Private Investment Corporation, the Export-Import Bank, and the Department of Agriculture to support American businesses in Vietnam. Withdrawing OPIC, EXIM, and USDA guarantees would hurt U.S. businesses and slow progress on economic normalization. It would reinforce the position of hard-liners in Hanoi who believe Vietnam's opening to the West has proceeded too rapidly.

Let me assure my colleagues that I harbor no illusions about the human rights situation in Vietnam. There is clearly room for improvement. The question is how best to advance both the cause of human rights and U.S. economic and security interests. The answer lies in the continued expansion of U.S. relations with Vietnam.

Although the Jackson-Vanik waiver does not relate to our POW/MIA accounting efforts, Vietnam-related legislation often serves as a referendum on broader U.S.-Vietnam relations, in which accounting for our missing personnel is the United States' first priority. Thirty-three Joint Field Activities conducted by the Department of Defense over the past 6 years, and the consequent repatriation of 266 sets of remains of American military personnel during that period, attest to the ongoing cooperation between Vietnamese and American officials in our efforts to account for our missing servicemen. I am confident that such progress will continue.

It really does not serve much of a purpose for us to have divided opinion on the degree of Vietnam cooperation. We should rely on the opinion of the U.S. military who are there on the ground in Vietnam doing the job. Invariably, they will attest to the cooperation, despite perhaps the hopes of others. They will attest that the fact is the Vietnamese are providing full cooperation as far as resolution of the Vietnamese POW/MIA issues. Again, do not take my word for it; take the word of the American military who are on the ground doing the job.

Just as the naysayers who insisted that Vietnamese cooperation on POW/MIA issues would cease altogether when we normalized relations with Vietnam were proven wrong, so have those who insisted that Vietnam would cease cooperation on emigration issues once we waived Jackson-Vanik been proven wrong by the course of events since the original waiver was issued in March 1998.

The Jackson-Vanik amendment was designed to link U.S. trade to the emigration policies of communist countries, primarily the Soviet Union. The end of the Cold War fundamentally restructured global economic and security arrangements. As the recent expansion of NATO demonstrated, old enemies have become new friends. Moreover, meaningful economic and political reform can only occur in Vietnam if the United States remains engaged there.

Last year, I initiated a Dear Colleague letter to Members of the House of Representatives, signed by every Vietnam veteran in the Senate, except Senator SMITH, who has opposed every step in the gradual process of normalizing—I ask for 1 additional minute.

Mr. BAUCUS. I yield 1 minute to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Dear Colleague letter to Members of the House of Representatives was signed by every Vietnam veteran in the Senate except Senator SMITH, who has opposed every step in the gradual process of normalizing our relations with Vietnam over the years.

There are those in Congress, including Senator SMITH, who remain opposed to the extension of Vietnam's Jackson-Vanik waiver. But they do not include any other U.S. Senator who

served in Vietnam and who, as a consequence, might be understandably skeptical of closer U.S.-Vietnam relations.

That body of opinion reminds us that, whatever one may think of the character of the Vietnamese regime, such considerations should not obscure our clear humanitarian interest in promoting freedom of emigration from Vietnam. The Jackson-Vanik waiver serves that interest. Consequently, I urge my colleagues to oppose Senator SMITH's extraordinary motion to discharge consideration of his resolution from the Finance Committee.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the motion made by the Senator from New Hampshire to discharge S.J. Res. 27, which would disapprove of the President's recommendation of normal trade relations with China, from further consideration by the Committee on Finance.

My opposition to this motion is based both on procedural grounds as well as my opposition to the policy goals advocated by the proponents of this motion.

Aside from these procedural questions raised by this motion —whether the Senate should act in advance of the House and whether the committee should be discharged of this resolution before it has the opportunity to give it full consideration—which have been eloquently addressed by the chairman and ranking member of the Finance Committee, there is also a real factual question raised by this motion which must also be addressed.

The factual question is this: Is it in the U.S. interest to continue to extend normal trade relations to China?

In my view it is.

The United States extends NTR to all but a handful of rouge states: North Korea, Afghanistan, Cuba, Laos, and the Former Republic of Yugoslavia (Serbia and Montenegro). Even Iraq and Iran—two countries which the United States is trying to isolate—currently have NTR. Placing China on a short list or rouge nations to whom we deny NTR would be an irreversible step in the wrong direction and a severe blow to the national interest of the United States.

Let us remember, we do not extend NTR to China as a favor to China, but because maintenance of NTR with China is in our national interest.

It is in our national interest as a matter of simple economics. The United States benefits from, and should continue to foster, free and fair trade with China.

In 1991, United States-China bilateral trade totaled $25 billion. Last year it was close to $85 billion. In 1991 China was our eighth largest trading partner. Today it is our fourth, and still moving up fast.U.S. trade with China supports hundreds of thousands of American jobs. Revoking China's NTR status would be shooting ourselves in the foot.

Indeed, for my state, California, the growth of trade relations with China over the past decade has been just as dramatic. In 1998, exports to China and Hong Kong together were California's fourth largest export destination. In 1998, while California's total exports declined 4.17%, due to the Asian financial crisis, our exports to China (not including Hong Kong) increased 9.28%.

Critics of United States-China trade relations may argue that even though U.S. exports to China have more than doubled in the past decade, Chinese exports to the U.S. have gone up even faster, resulting in a sizable trade deficit. I would reply that this underscores the importance of normalizing and improving our trade with China through continued NTR: U.S. companies must get continued and better access to emerging Chinese markets.

Extension of NTR is in our national interest because the United States will benefit by the further integration of China into the world trading system. The stakes are huge. Extension of NTR is a necessary precursor for Chinese accession to the WTO, which presents us an historic opportunity to integrate China—soon to be the world's largest economy—into the international trading system.

Extension of NTR is in our national interest because having China in the world trading system levels the playing field. The WTO's system of reporting, compliance, and dispute resolution would require China to play by same rules all WTO members follow.

Extension of China's NTR status is in our national interest because history has shown us that, despite the turmoil of the past few months, U.S. trade and engagement with China has encouraged economic, political, and social change in China. These changes have improved the living standards for millions of Chinese and reduced cold-war tensions. Those who are serious about seeing China continue to change will understand and realize that extension of NTR is the best course of action for the U.S. to follow.

There is no question that China's political system remains undemocratic. But we should not fail to acknowledge the progress that has been made over the past two decades, thanks in part to the leverage provided by U.S. trade. To acknowledge this change is not to minimize the real problems that do exist; it is only to recognize that changes are taking place, and that many of these changes are a direct result of greater engagement with the West.

To seek to deny China NTR status is tantamount to seeking to slam shut the Chinese people's door to a free world, and consigning them to isolation and repression. That is certainly not in our national interest, and it is not in the interest of the Chinese people, either.

Mr. President, I urge my colleague to oppose this motion.

Mr. LEAHY. Mr. President, today I am voting in support of Senate Joint Resolution 27 which would disapprove normal trade relations treatment to products produced in the People's Republic of China. I do so not because I do not want to see normal trade relations with China. Rather, it is because I do not believe the Chinese Government deserves this treatment until it ceases its brutal repression of Tibetans and others who support democracy.

But there is a more specific concern I have about the fate of one individual, which has caused me to support this Resolution.

For over 3 years people from around the world and all walks of life have sought the release of and information about Mr. Ngawang Choephel, a Tibetan who studied ethnomusicology at Middlebury College in Vermont on a Fulbright Scholarship. On December 26, 1996, after detaining him incommunicado for months, Chinese authorities sentenced Mr. Choephel to 18 years in prison for espionage. His crime? Making a documentary film about Tibetan music and dance.

Since his arrest, Mr. Choephel's mother, Ms. Sonam Dekyi, has been actively seeking his release, as well as permission from the Chinese Government to travel to Tibet to visit her son. Although Ms. Dekyi has tried repeatedly to obtain a visa from the Chinese Embassy in New Delhi and written to the Chinese Prison Administration's Direct General about her request, Chinese authorities falsely deny knowledge of her request.

United States officials have raised Mr. Choephel with the Chinese Government at the highest levels. I have twice discussed my concerns with Chinese President Jiang Zemin, once in Beijing and again in Washington. I asked him to personally review Mr. Choephel's case. I and other Members of Congress have written many letters to Chinese officials on Mr. Choephel's and his mother's behalf. I have tried to discuss his case with Chinese authorities here in Washington, DC, as has my staff. What has been the response? Deliberate and utter disregard of my inquiries.

Mr. President, until the Chinese Government provides satisfactory answers to my questions about Mr. Choephel's whereabouts, his health, the reasons for his incarceration and the evidence against him, and permits his mother to visit him as she is entitled to, I cannot in good conscience vote for normal trade relations with China.

Mr. BAUCUS. How much time is remaining on each side?

The PRESIDING OFFICER. The Senator has 8 minutes 20 seconds.

Mr. BAUCUS. The other side?

The PRESIDING OFFICER. There is 1 minute 29 seconds remaining for the other side.

Mr. BAUCUS. I deeply appreciate the concerns of the Senator from New Hampshire. I think we all do. This is not an easy issue. But I think it is important to ask ourselves what is the best way, what is the most likely way, we Americans will properly help achieve the objectives we are looking for in Vietnam, and I daresay also with

China, because the China discharge resolution will be up before us at a later time today.

I oppose both of the motions to discharge. I daresay most of my colleagues will also oppose both of those motions. It is my judgment, and I think the judgment of most of us, that there are some differences between the United States and Vietnam and there are some differences between the United States and China. We know there are. But how do we best accomplish our objectives with these two countries?

I believe it is best to continue with the Jackson/Vanik waiver with Vietnam and what is called a ''normal trading relationship'' with China, which, essentially, is really less than average because the United States has trade agreements with many other countries which, in effect, provide for much better than average trading relations.

So we are really talking about the bare minimum standard for trading relationships. If we continue that standard for trade, that is, MFN or NTR, we will be more likely—working through other channels, and government to government or group to group—to accomplish the goals for which we are looking.

The world is changing. It is changing dramatically. Trade and commerce are so key, so vital. The more trade is encouraged among countries—particularly Vietnam and China—clearly, the more help we provide those countries in the form of government and judicial systems and enforcement systems that can be relied upon with predictability worldwide, not only for America but for other countries.

That is really the objective. There are certainly problems with Vietnam and with China. But we should deal with those issues on the levels in which they occur, whether it is China with human rights or nuclear proliferation or missile technology transfer or Taiwan or the accidental bombing of the Chinese Embassy in Belgrade. We should deal with those issues one at a time; that is, not deny minimal trade relationships with a country just because we have other considerations and other problems.

The Senator from New Hampshire says he does not have the time to present his case. The Senator from New Hampshire has lots of time to present his evidence in many different ways before the Senate. If he has a strong case, a compelling case, that would encourage the Senate to take another position, I encourage the Senator to give it. There is morning business. There are lots of opportunities for the Senator to provide the information he says he has.

I am not really sure he has much more than he already provided. I note that other Senators, on both sides of the aisle, Senators who have served in Vietnam—including Senator MCCAIN from Arizona and Senator KERRY from Massachusetts—as the Senate has heard, very strongly oppose this discharge motion. They believe that nontrade issues are more likely to be dealt with successfully along the path that has been taken already in the past.

Countries have interests. Vietnam has an interest in world affairs; China does; the United States does. We have to deal with this in a solid way. The phrase that is often used is ''engagement.'' I think engagement makes sense, but more importantly it should be ''engagement without illusions''; that is, we talk with countries, we negotiate with countries, we have to keep communicating with countries and looking for ways to find solutions. Engaging without illusions—without illusions that everything in that country is going along perfectly well. We have to be very realistic about things.

It is also important to remember at this time in the history of the world that with the United States so big and so powerful, it is beginning to cause some resentment worldwide. That is a new challenge facing America, how to deal with it, how to deal with that angst, how to deal with that concern that maybe we are too big, we are too inclusive, the English language pervades too much, the Internet uses the English language; American culture, McDonald's, and movies are too pervasive in countries; American military might is just too overwhelming, even by European standards; the concern that we might, since we did not lose a single life in Kosovo and won, that militarily we might deal with other areas in the same way.

There are lots of different concerns people have now, watching what America has done in the last several years. So we have to be careful. We have to be prudent. To deny something that is normal and expected, that is, a normal trade relation with China, would be unsettling and would cause many more problems than it is going to solve.

I fully understand the points of the Senator from New Hampshire, but often there are different ways to skin a cat. The cat we are trying to skin is the effective way, not the ineffective way. It is my judgment that the effective way is to continue the dialogue, continue the engagement, and continue the engagement without illusions but continue it nevertheless. I respectfully urge my colleagues to vote against the motion to discharge the petition.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. It is my understanding I have 1½ minutes.

The PRESIDING OFFICER. That is correct.

Mr. SMITH of New Hampshire. Mr. President, I say to my colleague from Montana, I know he understands, but he doesn't understand enough to let me have the opportunity to debate it. Under the rule of Jackson-Vanik, I have the right to have the 20 hours equally divided on the Senate floor. That is the time to do it so that it is not misdirected in morning business somewhere.

In response to Senator MCCAIN, yes, there are six out of seven Vietnam veterans in the Senate who support not debating this, who say the Jackson-Vanik waiver should be granted, but there are 3 million or so in the American Legion, at least represented by a letter from the American Legion, who think otherwise. I am not sure what the point is on that one.

We have to feel very confident the waiver has reduced bribery and corruption. Here is the law. It says to assure continued dedication to fundamental human rights, if these things happen, you should not grant the waiver. No. 1, does Vietnam deny its citizens the right to emigrate? Yes. I can prove it, but nobody wants to hear it. No. 2, does it impose more than a nominal tax on emigration and the other visas? Yes, and I have a stack of names of people, Vietnamese nationals, who have said yes.

The bottom line is, if the Senate won't give me the chance to debate it, then as far as I am concerned my colleagues do not want to hear the facts. I can't give them, as I said before, in 30 minutes.

I urge support of my resolution so that we have the opportunity to debate this on the Senate floor.

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

All time has expired.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 40 minutes, to be equally divided between the majority leader and the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Montana.

(The remarks of Senator BAUCUS pertaining to the introduction of S. 1395 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

THE CONSERVATION AND REINVESTMENT ACT OF 1999

Mr. LOTT. Mr. President, I am delighted to engage in a colloquy now that will involve a number of other Senators but particularly Senator LANDRIEU of Louisiana. I hesitate to even begin until she is present on the floor, but I presume she will be here momentarily.

In her absence, I will praise her for her work on this particular legislation, S. 25, the Conservation and Reinvestment Act of 1999. Her persistence, her willingness to work with all parties involved—I don't mean political parties; I mean those who are interested in this

type legislation—has made it possible for us to have this bill put together and have it before the Energy Committee and have not only the cosponsorship of her colleague from Louisiana but also of the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI. It has a broad spectrum of support, and I think a lot of the credit goes to the Senator from Louisiana, Ms. LANDRIEU.

I must say, it is a delicately balanced piece of legislation. If amendments start being added or changes start developing, then it could get out of control. And even though I am a cosponsor, I would have problems with that, even though clearly every piece of legislation can be improved as it goes forward.

I bring to the attention of my colleagues S. 25. The American public has an exciting opportunity for this Congress to enact landmark legislation that will make a long-term commitment to natural conservation initiatives. We have the opportunity to begin the next century with the same major commitment to conservation that the Nation had at the beginning of the century under the visionary leadership of President Teddy Roosevelt. I believe this legislation will serve our Nation well for generations to come. I intend to be involved in its process through the committee and, hopefully, we will be able to bring it up for consideration in the full Senate before the year is out.

This legislation would dedicate a portion of the annual reserves received from the production of Federal oil and gas revenues on the Outer Continental Shelf to a variety of initiatives that will conserve and enhance our Nation's sustaining and renewable resources. I am pleased to be a sponsor, joining a broad spectrum of my colleagues. The legislation, which is modeled after the Mineral Leasing Act of 1920, will reinvest 50 percent of the revenues from the Federal OCS oil and gas production annually in coastal impact assistance and coastal conservation, in funding national, State, and local parks and recreation opportunities, and in conserving our Nation's wildlife resources before those wildlife fall into threatened or endangered status under the Endangered Species Act.

It does have the support of various groups. I have felt for years that those of us who live along the coasts and who take whatever risks are associated with offshore oil and gas exploration should get some benefit from that activity and from the risks associated and that we should have the funds that are necessary to deal with such things as beach erosion, to preserve some of our delicate estuaries along the coastal areas. We have not been getting our fair share.

So for the first time, I think this bill would move us in that direction. Similar legislation has been introduced in the House of Representatives, H.R. 701, introduced by Congressman DON YOUNG, chairman of the House Resources Committee, with the cosponsorship of Congressman DINGELL and Congressman TAUZIN and others. I believe they have some 80 cosponsors.

This important legislation will affect not just my State or not just the coastal regions but the whole Nation. We are facing a continuing shortage of funds in wildlife conservation initiatives, for State and local parks and recreation initiatives, for conservation initiatives with respect to the peculiar problems that confront our coastal regions, but also there are great concerns in the West and the areas that are a long way from the coast.

Under the Mineral Leasing Act of 1920, one-half of the revenue from Federal mineral resources that are developed in a State are shared with that State by the Federal Government. Unfortunately, a similar provision does not exist with regard to Federal oil and gas resources that are produced off the coast of a State, even though the adjacent coastal area could suffer impacts from that activity. Not until 1986 did the Federal Government share any of the Federal OCS oil and gas revenues with the coastal States, and then only a small portion of that revenue from those offshore activities occurring in the first 3 miles of the OCS. The Conservation and Reinvestment Act of 1999 will correct this inequity while also reinvesting a portion of the funds in conservation initiatives in all 50 States.

The concept of reinvesting a portion of the revenue from the Nation's nonrenewable resources in renewable resources of the Nation has attracted the support of Governors, mayors, county governments, conservation groups, sports groups, and others around the Nation. The congressional hearings have created a record of great and broad support.

Some of the highlights of that testimony include Mr. Hurley Coleman, director of Wayne County, MI, Division of Parks. He testified:

> You have the chance right now to take the place of the visionaries of the past and support a process that will provide for development, renovation and enhancement of critical recreation resources in important living spaces throughout the country.

He went on to say this was a moment of destiny. Obviously, he was very supportive of the bill.

Mr. Mark Van Putten, President and CEO of the National Wildlife Federation, testified that it presented an ''historic opportunity to enact permanent and meaningful conservation funding that would benefit wildlife, wild places, and generations of Americans to come.''

We had support from the commissioner of Santa Fe County in New Mexico on behalf of the National Association of Counties who endorsed the principles of this act that would reallocate Outer Continental Shelf oil and gas revenues to the Land and Water Conservation Fund, a coastal State revenue sharing program, and add funding to the Urban Park and Recreation Recovery Program and establish an innovative procedure for adding funding for the Payments in Lieu of Taxes Program.

That is a very important thing. In my State, and a lot of States where the Federal Government owns a large amount of land—in my State, timberlands—and because, in my opinion, of bad national forest policies, those funds have been reduced. We are not cutting the trees that need to be cut. We had a disaster last year; a hurricane went through that affected two or three States. And because of resistance from certain environmental groups, the downed timber could not be removed. Now it is basically useless. Who benefits from that? Nobody. The timber that was downed wasn't used for the benefit of the lumber-timber industry. And by allowing it to just lay there on the ground and die raises the prospect of insects that would then infest other trees. It makes no sense whatsoever. So the idea that we would get some more money for the payments in lieu of taxes is very attractive to me.

Governor Tom Carper of Delaware, on behalf of the National Governors' Association, testified in support of this legislation. Governor Christine Todd-Whitman of New Jersey also supported it. Mayor Victor Ashe, the mayor of Knoxville, came and testified about how helpful this legislation could be.

I know there are some concerns about how this money will be used. There has been some concerns expressed by the Farm Bureau and by the Loggers Association. These are two groups that are very important in this country and in my State in particular. I listened to them.

If they have concerns about how these funds would be used in connection with land use, I would want to hear them out and make sure there is not a problem technically with the bill or make sure this bill does not further discourage and dissipate our resources from farming and from timber in this country. I also don't want this to become an opportunity for public land use groups to try to grab more land.

While there are some public lands we want to have access to, we want to preserve, that is fine. But I think this administration, in particular, has been exceeding what the law allows and is still trying to tie up more Federal lands when, in fact, we are providing proper stewardship of the lands we already have. One example is the Park Service. Many of our national parks are deteriorating. Bridges are not passable, monuments eroding. Yet the Park Service seems to be more interested in adding more land to the parks before we take care of what we already have.

This bill may help deal with that problem because it would make these funds more equitably available to go for not only coastal preservation but also could go to the national and State parks.

I think we have a good idea here. It is one of those conservation bills that I think could be of benefit to everybody in this country, all States, and particularly my own State of Mississippi. I don't generally go on bills of this nature because I am very leery that these conservation efforts sometimes become—let's see, what is the word I am looking for—''confiscation'' efforts rather than conservation. I don't believe that is what this bill does. This could lead us to some real good policies that could bring together divergent groups in a way that we have not had the opportunity in the past.

I am pleased to be here and point out to my colleagues this legislation, S. 25. I encourage them to take a look at it. I thank the chairman of the committee for his good work, and I look forward to working with Chairman MURKOWSKI as we move forward on this very important Conservation and Reinvestment Act.

I yield the floor.

Mr. GREGG. Mr. President, who controls the time?

The PRESIDING OFFICER. The majority leader and the Senator from Louisiana, Ms. LANDRIEU.

Mr. GREGG. I ask if the Senator will yield me 3 minutes.

Mr. LOTT. I yield 3 minutes to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I join with the majority leader in congratulating the Senator from Alaska and the Senator from Louisiana for putting forward this excellent proposal on land and water conservation. This is long overdue. I think it is an extraordinarily positive step.

The chairman of the key committee, Chairman MURKOWSKI, has decided to put forward this proposal, to support it, and to have the support of the majority leader.

Those are two pretty powerful figures in this Senate pushing forward on this extremely positive conservation initiative. From the view of the State of New Hampshire, the stateside land and water conservation fund is something in which we are very interested. There are places in this country today where I think their representative Senators maybe think that the Federal Government owns enough land. Maybe the Member in the Chair is from one of those places, being from Wyoming. But those of us on the eastern seaboard still see critical pieces of land we would like to have protected. We have a huge population, a megalopolis, running from Washington to Boston, that is always moving north.

In New Hampshire, there are critical elements of natural resources that need to be protected as we go through these massive expansions and these growth spurts, which are inevitable. The land and water conservation fund, over the years, has always been a positive force for protection and for allowing communities to do things they think are critical to making those communities better places to live—whether it happens to be building a park or a recreational area. Therefore, to refund or replenish the land and water conservation fund using the Outer Continental Shelf is absolutely appropriate and is absolutely critical if States such as New Hampshire, which are, unfortunately, in a wave of population growth, are going to be able to maintain their characteristics of being a rural environment and a pleasant place in which to raise a family.

I support Senator MURKOWSKI's bill, and I certainly appreciate the Senator from Mississippi, the majority leader, also being in support of this legislation. That bodes well for it.

Mr. LOTT. Mr. President, I yield such time as he may consume to the chairman of the committee. I see Senator LANDRIEU here, and I know she will want to speak.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry. I don't want to interrupt the flow on this bill, but I wanted 5 minutes to talk about the 30th anniversary of the landing on the Moon. I wonder if I could have 5 minutes at the end of the colloquy.

Mr. MURKOWSKI. I have no objection.

Mrs. HUTCHISON. I thank the Senator.

Mr. MURKOWSKI. Mr. President, on behalf of my friend and colleague, Senator LANDRIEU, let me briefly comment on the status of the OCS revenuesharing legislation that we introduced some time ago. This is a significant addition to a much-needed reform and, as a consequence, it has been termed as the Conservation and Reinvestment Act of 1999.

The bill itself reinvests OCS revenues. When I say ''reinvests,'' I am specifically noting the reality associated from where this revenue comes. It comes from OCS activities of some States. It could include other States if indeed they wanted to have OCS activity exploration and production off of their individual shores. Some of the States have chosen not to. I appreciate and recognize their reluctance. But let's be realistic and recognize that in order to have a successful Conservation and Reinvestment Act, we have to have a continuation of OCS revenues occurring off the shores of some of our States—Louisiana, Mississippi, and other States.

My State of Alaska has a very small OCS activity; most of our activities are on land. But it is interesting to note the breadth of support for this legislation, which is related, to some extent, to those States that see an opportunity to generate a source of revenue. That is fine. That is the way Senator LANDRIEU and I constructed the legislation. Make no mistake about it, in order for it to be successful, we have to have, and encourage, OCS revenuesharing, as we have off the coast of Texas, and other States that I could mention.

This is a coastal impact assistance and State coastal program funding mechanism for the land and water conservation fund, including fulfilling a long-delayed promise of support for State, local, and urban park and recreation facilities, as well as State wildlife programs.

We have tried to cover a broad area of need, and I commend the Senator from Louisiana, Senator LANDRIEU, for her extraordinary ability to encompass, if you will, the various broad interest groups.

S. 25 gives States and local governments—and this is important—not the Federal Government, the responsibility for determining the conservation needs of their citizens and provides funding to help meet those needs.

Now, that is where we have a difference with the administration. The administration proposes that it is the Federal Government's responsibility to make these decisions, and we say no. There are some other bills floating around that also propose to give the Federal Government the authority. We think responsible citizens know what their needs are, and these funds should be provided so they can make the decisions to help meet those needs, not a one-size-fits-all Federal Government.

I encourage my colleagues to recognize the significance that the local people at the local level know what their needs are. A number of bills spending OCS revenues, and the administration's bill, which has been put forth, identifies the Lands Legacy Initiative. The Energy and Natural Resources Committee, which I chair and Senator LANDRIEU is a member of, has had a series of hearings on all these proposals. We have learned about the need for coastal impact assistance. We are aware of the unavoidable social and environmental impacts on States that host OCS development. The State of Louisiana, for example, and the State of Texas, host, if you will, the impact because the activity is off their shores. It is an unavoidable social environmental impact, so they should receive additional consideration.

Coastal impact assistance helps mitigate these burdens, even in States that prohibit oil and gas activity off their coast, such as the State of Florida, where there is a unique coastal and marine need associated with their set of priorities. We appreciate that and understand that.

We have also learned about the widespread support in this country for State park, recreation and wildlife programs from the hearings. We have heard from the mayors, Governors, easterners, residents of the Great Plains, soccer coaches, hunters, environmentalists, and farmers. As evidenced by the witnesses we have heard in the hearings and the hundreds of letters the committee has received, we understand that Americans want meaningful conservation legislation. That is what we have attempted to do. But don't forget from where it comes. It comes from OCS oil and gas activity. We have to have a continuation of support for those States that foster and

recognize the contribution of OCS activities. But those States have to be recognized for the impact, and they have to share in this as well.

Now, their concerns have been expressed. We have had bills to provide money for Federal land acquisition. This may sound great to the Eastern States, where there is no public land. But for those of us out West, it is a little difficult to suggest that we are going to fund Federal land acquisition when many of us out West think the Federal Government owns enough of the land out there. If they want to fund the Eastern States, why, that is something different. This is a problem that has to be rectified.

Residents of States with significant Federal land are worried that these bills will lead to a massive Federal land grab. The Federal Government owns about 70 percent of my State of Alaska. I can understand the fears. Fortunately, when Texas came into the Union, they made sure the Federal Government didn't own any. If we had it to do over again, I can assure you we would do it differently. Nevertheless, when we talk about the bill providing money for Federal land acquisition, the people in my State of Alaska, and in many of the Western States—to suggest that they would become unglued is an understatement. They fear this legislation will result in a Federal land acquisition grab, not where it is needed.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Louisiana has 20 minutes.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may have 2 minutes to finish.

Ms. LANDRIEU. Yes, that is fine.

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

Mr. MURKOWSKI. I thank the Senator from Louisiana.

At the risk of understating the importance of this bill, what we have attempted to do is find a balance, develop a compromise; but each time we accommodate one group's special interest associated with this, there is a reaction from another group that perhaps gave us support and is concerned that we have gone too far in any one area.

As chairman of the Energy and Natural Resources Committee, my goal and objective in working with Senator LANDRIEU is to report a bill to the Senate floor. We must have a bipartisan bill. The bill is going to have to remedy the existing inequity in the distribution of OCS revenues. It is going to have to provide funds for State conservation programs. It is going to have to provide guarantees for a role of Congress in Federal land acquisition. In other words, Congress is going to have to have something to say about Federal land acquisition and purchases. Finally, it is going to have to assure westerners that there will be no gain of Federal land in their States—no gain of Federal land in the Western States.

This isn't going to be easy, but I think, working with Senator LANDRIEU and others, it is going to be worth the effort. Therefore, I look forward to working with my colleagues on this exciting opportunity, this exciting legislation. Previously, all of the OCS revenue has gone into the general fund. Now we have an opportunity to address this with some meaningful legislation that involves the OCS impact assistance, land and water conservation fund amendments, and the wildlife conservation fund under a formula that has been agreed upon.

I encourage my colleagues, in consideration of this language, to allow the local people to make the decision, not a disinterested bureaucracy, a Federal Government that dictates one size fits all.

I thank my colleague, the Senator from Louisiana, for her graciousness in allowing me this time and for her efforts to bring this before the body. I thank the majority leader, Senator LOTT, as well.

I yield the floor.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the chairman, the Senator from Alaska, for his leadership in steering us to this point. We are just a short time away from having an opportunity to mark up this historic bill, if you will, this historic effort in his committee.

I want to say that all of our committees have tremendous responsibilities and very significant efforts are underway. But our committee, Energy and Natural Resources, in addition to this effort, has the chairman negotiating a restructuring of our electricity industry for this Nation and he is trying to maneuver through a waste disposal bill that has been a source of great controversy. I thank him for giving his time and energy and determination in moving through a historic piece of legislation for the environment. Perhaps if we can accomplish this—and I believe we can—future generations will look back on this effort.

I thank him and our majority leader, the Senator from Mississippi, who knows full well, from the perspective of a producing State, the significant negative impacts that are associated with an industry that both of us support and the opportunity here to do something positive for our States of Louisiana, Mississippi, and Alaska, as well as other States in the Nation.

I will reserve the remainder of my time, and at this point yield to one of my colleagues from South Dakota, who has so graciously joined us on the floor for this colloquy. As a member of one of the interior States, and as one of the leading spokespersons on this bill, I thank Senator JOHNSON for being with us today. I yield to him 5 minutes to speak on this important issue.

The PRESIDING OFFICER. The Senator from South Dakota, Mr. JOHNSON, is recognized.

Mr. JOHNSON. Mr. President, I thank Senator LANDRIEU for her leadership on this issue, as well as Chairman MURKOWSKI.

I think we have an enormous opportunity this year to at last reach a bipartisan agreement to increase significantly the funding for several critically important planned water and wildlife conservation programs. Several legislative efforts to establish mandatory funding for conservation programs utilizing Outer Continental Shelf, OCS, revenue are under bipartisan discussion.

I have been pleased to participate in hearings on these initiatives in the Senate Energy and Natural Resources Committee. All of the conservation legislation introduced this year proposed significant steps to support the restoration, preservation and conservation of our natural resources. The hearings in our committee have been extremely useful since, if we are to be successful this year, we have the daunting task ahead of us of drafting a compromise conservation bill which meets the diverse needs of all fifty states. Consequently, we need to hear as many perspectives and learn as much about the needs in the states as possible before we begin drafting a compromise bill.

Preserving our natural resources is an issue to which many of us in this body are committed. Earlier this year I joined 35 of my colleagues from both sides of the aisle in sending a letter to Budget Committee Chairman DOMINICI and Senator LAUTENBERG requesting full funding for the Land and Water Conservation Fund.

Further, during consideration of the fiscal year 2000 budget resolution, Senator BOXER and I offered an amendment to establish a conservation reserve fund. This amendment was unanimously approved by the Budget Committee, passed by the Senate but unfortunately dropped in the conference committee. Nonetheless, the strong support from the Senate for this concept signals a commitment to finding a way to fund additional conservation initiatives.

Additionally, one third of the Members of this body have cosponsored one of the conservation proposals which have been introduced. This level of interest indicates that while we have not come to an agreement on the details which should be included in a comprehensive conservation proposal, significant interest in this issue exists. This widespread interest offers an opportunity to find a bipartisan compromise to address this critically important issue.

I applaud Senator BOXER in particular for her efforts in this area, and I applaud Senators LANDRIEU and MURKOWSKI for their work on S. 25.

One of the primary reasons I supported the bill earlier this year is the sponsors' inclusion of the non-game wildlife initiative, often called Teaming With Wildlife (TWW). I am convinced that funding for specified nongame conservation programs must

be secured if we want to successfully work to keep species off of threatened and endangered species lists while also meeting the skyrocketing demand for outdoor recreation and education opportunities.

Currently, I am circulating a letter which I will be sending to Chairman MURKOWSKI and Senator LANDRIEU which advocates a higher percentage of funding for wildlife conservation than currently included in S. 25. Specifically, I am advocating increasing the funding allocation from 7 to 10. At this time other Senators joining me in sending the letter include: Senators CLELAND, FRIST, LINCOLN, DASCHLE, KERREY, GREGG, and BAYH—and more Senators may join in our effort.

I commend Chairman MURKOWSKI and Senator LANDRIEU for their support of the TWW concept and look forward to working with them to find an adequate level of funding for this important program.

There are other issues, of course, for which I have a great deal of interest, including the funding for the PILT program and funding for historic preservation efforts.

However, probably the largest outstanding issue—and the potential show stopper—for all of us who want to find a compromise conservation proposal is identifying whether we have room in the budget to increase funding for conservation.

The recent mid-session review paints a rosy picture of our current economic situation and I believe that targeted tax relief and paying down the publicly held debt must be our top priorities. However, I also believe that within the context of a balanced budget, the new economic projections give us room to consider modestly increasing funding for domestic priorities, such as conversation.

Again, we have an opportunity this year to find a bipartisan compromise which will ensure adequate funding for conservation, restoration, and preservation efforts across this country. I again commend Chairman MURKOWSKI and Senator LANDRIEU for their bipartisan effort and look forward to working with them in the coming weeks and month to craft a bill which can pass this body and which will, in fact, be signed by the President of the United States.

I yield such time as I have remaining.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

I thank the Senator from South Dakota for those remarks, and again for his hard work in getting us to this point.

I would like to yield, if I can, 4 minutes to my colleague from Arkansas, for her remarks on this bill as well.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair.

I also want to thank my colleague from Louisiana, Ms. LANDRIEU, and Chairman MURKOWSKI, for their fabulous leadership on this issue.

I rise today in support of greater funding for land and wildlife conservation programs as embodied in S. 25, the Conservation and Reinvestment Act of 1999.

I am proud to be a cosponsor of this important legislation to ensure that a portion of the revenues from outer continental shelf oil and gas production are dedicated to land, water, and wildlife conservation programs throughout the U.S. It is well past time that the Land and Water Conservation Fund is permanently funded and used as originally intended to provide for state and federal land purchases and to help states with conservation and recreation needs. We need consistent, dependable funding for federal, state, and local governments to make investments in land preservation, habitat conservation, and wildlife management.

I know in my home state of Arkansas, this funding is badly needed for protection of exiting wildlife habitat and conservation programs as well as for funding additional conservation and recreation needs. Since inception, the state and federal sides of the Land and Water Conservation Fund have combined to provide Arkansas with over $84 million in targeted land purchases for preservation of tracts of forested lands, purchases of needed land for state and municipal parks, lands for schools, land for baseball fields, bike trails, zoos, and recreation areas. The federal side of the LWCF has provided resources for needed land purchases in the Ozark and Ouachita National Forests, White River and Cache River National Wildlife Refuges, the Buffalo National River, and for preserving many other tracts of land. The state side of the LWCF has provided land for a ballpark in Bentonville, a school park in Jonesboro, a zoo in Little Rock, a swimming pool is Searcy, a city park in Batesville, a swamp habitat in Woodruff County, and for over 600 other projects across my home state. And there are still many needs for these resources. Funds are needed for in-holdings purchases in State and national forest and to assist rural communities with building parks for children and to help urban areas with preserving needed green space.

S. 25 would also create a permanent source of funding for state-run wildlife conservation programs. Title III of the bill will help state agencies identify and prevent species from being listed listing under the Endangered Species Act. In Arkansas, about 86 percent of all wildlife species are not pursued for sport or consumption, nor listed as threatened or endanger. It is these species that title III of S. 25 is targeted toward. There is currently no reliable, dedicated funding source for conservation, recreation or education programs for these non-game species. Title III will provide this necessary funding.

Two examples are the Swainson's warbler, traditionally found in the bottomland hardwoods of my home state, and the barn owl, traditionally found across my state's delta. The Swainson's Warbler can still be found in certain places in the Delta region of Arkansas, but is rapidly declining throughout its range due primarily to loss of its bottomland hardwood habitat. Funding from Title III of S.25 will help head off the potential future listing of the Swainson's Warbler as threatened or endangered by increasing the amount of suitable habitat through a combination of management actions on public lands and habitat incentives for private lands.

The barn owl has been a traditional predator feeding almost exclusively on rodents that are agricultural pests. This owl has persisted in the Arkansas delta despite low population levels for years. The barn owl responds well to artificial nest boxes that could be erected on a large scale with funds provided, under Title III, especially if this effort were combined with an intensive landowner educational campaign. Both of these prevention program can be accomplished easily under Title III of S. 25 without the disruptions and restrictions that would occur with a listing under the Endangered Species Act.

Mr. President, I could go on and on about the good things that land and wildlife conservation programs have done in the past and can continue to do into the future for all of Arkansas—the projects are too numerous to list—but I want to make clear that the programs in title II and title III of S. 25 are necessary sources of funding for states and localities to complete needed, targeted land purchases for conservation and to prevent to continual decline of wildlife throughout my home state and this Nation.

These are great examples of what this bill can do for States such as Arkansas and many others. I join my colleagues in support of what Senator LANDRIEU and Chairman MURKOWSKI are doing, and I look forward to seeing the bill on the floor where we can certainly see it pass in the Senate.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Arkansas for describing with such enthusiasm what this bill brings to her State of Arkansas and to all of our States.

Let me take the remainder of my time to recap for a moment and to speak from the Louisiana perspective as one of the producing States and share with this Congress and with the Senate some of our perspectives.

First of all, as the majority leader said, this bill is a historic effort to provide a permanent and steady stream of revenue to do several important things: To fully fund the Land and Water Conservation Fund; to provide a reliable stream of money for wildlife wetlands habitat preservation; and to provide much-needed revenue for the coastal impact assistance.

We are also hoping to include some funding for historic preservation and urban park initiatives.

From the Louisiana perspective, you may not realize that over 80 percent of the Federal oil and gas that is produced annually from the Outer Continental Shelf is produced from waters adjacent to the State of Louisiana.

The onshore activities that support the Federal OCS development in the Gulf of Mexico occur largely within the boundaries of our State. Mississippi contributes to that, as well as Texas.

Almost all of the oil and gas produced from the gulf moves through the State of Louisiana in pipelines thousands and thousands of miles in length—delivering oil to refineries and to natural gas distribution systems throughout our Nation.

We are happy to do our part to help this Nation in its need for energy supply. However, we can no longer abide by the Federal Government's unwillingness to share even a portion of these revenues with our State to help offset the adverse environmental impact and the public service impact on Louisiana.

That view is shared by Mississippi, Alaska, Texas, and others. Let me explain.

The Mineral Leasing Act of 1920 provides that 50 percent of the revenues received by the Federal Government for the development of oil and gas and other minerals on shore will be shared with States in which those minerals are produced. Some of our interior States benefit from that arrangement.

In addition, because the Federal minerals are within the geographic boundaries of particular States, the State has the power over and above that sharing of 50 percent to collect a severance tax on the production and payment in lieu of taxes from the Federal Government for the acres of Federal land used for this endeavor.

The Outer Continental Shelf Lands Act, which governs the production of Federal oil and gas minerals on the Outer Continental Shelf, however, contains no similar provision. In fact, from 1940, when this production began, until 1986, the State of Louisiana and other coastal States received no portion of these oil and gas revenues. Not until 1986 were we able to receive a very small portion of those revenues generated between a 3-mile and 6-mile line.

Just yesterday, however, exploration officials from British Petroleum announced the discovery of the largest deep-water find in history 125 miles southeast of New Orleans. The underwater find is dubbed ''Crazy Horse.'' It was discovered in 6,000 feet of water.

Imagine the kind of equipment that is going to take to mine this kind of find. We are happy to do this. The industry provides economic opportunity.

But can you imagine providing the infrastructure in your State, for a construction company building hundreds of skyscrapers such as this in your backyard? These underwater skyscrapers all have to be built and parts manufactured and moved to the site. All of this material moves through the fragile environment of coastal Louisiana, Mississippi, and Texas.

If this monument, or if this structure, were out of the water to be seen, it would be as if you stacked the Washington Monument end to end 10 times. It is the kind of structure that has to be built to mine these sorts of finds in the gulf.

In 1998, Federal mineral development from offshore totaled approximately $2.8 billion. That is what we sent to the Federal Government. Yet we only received $20 million. That is less than a tenth of 1 percent.

Let me state that again—a tenth of 1 percent is what Louisiana was able to retain. Other States retained 50 percent. In addition, they received other payments. This situation is obviously not just; it is unfair, and this bill attempts to help correct that inequity.

As a result of OCS activity, Louisiana has suffered a significant negative environmental impact. We have lost over 1,000 square miles of coastal wetlands over the last 50 years. If we don't take action today, we are liable to lose another 1,000 square miles more in the next 50 years.

To bring this down to size, we lose a football field every day. We lose an area the size of the State of Rhode Island every year.

These losses are partially due to natural erosion but are aggravated by the way we have levied the Mississippi River, which, again, serves as a port for our entire Nation and not just our State, and it is also impacted by the activities associated with oil and gas drilling.

The people of Louisiana, while understanding that this is very important and this is a national asset—and, again, we are happy for the industry and want to promote an environmentally sensitive way of drilling as we know it today—believe that we should be more justly compensated for these impacts.

The distribution formula in S. 25 is weighted to provide an extra portion to those six States with Federal offshore oil production. We are not giving any incentive for future production. We want this to be a drilling-neutral bill, if you will, but a revenue-sharing bill that acknowledges the contribution made by our producing States.

As proposed in S. 25, Louisiana will only receive 10 percent of the Federal revenues that are generated. Again, historically, we have received less than one-tenth of 1 percent. Historically and to date in the law, the interior States have received 50 percent. We are asking for our fair share and modest share of this money, and S. 25 outlines a 10-percent portion.

The cosponsors of S. 25 believe it is appropriate to share a portion of Federal OCS revenues with coastal States that do not and will not have any offshore oil production.

Today there is no dedicated source of funding for the variety of coastal environmental problems that are being experienced around the Nation, even in those States that are not producing. S. 25 recognizes that the producing States should be acknowledged and those States which are nonproducing also have challenges with their coastline—beach erosion, et cetera.

When Congress created the Land and Water Conservation Fund over 30 years ago, it was intended ''to provide a steady revenue stream to preserve 'irreplaceable lands of natural beauty and unique recreational value.' Royalties from offshore oil and gas leases will provide the money, giving the program an interesting symmetry. Dollars raised from depleting one natural resource would be used to protect another.''

This, unfortunately, has not come true. These moneys were given but taken away. They were appropriated in different amounts over the years. This bill will attempt to use the dollars produced by depleting one natural resource to preserve many areas of natural beauty in our Nation, both on the coast and in our interior States.

This is an important bill for Louisiana and the gulf coast, but it is important for the entire Nation. Our legacy as leaders will be the land we leave to our children and their children. At the rate we are going, we might not have very much to give them.

This bill will give us a steady stream of revenue to provide full funding for our land and water conservation, to give much-needed resources for our coastal States to mitigate some of this negative impact and also to share justly with the other States in our Nation.

I thank the Chair for allowing us to have this time today. I, again, thank the majority leader and the chairman, and to the 20 or more sponsors we have for this legislation. It is my hope that we can mark this up shortly and move this bill through the process.

I yield back the remainder of my time.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be given 1 minute.

The PRESIDING OFFICER. Reserving the right to object, we were supposed to be in the policy committee starting at 12:30 p.m.

The Senator from Alabama.

CONSERVATION AND REINVESTMENT ACT OF 1999

Mr. SESSIONS. Mr. President, S. 25, the Conservation and Reinvestment Act, offers a unique opportunity for the entire nation to enjoy the tangible benefits of Outer Continental Shelf oil and gas production. It redirects a portion of royalties from Outer Continental Shelf production directly back to States and local communities for environmental and conservation programs.

The effect of this bill will be to provide States and local communities

funding to expand and maintain parks and to enhance hunting, fishing and other outdoor recreational activities.

In addition, this bill would redirect a portion of Outer Continental Shelf Royalties back to the States which have endured the risks of production through the bill's Coastal Impact Assistance program. This program will provide dedicated funding to coastal States for air quality, water quality and to mitigate the environmental effects of Outer Continental Shelf infrastructure developments.

Alabama might use these funds to help ensure water quality in Mobile Bay, part of the National Estuary Program, and for the preservation and restoration of oyster beds and other sensitive environments areas along our coast. States may choose to establish a protected trust fund, as Alabama has with existing state royalties, in order to use the revenues in perpetuity for environmental and conservation purposes.

Alabama is one of only six States with active Outer Continental Shelf natural gas production off its shore and onshore infrastructure to refine and transport those resources. Alabama ranks ninth in the country for natural gas production and produced over 430 billion cubic feet of natural gas in 1994. There are four onshore refineries and numerous natural gas pipelines to process Outer Continental Shelf natural gas. The State has made a significant investment in providing the land and infrastructure to handle this production, yet has not been able to enjoy any direct royalty benefits from Outer Continental Shelf production.

This bill takes a step towards ensuring Alabama and the entire nation receive at least a part of the direct benefits of Outer Continental Shelf production.

I commend the Senator from Alaska, Mr. MURKOWSKI, and the Senator from Louisiana, Ms. LANDRIEU, for their tremendous leadership on this issue and look forward to the passage of this bill soon.

I express my appreciation to Senators MURKOWSKI and LANDRIEU for working on this legislation. I have worked with them from the beginning. It has good potential to allow States to retain some of the oil and gas money for remediating environmental damage from production and for improving their environmental quality in general.

I thank the Chair.

Mr. DASCHLE. Mr. President, I appreciate this opportunity to participate in today's discussion of the Land and Water Conservation Fund (LWCF). Senator LANDRIEU and Senator MURKOWSKI deserve great credit for their efforts to restore the LWCF's important conservation goals, as does Senator LOTT for his commitment to addressing this issue on a bipartisan basis.

Congress originally intended that revenues from off-shore oil and gas drilling be deposited into a Land and Water Conservation Fund to allow the federal and state governments to protect green space, improve wildlife habitat, and purchase lands for conservation purposes. I have come to appreciate this program, as the Land and Water Conservation Fund has been used by local and state governments in South Dakota to purchase park lands and develop many of the facilities that exist in municipal and state parks throughout the state.

For the past five years, however, the state side of the LWCF has not been funded, the revenues from off-shore oil and gas drilling have been used to fund other federal programs. As a result, much-needed local and state park improvement projects have been held back, and there has been growing pressure in recent years to divert these funds back to their original purpose.

Americans depend increasingly on parks and open spaces for recreation because they allow all of us to deal better with the stress of modern life. Therefore, it is important that states are given the resources they need to improve parks and public lands, and I am prepared to work in a bipartisan fashion to enact legislation this year to ensure greater annual funding of conservation efforts from off-shore oil and gas drilling revenues.

A number of proposals, many of which are bipartisan, have been proposed by the administration and members of Congress to ensure that future off-shore oil and gas drilling revenues are dedicated to conservation purposes. A consensus appears to be developing that considerably more resources should be invested to protect and maintain rural and urban parks, preserve farmland and forests, provide incentives for the protection of endangered species on private lands, fully fund payments-in-lieu-of-taxes, and protect coastal resources.

I believe that this legislation could have a tremendous positive impact on local, state, and national parks, and greatly enhance outdoor recreation and environmental education projects throughout South Dakota and the nation. It is my strong hope that Congress will produce compromise legislation reflecting many of the basic objectives contained in these proposals and ensure a strong future for our nation's natural resources. I am dedicated to working with Senators LANDRIEU, MURKOWSKI, and LOTT to achieve this goal.

Mr. KERREY. Mr. President, I am pleased to join my colleagues, Senator LANDRIEU, Senator BREAUX, Senator LOTT, and others in supporting the Conservation and Reinvestment Act of 1999. This important legislation will provide consistent funding to state fish and wildlife conservation programs to help maintain our precious natural resources, and will help to bring more Nebraskans back to the river—in our case, the Missouri River. This legislation will give states the necessary funding to carry out a flexible, non-regulatory approach to conservation that prevents species and their habitats from becoming endangered and to restore fish and wildlife populations to healthy numbers. This legislation is consistent with and fully complementary to the Missouri River Valley Improvement Act of 1999 that I recently introduced, along with my colleagues Senator DASCHLE and Senator JOHNSON.

The most important provisions of the Conservation and Reinvestment Act for my home state of Nebraska are Titles II and III, the Land and Water Conservation Fund reform provisions. Title III of this legislation would restore state-side funding to the Land and Water Conservation Fund—funding that has been diverted in recent years for other uses. However, as emphasized by the bill's authors and supporters, restoration of these funds to states is more important now than ever before, as Nebraska and all states are faced with accelerated population growth and urban sprawl, and increased demand by families, communities, and the business sector for recreation and conservation areas—areas that draw people and economic growth. Nebraska, as well as other states, has relied on hunters and anglers to provide the bulk of financial support for fish and wildlife programs—particularly through the purchase of hunting and fishing licenses and through excise taxes on sporting goods. However, these funds have not been adequate to address the needs of declining nongame species. Titles II and III of the Conservation and Reinvestment Act would provide a permanent Federal funding source to meet these needs in Nebraska and other states, and would revitalize the state matching grants program.

The Land and Water Conservation Fund Act, as passed in 1965, utilized a portion of the proceeds from Outer Continental Shelf mineral leasing revenues to give to state and local governments for recreation and conservation purposes as those governments deemed necessary and beneficial for their communities. In 1997, a record $5.2 billion in royalties, rents, and bonus payments from new lease sales was collected by the Federal government. Significant federal revenues from Outer Continental Shelf leasing and production has been designated by law for the Land and Water Conservation Fund, but since 1995, Congress has not appropriated these monies to the states, but rather has transferred most of these funds to the U.S. Treasury for other uses. This important legislation would rectify this, and bring the funding source back to Nebraska and to local Nebraska communities. State and local governments match, dollar for dollar, Federal Land and Water Conservation funds for open space conservation and recreation in our communities. This act would restore the state and local funding, bolster the federal funding component, and also secure funding for urban parks and recreational areas.

While this act would currently provide 7 percent of Land and Water Conservation Funds to the states, I signed

a letter today, along with several of my colleagues in the Senate, urging that funding for this provision be increased to 10 percent—a level that I believe to be consistent with the needs that exist in my state of Nebraska and in others. Besides providing recreational funding support for community needs, this source of funds can have a significant impact on non-regulatory approaches to preventing wildlife species from being listed as threatened or declined under the Endangered Species Act—listings which often find landowners embroiled in private property rights vs. species protection laws. By enabling communities and states to preserve identified areas where habitat and species can be allowed to flourish with minimal or little disruption on the lives and activities of people, we can help to prevent future listings, and to safeguard against some of the social and economic disruptions that have often accompanied past listings.

Additionally, wildlife conservation, conservation education, and wildlife-associated recreational programs—all of which contribute increasingly significant tourism and recreational dollar returns to the state of Nebraska—are traditionally underfunded. The International Association of Fish and Wildlife Agencies estimates these needs nationally to be approximately one billion dollars per year.

Increasing Title III funding to 10 percent of Outer Continental Shelf receipts would give Nebraska approximately an additional $1.7 million annually—money that I know from the people of Nebraska is both needed and would be well-spent.

The Nebraska State Legislature passed a resolution this year in support of this bill, as did the City of Grand Island in Nebraska. Nebraska Governor Mike Johanns is one of 27 Governors to officially support this legislation. All 50 state fish and wildlife agencies, including the Nebraska Game and Parks Commission, the International Association of Fish and Wildlife Agencies, and more than 3,000 local entities, businesses, clubs, and conservation organizations have endorsed the Conservation and Reinvestment Act of 1999. Nationwide, more than 200 state and local ballot initiatives sought to commit billions of dollars for conservation, farmland protection, and urban revitalization policies. More than 70 percent of these initiatives were supported by voters. I enthusiastically add my support to this impressive list of supporters, and look forward to working with Senator LANDRIEU and our colleagues to finalize and pass this important legislation.

ONE GIANT LEAP FOR MANKIND

Mrs. HUTCHISON. Mr. President, I take this opportunity to recognize a day that is certainly going to be remembered, as we go into the next millennium, as symbolizing this century. Each century has one or two things that define it. It is what schoolchildren remember. It is what adults remember. Everyone remembers where they were when certain events happened, whether it was President Roosevelt saying on the radio that the war was over, whether it was the assassination of President John Kennedy, or whether it was Neil Armstrong taking one giant leap for mankind.

I believe July 20, 1969, 30 years ago, was clearly one of the defining moments of our century, although it would be very difficult to choose which moment had the most lasting impact. The day Neil Armstrong stepped on the Moon, the spirit of America was rejuvenated. It also was the culmination of years of discoveries, of scientific missions, of behind-the-scenes scientific experiments that were all a big show on July 20. I think it is important for us on a day such as today to recognize what all of those scientific experiences did and what we have gained from the space program.

In fact, when we look at the cost of the Apollo project, it cost about $25 billion. In 1990 dollars, it would be about $95 billion. It was an investment. The good news is, because America was willing to go for it, because America said the Moon is there and we can do it, we have had a 9-to-1 return on every dollar we have invested.

What is the 9-to-1 return? It is the newly created products and technologies and the new jobs that have come about as a result of those technologies that is the return on our investment. What space has given to our economy is a 9-to-1 return on our investment.

There have been 30,000 spinoffs from our space research. Let me tell you a few.

Satellites: Satellites are part of our daily lives. We now get instant access on the news anywhere in the world because of satellites. We can see press conferences anywhere in the world live because of satellites. We see satellites as part of our defense. A defense system for an incoming missile is going to result because we have satellite technology.

Computers: The microchip—how has that made a difference in our lives? Who can even ask the question about what computers have done. We see people with laptops in the airports, on airplanes. It is just phenomenal. This started with space research, not on the Senate floor, Mr. President.

High-quality software, high-performance computing, fiber-optic networks, water purification systems, Teflon—Teflon has improved the quality of life for all of us in this country who have spent even 1 minute in the kitchen. Digital watches, cordless tools, and, most notable, in my opinion, is space explorations' contribution to medical science. CAT scans and MRIs are revolutionizing our ability to detect tumors early enough so we can save lives.

Our quality of life has significantly improved since Neil Armstrong took the giant leap for mankind. It was to that moment that all of us related what America had accomplished. That happened 30 years ago today.

I congratulate Neil Armstrong, the Apollo 11 crew, and all those at Johnson Space Center in Houston, TX, who contributed to the giant leap for mankind and the quality of life that all of us live, because those brave astronauts were willing to take the risk and the chance.

I thank the Chair. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived and passed, the Senate now stands in recess until the hour of 2:15 p.m.

Thereupon, at 1:05 p.m., the Senate recessed until 2:19 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. GORTON. 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. FITZGERALD. 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. FITZGERALD. I ask unanimous consent I be allowed to speak for up to 5 minutes as in morning business.

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

Mr. FITZGERALD. Thank you, Mr. President.

(The remarks of Mr. FITZGERALD pertaining to the introduction of S. 1396 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FITZGERALD. I yield the floor.

DISAPPROVING THE EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO DISCHARGE

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire, Mr. SMITH, is recognized to offer a motion to discharge the Finance Committee of S.J. Res. 27, on which there will be 1 hour of debate equally divided.

Mr. SMITH of New Hampshire. I thank the Chair.

Mr. President, pursuant to the Trade Act of 1974 and the rules of the Senate, I do make a privileged motion that the

Senate Committee on Finance be discharged from further consideration of S.J. Res. 27, a resolution disapproving the President's June 3, 1999 extension of normal trade relations with China.

It is my understanding that based on the parliamentary decisions made earlier, the 1 hour will be equally divided, a half hour under my control and a half hour under the control of the other side, not by majority/minority, but by the two sides, pro and con.

The PRESIDING OFFICER. The Senator is correct.

Mr. SMITH of New Hampshire. It is also my understanding, for the benefit of my colleagues, that there will be two consecutive rollcall votes, the first one being on the China discharge and the second one on the Vietnam discharge.

The PRESIDING OFFICER. The Senator is correct.

Mr. SMITH of New Hampshire. Mr. President, notice of my intention to do these discharge motions was made to both the majority and minority leaders, the chairman and ranking member of the Finance Committee, and several other Senators on July 7, so there would be ample time for the leaders to adjust the time so we could have a vote prior to the House voting on this matter.

Mr. President, I yield myself 15 minutes out of my allotted time.

Despite President Clinton's 1992 campaign promise to link MFN certification to China's human rights record, the administration has chosen annually to grant Beijing what had been known as most-favored-nation status and is now called normal trading relations. It is amazing to me that that certification could be granted, given the dismal record of China in so many ways that we have talked about on this floor for so many weeks, especially in the area of human rights.

By offering this motion, I am asking the Senate to discharge S.J. Res. 27 from the Finance Committee. This legislation would disapprove the President's recommendation of normal trade relations status for China. Because of the rules of the Senate, it is in the Finance Committee. If I don't discharge it out, then it doesn't come out, and we don't get the opportunity to debate this issue.

This is a very important issue. Let me say, again, as I said earlier this morning on the Vietnam issue, whether my colleagues agree or disagree with me is not the issue. The issue is whether or not they will let us debate this on the floor. That is the issue. If they vote against my discharge motion, then they have said they do not want the Senate to debate this issue at all. They don't want to hear about the human rights violations in China or Vietnam. I would find that regrettable if the Senate made that decision.

If they feel strongly that they are right and there are not any problems in China which would justify holding up the NTR, normal trading relations, then they ought to come down on the floor and defend that.

I have a few things I could share with Senators that I think will give them the opposite impression. I would want the opportunity to do that on behalf of so many Americans who are fed up with the fact that we keep giving MFN, or most-favored-nation trading status, to a country who has been so abysmal on human rights violations, not to mention stealing our nuclear secrets.

I have come to expect the President to ignore China's total disregard for human rights, its proliferation of nuclear weapons, and its piracy of U.S. technology by continuing Beijing's trading relationship with our country, but what I don't understand is why. Why are we doing this? Why are we afraid to debate this? Are we afraid we are going to find out how much technology has been pirated? Are we going to find out how much proliferation of nuclear weapons has actually occurred, how many human rights violations have occurred in China?

The answer is, yes, of course, we are going to find out, because I am going to present this on the floor if I get the opportunity to do it. Regrettably, the opposition is going to try to deny me that opportunity and probably will win. They win; the American people lose.

I will point out a few facts—I only have 30 minutes; I don't get the 10 hours I would have under the law, if, in fact, my discharge petition motion is approved. Unfortunately, I have to assume I am not going to get it and make the point as fast as I can in 30 minutes.

Since 1949, Communist China has operated one of the most brutal and repressive regimes the world has ever known. Indeed, the Beijing government has committed large-scale genocide in Tibet. It has killed millions of its own citizens, outlawed religion, obliterated freedom of the press, and fought against the United States in Korea and Indochina.

In 1989, the Chinese Government authorized a crackdown on thousands of students who had the courage to stand up for human rights and democracy, and crack down they did. We all know the sad stories that came out of that period of time in China's history. The actions of the Beijing government have also served to undermine international stability and U.S. national security interests. China continues to violate the missile technology control regime, exporting to rogue states like Iran, North Korea, and other nations. They export our most sensitive technology, which in some cases they stole and in other cases they bought, believe it or not, from the United States.

Moreover, China has failed to assist the United States in fully accounting for American POWs held by the Chinese forces during the Korean war. Certainly, the theft of our nuclear secrets by Chinese agents has been on our minds in the past several months. The Cox report provides extensive evidence on the damage done to our national security by Chinese espionage. But I am also very concerned about China's notorious and seemingly blatant disregard for U.S. intellectual property laws.

Over the last decade, Chinese exports to the United States have increased seven times in comparison to American exports to China, creating a significant trade imbalance. During this time, some of the most rapidly growing and most competitive U.S. industries have been adversely affected by China's failure to enforce intellectual property rights. These include computer software, pharmaceuticals, agricultural and chemical products, and trademarks.

American businesses are losing billions because of this persistent problem. Yet the President marches forward saying normal trade relations is perfectly acceptable. I don't understand it. How can the administration justify their decision to reward the Communist Chinese Government NTR status when that government has such a deplorable record of protecting just one issue—U.S. intellectual property rights—not to mention many others which I will be getting into.

Peace and economic stability in Asia are in America's interest and require Chinese-American cooperation. Unfortunately, the President's decision to reextend NTR status to Communist China effectively rewards Beijing for rejecting reasonable American demands for protection from this intellectual property rights piracy, for cooperation on international nonproliferation efforts, and for a greater respect for basic human rights.

Now we are hearing the ominous signs of the saber rattling around Taiwan. These threats of military acts of violence threaten the stability of the entire region in the Pacific rim. How can you justify giving a nation that has done this, and is doing this, most-favored-nation trading status?

Perhaps the most egregious are the human rights violations which we appear to condone by granting this NTR status to China. It has a terrible human rights record. I have heard so many times from my colleagues, some of whom are going to be denying me by a vote the access to be able to debate this, how terrible the human rights violations are in China. Their policies on the political dissidents, religious freedom, and population control are abhorrent. The State Department report on China's human rights practices illustrates an appalling picture. It provides example after example of torture, forced confessions, suppression of basic human rights, denial of due process, and, worse of all, forced abortion and sterilization. Is this a government to which the United States of America should give most-favored-nation status? I don't think so.

All I am asking for is the opportunity to go into these matters in detail and debate this on the floor of the

Senate. This is not a vote on whether you agree or disagree. It is very interesting. I was thinking as I walked down to the floor from my office a few moments ago that the President of the United States took the U.S. military, put them in harm's way and bombed the sovereign nation of Yugoslavia to protect the human rights of the Albanian Kosovars. I can't even get the Senate to give me the opportunity to debate human rights violations in Vietnam and China. That is the bottom line. That is what we are talking about today.

The President—I will repeat this—went to war in Yugoslavia to protect the human rights of the Albanians in Kosovo, and I am going to be denied on this floor, by a vote, the opportunity to debate—just to debate—human rights violations in China and Vietnam. They don't want to hear it. That is the bottom line. If you can live with that in your conscience, fine. It is a sad, sad situation.

All I am asking for is what is required under the law. Give me 10 hours and I will agree to reduce the 10 to 2. I will say to my colleagues, wherever you are out there, it is 10 hours by requirement; but I will agree to 2 hours on my side if you will support my motion. Give me the opportunity to show you on this floor what China and Vietnam are doing by voting for both of these motions.

Mr. President, at this time, I yield the floor to give some time to the other side.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I appreciate the feelings and good intentions of the Senator from New Hampshire, but I respectfully oppose this motion to discharge the Finance Committee from considering the resolution to disprove extension of the Jackson-Vanik waiver for China. Why do I do so? First, I say to my good friend from New Hampshire, he has lots of opportunities to debate human rights, or any similar issues, on the floor. He can offer an amendment to any bill. That is a standing rule of the Senate. Any Senator can offer an amendment to virtually any bill at any time. He has that right. The rules of the Senate provide for unlimited debate. So he can talk for as long as he can physically stand on his own two feet. He has plenty of opportunity, as do all Senators, to raise issues that concern them.

I think it is inappropriate to discharge the Finance Committee from considering the resolution to disapprove an extension. Why? Very simply, because the current process has worked pretty well.

I am somewhat bemused when I think back on how furious the debate was on this issue—oh, gosh, it must be 4, 5, 6 years ago. In fact, I was one of the few Members of the Senate on the Democratic side who voted to sustain the veto of President Bush on this very measure, as a consequence of President Bush's intention to extend unconditional MFN—now NTR—status for China, which prevailed. Ever since then, gradually, over the years, each President, each year, has reached the same conclusion after studying all the issues—that there should be a 1-year unconditional extension of most-favored-nation trading status. We have changed the name now to normal trade relations status. That is more accurate—more normal than most favored. In fact, for all intents and purposes, it is least favored. That is because the United States has trade agreements with many other countries which give them favorable terms of trade compared with the standard of MFN, or NTR.

Over the years, as more and more Americans have become more familiar with this question, and as the Congress has become more familiar, it has now come to the point where the vast majority of Members of Congress agree that annual unconditional extensions make sense, pure and simple. That is why we are here today. Several years ago, it was a huge debate. Now, over the years, it has come to be virtually a nonissue. It is virtually a nonissue because the vast majority of Members on both sides of the aisle, Republicans and Democrats, and Presidents, Republicans and Democrats, know that to do otherwise would cause a tremendous upheaval of our relationships with a very important country—in this case, China.

I think it is important as we enter the next millennium that we deal with other countries with tremendous respect, recognizing that countries have interests. China has its own interests, and the United States has its own interests. The real question is how do we get along better with each other, in a way that accommodates American points of view.

The basic policy, as announced by the Presidents over time, has been engagement. I say it is basically engagement without illusions; that is, we talk with countries, but we are realistic about what they do or do not do. But we do not cut off something that is very basic, something that we grant to virtually every country in the world, including a lot of others that I can name that have foreign policies and internal policies that are inimical to the United States, but nevertheless we think to deal with those countries, it is best to maintain the current trade relationship with them.

One of the huge adverse consequences that have been caused by this in the past would be the clear setback of negotiations between the United States and China over China's membership in the World Trade Organization. That is a clear winner for the United States, as long as it is done on commercially acceptable principles. The last agreement that Premier Zhu tabled for the United States when he was in Washington not too long ago was clearly in the United States best interest. Why? Because it was unilateral.

In every case, it was China that was making concessions. It was China opening up its markets to American products. It was China that changed its distribution system. It would be China that would agree to—a much more fancy term is ''transparency''—much more openness, which undermines corruption, which undermines favoritism. It brings the Chinese economy much more into the modern world.

If this resolution were to pass, I will bet my bottom dollar we would have no WTO this year, and probably not for the next couple of years. Then the relationship with China, if you think they are risky now, would make today's relationship look like a cake walk. We have China's difficulties with Taiwan. They will be there for the indefinite future.

There are problems we have now with China over the tragic, mistaken bombing of the Chinese Embassy in Belgrade. We have very deep human rights concerns. We have concerns about China's—in the past, anyway—transfers of missile technology, and perhaps nuclear weapons, to rogue nations.

But let's remember, China has taken a lot of actions which have been very helpful to the United States. What is one?

China abstained at the U.N. Security Council when we wanted the Security Council resolution on Kosovo. China could have caused all kinds of problems and could have vetoed that Security Council resolution but did not.

China also signed the Comprehensive Test Ban Treaty. They have signed it. As far as we know, they have not violated it.

They helped us in the gulf war, particularly by their actions with the Security Council. They helped with North Korea and the problems we have with North Korea, and particularly the greater potential problems we might have if North Korea starts sending missiles farther out into the Pacific.

But if this resolution passes, all those problems I mentioned are going to be exacerbated and all the good points I mentioned will become irrelevant and not helpful in our relationship with that country.

It is a very important country to deal with in a very solid, commonsense way. China is the largest country in the world. China has the largest freestanding army in the world. China has the largest population in the world. China is a nuclear power. China is the fastest growing developing country in the world. It is a major power. We can't close our eyes to China.

I am not saying we should accept what China is doing. I am not saying we should accept what any country is doing that is adverse to American interests. But I am saying that we have to, with eyes wide open, look at China and engage China without illusion. That is the policy.

If this resolution were to pass, believe me, we would be disengaging

China. China would be so upset—and they should be, if it were to pass—and we would be dealing with China as an enemy and not as a country that is separate from us.

There is an old saying in life that if you stick your finger in somebody's eye and you treat somebody like the enemy, guess what. They are going to be an enemy; they will react adversely. That is exactly how this would be recognized if it were to pass.

There is another important point. It is procedural. Procedural matters, I might add, are not unimportant. This measure has been reported out of the House Ways and Means Committee unfavorably. So it is highly likely that this resolution will not come over to the Senate. If that is the case, why are we going through all of this? It doesn't make any sense.

I suggest, with deep respect to the other body, and with deep respect to my friend from New Hampshire and to my fellow colleagues, that if it comes up in the House, despite the recommendation of the House Ways and Means Committee, they pass the resolution, and it comes over here, then we will take it up and we will debate it. But it is premature to take it up at this time when it is clear, because of the House vote, that it will not pass the House and therefore will not be ripe as an issue over here.

But the fundamental reason is that this resolution, if it were to pass, would cause many more problems than the purported solutions that lie under the premise of this motion.

Again, all Presidents who have looked at this issue and all Congresses that have looked at this issue have reached the same conclusion—Republican and Democrat—that continuing the grant on an annual basis of unconditioned, normal trade relations with China will create the foundation and the condition for a much greater probability that we are going to achieve the success we want with various other issues that we have with China.

I oppose this move to discharge the Finance Committee from considering the resolution to disapprove extension of Jackson-Vanik waiver authority for China. It is an unnecessary attempt to alter a process that has worked well in providing for Congress' role in the annual NTR debate.

America's economic and trade relations with China have developed significantly over the past decade. I fervently hope that we will be able to resume WTO negotiations with China, complete a good commercial agreement, and extend permanent NTR quickly and in time for China to join the WTO in November in Seattle.

This is important for our businesses, important for our workers, and important for our country. I have no illusions about the serious problems we have with China, whether it is human rights, arms proliferation, espionage, Taiwan, or other areas. But using NTR, whether it is the annual extension or the permanent granting of that status, is not an effective way to influence China and move them in a direction we would like to see that society go. It holds our economic interests with China hostage to other aspects of the relationship. We need to regularize and normalize our trading relationship with China. We need to put predictability and stability into that trading relationship so that our industries can improve their ability to do business with China.

This resolution to discharge, although seemingly procedural, has an intent that damages our businesses, our workers, our farmers, and our Nation. I urge my colleagues to reject this effort.

I see my colleague. I guess he is going to yield time to one of our colleagues.

Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to my distinguished colleague from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

I rise today in opposition to the President's decision to extend normal trade relations status to China.

I especially thank the Senator from New Hampshire for bringing up the issue today.

I have objected to the President's policy on this issue since 1994, when he first de-linked the issue of human rights from our trading policy in China. The argument made then was that trade privileges and human rights are not interrelated. At the same time, it was said, through ''constructive engagement'' on economic matters, and dialogue on other issues, including human rights, the United States could better influence the behavior of the Chinese Government.

I have yet to see persuasive evidence that closer economic ties alone are going to transform China's authoritarian system into a democracy, or even reduce the current level of oppression borne by the Chinese people. Unless we continue to press the case for improvement in China's human rights record, using the leverage of the Chinese Government's desire to expand its economy and increase trade with us, I do not see how U.S. policy can help conditions in China get much better.

Virtually every review of the behavior of China's Government demonstrates that not only has there been little improvement in the human rights situation in China, but in many cases, it has worsened—particularly in the weeks preceding the tenth anniversary of the Tiananmen Square massacre on June 4th. More generally, five years after the President's decision to de-link trade from human rights, the State Department's most recent Human Rights Report on China describes once more an abysmal situation.

In my view, it is impossible to come to any other conclusion except that ''constructive engagement'' has failed to make any change in Beijing's human rights behavior. I would say that the evidence justifies the exact opposite conclusion: respect for human rights by the Chinese government has deteriorated and the regime continues to act recklessly in other areas vital to U.S. national interest.

This year—1999—is likely to be the most important year since 1989 with respect to our relations with China. Not only does it represent a significant milestone for the victims of Tiananmen Square, but 1999 is also the 50th anniversary of the founding of the People's Republic. This year has also seen the emergence of new thorny issues between the United States and China, including the accidental embassy bombing, faltering negotiations regarding accession to the World Trade Organizations, and the recent release of the Cox report on Chinese espionage.

If moral outrage at blatant abuse of human rights is not reason enough for a tough stance with China—and I believe it is, as do the American people—then let us do so on grounds of real political and economic self-interest.

For example, China has failed to provide adequate protection of U.S. intellectual property rights; it has employed broad and pervasive trade and investment barriers to restrict our exports; it has made illegal textile transshipments to the United States; it has exported products to the United States manufactured by prison labor; and it has engaged in questionable economic and political policies toward Hong Kong.

This does not present a picture of a nation with which we should have normal trade relations. Alternatively, if the Administration accepts these practices as normal, perhaps we need to redefine what normal trade relations are. The current practices are certainly not any that I wish to accept as normal.

Nor, Mr. President, do I wish to accept as normal the practice in our country of using campaign money to influence policy decisions, but I'm afraid that the China/NTR decision is far from an exception to this rule.

No, Mr. President, U.S.-China trade policy epitomizes how our campaign finance system can influence important decisions. The corporations and associations lobbying in favor of China NTR, as well as on China's accession to the World Trade Organization, represent a virtual who's who of major political donors. In an effort to inform my colleagues and the public about who's who in the push for NTR for China, I'd like to Call the Bankroll on some of the companies and associations involved in this fight.

These big donors represent industries that run the gamut of American commerce—from agribusiness to telecommunications and everything in between—but they all have in common a keen financial interest in China winning normal trade relations status.

One of the major coalitions lobbying to boost China's trade status, USA Engage, has a membership list brimming with top PAC money and soft money donors.

Let me name just a few examples of the political donations some of these USA Engage members gave during the last election cycle:

Defense contractor TRW Inc. gave more than $195,000 in soft money and $236,000 in PAC money.

Financial services giant BankAmerica gave more than $347,000 in soft money and more than $430,000 in PAC money.

The powerful business coalition of the U.S. Chamber of Commerce gave nearly $50,000 in soft money and $10,000 in PAC money

Exxon, one of the world's largest oil companies, gave $331,000 in soft money and nearly half a million dollars in PAC money.

Communications giant Motorola gave more than $100,000 in both soft money and PAC money.

Mr. President, this is just the tip of the iceberg. The list goes on and the money is piled high.

Over in the other body, junior members—who of course sit in the most remote offices in the far corners of the House office buildings—say that the only reason corporate CEOs come visit their offices is to push for NTR status for China.

So you see, Mr. President, on the one hand, some of the most powerful interests in America come to our offices to call on us to grant NTR status to China. We hear them loud and clear, and more than that we know too well the influence they wield as a result of their political donations.

But Mr. President, what about the other side? What about the voices we don't hear? The faces we don't see? I am talking about the human rights organizations who oppose de-linking trade from human rights, but are virtually nonexistent in the world of campaign contributions. I am talking about the thousands, if not millions, of Chinese people living without basic human rights who don't have access to the Halls of Congress.

I fail to see anything normal about the United States extending favorable trading status to a government that routinely denies basic freedoms—of expression, of religion, and association—to its people.

I fail to see what is normal, what is acceptable, or what is just about the United States tacitly condoning the actions of a country where our own State Department reports that the human rights situation is—quote—''abysmal.''

Mr. President, my main objective today is to push for the United States to once again make the link between human rights and trading relations with respect to our policy in China. As I have said before, I believe that trade—embodied by the peculiar exercise of NTR renewal—is one of the most powerful levers we have, and that it was a mistake for the President to de-link this exercise from human rights considerations.

So, Mr. President, for those of us who care about human rights, those of us who long for freedom of religion for others, and those of us who believe America should demonstrate moral leadership in the world, I urge colleagues to join me in disapproving the President's decision to renew normal-trade-relations status for China.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 8 minutes to my good friend, the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, as the chairman of the Subcommittee on East Asian and Pacific Affairs of the Foreign Relations Committee, I rise in strong opposition to the motion to discharge S.J. Res. 27. My objections to the motion and the underlying resolution, and to bringing them up at this point in time, are both procedural and substantive.

My first procedural objection is that while the Senator from New Hampshire [Mr. SMITH] is within his rights to move to discharge the joint resolution pursuant to 19 U.S.C. §§2192(c) and 2193, by doing so he is effectively seeking to bring it to the floor by completely circumventing the committee process. S.J. Res. 27 was referred to the Finance Committee on June 7 of this year. As my friend the distinguished chairman of that committee [Mr. ROTH] has noted today, the committee has had no opportunity to hold hearings on the relative merits of the resolution, to amend it, or to prepare a report on it to the full Senate. A piece of legislation this important, that would—if passed—have a huge effect on what I believe will be our most important bilateral relationship in the next century, deserves to be considered fully by the committee of jurisdiction without having that process short-circuited by a single Senator—especially one that is not a member of the committee in question.

Second, the Senate still has a number of vitally important appropriations bills to complete before Congress recesses for August. There is no connection whatsoever between these legislative matters and the joint resolution. There exists no time exigency which makes it important to lay aside debate on appropriations bills in order to debate China NTR nor, for that matter, which makes it important to circumvent the statutory process set out for the consideration of resolutions like S.J. Res. 27.

And that brings up my third procedural objection. Pursuant to the Trade Act of 1974, it is the practice of the Senate that a resolution of disapproval of a renewal of NTR status must originate in the House. Pursuant to 19 U.S.C. §2192(f)(1)(A)(ii) and 2192(f)(1)(B), any resolution of disapproval which passes the Senate before receipt from the House of a similar or identical joint resolution is required to be held at the desk until the House acts and passes such a joint resolution. H.J. Res. 57, the companion resolution to S.J. Res. 27, was introduced in the House on June 7, 1999, and referred to the Committee on Ways and Means. On July 1, the committee considered the resolution, and ordered it to be reported adversely by voice vote. The full House has yet to act on that report. So even if for some reason which escapes me the Senator from New Hampshire [Mr. SMITH] can justify his urgent desire to bring his legislation to the floor, where is the logic in putting the procedural cart before the horse and acting before the House does?

Those are my procedural objections to the motion. But I also oppose the resolution, and thus the motion to discharge it, on substantive grounds. In my five years as subcommittee chairman, I have always fully supported unconditional NTR status for China and done so for several reasons: some practical, some policy-based.

First, from a practicality standpoint, I firmly believe revoking NTR would hurt us more than the Chinese—the economic equivalent of cutting off your nose to spite your face, or, as the Chinese say, ''lifting up a rock only to drop it on your foot.'' In 1998, U.S. exports to China directly supported over 200,000 U.S. jobs. In 1995, China bought $1.2 billion worth of civilian aircraft, $700 million of telecommunications equipment, $330 million of specialized machinery, and $270 million of heating and cooling equipment. Those figures have grown since then.

China is now the world's third largest economy, and will continue to grow at an impressive pace well into the next century. The World Bank estimates that China will need almost $750 billion in new investments to fund industrial infrastructure projects alone in the next decade. Cutting off NTR—and the Chinese retaliation that would surely follow—would only serve to deprive us of a growing market. China is perfectly capable of shopping elsewhere and our ''allies'' are more than happy to step into any void we leave. We recently saw a prime example of that willingness; in 1996 then-Premier Li Peng traveled to France where he signed a $2 billion contract to buy 33 Airbuses—a contract that Boeing thought it was going to get.

Second, instead of using the NTR issue as a carrot-and-stick with the PRC, I believe the best way to influence the growth of democratic ideals, human rights, and the rule of law in that country is through continued economic contacts. I think anybody who has been to China, especially over the course of the last 15 years, has seen that for themselves. One of the strongest impressions that I take away from every trip I make to China in my capacity as subcommittee chairman is the dramatic effect that economic reform has had on the population. As you

travel south from Beijing to Guangzhou where the greatest economic development has taken place, it is clear that economic development and contact with the West through trade has let a genie out of the bottle that the regime in Beijing will never be able to put back.

Local government officials do not want to talk about the Taiwan dispute; they want to talk trade. Local businessmen do not want to talk about political ideology; that want to talk about increasing their profits and establishing a legal framework in China within which to do business. Local citizens do not care about the latest pronouncements from the Central Committee; they care about increasing their incomes and bettering their living conditions. People of the hundreds of thousands of villages where local democratic elections have been held have made it clear they would not quietly return to the old way of doing things.

The development of a market economy is the best way to encourage democratic reform. We have seen it in South Korea, we have seen it in Taiwan, we have seen it in the former Soviet Union, and I believe that we are beginning to see it now in China.

Third, revoking NTR would have a damaging effect on the economies of Hong Kong and Taiwan—two of our closest friends in the region. A vast majority of our China trade passes through Hong Kong and Taiwan; in addition, revoking NTR would have the greatest impact in the southern China provinces of Guangdong and Fujian where Hong Kong and Taiwanese businessmen have made substantial investments. Just for the limited sanctions and countersanctions proposed during our dispute over Chinese infringement of our intellectual property rights in 1996, the Hong Kong government estimated that Hong Kong would loose 11,500 jobs, $13.4 billion in reexport trade, and 0.4 of a percentage point from a 4.6% GDP. The effects would be much more pronounced were NTR to be involved.

Fourth, NTR is not some special treatment or favor that the United States passes out rarely; it is the normal tariff status with our trading partners. Only 8 countries are not accorded that status: Afghanistan, Zerbaijan, Cambodia, Cuba, Laos, North Korea, Vietnam, and Serbia. To cast China into that grouping of pariah states would do irreparable damage to our bilateral relationship, and to the security and stability of East Asia as a whole.

With the demise of the cold war, and changing world realities, we would do better to repeal Jackson-Vanik and the yearly theater that surrounds the China NTR debate. It only serves: to make U.S. businesses nervous—they never know from one year to the next whether they will have NTR, and their investments in China, yanked out from underneath them; to complicate our relationship with the Chinese—the annual debate always reminds them that we treat them differently than almost every other country and some of the ensuing rhetoric in the debates is less than helpful to the relationship; and, to compromise our credibility both with the Chinese and in Asia in general—threats to revoke NTR have yet to be carried out and conditioning has never worked.

I am not an apologist for the PRC—far from it. My subcommittee has held numerous hearings highlighting Chinese human rights abuses, oppression in Tibet, saber rattling aimed at Taiwan, unfair trade practices including tariff and non-tariff barriers, and the recent allegations of espionage—all issues I have raised personally with Chinese leaders from President Jiang on down. But no matter how maddening or ill-advised Beijing's behavior, I do not believe that withholding NTR is an effective instrument of foreign policy vis-a-vis China. In fact, I believe that there is no more effective way to influence the PRC than engaging China and slowly drawing it into the family of nations. If there is a way, I have yet to be made aware of it; I just know that the revocation or conditioning of NTR is not it.

For all these reasons then, Mr. President, I urge my colleagues to oppose the motion to discharge S. J. Res. 27.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 6 minutes to my very good friend, the distinguished Senator from the State of Washington.

The PRESIDING OFFICER. (Mr. CRAPO). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise to join my colleagues in opposition to the Smith resolution on normal trade relations for China. Once again, the Senator is confronted with an effort to circumvent the legislative process and radically change U.S. policy towards China. I oppose this effort. But I also caution my Senate colleagues, that the approach advocated here today is very dangerous to U.S. foreign policy.

United States-China relations are at a very delicate stage now. The relationship is very troubled at the moment. The accidental U.S. bombing of the Chinese embassy in Belgrade and accusations of Chinese nuclear espionage have given policymakers in both countries numerous reasons to be cautious about this important relationship.

Today's debate will be a brief one. With my time, I want to make a couple of points to articulate why we must once again defeat the effort to deny NTR or MFN status to China.

First, trade is the foundation of the United States-China relationship. Certainly, there are problems on the trade front. We have a troubling deficit, problems with issues like transshipment and intellectual property rights violations, and market access issues—to name just a few. Many of these issues are under consideration in the talks led by the United States over China's accession to the World Trade Organization. I continue to support China's accession to the WTO on commercially viable terms. I think we are very close to a WTO agreement that will be strongly supported by the Congress.

Yes, trade with China is very important. But, perhaps more important, is the fact that trade has opened China's doors to the world. Our government is able to engage China on a number of issues from drug smuggling to cooperation on issues like human rights, North Korea, nuclear expansion in South Asia, and global environmental problems. Like it or not, if we end our trade relationship with China as some suggest, all of these beneficial openings to China will be curtailed or lost.

It is not just government-to-government contacts that we should be worried about. My personal opinion is the American people are having a far greater impact on the Chinese people than any congressional debate could ever have. Students and scholars, adoptive parents, business and tourist delegations, sister city delegations, and local government officials from my state are actively engaged in China. These folks are making a difference that benefits both the American and Chinese people. I do not want to see these people-driven initiatives for change jeopardized by passage of this resolution.

One in five people in Earth live in China. It is an immense population that impacts Us all in so many ways—the world's food supply, pollution problems, and the use of natural resources, to name a few. The United States has the ability to cooperatively assist in China's development; we must not shy from this opportunity to aid both the Chinese and American people.

My second point addresses reform in China. Within China today a furious debate is raging. Leaders like President Jiang Zemin and Premier Zhu Rhongi are under attack by more conservative anti-Western forces. The Embassy bombing and other issues have emboldened the hard line forces within China's leadership. There are elements within the Chinese Government that do not want to move forward with constructive ties with the United States.

The resolution before the Senate today, in my estimation, sends a very dangerous message to China. The message is the United States is recoiling towards a more confrontational posture towards China. Passage of this resolution will strengthen those in China who argue that China should treat the United States as an adversary. If that happens, the relationship will certainly spiral in dangerous directions for both the Chinese and American people.

If we undermine the reform forces in China, it will have dangerous implications for this country. At the United

Nations, where China is a permanent member of the Security Council, the United States will have a very difficult time as the world's lone superpower. In Asia, where economic recovery is beginning to take place and where we have 100,000 military personnel, our efforts to preserve decades of peace will be jeopardized. And, the United States will be alone in the world in seeking to isolate China economically, potentially causing problems with our allies in Europe and Asia.

Though I strongly oppose this resolution, I do not mean to imply that the China relationship is easy or that the United States should make concessions to the Chinese. That is simply not the case. The United States-China relationship is very difficult for this country and will be so for some time. I have many objections to Chinese actions. But, I believe, to change China, we must be an aggressive participant in the global effort to engage the Chinese Government and the Chinese people.

This resolution before us today would seriously threaten our ability to contribute to change in China. And that is clearly not in our national interest. I urge my colleagues to defeat the Smith resolution.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time remains?

The PRESIDING OFFICER. The Senator has 10 minutes 55 seconds remaining.

Mr. SMITH of New Hampshire. Mr. President, I cannot let go unchallenged on the floor the accusation that I am circumventing the legislative process. I think my colleagues know that is not true. This is the act, the Trade Act of 1974. I have it in my hand. I would encourage my colleague to read it before making accusations that are simply false.

In the committee of either House to which a resolution has been referred, that has not been reported at the end of 30 days after its introduction, and counting any day which is excluded under section 154(b) it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution associated with this.

The bottom line is, this went to the committee on June 3. It has remained there to this day. More than 30 days have passed. The bottom line is, which is perfectly legitimate under the rule, the Finance Committee does not have to discharge it. If they do not discharge it, what happens is China gets its NTR status, and Jackson-Vanik is waived.

So I am exercising my right in doing what I am doing. And for colleagues to come down here and say I am circumventing the legislative process simply is not true. I would like to go back and see how some of my colleagues voted on some of these matters.

I have heard on the floor that it is inappropriate to debate this issue; it is inappropriate to talk about it. ''Take morning business and come down here,'' or ''speak at midnight when nobody is watching.''

There is a process here. It is written in the law that the Senate has an hour on the motion to determine whether or not to discharge, and then if we pass these motions I am offering on China and Vietnam, we have the opportunity to debate this.

So I am hearing that it is inappropriate for the Senate to debate something provided under the law. Why in the world is it inappropriate to debate anything on the floor? If you want to know what is wrong with this place, this is a pretty good example. ''It is inappropriate to debate what's going on in China and Vietnam on the Senate floor.''

Let me tell you what is inappropriate. With all due respect, what is inappropriate is the fact that the Communist Chinese are threatening Taiwan with missiles. What is inappropriate is what the Chinese Communist Government did to the people of Tibet. What is inappropriate is the fact that the Chinese Government put hundreds of thousands, maybe millions of dollars into U.S. elections. What is inappropriate is that they have tried to take over the Long Beach shipyard. What is inappropriate is that the Chinese have gobbled up the port leases on both sides of the Panama Canal. What is inappropriate is population control. What is inappropriate is forced sterilization. What is inappropriate is killing unborn children, female children. That is what is inappropriate. What is also inappropriate is trying to run over peaceful protesters with tanks in Tiananmen Square.

So do not tell me it is inappropriate to debate something on the floor. It is an outrage that this Senate will not approve this motion and allow the opportunity to do that.

Let me come to the floor and debate these issues. They do not want me to come to the floor, I say to the American people. That is why my resolutions are going to go down, because they do not want to hear about it, because the administration has made a decision to grant most-favored-nation status, normal trade relations—a decision to look the other way while China does these appalling things.

I say, with all due respect—I said it earlier, and I will say it again—this President went to war and put American forces in harm's way to protect the human rights of the Albanians in Kosovo. And I can't get a resolution passed to debate human rights violations in China or Vietnam. What does that tell you? Is this America? Do you want to know what is wrong with politics? This is what is wrong with politics.

In China, they can do what they want. China is a sovereign nation. I guess, under the Clinton policy, we may be bombing them tomorrow. I do not know if it is human rights violations. Apparently, we cannot talk about them in the Senate. However, let me read you a little bit about what goes on in China from the 1998 State Department Human Rights Report.

Disciplinary measures against those who violate policies can include fines (sometimes a ''fee for an unplanned birth'' or a ''social compensation fee''), withholding of social services, demotion, and other administrative punishments . . . intense pressure to meet family planning targets set by the Government has resulted in documented instances where family planning officials have used coercion, including forced abortion and sterilization, to meet government goals. During an unauthorized pregnancy, a woman often is paid multiple visits by family planning workers and pressured to terminate the pregnancy.

It goes on and on and on.

Are we going to give most-favored-nation status to this country? This is the issue. We are going to give it to them without giving me and other Senators in this body the opportunity to debate it on the floor? Welcome to America, for goodness sakes.

I thought the Senate was the greatest deliberative body in the world where all of the great debates took place. I am standing at Daniel Webster's desk. He would probably turn over in his grave if he heard that we would refuse to debate something as important as this. Daniel Webster stood on this floor, the strong advocate, year after year, against the outrage of slavery—and we cannot talk about China and Vietnam because my colleagues will not allow me to bring these resolutions out.

It is outrageous. I just do not understand it. It is exactly everything that is bad and wrong and outrageous about politics and about the process around here. I am sick of it. It is wrong.

Yes, bringing these motions is within the rules. Somebody put it in there. But for goodness sakes, what is fair is fair. It is not a question of me coming to the floor and saying: Well, nothing is happening in China; I'm just going to come down on the floor and create some problems here and tell you about things I made up, or I'm going to say nothing is going on in Vietnam.

I am not making this up. Right today, in the Washington Times:

Chinese companies transferred missile components to North Korea last month in a sign Beijing is stepping up arms sales in response to the NATO bombing of the Chinese embassy in Belgrade. ''We are concerned about Chinese entities providing material for North Korea's missile program,'' a senior administration official told the Times. ''In our judgment, the Chinese government has no interest in seeing North Korea develop its missile technology.'' The Pentagon believes that some of the missile technology contains material of U.S.-origin, and that the transfers violate Chinese promises not to ignore international missile export controls barring such sales to rogue states, said U.S. intelligence officials.

Apparently we are not upset enough, are we? We are going to give them normal trade relations and look the other way. You steal our secrets; you abort your children; you forcibly abort female children; you saber rattle in Taiwan; you threaten to run over peaceful demonstrators with tanks. A priest was murdered a couple of months ago on the streets of Beijing. You give contributions to one of the major political parties in America, and we are going to look the other way.

We are not even going to debate it. I say to the people out there in America: Watch the vote. You will see it. One right after another, they will come down here and SMITH will lose on Vietnam and SMITH will lose on China. And the American people will lose the opportunity to debate it.

I cannot do this in 30 minutes. I would like to go into some of these matters in detail, but I do not have the time. That is the rule. I have 30 minutes, an hour equally divided. That is it.

So I just say to my colleagues, give me the opportunity to debate these matters on the floor so I can point out to you the human rights abuses and the flagrant violations of both of these countries. Vietnam does not deserve the Jackson-Vanik waiver and China does not deserve to be given normal trade relations.

Mr. President, I see my time has expired. I yield back the last minute.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 4 minutes to my friend, the Senator from West Virginia, Mr. ROCKEFELLER.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank the Presiding Officer.

I point out to my friend from New Hampshire that he did, indeed, have the floor. The parliamentary process seems to be working. He has mentioned those aspects on which he disagrees with China five or six times apiece now since I have been on the floor in only the last 10 minutes. I don't think he should be that concerned about not being able to debate.

There were those of us on the other side of the aisle who were trying to debate something called the Patients' Bill of Rights for several weeks, and we were denied that. Well, this is a tough body. One does the best they can.

I think terminating normal trade relations with China would be an enormous mistake. I have often said one of the greatest speeches I have ever heard on the floor was given by Senator Jack Danforth. It was the last one he ever gave on the floor. It was a number of years ago when he retired. He talked about the fact that every Senator wants to be a Secretary of State, and every Senator thinks that he or she is a Secretary of State. Every Senator thinks that he or she ought to act as Secretary of State, and that about half of us try to. There is an endless opportunity because you can bring up other countries and bring up all the things you don't like about them.

The Senator from New Hampshire doesn't approve of different of their social policies, so he brings them up. He has a chance to speak about them. None of this, in my judgment, has to do with the self-interest of the United States of America. What is foreign policy? What is trade policy? It is meant to be the self-interest of the United States of America.

The Senator, as he concluded his argument, actually said that China was taking over, implying that they had taken over the Panama Canal. That came as a surprise to me because I read the news fairly diligently and haven't heard that. What I do know is this: China has been through 5,000 years of history, and I have studied it quite carefully. They have never had a single day of stability that they could count on. In fact, even under Confucian philosophy, the people always have, in the so-called five relationships, the right to overthrow the emperor any time they want, and they frequently have.

They are, as the Senator from Washington indicated, one-fifth of the world's population. They are an absolute key. The very worst thing I can imagine us doing at this time would be to terminate normal trade relations.

If the Senator from New Hampshire, as he says, believes that the Chinese are not treating the Taiwanese well, if you want the Taiwanese-Chinese relationship, the PRC-Taiwanese relationship, it is not a zero-sum game. The best relationship between the PRC and Taiwan is always going to be under those conditions wherein the United States and the PRC have the most normal, natural, and efficient relationship. That means we will disagree on many things, but we will also do a number of things, which we have been doing for years: For example, trading, exchanging students, learning more about each other. Americans have always had a kind of love/hate relationship with China. It is part of the mysticism, the mystery of our intangible history of the past centuries with them.

We have never really understood China very well. We don't understand China very well today. But one thing I know, if we terminate normal trade relations, it is going to give the upper hand to the very people in the People's Liberation Army, some of the younger turks there who are the people that, in fact, in 1996 led the move to point missiles at Taiwan and who are probably right now doing everything they can to destabilize Zhu Rhongi and President Jiang Xemin, who are trying to reform China, to stabilize China, to deregulate China, to make China into a more modern economy with, all the time, 120 or 140 million people that are completely homeless wandering around the country.

I strongly advise my colleagues to vote against what is quite an outrageous resolution, which has no place whatsoever on the floor.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I also rise to urge my colleagues to vote against the motion to discharge the Committee on Finance from further consideration of the resolution disapproving the extension of the Jackson-Vanik waiver authority for normal trade relations with China.

Beyond the procedural problems my colleagues outlined regarding taking up this measure today, there are clear and crucial reasons to oppose this motion because the underlying disapproval resolution should also be opposed on its merits.

Let me state that I agree with my colleague on the goals he seeks to achieve by pursuing this motion, but I disagree with his methods.

I too am concerned about the recent espionage reports and the implications for our national security.

I too am concerned about China's destabilizing weapons sales.

I too want China to resolve peacefully her territorial disagreements in the South China Sea.

I too want China to lower barriers to U.S. exports and to reduce her trade surplus with the United States.

I too want China to end her military threats against Taiwan and to resolve peacefully her differences with Taipei.

And I too want China to respect the basic human rights of its citizens.

But I do not believe that withdrawing normal trade relations status will force China to satisfy any of our objectives. Indeed, sanctioning China by withdrawing NTR runs the risk of making that country more belligerent and less cooperative on these and other issues.

Moreover, revoking NTR would be contrary to American interests and the interests of the American people.

Experience shows that unilateral trade sanctions generally don't work. The chances of success only improve when sanctions are applied in cooperation with our major allies. However, not one of these allies is even debating whether to withdraw NTR status from China.

Let's be clear on this point. If we revoke NTR status for China, Beijing would certainly be hurt, but so too would the United States.

As a result of withdrawing NTR, U.S. duties on goods imported from China would immediately rise to the tariff rates established under the highly protectionist, depression-era Smoot-Hawley tariff law.

Because NTR is provided on a reciprocal basis, China would respond to higher tariffs on her goods by slapping higher tariffs on U.S. goods. Such a move will slam the door shut on U.S. exports to the Chinese market—the fastest-growing market in the world for the highly competitive American aircraft, telecommunications, and automotive equipment industries.

These export opportunities will go instead to the Europeans, the Japanese,

the Canadians and firms from all the other countries in the world which continue normal commercial relations with China.

In addition to severely damaging U.S. exporters, the small and large American firms that have invested billions of dollars to penetrate the Chinese market would see their efforts and investments jeopardized.

The economic fallout from withdrawing China's NTR status is not only going to hit American companies, but also American consumers. Our lowest income citizens, in particular, would suffer from the dramatically higher prices they will have to pay for a variety of basic goods as a direct result of the imposition of substantially higher duties on Chinese imports.

There are those who claim that pricing Chinese goods out of our market through higher duties would be beneficial because the products we now import from China would be produced in the United States. But any business person will tell you the truth is that in almost all cases imports from China will be replaced not by American products but rather imports from other developing countries.

We must also recognize that cutting ourselves off from China by withdrawing NTR will severely limit our ability influence developments in China, including how China treat its citizens and whether it permits the development of a freer society.

Mr. President, it is also important to recognize that the United States already has specific, measured and targeted tools at our disposal that allow us to address problems with China without resorting to the indiscriminate and destructive approach of revoking NTR.

For example, we can adopt the Kyl-Domenici-Murkowski amendment to reorganize the Department of Energy to prevent further losses at our national weapons laboratories.

We can involve targeted Section 301 sanctions for discrete discriminatory and unreasonable Chinese trade practices.

We can continue to expose and condemn China's repressive human rights record in this Chamber and in organizations around the world.

We can counter China's threats to Taiwan by considering sales of upgraded defensive weaponry to Taipei, as well as by reaffirming our unwavering commitment to a peaceful resolution of the dispute between Taiwan and China in the context of our one China policy.

We can rely on international law and the shared interests of the countries of Southeast Asia to counter aggressive Chinese territorial claims.

I want to note here, moreover, that neither the Taiwanese—who are never shy about voicing their opinions to Members of Congress—nor the countries of ASEAN which have territorial disputes with China, support the United States revoking NTR for China.

The bottom line, Mr. President, is that revoking NTR would not advance the goals for China which I share with my colleague, and will likely worsen our problems with China. And it would put at risk hundreds of thousands of American jobs and billions of dollars worth of American exports and investments.

With so much to lose and nothing gained, I urge my colleagues to vote against this motion.

Mr. KERREY. Mr. President, I rise today in strong opposition to the motion to discharge the Finance Committee from further consideration of S.J. Res. 28. I oppose the efforts of the Senator from New Hampshire because I believe passage of S.J. Res. 28 would be a step backward and would jeopardize our efforts to encourage political and economic change in Vietnam.

Mr. President, I am confident my colleagues on both sides of this debate share the same goal: helping to create a democratic Vietnam. We all want to see a Vietnam that respects the rights of all of its citizens. A Vietnam whose society is based on the rule of law. A Vietnam that protects private enterprise and abides by international commercial standards. A Vietnam that cooperates with the United States in seeking to end the pain and the lingering questions of the thousands of American POW/MIA families.

While we share the same goal, we fundamentally disagree on how best to achieve a democratic Vietnam. Those who support S.J. Res. 28 believe we are more likely to promote democratic reforms and the human rights of the Vietnamese people by discontinuing our dialogue with the Government of Vietnam. They believe we can encourage the transition to free market economics by putting U.S. businesses in Vietnam at a disadvantage relative to their global competitors and making it more difficult for them to operate. Finally, they believe we can improve Vietnamese cooperation in solving outstanding POW/MIA cases by jeopardizing successful, joint investigative and recovery programs.

Proponents of this legislation will argue passage of S.J. Res. 28 would only have the minimal effect of denying the President's waiver of the provisions of the Jackson-Vanik Amendment. The truth is, this vote is a referendum on our entire policy of engaging Vietnam. Those who support this Resolution have opposed every effort to normalize U.S.-Vietnamese relations. With this Resolution, they are trying to take us back to the policy of the 1980s that sought to isolate Vietnam from the United States both diplomatically and economically. This policy failed in the 1980s, and will undoubtedly fail again.

Mr. President, proof of the failure of disengagement is found in the fact that since renewing our diplomatic relations with Vietnam we have seen progress on the issues we care about. I attribute most of this improvement on the ability of our government to communicate with Vietnam through normal, diplomatic channels. This progress will continue if we allow people like Ambassador Pete Peterson to continue to impress upon the Government of Vietnam the seriousness with which we attach to issues such as democratization, human rights, and POW/MIAs. Passage of this Resolution will undermine Ambassador Peterson's efforts, will force us to step back from our policy of engagement, and will endanger the progress we have already achieved.

This is not to say that we do not continue to have issues with which we disagree with the Vietnamese government. Economic and social reforms are not progressing quickly enough. We continue to hear of cases where the rights of political dissidents are not respected. And until every POW/MIA is accounted for, we will continue to press the Vietnamese government for answers. However, the authors of S.J. Res. 28—those who oppose continued normalization of our relations with Vietnam—have failed to explain how disengaging from Vietnam will encourage their government to take positive action on any of these issues.

Mr. President, those who prefer isolation simply fail to fully understand the power of the United States to act as a catalyst for societal and economic change. We cannot be this catalyst for the Vietnamese people if we are not fully engaged in Vietnam. I would argue we need to be more engaged than we are today. Where we disagree with Vietnamese government, we should forcefully challenge them. And where we see the budding signs of reform, we should foster its growth. We cannot do this if—as those on the other side propose—we do not continue to move forward in our relationship with Vietnam.

Passage of S.J. Res. 28 is a step backward. Rather than going back, I believe we should look forward. We should look for ways to fully unleash the power of our people, our ideals, and our system of government to help the Vietnamese achieve the goal of democracy. I urge my colleagues to oppose the motion to discharge S.J. Res. 28.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Montana.

Mr. BAUCUS. Mr. President, I believe that concludes the number of speakers who wish to speak on this matter and, therefore, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on both resolutions.

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

Mr. SMITH of New Hampshire. Mr. President, I ask for the yeas and nays on both resolutions: the China resolution and the Vietnam resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO DISCHARGE S.J. RES. 27

The PRESIDING OFFICER. The question is on agreeing to the motion to discharge S.J. Res. 27.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 12, nays 87, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—12

Bunning	Hollings	Sessions
Collins	Hutchinson	Smith (NH)
Feingold	Inhofe	Snowe
Helms	Leahy	Wellstone

NAYS—87

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

NOT VOTING—1

Kennedy

The motion was rejected.

The PRESIDING OFFICER. Under the statute, a motion to reconsider a motion to table is not in order.

VOTE ON MOTION TO DISCHARGE S.J. RES. 28

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the motion to discharge S.J. Res. 28. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 5, nays 94, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—5

Campbell	Helms	Smith (NH)
Feingold	Hollings	

NAYS—94

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

NOT VOTING—1

Kennedy

The motion was rejected.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I believe we have worked out some consent agreements now that will allow the Senate to go forward in a constructive way. One has to do with the campaign finance reform issue, and the other one has to do with how we will handle the intelligence authorization bill this afternoon.

I see Senator MCCAIN here. I know Senator FEINGOLD is here.

CAMPAIGN FINANCE REFORM

I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, but no later than Tuesday, October 12, 1999, the Senate proceed to the immediate consideration of a bill to be introduced by Senators MCCAIN and FEINGOLD regarding campaign reform, and that the bill be introduced and placed on the calendar by the close of business on Wednesday, September 14, 1999.

I ask unanimous consent that debate on the bill prior to a cloture vote be limited to 3 hours to be equally divided in the usual form.

I also ask unanimous consent that only amendments related to campaign reform be in order, with time on all amendments, first and second degree, to be limited to 4 hours each, equally divided in the usual form, and that if an amendment is not tabled, it be in order to lay aside such amendment for 2 calendar days.

I further ask consent that no sooner than the third day after the bill is brought to the floor, a cloture motion be filed on the McCain-Feingold bill, and if cloture is not invoked, the bill immediately be placed back on the calendar.

Finally, I ask unanimous consent that it not be in order at any time prior to the pendency, or during the remainder of the first session of the 106th Congress, for the Senate to consider issues relative to campaign reform, except as the issues pertain to the appointment of conferees and any conference report to accompany the McCain-Feingold legislation.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, reserving the right to object, I yield to the Senator from Kentucky.

Mr. MCCONNELL. Reserving the right to object, I haven't quite finished reviewing this. If the majority leader will give me about 2 minutes, I think I will be ready.

The PRESIDING OFFICER. Are there other reservations of objection?

Mr. MCCAIN. Mr. President, reserving the right to object, I ask, does this mean that the majority leader will not fill up the tree with first- and second-degree amendments? In other words, the intent is to move forward with the amending process, up-or-down votes on the amendments and move forward? That is the intent of the majority leader?

Mr. LOTT. The intent is to have amendments and that they be voted on, on this bill.

My purpose in trying to get this worked out is so we can go ahead and complete our appropriations bills process but also recognizing the Senator's desire to have this issue considered, finding a time which was most satisfactory to all involved on both sides of the aisle to have it considered. And it is our intent to have ample time for debate and for amendments to be offered and voted on.

Mr. MCCAIN. I thank the majority leader.

This is a time now where we will be able to have a legitimate amending process. Amendments to perfect the legislation will be placed on the calendar by the close of business on September 14 so that we can improve or not improve. However, the legislative process will move forward, as we normally do on pieces of legislation before the body, with the exception, of course, that respecting the fact that the Senate does act with 60 votes to cut off debate, if Senator FEINGOLD and I fail to get 60 votes, then there is no sense in prolonging the debate or the discussion, including that we would not raise the issue again during the 106th Congress. We would have debates and amendments and votes on those amendments.

Mr. LOTT. Ordinarily, the way we do these unanimous consent agreements, I would have required the bill to be filed immediately after this unanimous consent agreement. But as the Senator indicated, that is over 2 months away

and changes might be necessary. But I think it is also important for those who might not agree with the content of this bill to have ample time to see what the bill is going to be and to prepare amendments on the other side. I thought the September 14 day was a reasonable time.

Mr. MCCAIN. If the majority leader will agree, for the remainder of the first session, we would not bring it up.

Mr. LOTT. I certainly hope not.

Mr. MCCONNELL. Mr. President, I will not object. I ask the majority leader if he will yield for a moment.

Mr. LOTT. I am glad to yield to the Senator for a question.

Mr. MCCONNELL. Let me say to the Senator from Arizona and the majority leader that I think this is a fair compromise. It would give the Senator from Arizona and the Senator from Wisconsin, as well as others who historically have been on the other side of this issue, an opportunity to offer amendments. It also will give us an opportunity, as the Senator from Arizona has indicated, to know what bill will be called up for debate on September 14. So I think this is a reasonable way to dispose of this issue that is fair to everyone, and it gives us an opportunity to proceed with the Senate's much more important business between now and the August recess.

I thank the majority leader for his good work on this, and I look forward to the debate later this year.

Mr. FEINGOLD. Mr. President, reserving the right to object, I thank the majority leader for his cooperation on this. I will ask a brief question. I want it to be absolutely clear in the record that the agreement as it reads involves a limitation with regard to the first session of the 106th Congress, but that we are not precluded in any way from raising this issue again in the second session of the 106th Congress.

Mr. LOTT. You are not. I am sure you would prefer to have this matter concluded in the first session.

Mr. FEINGOLD. Yes, absolutely, and there are other things on which I would like to be working.

That is a good lead-in for my comments on this issue. Again, I thank the majority leader and the Senator from Kentucky for their remarks. I especially thank the Senator from Arizona for his tremendous persistence on this issue and especially in working out this agreement in the middle of a very busy legislative schedule that I know we have for the rest of the year.

This agreement involves a debate to come up by October 12. It is later than I would have wanted. I understand we have had a few other things going on, including an impeachment trial, the war in Kosovo, and so on, but it is essential that this matter be seriously considered. I hope it is resolved and that we pass legislation before the end of this year. In any event, we have to bring it up.

The word ''amendments'' is critical in this agreement. We have to have a real amending process. We have not had that yet on campaign finance reform. At no point, since I have been working on the McCain-Feingold bill, have we ever had a time when Senators could offer their amendments about what they care about. Somehow, the process has always been truncated, and you can blame either side. Obviously, I have my view of it. But to me this agreement means that we will not again have a one-cloture-vote-and-we-are-done process. We are going to have real amendments, real debate, and a real discussion. If that transpires, I have a feeling we will have an outcome that, in my view, can lead to 60 or 70 votes, something on which Members on both sides can agree. That is my goal, and I think that is the goal of my colleague from Arizona.

I think it is very important to stay in touch with what happened in the other body. They have passed this legislation. A majority of Members of both Houses of the Congress are for this, and the President is ready to sign it.

I think it is important to make those points. Although it has its limitations, this can be the beginning of truly reaching some kind of an agreement in this House to do something about the incredible explosion of soft money that has tainted our democracy.

So, again, I thank the majority leader, and I am looking forward to this process.

Mrs. BOXER. Reserving the right to object, Mr. President, I want to say to my friends, you are terrific on this issue, and I appreciate what you have done. We got word from Senator LEVIN that he wants to see this agreement. He has asked if we would object at this point. He hasn't yet seen it. So I will be asking that this be put aside, or I will have to object on his behalf until he sees this.

The PRESIDING OFFICER. Objection is heard.

INTELLIGENCE AUTHORIZATION

Mr. LOTT. Mr. President, we have a second unanimous consent request that I think has been agreed to with regard to the intelligence authorization bill, so the Senate can go forward.

First of all, in view of the request that was made and the potential objection that I assume there will not be, I will withdraw that unanimous consent request at this time and then I will propound this request. I ask unanimous consent that the Senate now proceed to H.R. 1555.

I further ask consent that following the offering of the amendment by Senator KYL as provided for in the consent agreement on May 27, there be up to nine relevant second-degree amendments in order for each leader, or their designees, and an additional amendment to be offered by the managers to include agreed-upon amendments.

I further ask consent that the listed first-degree amendments noted below also be relevant and subject to relevant second-degree amendments: Senator TORRICELLI, with regard to funding disclosure; Senator MOYNIHAN, regarding declassification; Senator GRAHAM of Florida, relevant amendment; Senator FEINSTEIN, regarding the drug czar; Senator SMITH of New Hampshire regarding intelligence listing; again, Senator SMITH of New Hampshire, regarding intelligence declassification.

I further ask consent that following the disposition of the amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate, and no motions to commit or recommit be in order.

Mr. McCAIN. Reserving the right to object, I deeply regret this, but Senator LEVIN is on the floor right now. I hope we can come to an agreement on whether or not he would object to that unanimous consent agreement. I would like to finish it. I will yield to him at this time.

Mr. LEVIN. Mr. President, I thank my good friend from Arizona. I haven't had a chance to read it. I would appreciate a couple more moments to read this UC.

Mr. McCAIN. Mr. President, I object at this time, until we get this.

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

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that privileges of the floor be granted to Alexis Rebane during today's debate.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that I be able to speak as in morning business on another subject.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

In my capacity as a Senator, the Chair suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that the Senator from California be allowed to proceed while we are awaiting final confirmation on the unanimous consent request. She indicated very graciously that the minute we get ready to go on that she will yield the floor. With that understanding, I ask that she be allowed to proceed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

THE CONSERVATION AND REINVESTMENT ACT

Mrs. BOXER. Mr. President, I am so grateful to the majority leader. This morning there was, I thought, a very good presentation by several colleagues concerning S. 25, the Murkowski-Landrieu bill. This legislation, which is supported by a number of my colleagues, is called the Conservation and Reinvestment Act.

I want to say that is a wonderful title because it implies that we are going to conserve something and that we are going to reinvest money to make our environment better.

It is very tempting when you first look at the bill to say this is an excellent bill. But as you get into the bill, and as you listen to the remarks of my colleagues who are for it, you basically realize that it does basically one thing and one thing only; that is, it encourages more offshore oil drilling on Federal lands because it makes the revenues States receive dependent upon how much offshore oil drilling they engage in off their coast.

What it means for States such as California that protect its coastline by restricting offshore oil drilling, is that there will be less funding for conservation, and States that encourage offshore oil drilling, which I believe despoils the environment, will be rewarded by far more funds. States that have absolutely no offshore drilling and those that are landlocked also do not benefit from this bill.

While purporting to simply provide guaranteed funding for the Land and Water Conservation Fund, S. 25 distorts the fundamental principle behind the establishment of the Act.

The original idea behind it is to purchase beautiful lands for future generations.

When I ask colleagues if, in fact, S. 25 encourages offshore oil drilling—they say, no; we don't. But yet if you listened to Senator MURKOWSKI's comments on the floor today, you will hear something different. This is what he said about the bill, S. 25:

> In order to have a successful Conservation and Reinvestment act, we've got to have a continuation of OCS revenues occurring off the shores of some of our States.''

He went on to say:

Support for this legislation is related, to some extent, by those States that see an opportunity to generate a source of revenue.

And continued to say:

> In order for it to be successful, we have to have and encourage offshore revenue sharing.

Clearly, what Senator MURKOWSKI is saying about S. 25 is the truth. That is, if a State wants to receive more funds, they should allow and promote more offshore oil drilling off their coasts.

I come from a State that treasures its coastline and knows that the impact of offshore oil drilling is devastating. I don't think we should be punished because we stand strong in our State in a very bipartisan way, to say we don't want this impact.

I don't believe S. 25 is a conservation bill. I believe the principal goal is to encourage more offshore oil drilling, and thereby bring about more destruction to the environment—not less destruction.

States that have active drilling programs will be the primary benefactors. There is no question about it. Alaska, Texas, and Louisiana get 50 percent of the money while the entire Nation will lose as we deplete a beautiful federal publicly-owned natural resource; namely, our ocean.

This doesn't seem fair. This is a national resources owned by the American people. As such revenue from this resource must be shared throughout our nation.

States that are protecting their resource and don't have offshore oil drilling, as well as States that are landlocked, will lose under S. 25.

I introduced a bill that really does fulfill our commitment to the preservation of our natural resources. Congressman George Miller introduced the companion bill in the House. The bill we introduced, the Resources 2000 Act, has a number of fine cosponsors. In fact, 37 states would benefit more from the funding distribution under Resources 2000 than in S. 25.

I hope colleagues will look at the Resources 2000 bill, which has the support of over 200 environmental organizations.

Those on my bill include Senators DIANNE FEINSTEIN, PAUL SARBANES, CHUCK SCHUMER, FRANK LAUTENBERG, PAUL WELLSTONE, TED KENNEDY, JOE BIDEN, BARBARA MIKULSKI, BOB TORRICELLI, and JOHN KERRY. We have more coming.

We have a national resource—our oceans. We destroy that resource when we drill for oil.

Frankly, the amount of oil that is there isn't worth all the destruction that follows. However, if a State wants to do this, that is their option.

But I don't think they should get rewarded more because they do not mind destroying their coast. States that care about their coast and protect and defend it with laws and coastal zone management plans are penalized under S. 25.

In 1965, Congress established the Land and Water Conservation Fund. Congress decided that as we deplete one of our nation's natural non-resources, we should invest that money into protecting and preserving our nation's renewable resources. The Act required that we take the revenue from offshore oil drilling and put that money into purchasing critical lands.

They take the money and they repair. They repair, and they buy beautiful tracts of land to save it in perpetuity. Part of that money is supposed to be for historic preservation, which we haven't fully funded either.

S. 25 flies in the face of the principal purpose of the Land and Water Conservation Fund. Money distributed through S. 25 does not have to go for environmental purposes. S. 25 says to the States: You don't have to use the funds you are getting for the environment. In fact, money could be used to fund environmentally destructive activities, such as road building.

Many of my colleagues have stated that revenue generated from the Outer Continental Shelf should be treated similar to revenue from on-shore drilling. Lets be clear: the OCS land is unique. It is federal land, and federal land only. It is not within the boundaries of any state, unlike on-shore areas.

I think any expansion of the uses of OCS revenue should stick to the framework of the Land and Water Conservation Fund Act that Congress in its wisdom passed in 1964. And we must uphold that original commitment by fully funding the trust fund. That is what we ought to do—fully fund the Land and Water Conservation Fund, on the State side as well as the Federal side, and fully fund the historic preservation fund.

Many of us in our beautiful States, whether it is Mississippi, California, or anywhere in this country, have beautiful old buildings that are falling apart, and we don't have the funds to preserve them.

We should fully fund protection of our marine resources. In our bill, we provide $350 million for States to conserve and protect the marine environment.

We protect ranchland, farmland, and forestland through purchasing conservation easements.

I think it is a very exciting alternative to S. 25. It is, in fact, endorsed by over 200 conservation organizations. It is also the only legislation that provides funding to restore degraded Federal lands and tribal lands.

The majority leader made some good remarks this morning. He said we must maintain the lands we currently own. I agree with that. That is why Resources 2000 takes care of that by providing $250 million for the maintenance of our degraded federal and tribal lands.

I would like to inform you at this time of some of the organizations that support Resources 2000: Sierra Club; National Audubon Society; Environmental Defense Fund; The Wilderness Society; the California Police Activities League; Defenders of Wildlife; and Earth Island Institute.

I ask unanimous consent that this list be printed in the RECORD.

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

ORGANIZATIONS SUPPORTING RESOURCES 2000

American Oceans Campaign.
Bay Area Open Space Council.
Bay Area Trail Council.

Bay Institute.
California Police Activities League.
Carquinez Strait Preservation Trust.
Defenders of Wildlife.
Earth Island Institute.
East Bay Regional Park District.
Environmental Defense Fund.
Friends of the Earth.
Friends of the River.
Golden Gate Audubon Society.
Greater Vallejo Recreation District.
Izaak Walton League.
Land Trust Alliance.
Marin Conservation League.
Martinez Regional Land Trust.
National Conference of State Historic Preservation Officers.
National Audubon Society.
National Environmental Trust.
National Parks and Conservation Association.
National Association of Police Athletic Leagues.
National Wildlife Federation.
Natural Resources Defense Council.
Physicians for Social Responsibility.
Preservation Action.
Save San Francisco Bay Association.
Save the Redwoods.
Scenic America.
Sierra Club.
Society for American Archaeology.
Trust for Public Land.
U.S. Public Interest Research Group.
Wilderness Society.

Mrs. BOXER. Mr. President, I encourage my colleagues to support the true conservation bill: the Resources 2000 Act. Again I thank the majority leader for his graciousness.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

CAMPAIGN FINANCE REFORM

Mr. LOTT. Mr. President, we cleared the campaign finance consent on both sides of the aisle. As far as I know, 99 Senators are prepared to agree with that. One Senator, the Senator from Michigan, came in at the last minute and objected.

I will make the commitment that I will live up to this unanimous consent agreement we have entered into to call it up on no later than Tuesday, October 12, 1999. I hope we will get the entire agreement worked out. But in the meantime, we plan on going forward October 12, either way.

INTELLIGENCE AUTHORIZATION

I ask unanimous consent the Senate now proceed to H.R 1555.

I further ask unanimous consent that following the offering of the amendment by Senator KYL as provided for in the consent agreement of May 27, there be up to nine relevant second-degree amendments in order for each leader or their designees, and an additional amendment to be offered by the managers to include agreed-upon amendments.

I further ask unanimous consent that the listed first-degree amendments noted below also be relevant and subject to relevant second-degree amendments: Senator TORRICELLI, funding disclosure; Senator MOYNIHAN, declassification; Senator GRAHAM, relevant; Senator FEINSTEIN, drug czar; Senator SMITH of New Hampshire, intelligence listing; Senator SMITH of New Hampshire, intelligence declassification; and Senator COVERDELL, drug kingpins.

I further ask unanimous consent that following the disposition of the amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate, and no motions to commit or recommit be in order.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I want to make it clear to the majority leader, in anticipation or not anticipation of the Senator from Michigan agreeing to the unanimous consent request, that it is the majority leader's intention to follow through with the unanimous consent request as is now presently in the Record no later than October 12 to move forward with the amending process as agreed to by the Senator from Kentucky and all of us until the Senator from Michigan objected; is that correct, I ask my friend from Mississippi?

Mr. LOTT. I apologize.

Mr. MCCAIN. Again, I want to reaffirm that it is the intention of the majority leader to comply with the unanimous consent request which was agreed to on both sides, with the exception of the Senator from Michigan, that no later than October 12, we will move forward with the legislation as articulated in the unanimous consent request.

Mr. LOTT. I say that is my intent. Of course, I would like to get the same commitment from the Senator from Arizona that it is his intent to live with this agreement also.

Mr. MCCAIN. Absolutely.

Mr. LOTT. That is my intent. I modify my UC request to delete the amendments by Senators TORRICELLI and GRAHAM and add one by Senator BRYAN regarding DOE labs.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the unanimous consent agreement, the junior Senator from Arizona, Mr. KYL, is to be recognized to offer an amendment after the general statements.

Mr. SHELBY. What is the pending business?

The PRESIDING OFFICER. The Senator from Alabama is recognized to make an opening statement on the bill.

Mr. SHELBY. Mr. President, on May 5 of this year the Senate Select Committee on Intelligence unanimously reported out of the Intelligence Authorization Act for Fiscal Year 2000. It subsequently referred to the Committee on Armed Services, where it was reported out on June 8.

Senator KERREY and I have once again worked very closely together to address our critical need for high-quality intelligence by allocating resources in a manner designed to ensure that this need is met.

In preparing this legislation, the committee conducted a detailed review of the administration's three major intelligence budget requests for fiscal year 2000. They are the National Foreign Intelligence Program, the Joint Military Intelligence Program, and the Tactical Intelligence and Related Activities of the Military Services.

The committee held briefings and hearings with senior intelligence officials, reviewed budget justification materials, and considered responses to specific questions posed by the committee.

As in the past, the committee also impaneled a group of outside experts composed of distinguished scientists, industry leaders, and retired general and flag officers to review specific technical issues within the intelligence community.

The panel is known as the Technical Advisory Group and is similar to the Defense Department's Defense Science Board in some ways.

This group brings an invaluable level of expertise to the committee's work, and we owe them a debt of gratitude for their service.

Many of their recommendations have been incorporated into this bill before the Senate this evening.

Once again the committee has focused on what we refer to as the ''five C's''. They are: counterproliferation, counterterrorism, counternarcotics, covert action, and counterintelligence.

The last of the five, counterintelligence, has received a great deal of congressional and media attention in recent months in light of revelations of espionage activities by the People's Republic of China.

I am proud to say that the Intelligence Committee has been attempting to address the shortcomings of the Department of Energy's counterintelligence program for nearly 10 years, often to no avail.

In fact, it was the Intelligence Committee that directed the study that finally led to the drafting and signing of Presidential Decision Directive 61.

Before I turn to the legislative provisions in this bill, I feel compelled to share with our colleagues some comments about the current state of our defense and intelligence preparedness.

In the immediate aftermath of the cold war, optimistic appraisals of our

intelligence and security requirements generated calls for dramatic cuts in defense and intelligence spending.

The first national security decision made by President Clinton on taking office in 1993 was to cut more than $120 billion from the defense budget. Substantial cuts were also made to classified intelligence programs.

Unfortunately, such optimistic estimates have proved sadly wrong.

Today we face a series of transnational threats spanning the spectrum of conflict from terrorist acts committed on U.S. territory to the development of weapons of mass destruction and their means of delivery by Third World countries.

I recently traveled to the Balkans and reviewed some of our intelligence activities in Europe. Military and civilian personnel were routinely working in excess of 80 hours a week, and that pace was nonstop throughout the Kosovo conflict.

Regretfully, the problems the military and the intelligence community are experiencing are partly our fault. Congress accepted ''defense on the cheap,'' and we have gotten exactly what we paid for as we always do—an intelligence community and military force stretched to its limits.

I believe the result is clear: We are not prepared to meet the challenges of a complex and dangerous world.

National security cannot be had on the cheap, and we have attempted to address some of the shortfalls in this year's bill.

The bill's classified schedule of authorizations and annex—I remind every Senator—are available for review just off the Senate floor. I repeat: The bill's classified schedule of authorizations and annex are available to every Senator in this body for review just off the Senate floor.

I will now discuss the significant unclassified legislative provisions contained in the bill.

First, section 304 directs the President to require an employee who requires access to classified information to provide written consent that permits an authorized investigative agency to access information stored in computers used in the performance of Government duties.

This provision is intended to avoid the problems we have seen with the FBI's reluctance to access ''Government'' computers without a warrant in the course of an espionage investigation.

There should be no question—yes, there should be no question—that investigative agencies may search the computer of an individual with access to classified information. This provision makes that perfectly clear.

Second, sections 501 through 505 comprise the Department of Energy Sensitive Country Foreign Visitors Moratorium Act of 1999.

What is that? Section 502 establishes a moratorium on foreign visitors to classified facilities at Department of Energy National Laboratories.

The moratorium applies only to citizens of nations on the Department of Energy ''sensitive countries list.''

Section 502 also provides for a waiver of the moratorium on a case-by-case basis if the Secretary of Energy justifies the waiver and certifies that the visit is necessary for the national security of the United States.

Section 503 requires that the Secretary of Energy perform background checks on all foreign visitors to the National Laboratories. The term ''background checks'' means the consultation of all available, appropriate, and relevant intelligence community and law enforcement databases.

Section 504 requires an interim report to Congress on the counterintelligence activities at the National Laboratories and a net assessment of the Foreign Visitors Program at the National Laboratories to be produced by a panel of experts.

Most importantly, the report must include a recommendation as to whether the moratorium should be continued or repealed.

The Senate Intelligence Committee has been critical of the Department of Energy's counterintelligence program for nearly 10 years. Beginning in 1990, we identified serious shortfalls in funding and personnel dedicated to protecting our Nation's nuclear secrets.

Yet year after year—and this year as well—the committee has provided funds and directed many reviews and studies in an effort to persuade the Department of Energy to take action.

Unfortunately, this and prior administrations failed to heed our warnings.

Consequently, a serious espionage threat at our National Labs has gone virtually unabated and it appears that our nuclear weapons program may have suffered extremely grave damage.

I believe we must take steps to ensure the integrity of our National Labs. We understand that a moratorium on the Foreign Visitors Program may be perceived by some as a draconian measure, but until the Department of Energy fully implements a comprehensive and sustained counterintelligence program, we believe that we must err on the side of caution. The stakes are too high.

The moratorium requires a net assessment to be conducted by a panel of experts; this is an integral part of a comprehensive report by the Director of Central Intelligence and the Director of the FBI on the counterintelligence activities at the National Laboratories.

Only then should we decide whether to lift the moratorium in favor of a comprehensive plan. I believe this is a very important point.

During our preliminary look in the committee into the problems at the DOE labs, we were convinced that the FBI could and should be required to inform an agency or department that they are investigating an employee of that particular agency.

Accordingly, section 602 of the bill requires the FBI to establish meaningful liaison with the relevant agency at the beginning stages of a counterintelligence investigation.

This section also amends the Intelligence Authorization Act for fiscal year 1995 to make clear that the FBI's obligation to consult with departments and agencies concerned begins when the FBI has knowledge of espionage activities from other sources or as a result of its own information or investigation.

In closing, I must remind the Members of this body, my colleagues, of an unfortunate fact. This is the last time that Senator KERREY, the distinguished senior Senator from Nebraska, will bring an intelligence authorization bill to the floor of the Senate as the vice chairman of the committee.

Senator KERREY's tenure on the committee will conclude at the end of this year.

This past March 14, as some of you will recall, marked the 30th anniversary of the day that Lieutenant, Junior Grade, BOB KERREY, leading his SEAL team on an operation on an island in the bay of Nha Trang earned our Nation's highest award for valor, the Medal of Honor.

No one who knows BOB KERREY's military record would question his physical courage, but I would like to talk for just a few minutes about another type of courage he has, and that is moral courage.

In a town like Washington that rewards neither, he is the rare man who has both, I believe. The wartime history of the United States Navy has documented his physical courage, but I want to recognize his moral courage. And I want to tell you why.

Senator KERREY has taken stands that many of us would consider politically unwise.

He took a stand on entitlements reform here in the Senate long before it was politically wise to do so. It can be said he laid his bare hand on the ''third rail of American politics'' and took the heat—something few in this body were willing to attempt.

As vice chairman of this committee, Senator KERREY has often taken issue with his own administration when he believed it was in the national interest to do so. Indeed, he always puts the interests of the Nation ahead of politics.

Also, Senator KERREY's knowledge of our intelligence needs is unparalleled in the Senate. And I will miss his service, as others will, on the Intelligence Committee.

Senator KERREY has set a very high standard for his successor, and I thank him for his dedication and integrity, and also for his personal friendship. It has been a pleasure and an honor to work with Nebraska's senior Senator.

I look forward to joining him on the floor one last time when the conference report for this bill reaches the floor later this year.

Until that time, though, we will continue to work closely to conduct vigorous oversight of the intelligence activities of the United States in the

nonpartisan spirit that created this important and unique committee.

Mr. President, before I yield the floor, I ask unanimous consent that a copy of the Congressional Budget Office cost estimate for S. 1009 be printed in the Record.

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1009—Intelligence Authorization Act for Fiscal Year 2000

Summary: S. 1009 would authorize appropriations for fiscal year 2000 for intelligence activities of the United States government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System (CIARDS).

This estimate addresses only the unclassified portion of the bill. On that limited basis, CBO estimates that enacting the bill would result in additional spending of $172 million over the 2000–2004 period, assuming appropriation of the authorized amounts. The unclassified portion of the bill would affect direct spending; thus, pay-as-you-go procedures would apply. However, CBO cannot give a precise estimate of the direct spending effects because the data necessary to support a cost estimate are classified.

The Unfunded Mandates Reform Act (UMRA) excludes from application of that all legislative provisions that are necessary for the national security. CBO has determined that the unclassified provisions of this bill either fit within that exclusion or do not cover intergovernmental or private-sector mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of the unclassified portions of S. 1009 is shown in the following table. CBO cannot obtain the necessary information to estimate the costs for the entire bill because parts are classified at a level above clearances held by CBO employees. For purposes of this estimate, CBO assumes that the bill will be enacted by October 1, 1999, and that the authorized amounts will be appropriated for fiscal year 2000.

	By fiscal years in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Intelligence Community Management:						
Budget Authority[1]	102	0	0	0	0	
Estimated Outlays	104	39	9	2	0	
Proposed Changes:						
Authorization Level	0	172	0	0	0	
Estimated Outlays	0	106	52	10	3	
Spending Under S. 1009 for Intelligence Community Management:						
Authorization Level[1]	102	172	0	0	0	0
Estimated Outlays	104	145	61	12	3	0
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	0	(2)	(2)	(2)	(2)	(2)
Estimated Outlays	0	(2)	(2)	(2)	(2)	(2)

[1] The 1999 level is the amount appropriated for that year.
[2] CBO cannot give a precise estimate of direct spending effects because the data necessary to support a cost estimate are classified.

Outlays are estimated according to historical spending patterns. The costs of this legislation fall within budget function 050 (national defense).

The bill would authorize appropriations of $172 million for the Intelligence Community Management Account, which funds the coordination of programs, budget oversight, and management of the intelligence agencies. In addition, the bill would authorize $209 million for CIARDS to cover retirement costs attributable to military service and various unfunded liabilities. The payment to CIARDS is considered mandatory, and the authorization under this bill would be the same as assumed in the CBO baseline.

Section 305 would allow an individual who is or has been affiliated with a Communist or similar political party to become a naturalized citizen, if the individual has made a contribution to the national security or national intelligence mission of the United States. Under current law, such individuals are not allowed to become naturalized citizens, unless the affiliation was involuntary. Enacting this provision could effect certain federal assistance programs and the amount of fees collected by the Immigration and Naturalization Service. Because the number of affected individuals is expected to be very small, however, CBO estimates that any effects on direct spending would not be significant.

Section 402 of the bill would extend the authority of the Central Intelligence Agency to offer incentive payments to employees who voluntarily retire or resign. This * * * which is currently scheduled to expire at the end of fiscal year 1999, would be * * * through fiscal year 2000. Section 402 would also require the CIA to make a deposit to the Civil Service Retirement and Disability Fund equal to 15 percent of final pay for each employee who accepts an incentive payment. CBO estimates that these payments would amount to less than $3 million. We believe that these deposits would be sufficient to cover the cost of any long-term increase in benefits that would result from induced retirements, although the timing of agency payments and the additional benefit payments would not match on a yearly basis. CBO cannot provide a precise estimate of the direct spending effects because the data necessary for an estimate are classified.

Section 501 of the bill would require a background investigation of citizens of a foreign nation before they could enter a national laboratory of the Department of Energy. Based on information from two of the three national laboratories, CBO expects the laboratories to host about 10,000 foreign visitors a year. The cost to conduct an investigation would depend on the type of background check. According to the Defense Department, the cost for a minimum national agency check is about $70, and the cost can increase to $300 with additional credit bureau or local police agency checks. Because some of these costs would be incurred under current law, CBO estimates that the additional costs of section 501 would be minimal.

Pay-as-you-go considerations: Sections 305 and 402 of the bill would affect direct spending, and therefore the bill would be subject to pay-as-you-go procedures. CBO estimates that the direct spending costs of section 305 would be very small. CBO cannot estimate the precise direct spending effects of section 402 because the necessary data are classified.

Intergovernmental and private-sector impact: The Unfunded Mandates Reform Act excludes from application of the act legislative provisions that are necessary for the national security. CBO has determined that the unclassified provisions of this bill either fit within that exclusion or do * * * intergovernmental or private-sector mandates as defined by UMRA.

Previous CBO estimate: On May 5, 1999, CBO prepared a cost estimate for the unclassified portion of H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000, as ordered reported by the House Permanent Select Committee on Intelligence, The House version authorizes * * * Intelligence Community Management, and the estimated costs of H.R. 155 are * * * higher.

Estimate prepared by: Federal Costs: Estimate for Naturalization Provision: Valerie Baxter. Estimate for Voluntary Separation Pay: Eric Rollins. Estimate for Remaining Provisions: Dawn Sauter. Impact on State, Local, and Tribal Governments: Teri Gullo. Impact on the Private Sector: Eric Labs.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

PRIVILEGE OF THE FLOOR

Mr. SHELBY. Mr. President, I ask unanimous consent that the following members of the committee staff be granted floor privileges during the pendency of this bill: Dan Gallington, Jim Barnett, Al Cumming, Pete Dorn, Peter Flory, Lorenzo Goco, Ken Johnson, Ken Myers, Linda Taylor, Jim Wolfe; and also Dr. Michael Cieslak on Senator BINGAMAN's staff.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. KERREY. Mr. President, I rise to join my chairman, Senator SHELBY of Alabama, with whom I have had the pleasure to work now for several years. This is my last year on this select committee. It has been an opportunity, for the last 8 years, to acquire an understanding of what it takes to collect intelligence, to analyze that intelligence, to process it, produce it, and disseminate it.

It is nowhere near as easy as it used to be. In the old days, you basically sent human beings out there to try to figure out what was going on. You hoped they spoke the language and were smart enough to figure things out. They would come back and bring you the best stuff they could. Oftentimes it would be too late to act upon it.

I had a small piece of that some 30 years ago in the service, where we used to collect intelligence as well. So I have at least some independent understanding of the difficulty, especially on the human side. But the importance of what intelligence can bring to an operation cannot be overstated— the recent operation in Kosovo, the Dayton peace agreement, incident after incident that cannot be disclosed to the public because most of it occurs in a secret environment where warfighters and policymakers get information in a timely fashion and, as a consequence, lives are saved, success is achieved, and national security is improved.

This bill is a result of a bipartisan effort to make the year 2000 a watershed year for intelligence. This bill sets the intelligence community on a course to respond to the very complex world we are facing. The era of downsizing has ended. Intelligence must be positioned to collect, analyze, and inform policymakers on the complex threats we face.

As my colleagues are no doubt aware, most of the bill is classified. As always, Chairman SHELBY and I have made the classified sections available to our colleagues for their review. Further, committee staff is readily available to brief on any aspect of this bill. I believe Members have found the bill to be the result of a completely bipartisan effort to fund intelligence activities in fiscal year 2000.

Chairman SHELBY and I have tried, and I think on most occasions have consistently applied a single test, to determine whether or not a funding level or a provision or an oversight hearing or a letter or some other action is required. And that test is, will this make the people of the United States of America and our interests more secure as a consequence? If the answer is yes, we have done it. If the answer is no, we have not.

We do not, in these committees, check with our leadership to determine whether or not there is a Democratic position or a Republican position. What we do is check to determine whether or not the action will be in the best interest of the United States of America and keep the United States as secure as our best judgments can make it. It has been a pleasure to work with Senator SHELBY, and it has been an honor for me to have the opportunity to watch him participate and to experience his leadership on this committee.

As I said, I believe the year 2000 must be a watershed year for intelligence. That is because the intelligence community has been significantly downsized in the decade of the 1990s. Again, in classified briefings, we are pleased to provide Members with the information on that. I think most Members will be shocked to see the budget and the number of people, especially the number of people we have today, who are doing the collection, doing the analysis, doing the work of trying to figure out, with new technologies, how to produce and then how to disseminate this intelligence as quickly and accurately as possible. The number of people doing that has gone down.

This is not a simple task, such as we sometimes see in crime reports, where somebody will go into a 7–Eleven store, and they will have a camera that shows who they are. It is not that simple. These are, on the imaging side, complicated images; on the signal side, complicated signals; and always, on the human side, a very complicated set of circumstances out there that have to be first observed and then interpreted by men and women who have the requisite skills to get the job done.

Furthermore, we are making decisions today that don't just affect this year. We are making decisions today that will affect intelligence collectors and intelligence efforts 10 years from now.

In the area of technology, one has to try to anticipate where the world is going to go. The chairman and I put together what is called a technical advisory group, a group of not only highly skilled but highly motivated men and women, who love their country and are concerned about what we need to do to keep our country safe. We were able to basically take very complicated subjects; in my case—I am sure it is not true for the chairman —they had to convert sophisticated subject matter into very unsophisticated phrases so I would be able to understand what it was they were saying and make better judgments as well about what we need to do. Their contributions have been enormously important and have added significant value to our ability to make these kinds of decisions.

I pay them a very high compliment and urge my colleagues to consider that it is not just the highly professional and skilled staff—a couple years ago, we went away from a system where Republicans got so many staff members, Democrats got so many staff members or an individual got staff as well, to a professional staff—we have enjoyed the benefit of tremendous input coming from our private sector technical advisory group.

The cold war has ended.

And it is quite appropriate for us to have downsized our intelligence collection. As I said, in my strong and considered judgment, we have reached the point of no return. We have reached the point now where we are beginning to drawdown, as we say in farm country, our seed corn. We are drawing down our basic stockpile of resources to the point where we are doing great damage to our ability to answer the call of warfighters.

Though nobody knew the direction the world was going to take, or the size and seriousness of the threats the United States was going to face after the cold war, during the transition I believe it was quite correct to restructure many national priorities and get our economy back on sound footing. However, this transition must be considered to be open especially now that we have a better understanding of where the rest of the world is heading and we have a much more precise understanding of the kinds of threats the people of the United States face in that world.

Unfortunately, in some areas in the world, the world is heading in the wrong direction. Rogue states are trying to acquire chemical, nuclear, and biological weapons for the purpose of threatening us and our friends. Many countries are actively pursuing long-range missile programs, which also threaten international peace.

A potential strategic partner, Russia, is in the midst of economic chaos and under extreme political difficulties. In recent war game exercises involving 50,000 conventional forces in Russia, the defense minister said those conventional forces did not have the capability they had 7 or 8 years ago when it was the Soviet Union. They have now made a decision to use nuclear weapons much more quickly than under previous battlefield instructions. That increases the threat to the people of the United States and signals the kind of decisionmaking that other powers out there that do not have conventional parity with the United States and other powers with bad intent might do in order to compensate for their lack of conventional strength.

Even more problematic, Russia's nuclear stockpile is aging. It is subject to the vagaries of the political and economic problems that confront its national leaders and too large to serve its essential defense requirements. Moreover, other nations are either at war or on the brink of war.

Prior to the Fourth of July recess, I spoke on the floor about the escalating military confrontation building between India and Pakistan. That conflict appears to have been resolved and a stand-down has occurred, but that conflict could flash up in an instant and put the interests of the people of the United States at considerable risk. Elsewhere, in Kosovo and Bosnia, and with Serbia, as well, our relations are extremely unsettled and are the focus of very close attention.

The list goes on and on. We have 37,000 Americans forward deployed in South Korea. Americans are forward deployed in many other regions in this world for the purpose of stabilizing those parts of the world. We believe—and I think quite correctly—that forward deployment increases stability in the world and adds to the chances of success to the struggling democratic nations—struggling to make the transition from command economies to market. It is very important for the United States to deploy our forces. It tends to act as a deterrent against potential bad actors. We have a mission in Iraq we are flying on a daily basis, and we are trying to watch literally the entire planet simultaneously so as to prepare our policymakers for something that could happen which could put American lives and interests at risk.

I am not trying to turn this statement into an international tour de force over foreign or defense policy. Instead, I want to remind my colleagues and the citizens whom they represent, that in many regions the world order is very disordered, and the Intelligence Community is the edge our policymakers must have in order to stay ahead of what has happened.

Without timely intelligence support, we cannot respond effectively. This means the era of downsizing intelligence has to end or we will find ourselves at a point where Congress discovers there are things we can't do. There is a tendency to take our intelligence efforts for granted and see it as sort of an invisible force. We see an image that is presented to us, such as a bomb damage assessment, and we don't understand what went into that. We didn't merely pull it off of a shelf. Or we see a report of an analysis that

is done, where decisions are made and troops are deployed, and we don't ask ourselves as often as we should what was the intelligence collection fraction that went into that effort.

Was it possible to just pick up the forces and go into an area? The answer is no. A significant amount of analysis is done, and that analysis has given us an edge. It gives us battlefield superiority and the capability of doing things that, in previous wars, we were simply unable to do.

Our enemies know that. Our intelligence capability, all by itself, acts as a considerable deterrent. Because people know we have the capabilities, they are much less likely to take an action that would be hostile to us, dangerous to us and at the end of the day dangerous for them as well.

As colleagues may recall, last year when introducing the Fiscal Year 1999 Intelligence Authorization Act, I referred, as I mentioned, to this technical advisory group that Chairman SHELBY had the foresight to create. This highly qualified group of Americans evaluated some of the most esoteric and technical subjects the committee had to confront in order to position intelligence for future challenges. We used their services this year. They provided us with extremely valuable advice and saved taxpayers, my guess is—it would not be out of line to say they have saved hundreds of millions of dollars.

They have identified the areas where we might be able to use technology to reduce the threat of weapons of mass destruction. Because of the enormous contributions these men and women on the technical advisory group have made to the intelligence oversight effort, we had the ability not to just write a bill but, as I have said, write a bill that will keep Americans more safe.

I would be remiss if I didn't mention a subject that held a lot of media attention over the past 3 or 4 months, and that is counterintelligence. This bill contains provisions intended to help intelligence and law enforcement meet the espionage challenges we face. I am sure it is obvious that because of who we are, many nations want to know what we do. Espionage is a fact of life. We should act decisively when we detect it and prosecute fully those who engage in it. But it will not go away. Thus, we need to strengthen counterintelligence to meet the challenges. The bill contains important provisions to help us attack this very real and present danger.

As my colleagues are no doubt also aware, there will be an important amendment on the bill concerning a reorganization of parts of the Department of Energy. Most of the amendment is not about intelligence or counterintelligence; it is about nuclear weapons security. The President's Foreign Intelligence Advisory Board's report entitled ''Science At Its Best, Security At Its Worst'' reminds us it is also about accountability.

I look forward to a full debate on the amendment of which I am a cosponsor and to our discussion on the intelligence and counterintelligence provisions.

Again, I thank Senator SHELBY, the chairman of the committee, for his bipartisan and patriotic approach to developing this bill. I thank the entire staff for their work to present the committee a bill they could fully support. Because of the spirit of working together, the bill was reported out of committee unanimously. I urge my colleagues to support it.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, under the previous order, is it in order to proceed to the Kyl-Domenici amendment?

The PRESIDING OFFICER. That is correct.

Mr. KYL. Is the amendment already at the desk or does it need to be called up?

The PRESIDING OFFICER. It is not at the desk.

AMENDMENT NO. 1258

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

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. THOMPSON, Mr. SPECTER, Mr. GREGG, Mr. HUTCHINSON, Mr. SHELBY, Mr. WARNER, Mr. BUNNING, Mr. HELMS, Mr. FITZGERALD, Mr. LOTT, Mr. KERREY, Mrs. FEINSTEIN, and Mr. SMITH of New Hampshire, proposes an amendment numbered 1258.

Mr. KYL. 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. KYL. Mr. President, let me first compliment Senator SHELBY and Senator KERREY, the chairman and vice chairman of the Intelligence Committee, for their work in presenting the intelligence authorization bill to the floor. This amendment to the Intelligence Authorization bill deals with the all-important question of how the Department of Energy will be reorganized to ensure the theft of our nuclear secrets, as has occurred in the past, will be a question of the past and will not occur in the future.

As we heard earlier today, over the past several months, there have been a lot of sobering stories about how our Nation's security has been damaged by China's theft of America's most sensitive secrets—literally the crown jewels of our nuclear arsenal. In searching for a solution to this problem and examining how best to safeguard our Nation and its nuclear secrets, it has become clear the only way this can be accomplished is through a complete overhaul of how the Department of Energy is organized and how it is managed.

I think everyone can agree the system is broken. As the bipartisan Cox committee report pointed out, security and counterintelligence at U.S. nuclear facilities has been grossly deficient for many years, enabling China to steal classified information on all of the nuclear warheads currently deployed by the United States, as well as the neutron bomb, and a variety of other military know-how, including missile guidance and reentry vehicle technology.

This is incredibly important when a nation has been able to steal the secrets on how to build the most sophisticated weapons ever devised by mankind, those most sophisticated nuclear weapons in our arsenal.

When reports of the Chinese espionage at our nuclear labs became public earlier this year, President Clinton asked his Foreign Intelligence Advisory Board, led by former Senator Warren Rudman, to investigate the cause of these terrible security breaches. Over the course of several weeks, the Presidential panel reviewed more than 700 reports and studies, thousands of pages of classified and unclassified documents, conducted interviews with scores of senior Federal officials, and visited the Department of Energy sites at the heart of the inquiry.

At the end of this exhaustive investigation, the panel concluded that the root cause of the Energy Department's dismal security and counterintelligence report was ''organizational disarray, managerial neglect, and a culture of arrogance . . . [which] conspired to create an espionage scandal waiting to happen.''

The Presidential board went on to note that the Department of Energy (DOE) ''represents the best of America's scientific talent and achievement, but it has also been responsible for the worst security record on secrecy that the members of this panel have ever encountered.''

Senator Rudman and his colleagues pulled no punches in describing the problems that exist at DOE or in prescribing bold solutions stating,

Reorganization [of DOE] is clearly warranted to resolve the many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department.

The Rudman report noted that,

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable to reforming itself. Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find. The long traditional and effective method of entrenched DOE and lab bureaucrats is to defeat security reform initiatives by waiting them out.

That is from the Rudman report.

I ask that our colleagues keep that in mind when they consider amendments that may be offered a little bit later to this amendment—amendments that people at the Department of Energy

would very much like to see passed because it would leave them in control, the very situation that the Rudman report notes is unacceptable and must be changed.

Furthermore, the authors of the Rudman report go on to say,

> We are stunned by the huge numbers of DOE employees involved in overseeing a weapons lab contract. We repeatedly heard from officials at various levels of DOE and the weapons labs how this convoluted and bloated management structure has constantly transmitted confusing and often contradictory mandates to the labs.

Although Energy Secretary Richardson has announced several new initiatives to change management and procedures at DOE, the Presidential panel's report states, ''we seriously doubt that his initiatives will achieve lasting success,'' and notes, ''moreover, the Richardson initiatives simply do not go far enough.''

In their report, the Presidential board also described the record of problems with implementing organizational changes ordered by previous Energy Secretaries and Deputy Secretaries, since the entrenched bureaucracy has often reverted to its old tricks once these people left. For example, the report notes that in 1990, then-Secretary Watkins ordered a new series of initiatives on safeguards and security to be implemented. According to the Rudman panel, once Secretary Watkins left two years later, ''the initiatives all but evaporated.'' And furthermore, the panel's report notes, ''Deputy Secretary Charles Curtis in late 1996 investigated clear indications of serious security and counterintelligence problems and drew up a list of initiatives in response. Those initiatives were also dropped after he left office.''

It is because of these problems that the Presidential panel recommended that Congress act to reorganize the Department by statute, so that the bureaucracy could not simple wait out another Secretary of Energy. Senator DOMENICI, Senator MURKOWSKI, and I have written legislation to implement the group's recommendations. Our proposal would gather all of the parts of our nation's nuclear weapons research, development, and production programs under one semi-autonomous agency within the Energy Department.

We need to create a specific separate organizational structure for the weapons programs at DOE, managed by one person who reports only to the Secretary of Energy. And furthermore, we need to separate the nuclear weapons programs at DOE from the rest of the Department that is responsible for energy conservation and environmental management issues. As the Rudman report concluded, semi-autonomous agency, created by statute, is the only way we are going to solve the problems with DOE's management of the nuclear weapons complex.

Before explaining the details of this amendment, let me first mention that while the Cox Committee and the President's Foreign Intelligence Advisory Board, led by Senator Rudman, have done a great service to the nation by producing high quality reports with excellent recommendations, they are by no means the first people to recommend such changes. Over the past 20 years, at least 29 GAO reports, 61 internal DOE studies, and more than a dozen reports by outside commissions have called for restructuring how the Department is managed. Let us not wait until another forest is consumed to print more studies before we act to correct the serious management problems at DOE.

Mr. REID. Mr. President, may I interrupt to make a unanimous consent request.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Robert Perret, a fellow in my office, be entitled to floor privileges during the pendency of this amendment.

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

Mr. REID. I apologize to my friend.

Mr. KYL. I am happy to comply.

Mr. President, the point of referring to these 29 GAO reports, 61 internal DOE studies, and more than a dozen reports by outside commissions over the past 20 years is to make the point that now is the time for us to move forward and not to await important studies, and not to await more discussions about how this ought to be done. We have enough evidence of what needs to be done. It is now time to get on with the serious subject of fixing this broken management structure at DOE.

Here is the summary of the amendment.

This amendment would create a semi-autonomous agency within DOE called the Agency for Nuclear Stewardship.

The Agency will be headed by an Under Secretary who ''shall report solely and directly to the Secretary and shall be subject to the supervision and direction of the Secretary.''

Let me digress for a moment to make this point.

There are some who would put additional layers of bureaucracy between the Secretary and this Agency for Nuclear Stewardship. That would be a grave mistake. As the Rudman report itself notes, the point is to streamline this agency's responsibility, starting with the Secretary at the top and everyone else reporting to the Deputy Secretary who reports strictly to the Secretary of Energy. If you insert other management layers, you are only getting back to the same kind of problem that the Rudman report has criticized in the past.

The Under Secretary for Nuclear Stewardship will have authority over all programs at DOE related to ''nuclear weapons, non-proliferation and fissile material disposition.''

The agency's semi-autonomy (as recommended by the Rudman report) is created by making all employees of the agency accountable to the Secretary and Under Secretary of Energy but not to other officials at DOE outside the Agency.

The language reads:

> All personnel of the Agency for Nuclear Stewardship, in carrying out any function of the Agency, shall be responsible to, and subject to the supervision and direction of, the Secretary and the Under Secretary for Nuclear Stewardship or his designee within the Agency, and shall not be responsible to, or subject to the supervision or direction of, any other officer, employee, or agent of any other part of the Department.

The Secretary, however, ''may direct other officials of the Department who are not within the Agency for Nuclear Stewardship to review the Agency's programs and to make recommendations to the Secretary regarding the administration of such programs, including consistency with other similar programs and activities in the Department.''

There is another proposed amendment which we will get to later which suggests that all of the programs and activities of this special new autonomous agency are to act in ways consistent with all other departmental rules and regulations promulgated for all of the other departments within the Department of Energy.

That would be a big mistake and get right back to the problem that the Rudman commission noted; that is, that this is a special, unique entity, and that you cannot have everybody else within the Department of Energy controlling what goes on within this particular group.

The Under Secretary for Nuclear Stewardship will have 3 Deputy Directors, who will manage programs in the following areas:

No. 1. Defense Programs. The national lab directors and heads of weapons production and test sites will report directly to this person, who will be responsible for managing the programs necessary to maintain the safety and reliability of our nuclear stockpile.

No. 2. Nonproliferation and fissile materials disposition. This person would manage the Energy Department's efforts to help Russia and other states of the former Soviet Union secure their nuclear weapons and fissile material, as well as plan for how to dispose of dozens of tons of excess plutonium in the United States and Russia; and

No. 3. Naval Reactors. This highly successful program which designs, constructs, operates, and disposes of the nuclear reactors used in the U.S. Navy's fleet will continue to operate as it does today, except the Admiral in charge will now report to the Under Secretary for Nuclear Stewardship as well as the Secretary of Energy.

As recommended by the Rudman panel, under our amendment, the Under Secretary for Nuclear Stewardship will appoint Chiefs of Counterintelligence, Security, and Intelligence.

The Chief of Counterintelligence will develop and implement the Agency's

programs to prevent the disclosure of loss of classified information and be responsible for personnel assurance programs, like background checks.

The Chief of Security will be responsible for the development and implementation of programs for the protection, control, and accounting of fissile material, and for the physical and cyber-security of all sites in the Agency.

And the Chief of Intelligence will manage the Agency's programs for the analysis of foreign nuclear weapons programs.

These 3 chiefs will report to the Under Secretary and shall have statutorily provided ''direct access to the Secretary and all other senior officials of the Department and its contractors'' concerning these matters.

The amendment calls on the Under Secretary for Nuclear Stewardship to report annually through the Secretary to Congress regarding:

No. 1. The adequacy of DOE procedures and policies for protecting national security information.

No. 2. Whether each DOE national laboratory and nuclear weapons production and test site is in full compliance with all Departmental security requirements, and if not what measures are being taken to bring a lab into compliance; and

No. 3. A description of the number and type of violations of security and counterintelligence laws and requirements at DOE nuclear weapons facilities.

Furthermore, the amendment calls for the Under Secretary to keep the Secretary and the Congress fully and currently informed about any potentially significant threat to, or loss of, national security information.

The amendment would require every employee of DOE, the national labs, or associated contractors to alert the Under Secretary whenever they believe there is a problem, abuse or violation of the law relating to the management of national security information.

And, in order to address concerns that DOE officials were blocked from notifying Congress of security and counterintelligence breaches, the amendment contains a provision stating that ''no officer or employee of the Department of Energy or any other Federal agency or department may delay, deny, obstruct, or otherwise interfere with the preparation'' of these reports to Congress.

Mr. President, the Senate should act with urgency to correct the serious problems that exist at our nuclear facilities to halt the flow of our precious nuclear secrets to countries like China.

Our amendment is a sound approach to rectifying the systematic problems that have been identified and that exist today, and I am disappointed that Secretary Richardson has not yet embraced the proposal we have submitted. Since as recently as April of 1999, the Secretary of Energy's own Management Review Report stated:

> Significant problems exist [in DOE] in that roles and responsibilities are unclear; lines of authority and accountability are not well understood or followed; the distinction between headquarters, line and staff functions is unclear, and each is operating with autonomy.

Statistics support this view. According to the GAO, from 1980 to 1996, DOE terminated 9 of 18 major defense program projects after spending $1.9 billion and completed only two projects: One behind schedule and overbudget, with the other behind schedule and underbudget. Schedule slippages and cost overruns occurred on many of the remaining seven projects ongoing in 1996.

Finally, I note that management problems cannot be divorced from security concerns. As the GAO noted in testimony to the House, continuing management problems at DOE were ''key factors contributing to security problems at the laboratories'' and a ''major reason why DOE has been unable to develop long-term solutions to recurring problems reported by the advisory groups.''

The amendment we offer enjoys broad bipartisan support. In addition to Senator DOMENICI who chairs the Energy and Water Appropriations Subcommittee, and Senator MURKOWSKI who chairs the Energy Committee, it is cosponsored by the chairman and vice chairman of the Intelligence Committee, Senators SHELBY and KERREY; the chairman of the Armed Services Committee and its Subcommittee on Strategic Forces, Senators WARNER and SMITH; chairman of the Governmental Affairs Committee, Senator THOMPSON; chairman of the Foreign Relations Committee, Senator HELMS; former chairman of the Intelligence Committee, Senator SPECTER; as well as Senator FEINSTEIN, Senator HUTCHINSON, Senator GREGG, Senator BUNNING, Senator FITZGERALD, and the distinguished majority leader, Senator LOTT.

We cannot delay the implementation of important security and counterintelligence upgrades at our nuclear labs and facilities. Great harm to our Nation's security has already been done, and if we want to prevent further damage, we must act to reform the way we manage our nuclear weapons programs and facilities to create accountability and responsibility. Our most fundamental duty as Senators is to protect the security and the safety of the American people. They deserve no less than our best in this regard. I urge my colleagues to act now to halt the hemorrhage of America's nuclear secrets and to support the adoption of this important amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I thank the distinguished Senator from Arizona. He is persistent with this legislation. I appreciate very much his interest in the beginning in trying to do something about, as he knows, what many people have previously said needs to be done.

The distinguished Senator from Virginia finally succeeded in getting a provision accepted by the administration in the national defense authorization bill having to do with an oversight committee appointed by the leadership, which I think will add a lot of value to our effort to make these labs produce good science and the best security as well.

I was asked the question, I say to my friend from Arizona, not long after our caucuses, which the Senator from Arizona might be interested in: Do you think the Republicans want an issue or do they want to get something done?

My view is, Senator KYL of Arizona, Senator MURKOWSKI of Alaska, and Senator DOMENICI of New Mexico want to get something done. It has been probably 20 years people have been calling to our attention the need to change the structure of this organization. It is basically a hodgepodge of various agencies that were combined in, I believe, 1978 or 1979—in the 1970's. Various agencies were combined into the Department of Energy. It is very important we seize this opportunity.

Senator Rudman said he did not know what happened exactly, but all of a sudden the focus is on it. A series of things have occurred that present us with an opportunity to change this law. The law needs to be changed. The law needs to be changed to restructure this agency to make it more likely that the United States of America and our interests are going to be safe and secure, and that we will continue to produce the high-quality science these laboratories are known throughout the world for producing.

I have very high praise for the Senator from Arizona. I appreciate very much his perseverance in this matter and his willingness to change his own bill to accommodate former Senator Rudman, the PFIAB's recommendations, and accommodate some of the concerns I had as well.

We are trying to write a law. I know Senator LEVIN and Senator BINGAMAN, Senator REID, and others, are going to offer some amendments. I say to my colleagues on the Democratic side, I believe, and I believe so strongly, that the Republicans do not desire an issue. They want to make real change.

It would have been real easy, in fact, to say: OK, we got 10 or 11 things on the defense authorization bill. You can say that is a success; why fight that battle. We have encryption to do. We have lots of other issues—all of us do—to take care of.

I am very impressed with the fact there is a determination to get a good piece of legislation that will improve the security of the United States of America and will enable us to stay in the high-quality science direction these laboratories produce. I hope the debate, which I am not sure is going to occur tonight—I understand we may not have any amendments offered to this bill until tomorrow. I hope I am wrong. It will be nice to have people

offer these amendments and get them out of the way so we can move on to other business.

I hope the debate is engaged in the same high-level manner that we have negotiated the changes in this legislation. By high level, I mean, as I referenced earlier in praise of Chairman SHELBY, the only test that is important is: Does it make the United States of America more secure?

I believe the amendment of the Senator from Arizona does. I am pleased to be a cosponsor of it. I intend to vote for it, and I hope some of the changes being suggested can be accommodated, but most important, I hope we end this year changing the law and are able to look into the future 10 years from now and say the laboratories are producing the finest science and the highest level of security as well.

Mr. KYL. I ask the indulgence of the chairman for just a moment. I know he wants to proceed and make a brief comment or two. I want to comment on a couple of things the Senator from Nebraska just said.

First of all, I compliment him. He is vice chairman of the Intelligence Committee and probably one of the most productive members of the committee in doing the hard work of protecting our Nation's security, which most people will never know about.

For his constituents and others in America who are concerned about these things, they need to know it is the day-in-and-day-out work of the chairman of the committee, Senator SHELBY, and Senator KERREY from Nebraska who make this effort work.

Second, I compliment Senator KERREY for working on this legislation and agreeing to support it at a time when his party's administration was not yet supportive. Secretary Richardson did not agree to the concept of a semiautonomous agency until relatively recently. But Senator KERREY agreed this was the best approach to take, I think even before Senator Rudman came out with his report.

Coming out early and saying it is important to reorganize and to pay attention to the national security concerns at the Department of Energy was something he was willing to do early on in a bipartisan way. His conduct throughout this whole matter is exemplary and should offer guidance to all of us on any issue we face. Party aside, when there is a problem to be addressed, we get in and try to address it.

I assure Senator KERREY and others on the Democratic side this is not something the Republicans look to as an issue but rather as something to get done. I hope before we finish with the amendments, we can continue to work on them and try to get as much of a bipartisan coalition in support of the legislation as is possible because there is nothing partisan about national security and there is nothing partisan when it comes to espionage at our National Laboratories.

I thank the Senator from Nebraska for the comments he made, and I compliment both Senator KERREY and Senator SHELBY for the great job they have done.

Senator WARNER is on the floor. He has been stalwart in his support of our efforts, each day asking: What is new; we will stick with you; we know this has to be done. That kind of support is encouraging.

We can get this done. If we get it done quickly, it is good for the American people.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his comments. I have worked along with the team, the principals. They were going to put the amendment on the armed services authorization bill. I thought at that point in time that an insufficient number of Senators had had an opportunity to acquaint themselves with the seriousness of this issue and that we should wait for the bill of our distinguished colleagues from Alabama and Nebraska. A number of Senators have now acquainted themselves with those provisions. We have an impressive number of cosponsors, and I am privileged to be one.

I don't view this as any retribution against the President or the Secretary of Energy. It is something that simply has to be done with these institutions that are enormously valuable to the Nation and our national security. I use the word ''enormously'' because I can't think of another word that connotes a greater degree of importance to our country.

I went out a week ago yesterday and spent several hours at Los Alamos and then went on to the other laboratory. I must say, the impression I gained from talking with a fairly significant number of individuals, both at Sandia and Los Alamos, was that they are willing to work with this proposition as laid out in the Senator's amendment and make it work.

I have listened to those who have some questions. As a matter of fact, I made myself available to work with Senator LEVIN. We worked together on the Armed Services Committee. It is still not clear in my mind exactly what he hopes to achieve. It is my expectation we will address it tomorrow when the amendments come forward.

I know it is the right thing to be done in the interests of the country. I thank the distinguished chairman of the Intelligence Committee. Indeed, his committee has held 11 hearings. The Senate Armed Services Committee also has had several. One broke a record; it was 7 continuous hours of hearing. It convinced our membership we are behind it.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Alabama.

Mr. SHELBY. Mr. President, I also support the Kyl-Domenici-Murkowski amendment that is the pending business in the Senate.

I take just a minute to commend the Senator from Arizona, Senator KYL, and Senator DOMENICI and Senator MURKOWSKI for working together on this very important amendment. It is important for the restructuring of our labs following the Rudman recommendation and others.

Most Members know the horror stories that have been going on for years and years. This won't solve everything, but it will be a positive step in the right direction.

I also note my colleague from Nebraska, the vice chairman of the committee, Senator KERREY, and I both support this. That is unusual. We believe this is not a partisan issue. This is important for the Nation as far as national security is concerned. It is a step in the right direction. It is above politics, above party.

I mention again, as I did yesterday, the Rudman report, which was requested by the President of the United States, Bill Clinton, concluded that purely administrative reorganizational changes at the Department of Energy labs are inadequate, totally inadequate to the challenge at hand. He said:

> To ensure its long-term success, this new agency must be established by statute.

That is exactly what the amendment of Senators KYL, DOMENICI, and MURKOWSKI does.

As an indication of how badly the Department of Energy is broken, I only have to remind my colleagues it took over 100 studies of counterintelligence, security and management practices by the FBI, other intelligence agencies, the General Accounting Office, the Department of Energy itself and others, plus one enormous espionage scandal to create the impetus for change that is before the Senate this evening.

I think it is time for the Senate to act. I believe this is a good amendment. It is positive. It has been worked. I believe we will pass it.

Mr. President, I support the Kyl-Domenici-Murkowski amendment to restructure the Department of Energy.

I am a cosponsor of that amendment, as is the distinguished vice chairman of the Intelligence Committee, Senator KERREY.

By now, my colleagues are familiar with the findings of the Rudman report, entitled ''Science at its Best; Security at its Worst: A Report on Security Problems at the U.S. Department of Energy.'' But I think certain key conclusions are worth restating, because they underline the need for action.

The Rudman report found that:

> At the birth of DOE, the brilliant scientific breakthroughs of the nuclear weapons laboratories came with a troubling record of security administration. Twenty years later, virtually every one of its original problems persists. . . . Multiple chains of command and standards of performance negated accountability, resulting in pervasive inefficiency, confusion, and mistrust. . . .
>
> In response to these problems, the Department has been the subject of a nearly unbroken history of dire warnings and attempted but aborted reforms.

Building on the conclusions of the 1997 Institute for Defense Analyses report and the 1999 Chiles Commission, the Rudman panel concluded that:

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. . . . Reorganization is clearly warranted to resolve the many specific problems . . . in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department.

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. . . . To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management.

To provide ''deep and lasting structural change that will give the weapons laboratories the accountability, clear lines of authority, and priority they deserve,'' the Rudman Report endorsed two possible solutions:

Creation of a wholly independent agency such as NASA to perform weapons research and nuclear stockpile management functions; or

Placing weapons research and nuclear stockpile management functions in a ''new semi-autonomous agency within DOE that has a clear mission, streamlined bureaucracy, and drastically simplified lines of authority and accountability.''

The latter option is the approach contained in the Kyl-Domenici-Murkowski amendment. The new semi-autonomous agency, the Agency for Nuclear Stewardship, will be a single agency, within the DOE, with responsibility for all activities of our nuclear weapons complex, including the National Laboratories—nuclear weapons, nonproliferation, and disposition of fissile materials.

This agency will be led by an Undersecretary. The Undersecretary will be in charge of and responsible for all aspects of the agency's work, will report—directly and solely—to the Secretary of Energy, and will be subject to the supervision and direction of the Secretary. The Secretary of Energy will retail full authority over all activities of this agency. Thus, for the first time, this critical function of our national government will have the clear chain of command that it requires.

As recommended by the Rudman report, the new agency will have its own senior officials responsible for counterintelligence and security matters within the agency. These officials will carry out the counterintelligence and security policies established by the Secretary and will report to the Undersecretary and have direct access to the Secretary. The Agency will have a Senior official responsible for the analysis and assessment of intelligence, who will also report to the Undersecretary and have direct access to the Secretary.

The Rudman report concluded that purely administrative re-organizational changes are inadequate to the challenge at hand: ''To ensure its long-term success, this new agency must be established by statute.''

For if the history of attempts to reform DOE underscores one thing, it is the ability of the DOE and the labs to hunker down and outwait and outlast Secretaries and other would-be agents of change—even Presidents.

For example, as documented by Senator Rudman and his colleagues, ''even after President Clinton issued Presidential Decision Directive 61 ordering that the Department make fundamental changes in security procedures, compliance by Department bureaucrats was grudging and belated.''

At the same time, we in the Senate should recognize that our work will not be done even after this amendment is adopted and enacted into law. As the Rudman report warned,

DOE cannot be fixed by a single legislative act: management must follow mandate. . . . Thus, both Congress and the Executive branch . . . should be prepared to monitor the progress of the Department's reforms for years to come.

Mr. President, it is an indication of how badly the Department of Energy is broken that it took over one hundred studies of counterintelligence, security and management practices—by the FBI and other intelligence agencies, the GAO, the DOE itself, and others, plus one enormous espionage scandal—to create the impetus for change.

Now is the time for the Senate to act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. I will use some leader time allocated to me today to talk about another matter.

REFLECTIONS ON THE DEATH OF JOHN F. KENNEDY JR., CAROLYN BESSETTE KENNEDY AND LAUREN BESSETTE

Mr. DASCHLE. Like so many of us, I listened all weekend long to the news reports, and held onto hope long past the point when it was reasonable to do so.

I wanted so much for there to be a different ending—for John F. Kennedy Jr., his wife Carolyn, and her sister Lauren to somehow, miraculously, have survived. So like people all across our Nation, all across the world, I kept a vigil.

Then, Sunday night, the Coast Guard announced that the rescue mission had become a recovery mission.

Today, our thoughts and prayers are with the Kennedy and Bessette families. We pray that God will comfort them and help them bear this grief that must seem unbearable now. We offer our sympathies, as well, to the many friends of John Kennedy, Carolyn Bessette Kennedy and Lauren Bessette. They, too, have suffered a great loss.

I want my friend, Senator EDWARD KENNEDY, John's uncle, to know, as I have told him personally, we are praying for him.

Just last week, Senator KENNEDY stood on this floor and spoke about people who had died too young, and the heartbroken families they had left behind. He urged us to pass real patient protections so other families would not have to experience that same pain.

Today, once again, it is Senator KENNEDY's family, along with the Bessette family, who are experiencing the pain of death that comes far too soon.

More than a century ago, the great New England poet, Emily Dickinson, sent a letter to a friend who had lost someone very dear. ''When not inconvenient to your heart,'' she wrote, ''please remember us, and let us help you carry [your grief], if you grow tired.''

I know I speak for many of us when I say to Senator KENNEDY: Please—if there is any way—let us help you carry your grief, if you grow tired. You and your family have given our Nation so much. Let us—if we can—give something back to you.

All weekend, I watched the news. Over and over again, I saw that heartbreaking image of the little boy saluting his father's coffin. Then came the announcement that the little boy was gone, too. And just when I thought I finally understood the magnitude of the loss, I listened to the news again this morning, and I heard friends of John F. Kennedy, Jr. say they felt certain he would have run for public office one day—probably for a seat in the United States Senate.

I don't know if that is true. I do know that John F. Kennedy, Jr. believed deeply in public service. He believed what his father had said: ''to those whom much is given, much is required.'' If he had chosen to run for the Senate, I have no doubt he would have succeeded, and he would have been a great Senator.

I suspect we will regret for a long, long time what John Kennedy did not have time to give us. I hope we will also remember, and treasure, what he did have time to give us. Those moments of joy when he was a little boy playing in the Oval Office with his sister and father; his stunning example of courage when he said good-bye to his father.

I hope we will remember:

His kindness and surprising humility; his inventiveness, and his professional success; the good humor and amazing grace with which he accepted celebrity; the dignity with which he bore his sorrows; and the happiness he found in his life, particularly in his marriage.

Some years ago, another young man died too young. Alex Coffin, the son of Reverend William Sloane Coffin, was driving in a terrible storm when his car plunged into Boston Harbor and he drowned. He was 24 years old. Ten days later, William Sloane Coffin spoke about Alex's death to his parishioners

at Riverside Church in New York City. I want to read a short section of his sermon, because I think it bears repeating today.

The one thing no one should ever say about Alex's death—or the death of any young person—is that it is God's will. ''No one,'' Reverend Coffin said, ''knows enough to say that . . . . God doesn't go around this world with his finger on triggers, his fist around knives, his hands on steering wheels. God is dead set against all unnatural deaths . . . . My own consolation lies in knowing that . . . when the waves closed over the sinking car, God's heart was the first of all our hearts to break.''

None of us knows why John Kennedy Jr., Carolyn Bessette Kennedy and Lauren Bessette were taken from us in the prime of their lives. We don't know why the Kennedy family has had to endure so much sorrow over so many years. Nor do we know why the Bessette family has to suffer such an incomprehensibly huge loss all at once. What we do know is that the hearts of the Kennedys and the Bessettes were not the only hearts that broke when the waves closed over that sinking plane last Friday night. We are all heartbroken by the deaths of three such remarkable young people.

Not long ago, I came across a book of poems by another man who also lost a young son. The man's name is David Ray. His son's name was Sam. Sam also died, at 19, also in a car accident. After Sam's death, his father wrote a whole series of poems to him, and about him. I'd like to read a very short one; it's called ''Another Trick of the Mind.''

Out of a book, a little trick—
Instead of the picture and much longing
for that lost face,
place yourself within the frame.
You are back together again, if only
in the past, or in the dream,
or this gilded picture in mind.
But it is no longer a dream, or a picture
of loss. And then you go on,
down the road you have to go, together.

In our memories, we all have a scrapbook full of images of John Kennedy, Jr. Perhaps in the days ahead, when the sadness creeps up on us, we can imagine—just for a moment—that John and Carolyn and Lauren are still with us. And we can go down the road we have to go, together. And maybe when we play that trick on ourselves, and our sadness lifts for that moment, we can remember how fortunate we were to have had them with us as long as we did.

I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I rise to speak for just a moment to express my profound sympathy and condolences to our colleague and friend, Senator TED KENNEDY, and the members of the Kennedy family, and for the Bessette family, as well.

Although I know the pain of losing a loved one, I have little conception of the pain which Senator KENNEDY and his family are feeling with the multiple losses of family members at such early stages in their lives, and under such tragic conditions.

My heart is heavy with grief for the family, and my thoughts and prayers are with them. I can only pray that they realize and are comforted in some small manner by the love, affection, and support of the Members of this body, as well as people all across this nation, for whom the Kennedy family is a symbol of courage, achievement, and service to mankind.

Mr. WARNER. Mr. President, I wish to speak with regard to the feelings in my heart and in the hearts of my daughter Mary, my daughter Virginia, and my son John on behalf of the Kennedy family.

My daughter Mary was a member of the play group at the White House formed by the President and his lovely wife Jacqueline Kennedy for their daughter Caroline and, my recollection is, three or four others of the same age. They were perhaps among the most photographed young people in America at that time. Our family cherishes the pictures with Caroline and in some John-John was there. It was just a warm experience for these youngsters to start their life.

Jacqueline Kennedy was so gracious to all of us in our family. I had known Mrs. Kennedy when I was, my recollection is, in my early twenties, and we were in the same group of young people who mingled together at various events in those days. I remember the absolute startling beauty of that magnificent woman. We remained friends throughout her life. She and the President briefly had a farm in Virginia which abutted on the farm that my then-wife Catherine and I had, and I frequently saw her at sporting events.

The families were intertwined at a very young age. Previously, at the University of Virginia Law School, while my period at that school was interrupted by service in the Marines during the Korean war, Bobby Kennedy was there, and we overlapped for a period of time. I remember participating in some of the touch football games and getting my first insight into that extraordinary family.

My daughter Virginia knew John-John quite well. In past years, prior to marriage, they were in the same group that often attended events together.

This has left a very deep and sad feeling in the hearts of my children, and I know they would want their deepest sympathy conveyed to the members of the family. I do that tonight, being privileged to be on the floor of the Senate and talking about this most distinguished family.

I met President Kennedy on several occasions. I knew him, as a matter of fact, when he was a Senator. I remember very well one night going to a television studio with him and some other people. I cannot recall exactly what the show was, but that night, for various reasons, is tucked away in my memory.

Then, of course, in the campaign of 1960, I was the advance man for President Nixon; and Bobby Kennedy was the advance man for his brother. We had frequent but always pleasant and cordial meetings on the campaign trail of 1960.

But the main purpose of my taking the floor is to express, on behalf of my children, our profound sorrow for this tragic event, and how we are all deprived of what I think in our hearts we believe would have been a great future for this young man, had the Lord seen fit to have him remain with us. He was destined to go on to greatness, and we, as a nation, have been deprived. But we accept the Lord's will in this case.

All that could be done was done, primarily by the Coast Guard, the Navy, the National Transportation Safety Board, and others. I think they are worthy of commendation for their services.

To our distinguished colleague, Senator KENNEDY, I know, having spoken with him, he was looking forward to this wedding. So often this family has come together in hours of tragedy, but this wedding was to be an hour of pure joy. He looked forward to it with expectation. But now, of course, that has to be postponed, I hope for a brief period.

But I remember how hard the Senator worked on the Patients' Bill of Rights. I voted against him on every vote except one, and that has often been the case in my 21 years in the Senate serving with my friend. And we have had many opportunities to work together on various things. He is a member of the Senate Armed Services Committee, of which I am privileged to be chairman. When I was ranking member on the Seapower Subcommittee, he was chairman; and then for a brief period, when I was chairman of the Seapower Subcommittee, he was ranking member.

But I remember how hard he worked last week. His heart was in that bill regarding the health of the citizens of our Nation. It was just another chapter in his long and distinguished career in the Senate.

I believe on both sides of the aisle he is regarded as one of the hardest working, most conscientious Members of the Senate. We have nothing but profound respect for him and the manner in which he, as one of the heads of this distinguished family, has worked to bring this family once again to the realization of a loss that they must accept.

Mr. President, we conclude today's proceedings by several of us speaking on this. We do so from the heart and convey our prayers and sympathy to this family.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I thank the Chair.

I join in the expressions of my colleagues in expressing my profound sadness and regret at the fate that has befallen our colleague and members of his and the Bessette family.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—Continued

Mr. THOMPSON. Mr. President, I will also make some comments about the reorganization of the Department of Energy with regard to its nuclear activities.

I heard my colleagues speaking earlier on this subject. I think it is one of those great times in the Senate where Members from both sides of the aisle can come together and try to get something done for the benefit of the country and for the benefit of our safety in a troubled world. It is a historic opportunity.

Perhaps to lend a little bit of a different perspective or additional perspective, I should say, with regard to some of the work we do in the Governmental Affairs Committee, it has to do generally with the operation of Government. We continually face instances where the Government is not performing the way it should. The taxpayers are not getting their money's worth. We continually see instances of waste, fraud, and abuse. We have what is known as the high risk list; that is, those Departments and agencies which are most prone to waste, fraud, and abuse. We see the same agencies year in and year out. We have reports year in and year out about these kinds of problems. It is affecting the way our people look at their own Government, which I think is probably the most important underlying problem that we have in this country. This lack of faith and trust in Government has become a recurring theme in recent nonpartisan and bipartisan surveys of public opinion toward Government. This trend is definitely in the wrong direction.

A poll released by the Counsel for Excellence in Government last week found that just 29 percent of Americans say that they trust the Government in Washington to do what's right most of the time. This is down even from last year's poll, which found only a 38 percent level of trust. The National Academy of Public Administration recently released a national election study poll this June that pegged the percentage of Americans who trust Government at a meager 32 percent. According to the Pew Research Center for the People and the Press, it is poor Government performance that is the leading indicator, the leading factor, in Americans' distrust of the Federal Government. An overwhelming majority of the public—74 percent—say that the Government does only a fair or poor job in managing its programs and providing services. The National Academy of Public Administration reports that survey respondents complain about Government failures, stating that Government becomes part of the problem, is too big, serving others, doing nothing, and wasting money. So we have seen that over a period of years.

Time and time and again, we have had reports bringing this to our attention. All too often, we wind up talking about it and doing very little about it. But now we find that we are faced with a different kind of lack of performance as far as our Government is concerned. Maybe we can afford certain breakdowns. Maybe we can afford certain fraud, inefficiencies, and waste, but we are facing a different kind now, and that has to do with our national security. Time and time again, we see instances where the right hand within a department does not know what the left hand is doing.

We recently received the inspector general's report from the Department of Justice which demonstrated that we on the Governmental Affairs Committee did not receive evidence and did not receive materials showing people with strong ties to the Chinese government at the same time they were making political contributions in this country. Six inspectors general gave us a report recently regarding how our export control system was working. We found out that it is not working very well at all. We don't know very much, sometimes, about who is doing the exporting. We don't know much about who the end users are and what they are doing with these dual-use technologies we are sending them, some of which can be used for military purposes. The law requires that we train our licensing officers. But we are not following that law. We have no training programs with regard to our licensing officers. We are supposed to be checking up on our foreign visitors there and making sure that when they visit the labs, they are not coming away with information that they should not be having. We are not doing a good job there.

The law requires that we keep up with the cumulative effect of the exports we are sending to these other countries, but we are not doing that either. We found out recently that, with regard to trying to get materials regarding someone who is a suspect, actual espionage activities broke down interdepartmentally between the Department of Energy and the Department of Justice because of a lack of communication. We were trying to get a search warrant there; it never came about. If we had the correct information and had been really talking to each other and had a system whereby we could exchange information after asking the right questions, we would not even have needed that search warrant. These are all instances where the Government is not performing in the way the Government should be performing. And now we see a systematic breakdown with regard to the security at our national laboratories.

This is bad enough in and of itself at any time. But I think it is especially disturbing now that we understand more and more that we are living in a different world than we have been living in in times past. I think that after the end of the Cold War, when we didn't have the big Soviet Union threat anymore, we let our guard down in this country. We thought that we could place less emphasis on preparedness, readiness, national security, and things of that nature. The Chinese were in no position to pose a direct threat to us, and we felt the Soviet Union certainly was not. Yet as we look around the world, we see that new threats are developing. We got the Rumsfeld report, and we understand now that rogue nations around this world are rapidly developing biological, nuclear, and chemical capabilities that pose a threat to this country. Then we have the Cox report, which tells us what we have lost with regard to our own national laboratories, in terms of nuclear technology and perhaps even nuclear materials. The President's own Federal foreign intelligence advisory committee, led by Senator Rudman, now points out the difficulties that we are having in that regard.

It is a different world. So we must ask ourselves: If not now, when? If we can't, at long last, after all these reports—and Senator Rudman pointed out that there had been over a hundred reports over the years pointing out the problems that we were having at our national labs. Yet very little was done. So it takes a tremendous amount. We have seen in these nonmilitary matters, non-national security matters, how difficult it is. The Government has gotten too big and complex, with layer upon layer of assistants and deputy assistants in these departments, and we are having less and less accountability and more and more complexity, more and more of the right hand not knowing what the left hand is doing.

So now, at long last, when we have someone, such as the President's own commission, report to us that within the Department of Energy there is no accountability, that it is dysfunctional, that it is saturated with cynicism and disregard for authority, that it is incapable of reforming itself, that it will do whatever is necessary, apparently, to delay reform, certainly this must get our attention.

I believe from listening to my colleagues and the way this thing is developing, perhaps maybe at long last our attention has been gotten. And what is being proposed now in terms of reorganization is a very straightforward approach. It is not nearly as radical as some people would like to go. Many people would like to take matters of nuclear safety, our laboratories and nuclear materials totally outside the Department of Energy and set up a totally different entity to deal with them. This bill doesn't do that. It keeps it within the Department of Energy. The Secretary of Energy continues to set the policy for the department. And the newly created Under

Secretary for Nuclear Stewardship reports to the Secretary and is under the supervision of the Secretary. So you still have direct lines of reporting. You have more accountability. You have a simplified reporting system. You would not have any more of this Rube Goldberg-type of organization chart that we see within the Department of Energy, under which you could not tell who is responsible for what.

At long last, as difficult as it is to reform Government, as difficult as it is to stop waste, fraud, and abuse, when we are told about it every year, told about it all the time, now that we know we have this significant problem with regard to the most significant matter that can plague a country, dealing with national security, surely we can take the necessary steps in order to turn this thing around.

I know there will be amendments proposed. I have never seen a piece of legislation that perhaps could not stand a bit of improvement. I do not really know the thrust of the amendments that will be proposed. But I urge my colleagues that, as we go along in considering these amendments, ask the question: Does this enhance or does this defuse accountability?

We need accountability more and more throughout Government. We can very seldom place responsibility anywhere anymore for mishaps in Government. But here we must have it. We certainly must have it with regard to the Department of Energy and our nuclear stewardship. I am delighted with the way this has progressed. The changes are not a draconian, and it is a revolutionary approach. It is an approach that will enhance accountability. It gives us an opportunity not only to do something with regard to national security in this country but perhaps to take some first steps toward restoring the American public's faith in their own Government.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I ask unanimous consent that the pending Kyl amendment be temporarily set aside.

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

AMENDMENT NO. 1259

(Purpose: To block assets of narcotics traffickers who pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. Coverdell], for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mr. HELMS, Mr. LOTT, Mr. TORRICELLI, Mr. CRAIG, Mr. GRAHAM, and Mr. REID, proposes an amendment numbered 1259.

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

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

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE ___—BLOCKING ASSETS OF MAJOR NARCOTICS TRAFFICKERS

SEC. _01. FINDING AND POLICY.

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

(1) Presidential Decision Directive 42, issued on October 21, 1995, ordered agencies of the executive branch of the United States Government to, inter alia, increase the priority and resources devoted to the direct and immediate threat international crime presents to national security, work more closely with other governments to develop a global response to this threat, and use aggressively and creatively all legal means available to combat international crime.

(2) Executive Order No. 12978 of October 21, 1995, provides for the use of the authorities in the International Emergency Economic Powers Act (IEEPA) to target and sanction four specially designated narcotics traffickers and their organizations which operate from Colombia.

(b) POLICY.—It should be the policy of the United States to impose economic and other financial sanctions against foreign international narcotics traffickers and their organizations worldwide.

SEC. _02. PURPOSE.

The purpose of this title is to provide for the use of the authorities in the International Emergency Economic Powers Act to sanction additional specially designated narcotics traffickers operating worldwide.

SEC. _03. DESIGNATION OF CERTAIN FOREIGN INTERNATIONAL NARCOTICS TRAFFICKERS.

(a) PREPARATION OF LIST OF NAMES.—Not later than January 1, 2000 and not later than January 1 of each year thereafter, the Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, shall transmit to the President and to the Director of the Office of National Drug Control Policy a list of those individuals who play a significant role in international narcotics trafficking as of that date.

(b) EXCLUSION OF CERTAIN PERSONS FROM LIST.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the list described in subsection (a) shall not include the name of any individual if the Director of Central Intelligence determines that the disclosure of that person's role in international narcotics trafficking could compromise United States intelligence sources or methods. The Director of Central Intelligence shall advise the President when a determination is made to withhold an individual's identity under this subsection.

(2) REPORTS.—In each case in which the Director of Central Intelligence has made a determination under paragraph (1), the President shall submit a report in classified form to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Represent setting forth the reasons for the determination.

(d) DESIGNATION OF INDIVIDUALS AS THREATS TO THE UNITED STATES.—The President shall determine not later than March 1 of each year whether or not to designate persons on the list transmitted to the President that year as persons constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The President shall notify the Secretary of the Treasury of any person designated under this subsection. If the President determines not to designate any person on such list as such a threat, the President shall submit a report to Congress setting forth the reasons therefore.

(e) CHANGES IN DESIGNATIONS OF INDIVIDUALS.—

(1) ADDITIONAL INDIVIDUALS DESIGNATED.—If at any time after March 1 of a year, but prior to January 1 of the following year, the President determines that a person is playing a significant role in international narcotics trafficking and has not been designated under subsection (d) as a person constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the President may so designate the person. The President shall notify the Secretary of the Treasury of any person designated under this paragraph.

(2) REMOVAL OF DESIGNATIONS OF INDIVIDUALS.—Whenever the President determines that a person designated under subsection (d) or paragraph (1) of this subsection no longer poses an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the person shall no longer be considered as designated under that subsection.

(f) REFERENCES.—Any person designated under subsection (d) or (e) may be referred to in this Act as a ''specially designated narcotics trafficker''.

SEC. ___04. BLOCKING ASSETS.

(a) FINDING.—Congress finds that a national emergency exists with respect to any individual who is a specially designated narcotics trafficker.

(b) BLOCKING OF ASSETS.—Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this Act, and notwithstanding any contract entered into or any license or permit granted prior to the date of designation of a person as a specially designated narcotics trafficker, there are hereby blocked all property and interests in property that are, or after that date come, within the United States, or that are, or after that date come, within the possession or control of any United States person, of—

(1) any specially designated narcotics trafficker;

(2) any person who materially and knowingly assists in, provides financial or technological support for, or provides goods or services in support of, the narcotics trafficking activities of a specially designated narcotics trafficker; and

(3) any person determined by the Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, to be owned or controlled by, or to act for or on behalf of, a specially designated narcotics trafficker.

(c) PROHIBITED ACTS.—Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act or in any regulation, order, directive, or license that may be issued pursuant to this Act, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, the following acts are prohibited:

(1) Any transaction or dealing by a United States person, or within the United States, in property or interests in property of any specially designated narcotics trafficker.

(2) Any transaction or dealing by a United States person, or within the United States, that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, subsection (b).

(d) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section is intended to prohibit or otherwise limit the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(e) IMPLEMENTATION.—The Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the International Emergency Economic Powers Act as may be necessary to carry out this section. The Secretary of the Treasury may redelegate any of these functions to any other officer or agency of the United States Government. Each agency of the United States shall take all appropriate measures within its authority to carry out this section.

(f) ENFORCEMENT.—Violations of licenses, orders, or regulations under this Act shall be subject to the same civil or criminal penalties as are provided by section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) for violations of licenses, orders, and regulations under that Act.

(g) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, corporation, or other organization, group or subgroup.

(2) NARCOTICS TRAFFICKING.—The term ''narcotics trafficking'' means any activity undertaken illicitly to cultivate, produce, manufacture, distribute, sell, finance, or transport, or otherwise assist, abet, conspire, or collude with others in illicit activities relating to, narcotic drugs, including, but not limited to, heroin, methamphetamine and cocaine.

(3) PERSON.—The term ''person'' means an individual or entity.

(4) UNITED STATES PERSON.—The term ''United States person'' means any United States citizen or national, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. ___05. DENIAL OF VISAS TO AND INADMISSIBILITY OF SPECIALLY DESIGNATED NARCOTICS TRAFFICKERS.

(a) PROHIBITION.—The Secretary of State shall deny a visa to, and the Attorney General may not admit to the United States—

(1) any specially designated narcotics trafficker; or

(2) any alien who the consular officer or the Attorney General knows or has reason to believe—

(A) is a spouse or minor child of a specially designated narcotics trafficker; or

(B) is a person described in paragraph (2) or (3) of section __04(b).

(b) EXCEPTIONS.—Subsection (a) shall not apply—

(1) where the Secretary of State finds, on a case-by-case basis, that the entry into the United States of the person is necessary for medical reasons;

(2) upon the request of the Attorney General, Director of Central Intelligence, Secretary of the Treasury, or the Secretary of Defense; or

(3) for purposes of the prosecution of a specially designated narcotics trafficker.

Mr. COVERDELL. Mr. President, I ask for 20 minutes to be equally divided between myself and Senator FEINSTEIN.

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

Mr. COVERDELL. Mr. President, the amendment just sent to the desk, it is my understanding, has now been agreed to by both sides, which Senator FEINSTEIN and I are most happy about.

This piece of legislation evolved earlier in the year. Senator FEINSTEIN will speak for herself, but she and I have been engaged in the issue of narcotics trafficking in our hemisphere and in the world and have become deeply worried about its effect on the United States and have envisioned this as a new tool for our Government.

To give you a bit of a background, the International Emergency Economic Powers Act is a follow on to the former Trading With The Enemy Act. Its purpose is to stop all economic activity, commerce, trade, and finance with rogue nations, such as Libya and North Korea, that are national security threats to the United States.

In 1995, President Clinton expanded this act through an executive order to include specially designated narcotics traffickers. As issued, the President's executive order applies to four drug traffickers affiliated with the Colombian Cali cartel. The goal was and remains to completely isolate the targeted drug traffickers. The executive order that the President issued in 1995 blocks any financial, commercial and/or business dealings with any entity associated with the four named drug traffickers, to include criminal associates, associated family members, related businesses and financial accounts.

What would this amendment accomplish? It takes the President's 1995 Executive order and codifies it in the law and expands it to include other foreign narcotic traffickers deemed as a threat to our national security.

It freezes the assets of drug traffickers under U.S. jurisdiction and cuts off their ability to do business in the United States.

There is the arrow pointed at the problem. It begins to isolate these nefarious forces and their effect on the United States.

As under the President's Executive order, the Treasury Department's Office of Foreign Assets Control would develop a list of specially designated narcotics traffickers in consultation with the Department of Justice and the Department of State. Anyone who appears on the list is prohibited from conducting any economic activity with the United States.

American firms or individuals who violate this prohibition will be subject to significant financial penalty and potential prison terms. The Treasury Office of Foreign Assets would enforce the sanctions, which carry criminal penalties of up to $500,000 per violation for corporations, and $250,000 for individuals, as well as up to 10 years in prison.

The goal is to provide another weapon in the war on drugs by completely isolating targeted drug traffickers.

Taking legitimate U.S. dollars out of drug dealers' pockets is a vital step in destroying their ability to traffic narcotics across our borders. This is a bold but necessary tool to fight the war on drugs.

Let me say before I turn to the distinguished Senator from California, as early as 1 hour ago I was in communication with representatives of the Treasury Department and the administration of a willingness to continue as this legislation works its way through the Congress to work with them to perfect the legislation. It is an important new tool. It is premised on an action this President has already emboldened and taken and simply expands it.

We must confront the growing strength of impunity of drug cartels. Several months ago former DEA Administrator, Tom Constantine, testified about Mexican drug cartels. He said:

> Organized crime groups from Mexico continue to pose a grave threat to the citizens of the United States. In my lifetime, I have never witnessed any group of criminals who have had such a terrible impact on so many individuals and communities in our Nation.

Of course, this is not Mexico-specific. This is a broad tool to deal with narcotics and their activities anywhere in the world. With drugs continuing to pour across our border, there is no other way to think about drug trafficking than as a fundamental threat to our national security.

Several years ago, in a meeting with the President of Mexico, President Zedillo, he said—and he has said such publicly since—that there is no threat as dangerous to the security of the Republic of Mexico as the narcotics traffickers.

We must use every weapon in our arsenal to strike at the heart of this scourge—those who traffic these drugs. By expanding the use of the President's international emergency economic powers to target drug kingpins and their empires, we can work year-round to help drive these traffickers out of business—no matter where they exist.

I thank my colleague, the Senator from California, not only for her work in perfecting this amendment but for her ongoing work and concern about the effects of narcotics on the stability of the democracies in this hemisphere, and, of course, its effect—its dramatic effect—on the citizens of the United States.

I am reminded—as we talked during several debates about things that are so critically important to us—and we might be reminded that 14,000 people a year die of the narcotic impact, not to mention 100,000 crack babies. The list goes on and on.

There is no segment of public policy that is any more important. There are some that are as important but none any more important with regard to the safety of the people of the United States—and, for that matter, this hemisphere—than our work on narcotics and the peripheral issues that deal with it.

I yield the remainder of my time to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Chair.

I want to begin by thanking the Senator from Georgia. We have been at this for a few years now. I want him to know it has been a great pleasure for me to work with him, and I thank him for the leadership and the spirit he has shown on this issue.

It has been very heartening for me to work across that center divide and hopefully see this amendment finally enacted today, and hopefully after going to the House in conference, come back here, and then be signed by the President.

Mr. COVERDELL. I thank the Senator.

Mrs. FEINSTEIN. Mr. President, as the Senator from Georgia so well stated, this legislation is patterned after the President's Executive order that he issued in 1995 which targeted the assets of the powerful Colombian drug kingpins.

That order expanded the International Emergency Economic Powers Act to include ''specially designated narcotics traffickers.'' As issued, the President's Executive order applied to four drug traffickers affiliated with the Colombian Cali cartel. The goal is to completely isolate those targeted drug traffickers.

The Executive order blocks any financial, commercial, and/or business dealings with any entity associated with those named traffickers—to include criminal associates, associated family members, related businesses, and financial accounts.

The way this amendment would work is the Treasury Department's Office of Foreign Assets Control would develop a list of specially designated narcotics traffickers worldwide in consultation with the Department of Justice, the CIA, and the Department of State.

The President could amend the list, and he would officially sign off on the list. Then that Treasury Department's Office of Foreign Assets Control would enforce sanctions with criminal penalties of up to $500,000 per violation for corporations, and $250,000 for individuals, as well as up to 10 years in prison.

It is a meaningful sanction.

By focusing on the financial relationship between drug cartels and their associated business relationships, the Executive order—and now this amendment—is directed toward those entities that created the drug problem in our country. And those entities can be located anywhere in the world. They are major drug traffickers.

This order has proven successful in quelling the Colombian Cali cartel. This amendment expands it worldwide. Under this Executive order, more than 400 Colombian and other companies and individuals affiliated with drug trafficking have been targeted by the Treasury Department. These entities are denied access to banking services in the United States and Colombia. Existing bank accounts have actually been shut down. As a result, more than 400 Colombian accounts have been closed. That has affected over 200 companies and individuals engaged in drug trafficking.

By February 1998, through the President's Executive order, over 40 of these companies with estimated combined annual sales of over $200 million have been forced out of business.

The Rodriguez Orejuela business of the Cali cartel has been particularly damaged by their lack of access to banks in the United States and Colombia. These companies have been forced to operate largely on a cash basis because most banks now refuse to provide them services.

One of the cartel's holdings, Laboratorios Kressfor, eventually went through liquidation because of blocking actions by the U.S. banks. Other business accounts were closed because of the sanctions it incurred as a result of doing business with drug traffickers. This company, too, is now in liquidation.

Drug cartels today are more powerful, more violent, and have a far greater reach than traditional organized crime organizations ever had in the past, and they kill more people.

I believe they pose a most significant threat to the national security of this country.

We have seen that destructive power over and over again. In Colombia, Mexico, Burma, Cambodia, Nigeria, and elsewhere drug traffickers have used violent means to pursue their deadly trade. They are the common enemy of all civilized nations. We need to work together to meet this common threat.

The United States is not immune from the devastating effects of global drug trade. Measured in dollar values, at least four-fifths of all illicit drugs consumed in the United States are of foreign origin. Four-fifths of drugs consumed in the United States are of foreign origin, including virtually all of the cocaine and heroin.

These cartels have now made strong inroads in major cities including Los Angeles, Phoenix, Dallas, San Francisco, and San Diego. They are enlisting and have enlisted street gangs as distributors. They are spreading their operations throughout our Nation and arrests are taking place in less likely places—Des Moines, IA; Greensboro, NC; Yakima, WA; New Rochelle, NY.

The President's 1995 Executive order targeting the Cali cartel in Colombia was an effective means of isolating the cartel and its affiliated businesses. It choked off vital revenue streams and helped the Colombian Government take down the cartel.

With the authority to reach countries beyond Colombia, the President can now work, if this amendment is passed, to isolate other major criminal drug syndicates around the world and impose upon them and their associates a similar fate to that of the Cali cartel. It is my hope that with a new emphasis on this expanded authority and with the concerted intelligence effort to develop sufficient data about the cartels and their associates in this country and abroad, the United States will be able to work with our allies to expose, isolate, and cut off the major drug-trafficking syndicates that pose a threat to all of our societies.

This crucial mission can only be accomplished together. We must work together to see that our governments are properly equipped to carry it out successfully. To that end, this amendment establishes clear procedures through which the Treasury Department, the Justice Department, the CIA, and the Defense Department can gather information, share that information with their counterparts, and make recommendations to the President as to those cartels that represent the greatest risk to our Nation.

Coordinated by the Office of Foreign Assets Control in the Department of Treasury, the expanded program will target new international drug cartels with the same successful financial choke holds that worked so well in Colombia. This will not be an easy process. The results will not be immediate. A great deal depends on intelligence and its availability. It also must be applied universally.

This legislation is a serious effort to hit the world's major traffickers where they live and to put them and their associates out of business.

I thank Senator COVERDELL for working so tirelessly with me on this bill. I thank my colleagues on both sides of the aisle for supporting our efforts.

I yield the floor.

The PRESIDING OFFICER. The chairman is recognized.

Mr. SHELBY. Mr. President, I will take a minute this evening to thank Senator COVERDELL and also Senator FEINSTEIN for having the foresight and initiative to expand and to improve upon what is already a highly successful weapon in our Nation's fight against international narcotics trafficking.

The International Emergency Economic Powers Act was expanded 4 years ago under Executive order to target specific drug trafficking kingpins operating from Colombia.

Our colleagues' legislation expands upon that Executive order by allowing similar actions to be taken against additional kingpins worldwide.

Any future designation of foreign narcotics traffickers under this act would still be made by the President, but recommendations to the President will now come from the entire U.S. counter-narcotics community, to include law enforcement, intelligence, and regulatory officials.

Once designated, those foreign drug kingpins would soon see their access to the U.S. economy completely disappear.

Without the ability to place illicitly derived proceeds into commerce and trade in the United States, these kingpins and their illicit organizations will wither and fade away.

Denying these foreign traffickers the opportunity to participate in the vibrant and growing U.S. economy is truly a decisive weapon in the war on drugs.

I again thank my colleagues for their fine work on this measure. I also state for the RECORD that I fully support and approve incorporating their measure into the Legislation Authorization Act which is before the Senate. I also state that my colleague, the vice chairman of the Intelligence Committee, Senator KERREY, has asked I note for the Senate that he also concurs in this amendment and extends his congratulations.

I urge adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1259) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for brief periods.

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

CIVILITY AND DELIBERATION IN THE U.S. SENATE

Mr. BYRD. Mr. President, on July 16, the Robert J. Dole Institute for Public Service and Public Policy at the University of Kansas hosted a discussion of civility and deliberation in the United States Senate.

Long subjects of interest to me, I was heartened to learn of this event. In an age of media and money-driven politics, it is important to remember that what we Senators must truly strive to be about has little to do with either the media or money. Discussions such as this one remind us all of the essential nature of this body in which we are so privileged to serve, and of the responsibility each of us bears to help this great institution, the United States Senate, continue to reflect the Framers' intent.

I ask unanimous consent that the remarks of the Honorable Robert J. Dole, and the remarks of Mr. Harry C. McPherson, former Special Counsel to President Lyndon B. Johnson, be inserted in the RECORD at this point.

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

REMARKS OF SENATOR BOB DOLE—INTRODUCTION OF HARRY MCPHERSON, THE CAPITOL, JULY 16, 1999

Thanks very much for the kind introduction, and thanks to all of today's participants, many of them friends.

Harry Truman once remarked that he felt anything but comfortable as a newcomer to the Senate. Then, one day, a grizzled veteran of the institution took him aside and offered him the following sage advice: ''Harry,'' he said, ''for the first six months you'll wonder how the hell you ever got to be a United States Senator. After that, you'll wonder how in Hell everyone else did.''

I guess I'm still in the early stages when it comes to having my name on a school of public policy. A professor has been defined as someone who takes more words than he needs to tell more than he knows. Kind of reminds me of a filibustering senator. President Johnson, Harry's former boss and mentor, liked to tell of the long-winded Texas politician who never began any address without extolling at great length the beautiful piney woods of east Texas. Then he would move on to the bluebonnets and the broad plains, and down through the Hill Country to the White Beaches of the Gulf Coast.

At which point he went back to the piney woods and started in all over again. On one occasion he had just completed a second tour of the lone star state and he was about to launch into a third when a fellow rose up in back of the room and yelled out: ''The next time you pass Lubbock, how about letting me off?''

Let me assure you all: I have no intention of making more than one pass at Lubbock. As you know, it's customary to insert the word honorable in front of the names of public servants. Sometimes it's even appropriate. The next speaker is just such a case. In fact, he is one of the most honorable men I know. Harry and I came to Washington about the same time. As he writes in his classic memoir, ''A Political Education,'' it was the era of the one party South. Come to think of it, it was the era of the one party Senate as well.

Still, even if Harry and I spent most of our careers on the opposite sides of the political fence, there is much more that unites us than divides us. To begin with, neither one of us have ever confused personal civility with the surrender of principle. One way or another, our generation has paid a heavy price in resistance to all of this century's extremists who didn't want to serve humanity as much as they wanted to remake or oppress it. Life for us has been a series of tests: whether growing up in the Dust Bowl of the 1930s, or fighting a war against Nazi tyranny, or waging a moral offensive against Jim Crow and other hateful barriers to human potential; whether sending a man to stroll on the surface of the moon, or standing up for American values across four decades of Cold War . . . all of these enterprises, vast as they were, enlisted the common energies of a nation that is never better than when tackling the impossible.

Along the way we discovered that there was no Republican or Democratic way to fight polio or even invent the Internet. Almost forty years have passed since I first arrived in this town as the lowest ranking creature in the political food chain—a freshman Congressman. My ideological credentials were validated by a local political boss in west Kansas who told a friend, ''Heck, I know he's a conservative—the tires on his car are threadbare.'' I never claimed to be a visionary. I came to Washington to do the decent thing by people in need, without bankrupting the Treasury or depriving entrepreneurs of the incentive or capital with which to realize their dreams. I brought from Kansas the conviction that most people are mostly good most of the time. Something I also learned: that an adversary is not the same thing as an enemy.

It may be hard to believe, but those days one politician could challenge another's ideas without questioning his motives or impugning his patriotism. As Harry will attest, we may have had differences over the years, but they were programmatic, not personal. In the words of the late great Ev Dirksen, ''I live by my principles, and one of my principles is flexibility.''

Of course, in the great defining struggle over civil rights, it was Ev Dirksen's flexibility that enabled him to put aside narrow questions of party advantage and remind colleagues that it was another Illinois Republican, by the name of Abraham Lincoln, who gave the GOP its moral charter as a party dedicated to racial justice. Throughout this century, no issue has done more to call forth the better angels of our nature. Whether it was Teddy Roosevelt inviting Booker T. Washington to dine with him at the White House, or my hero Dwight Eisenhower, summoning federal troops to integrate Central High School in Little Rock, or Harry Truman desegregating the armed forces, or LBJ speaking at a Joint Session in the House and shouting, ''we shall overcome,'' or the bipartisan coalition that I was privileged to lead in making Martin Luther King's birthday a national holiday.

All this, I think, has relevance for today's discussion. The topic is ''Civility and Deliberation in the United States Senate.'' As any C-Span viewer can tell you, we have too little of one and too much of the other. But why should that come as any surprise? We are after all, a representative democracy—a mirror held up to America. In this age when celebrity trumps accomplishment, and notoriety is the surest route to success in a 24 hour news cycle, voters are understandably turned off by a political culture that measures democracy in decibels.

Needless to say, it is pretty hard to listen when all around you, people are screaming at the top of their lungs. It's even harder to hear the voices of those who sent you to Washington in the first place. In a democracy differences are not only unavoidable—if pursued with civility as well as conviction, they are downright healthy. Put another way, I'd much rather deal with honest contention than creeping cynicism. Yet that's exactly what afflicts our system today, when millions of citizens regard all politicians as puppets on a string, dancing to the music of spinmeisters.

Fortunately, there are still men and women in this town and every town across America who disprove that view. They come from diverse backgrounds. They vote for different candidates. They speak various languages; they worship before many alters. But this much they have in common; they are patriots before they are partisans. At the same time they understand the dangers that arise when any leader starts to calculate his chances at the expense of his conscience.

One of the most inspiring stories I have ever read involves the late Senator John Stennis of Mississippi, for over forty years a lawmaker of towering integrity. In 1982 Senator Stennis faced the toughest reelection fight of his career. At one point early in the campaign, the Senator found himself listening to a room full of experts who kept prefacing every sentence with the phrase, ''to win, we will have to do this.''

Courtly as ever, Stennis heard everyone out before replying, ''there is one thing you

really need to understand before we go any further,'' he told his political operatives. ''We don't have to win,'' John Stennis understood that in a system such as ours, details can be compromised, but principle never.

In the high stakes game of history, only those who are willing to lose for principle deserve to win in the polls. Only those whose principles do not blind them to the search for common ground, can hope to rally a political system intentionally designed to frustrate utopian reformers. As LBJ like to say, ''I'd rather win a convert than a fight.''

In his memoir, Harry describes just such a confluence involving Lyndon Johnson, in office less than two weeks, and his onetime friend turned antagonist Jim Rowe. In the wake of President Kennedy's assassination, the new President was reaching out across personal and political gulfs, seeking counsel and support wherever he could find them.

This led him to Jim Rowe, who protested at length that the estrangement had been his fault, not Johnson's. They went back and forth, until LBJ snapped, ''Damn it, can't you be content to be the first man the thirty-sixth president of the United States has apologized to?''

End of argument. And then Harry, on his own, reminds readers how important it is under such circumstances to swallow your feelings and smile even if it hurts. It's been said that Washington lacks the fabled Wise Men of yesterday—those vastly experienced sages whose instincts are even more valuable than their Rolodexes. I disagree. Because I have a friend and partner who is one of the wisest Men around. Both his shrewdness and his generosity are as large as Texas. I can't imagine anyone better qualified to address this gathering than the civil and deliberate Harry McPherson.

REMARKS OF HARRY MCPHERSON

Many years ago, after ''A Political Education'' was first published, several senators and staff people told me I'd gotten the place right. John Stennis burst into another senator's office, waving a copy of the book, and asked, ''Have you read Harry's book? He's got us clear as can be''. I was tremendously proud when I heard about that.

But it wasn't long before other staffers, as well as a few lobbyists and reporters, pointed out that I'd missed this or that vital truth about the Senate; that I'd misunderstood why Senator X did something that surprised me—a special friendship between him and Senator Y had caused a certain bill to be treated as it was; or that Senate rules and precedents (which I thought I understood) required a result that I had attributed to misbegotten ideology. Most of all, I was told, with a pitying smile, I had completely failed to take into account the importance of campaign contributions in shaping what happened, or didn't happen, in the Senate.

I was embarrassed by these observations, which I acknowledged to be true. When the book was republished, years later, I asked to make changes in it, that would reflect what I had learned in the intervening time. But publishing economics being what they are, there could be no changes in the body of the book. If I wanted to write an epilogue, calling attention to these things, I could. And I did, getting the politics a little straighter. Still later, a third publisher offered the chance to write a prologue, where I could disclose still further shortcomings in my earlier understanding of the Senate. I chose instead to compare the Democrats who ran the Senate in the early 90's with those of the mid-50's, when I started to work here. I assumed, of course, that those later Democrats would continue to run the place ad infinitum. That version of ''A Political Education'' saw the light in early 1995, just after Senator Lott assumed the responsibilities of majority leader.

I relate these misadventures as a way of suggesting that the Senate, small and visible and reported about as it is, remains, at least for me, mysterious. This is not to say that scholarly analyses of the Senate are inherently wrong. Statistical summaries of the Senate's work can be valuable in showing us how well the institution is performing. But there are human factors at work in the place that aren't easily captured by numbers. The Senate offers plenty of political science material. But it's also a novel—simple enough, in some respects, murky and ambiguous in others: like Joyce's ''Ulysses,'' which is about a June day in Dublin, 1904, and a Homeric saga, and God knows what else.

''Civility and Deliberation'' are behavioral abstractions, more natural to a novelist's view of the Senate than a statistician's.

Indeed, it might seem that a statistical measure of the Senate's productiveness—which would rate its ability to deal effectively with major public concerns—needn't pay much attention to quality-of-life considerations like ''civility'' and ''deliberation''. If the Senate produces, it doesn't matter—so this view would have it—whether the Chamber resembles an abattoir when it does so. It isn't the public concern whether Members of the Senate behave in a civil or uncivil manner toward one another, or even whether they gather together and deliberate before acting. What matters are the results.

There is a degree of truth in this, of course. Voters aren't usually focused on electing the politest candidate to represent them in the Senate, nor the one who takes the longest to make up his or her mind before acting on legislation. Some of the great senators have been persons of such force of personality, such power of will, such intellectual arrogance, such irresistible energy, that they were able to ram their work through the ranks of much more polite, less wilful Members—and the nation benefitted from that. The measure of the Senate's success as an institution isn't whether it resembles a Victorian debating society, tolerant, decorous, and patient, but whether it is able to appreciate and deal with vital public needs.

On the other hand, I guess the reason we've met to discuss ''Civility'' and ''Deliberation'' is that we suspect that these conditions of Senate life may in fact be related to Senate productivity. They aren't sufficient in themselves to cause productivity, but they may be necessary to enhance it. Put another way, what the Members feel about the quality of their corporate lives may have something to say about how well they perform as legislators. If it does, then the conversations I've had with a dozen or so senators during the past few days—from both parties—suggest that the modest record of the Senate in recent times is the product, at least in part, of inadequate civility in the Chamber, and a failure to deliberate—by which I mean to discuss in a body, with the possibility of changing opinions through argument—any number of significant public issues.

Rather than list all the shortcomings of contemporary Senate life that I heard about in these conversations, let me draw the beleaguered, cartoon senator I saw emerging from them, wishing I were Pat Oliphant and could do it with a flick of the pen. For simplicity, I'll make him male.

He is obsessed by television, beginning with television coverage of the Senate floor. Normally he doesn't go over to the Floor except to deliver prepared remarks, and since he can see what's happening on the Floor on the tube in his office, he doesn't spend his time sitting there, taking in the remarks of his colleagues. As a result there isn't much debate, as we think of that term.

He is on a number of committees, so his attention is fractured. Stuck in committee, meeting with lobbyists, or working the phone to raise money for his next campaign, he is unlikely to know much about issues on the Floor that one of his staffers doesn't tell him on the way over to vote. If he doesn't connect with the staffer, he simply relies on his Floor leader's staffer to tell him what to do.

He doesn't bear down to learn much about any issue, with exception for those indigenous and critical to his state. Why should he? Why should be learn complicated arguments about big issues, when a tidal wave of media talk has already served to fashion public opinion? Why deliberate on something, one Member asked, when everyone's already made up his or her mind, thanks not to some eloquent senator, but to the ubiquitous chattering classes outside the Chamber?

He is partisan, either by nature or experience. He served in the House, a Republican who backed Newt and the 1994 class seeking revenge for years of mistreatment by the ancient Democratic majority, or a Democrat, seeking revenge for mistreatment by Newt, Armey, and DeLay.

Still, because he is, as a politician, naturally gregarious, he would make friends, work, and trade with senators on the other side of the aisle—except that his brothers and sisters on his side tell him that those senators' seats are up for grabs, and he should do nothing to help them. Needing support from his own and unready to risk it, he steps back. Though bipartisan support is necessary to pass important legislation on tough issues, he's reluctant to provide it.

He really doesn't know many other senators, on his side or the other. Used to be, senators stayed in Washington until it got really hot, and then went home. During their 7-day-a-week residence in town, they got to know many of the others in the Chamber. Now many Members go back home on the weekends. Because of the righteous indignation of public interest groups—the same ones who demanded more roll calls, to put senators on record, and thereby made a lot of sound negotiated compromises die aborning—because those groups decried ''junkets'' abroad, there are few opportunities for senators to get to know each other, and something about the outer world at the same time. The constant pressure to raise campaign funds further reduces time for socializing. For reasons I cannot fathom, there doesn't even seem to be a place where the tradition of having a drink with other senators takes place regularly.

This senator isn't much of a ''deliberator,'' now, though the pleasure of arguing political issues in college is one reason he chose the career. Now he makes speeches written by staff, attends hearings structured by the chairman and interest groups to produce foreordained results, and engages in few debates on the floor that might make him look bad at home, or that might provide a potential opponent with a club to beat him with. His every waking moment, he feels, is under scrutiny. If he learns anything within the Senate, or contributes to someone else's education there, it's likely to be in a small group, behind closed doors.

Learning—even more, caring—about a big issue seems less and less worthwhile. He'd have to devote a ton of time to it, trying to persuade other distracted fellows to pay attention. This is especially true in the case of those issues—like improving the quality of elementary and secondary education, reducing the incidence of violent crime in poor neighborhoods, finding alternatives to imprisonment for drug addicts—which don't attract large political contributions. A friend

of mine, many years ago, reasoned that we could pass major civil rights legislation if we could only find a way to benefit builders, construction unions, and the oil and gas industry by doing so.

The modalities of discourse—always addressing another member through the Chair, for example, never saying ''you'', never letting it hang entirely out—seem contrived and unnatural to many Members, and it shows. But like manners in society, these traditions make it possible for people to rise above the harsh, wounding animosities of partisan conflict. They mask the red fangs, and make communal life, particularly in a spot-lighted commune like the Senate, more bearable.

This cartoon figure is not an attractive one, and there are a number of senators who would not see themselves in it. Some have friends across the aisle, with whom they work amiably, and in complete, mutual trust; two partners of mine, Bob Dole and George Mitchell, had such a relationship when they were party leaders. Some Members long for a more thorough deliberation of major issues; many of them wish for the means of developing friendships—more especially, building trust—with other Members. Several senators spoke appreciably of the prayer breakfast meetings, in which senators have been known to remove their togas for formal respectability, and reveal the needy human beings within. I recalled a meeting with a midwestern Democrat years ago, in which he told me that the members of his smaller prayer group—six senators, evenly divided by party—meant more to him than any other association he had; he said the others often voted with him, and he with them, because of that bond. It would have been hard to find the cause of that voting pattern in the usual statistical models. The ties that bond other senators to one another are easier to discover: combat service in World War II, for example, is a shared and unforgettable experience for Dan Inouye, Bob Dole, and Ted Stevens, and it has always shown.

The most interesting model of what the Senate could be, the wished-for example most frequently referred to in my conversations, was the experience of meeting, speaking, and listening to one another in the Old Senate chamber, the Old Supreme Court. There was no TV coverage; no reporters at all. And the subjects—in one case national security, in another, the impeachment of a President—were grave indeed, worthy of the fixed attention of any man or woman.

It's too late to undo television coverage of the Senate. The prayer group is not for everybody. Big government is over, the President said, so there aren't many big mountains of governmental effort to conceive, or to seek to tear down. Campaign finance, the country's annoyance, continues to depress the system with its demands on Members, would-be Members, and contributors alike. The Old Senate chamber won't do for daily meetings, and besides, TV and the press would crowd out the Members if it were tried. Hard-edged partisanship will continue for a while, even with Newt gone from the House to the talk shows.

It's a quite legitimate question, to ask whether these conditions have been better in the past. I think they were, prior to TV coverage of the Senate, prior to the geometrically escalating demands of fundraising. And perhaps in some past eras the quality of the Members was higher: not necessarily measured in intellectual fire-power, but in dedication to the central task of the legislator: to legislate. The Democratic Policy Committee for which I worked, forty years ago, included Lyndon Johnson, Richard Russell, Mike Mansfield, Hubert Humphrey, Lister Hill, Warren Magnuson, Robert Kerr, Carl Hayden, and John Pastore. These were true legislators, attentive to the task, prepared to learn about that was before them and then to join battle in the Chamber. Their superior qualities of attention and grasp were what made the Senate of those days—at least in my recollection—more serious than it often appears to be today. And it is those individual qualities of senators that ultimately determine the quality of the Body itself. Given the nature of today's media- and money-driven politics, our best hope is that our current Members, and those to come, will be inspired by the best of the past to raise the level of civility, and deepen the level of deliberations, in the Senate they've been chosen to serve in their own day.

25TH ANNIVERSARY OF THE INVASION OF CYPRUS

Mr. SARBANES. Mr. President, twenty-five years ago on this day, Turkish troops began their brutal assault on the people of Cyprus, forcing hundreds of thousands to flee their homes and villages. Less than a month later, after a cease-fire had been accepted and negotiations toward peaceful resolution of the conflict were proceeding under United Nations auspices, Turkey sent another, even larger occupation force of 40,000 troops and 200 tanks, seizing more than a third of the island. For the last quarter of a century, Turkish military forces have illegally occupied the northern part of the island, forcibly dividing it. Communities have been splintered, lives shattered, a nation deprived of its cultural heritage and the opportunity to live in peace.

The events of 1974 took a harsh toll on the people of Cyprus that remains with us to this day. Hundreds of thousands of Cypriots who fled advancing troops remain refugees in their own land, unable to return to the homes and the communities they inhabited for generations. Others have been stranded in tiny enclaves, deprived of the most basic human rights, forbidden to travel or worship freely. The beautiful coastal resort of Famagusta lies emply, bearing silent witness to what once was an economic and cultural center of the island. The Green Line runs like a jagged scar across the face of Cyprus. An entire generation has grown up in the shadow of military occupation, knowing only division and despair.

It is time for the world to recognize, however, that the Cyprus problem is more than just a humanitarian tragedy. As we have seen in Bosnia and Kosovo, when the suffering of a people puts peace and stability at risk, we also have a strategic interest in facilitating a negotiated settlement. And as long as the Cyprus problem divides not only a country, but two of our key NATO allies, the United States must work to help find a solution. The success of the UN peacekeepers should not for a minute obscure the real threat of conflict in the region. Cyprus can be either a spark to confrontation or the starting point for reconciliation, and we have a hard-headed security interest in seeing it resolved.

In one of the tragic ironies of this situation, the man who ordered the invasion is once again Prime Minister of Turkey. On this sad anniversary, we ask the President to call upon Mr. Ecevit to assume the mantle of statesmanship and acknowledge that the status quo is not acceptable. The Turkish government must demonstrate its willingness to help rectify this continuing injustice and to participate in good faith in U.S. and U.N.-mediated efforts to resolve it. The current situation hurts not only Greek and Turkish Cypriots but Turkey itself, and its relations with the United States and the international community.

I am pleased to say that the Clinton administration has kept the Cyprus issue high on the international agenda, raising it at every appropriate opportunity and assigning some of their most capable diplomats to work toward a settlement. I would particularly like to recognize the work of Dick Holbrooke and Tom Miller in this regard. Although Tom has just been sworn in as our new Ambassador to Bosnia-Herzegovina and Dick, I hope, will soon be confirmed as our Permanent Representative to the United Nations, they have played an invaluable role in demonstrating the seriousness of this administration in bringing peace and justice to this troubled island.

In recent weeks there has been increased international attention focused on the Cyprus problem, and a greater sense of urgency in bringing the two sides together. The G–8 for the first time has dealt with the Cyprus problem in a direct and substantive way, urging the UN Secretary General, in accordance with relevent Security Council resolutions, to invite the leaders of the two sides to comprehensive negotiations without preconditions in the fall of 1999. Unfortunately, thus far, Mr. Denktash, the leader of the Turkish-Cypriot community, has sent a negative message on his participation in such talks.

Less than a month ago the UN Security Council endorsed the G–8 leaders' appeal and reaffirmed its position that ''a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession.'' Such a resolution, according to the G–8, ''would not only benefit all the people of Cyprus, but would also have a positive impact on peace and stability in the region.''

Mr. President, the division of Cyprus has gone on far too long. I want to take this opportunity to commend the thousands of friends and supporters of a free

and unified Cyprus who joined hands around the Capitol today. As we commemorate this tragic anniversary, let us salute their courage and redouble our own efforts to help bring an end to this terrible and continuing injustice.

Ms. MIKULSKI. Mr. President, twenty five years ago today, Turkish troops invaded and divided the nation of Cyprus. This illegal and immoral division of Cyprus continues today—dividing a country and creating instability in the Mediterranean.

During the early days of the Turkish occupation, six thousand Greek-Cypriots were killed. Over two hundred thousand were driven from their homes. Many of the missing, including some Americans, have never been accounted for.

Little has changed in the past quarter century. Today, forty thousand Turkish troops remain in Cyprus. The Greek-Cypriots who remain in the northern part of the island are denied basic human rights such as the right to a free press, freedom to travel, and access to religious sites.

I am disappointed that we have made no progress in ending the occupation of Cyprus.

This year, as we mark this somber anniversary, I urge my colleagues to join me in recommitting ourselves to bring peace to Cyprus.

First of all, we must continue to make the resolution of the Cyprus problem a priority. President Clinton and Secretary of State Albright have focused more attention on this region that any other Administration. Ambassador Richard Holbrooke and Ambassador Tom Miller have done an excellent job trying to bring both sides together. As Ambassador Holbrooke assumes his new responsibilities at the United Nations, we must encourage the Administration to replace him with an emissary of equal stature.

The second priority is that we must continue to provide humanitarian assistance to the people of Cyprus. Each year, Congress provides fifteen million dollars to foster bicommunal cooperation in Cyprus. These funds are used for education, health care, and to help both communities to solve regional problems—such as to improve water and energy supplies.

These funds are an investment in stability in a strategically important region of the world. I'm pleased that the Senate Foreign Operations Appropriations bill includes this funding. As a member of the Subcommittee, I will continue to fight to ensure that the final legislation includes this funding.

The third priority is that Congress should pass the Enclaved People of Cyprus Act. Senator OLYMPIA SNOWE and I introduced this legislation to call for improved human rights for the Greek Cypriots living under Turkish control. I urge my colleagues to join us by cosponsoring this legislation.

Mr. President, the crisis in Cyprus has brought two NATO allies to the brink of war. The occupation is also a human tragedy that should enrage all of us who care about human rights. We must continue to work toward a peaceful and unified Cyprus.

Mr. TORRICELLI. Mr. President, I rise today to commemorate one of the most tragic events of the 20th century. 25 years ago today, Turkey invaded Cyprus, and it has occupied part of the island ever since. In fact, 35,000 Turkish troops continue to occupy almost 40 percent of Cyprus' territory. Turkey's invasion forced the relocation of thousands of Greek Cypriots, it has led to the brutal treatment of the enclaved people in the Karpas, and it has resulted in greater instability in the region.

When Turkey occupied a portion of Cyprus in 1974, almost 200,000 Greek Cypriots were evicted from their homes and became refugees in their own country. 1,618 Greek Cypriots, including four Americans, have been missing ever since. After 25 years, the refugees have never been allowed to return to their homes in occupied Cyprus, and the missing are still unaccounted for. At the same time, Turkey has brought in over 80,000 settlers to the occupied part of the island. These settlers were given the lands and homes belonging to Greek Cypriots, in violation of international law.

For the few Greek Cypriots that were allowed to remain in the occupied Karpas Peninsula, the situation has been equally grim. A 1975 humanitarian agreement allowed 20,000 Greek Cypriots to stay in this area, but only 500 live in the Karpas today. These people have been subjected to harassment and intimidation despite the terms of the 1975 agreement. Land travel in the north is heavily restricted, as is secondary schooling and access to religious institutions. The United Nations itself has observed that the terms of the agreement have not been honored.

As we reflect on the past 25 years, it is clear that the rights of the Greek Cypriot population continue to be violated, that tensions have not lessened, and that instability has become a greater threat. Rather than lose hope, we must make a concerted effort to encourage dialogue and discussion among the parties. I have long advocated a just and peaceful resolution to the Cyprus conflict, and I hope that we will make progress toward a solution before the next anniversary comes to pass. Ending this impasse is in the best interests of the Greek Cypriot population, the region, and the international community as a whole. I urge this Congress and the Administration, as we mark the 25th anniversary of the Cyprus occupation, to evaluate the current situation and increase our efforts to ensure that a peaceful solution becomes a reality for Cyprus.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 19, 1999, the Federal debt stood at $5,628,492,605,942.62 (Five trillion, six hundred twenty-eight billion, four hundred ninety-two million, six hundred five thousand, nine hundred forty-two dollars and sixty-two cents).

Five years ago, July 19, 1994, the Federal debt stood at $4,625,472,000,000 (Four trillion, six hundred twenty-five billion, four hundred seventy-two million).

Ten years ago, July 19, 1989, the Federal debt stood at $2,803,290,000,000 (Two trillion, eight hundred three billion, two hundred ninety million).

Fifteen years ago, July 19, 1984, the Federal debt stood at $1,534,687,000,000 (One trillion, five hundred thirty-four billion, six hundred eighty-seven million).

Twenty-five years ago, July 19, 1974, the Federal debt stood at $474,534,000,000 (Four hundred seventy-four billion, five hundred thirty-four million) which reflects a debt increase of more than $5 trillion—$5,153,958,605,942.62 (Five trillion, one hundred fifty-three billion, nine hundred fifty-eight million, six hundred five thousand, nine hundred forty-two dollars and sixty-two cents) during the past 25 years.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2035. An act to correct errors in the authorization of certain programs administered by the National Highway Traffic Safety Administration.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–4244. A communication from the Director, Administration and Management, Department of Defense, transmitting, pursuant to law, a report relative to the resignation of the General Counsel, Department of the Army, the designation of an Acting General Counsel, and the nomination of a General Counsel; to the Committee on Armed Services.

EC–4245. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4246. A communication from the Congressional Review Coordinator, Policy and Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''High-Temperature Forced-Air Treatments for Citrus'' (Docket No. 96–069–3), received July 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4247. A communication from the Congressional Review Coordinator, Policy and Program Development, Regulatory Analysis and Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Poultry Products'' (Docket No. 98–028–2), received July 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4248. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense equipment in the amount of $14,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC–4249. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services in the amount of $50,000,000 or more to French Guiana; to the Committee on Foreign Relations.

EC–4250. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4251. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more to Spain; to the Committee on Foreign Relations.

EC–4252. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–4253. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed Manufacturing License Agreement with Oman; to the Committee on Foreign Relations.

EC–4254. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation within seven days of enactment; to the Committee on the Budget.

EC–4255. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation within seven days of enactment; to the Committee on the Budget.

EC–4256. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 99–30'' (RP–102–588–99), received July 15, 1999; to the Committee on Finance.

EC–4257. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement Requesting Comments on Foreign Contingent Debt'' (Announcement 99–76), received July 15, 1999; to the Committee on Finance.

EC–4258. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a navigation lock at the Kentucky Lock and Dam on the Tennessee River, Kentucky; to the Committee on Environment and Public Works.

EC–4259. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bentazon, Cyanazine, Dicrotophos, Diquat, Ethephon, Oryzalinn, Oxadiazon, Picloram, Prometryn, and Trifluralin; Tolerance Actions'' {FRL #6093–9}, received July 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4260. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Biphenyl, Calcium cyanbide, and Captafol, et al; Final Tolerance'' {FRL #6092–7}, received July 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4261. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dalapon, Fluchloralin, et al., Various Tolerance Revocations'' {FRL #6093–6}, received July 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4262. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propargite; Revocation of Certain Tolerances'' {FRL #6089–7}, received July 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4263. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spinosad; Pesticide Tolerances for Emergency Exemptions'' {FRL #6093–9}, received July 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4264. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebifenozide; Benzoic Acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenozoyl) hydrazide; Pesticide Tolerance'' {FRL #6092–1}, received July 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

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

POM–251. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to loans for state and local governments; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION

Whereas, All state and local governments and school districts have a substantial need to undertake capital projects to build or improve new or existing schools, roads, bridges, water and sewer systems, waste disposal facilities, public housing units, public buildings and environmental improvements; and

Whereas, The Federal Government is in a much better position than state and local governmental units and school districts to raise large amounts of capital to fund major capital projects; and

Whereas, The Treasury of the Federal Government has an ongoing program utilizing treasury bills, bonds, notes and other financial instruments to raise its needed operating capital; therefore be it

Resolved, That the Senate of Pennsylvania memorialize Congress to support the concept of creating interest-free loans to state and local governments and school districts to provide for capital projects for schools, roads, bridges, water and sewer projects, waste disposal projects, public housing, public buildings and environmental projects; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–252. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the ''Flag Protection Amendment''; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 136

Whereas, the United States flag is a symbol of our country; and

Whereas, desecration of the flag disgusts and enrages many American citizens, including the men and women who put their lives at risk to uphold what the flag symbolizes; and

Whereas, the Supreme Court of the United States has held that flag desecration is protected speech under the First Amendment of the Constitution of the United States; and

Whereas, Congress responded by passing the Flag Protection Act of 1989, which the Supreme Court declared unconstitutional; and

Whereas, in its current term, Congress is considering the Flag Protection Act, a constitutional amendment giving Congress the authority to pass laws protecting the flag from desecration; and

Whereas, the Legislature of Louisiana has visited the flag burning issue on numerous occasions and has consistently voted against the flag burner and in favor of protecting the flag. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to pass the Flag Protection Amendment, an amendment to the Constitution of the United States, giving Congress the authority to pass laws protecting the United States flag from desecration. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM–253. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Big Creek Recreation Access Project; to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION NO. 124

Whereas, Big Creek, a Louisiana Natural and Scenic River, is located entirely in Grant Parish with a historical record of recreation and commerce dating back to the 1800's and is vital to recreation, commerce, and tourism in the Pollock area and the state of Louisiana; and

Whereas, Big Creek provides excellent canoeing and related recreational opportunities which are in great demand in the Kisatchie National Forest; and

Whereas, the United States Forest Service, Department of Agriculture, has designed the

Big Creek Recreation Access Project and has approved its construction as funds become available; and

Whereas, the Big Creek Recreation Access Project would be a great economical boost for recreation, commerce, and tourism in the Pollock area and the state of Louisiana by providing canoeing, fishing, swimming, hiking, and sanitary facilities for the public on Kisatchie National Forest lands. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to provide funding for the construction of the Big Creek Recreation Access Project; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM–254. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to tobacco settlement; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 59

Whereas, the state attorney general and attorneys general of forty-five other state and five territories have filed claims against the tobacco industry; and

Whereas, the state's attorneys general carefully crafted the settlement agreement to reflect only costs incurred by the states; and

Whereas, these lawsuits represent years of state effort and leadership, and the states have borne all risks while the United States government failed to participate in such litigation; and

Whereas, the president of the United States announced a federal surplus of seventy billion dollars in his state of the union address. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to guarantee that one hundred percent of all monies due states from the tobacco industry settlement, agreement, or judgment be paid in full to such states; and be it further

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to prohibit any and all activities, including excise taxes on tobacco products and recoveries of Medicaid costs for smoking-induced illnesses, that would result in reducing the amount of funds available to the states from any tobacco industry settlement, agreement, or judgment; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM–255. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to food and humanitarian aid to Cuba; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 51

Whereas, two legislative instruments, SR 926 and HR 1644, which are pending in Congress have been designated the Cuban Food and Medicine Security Act of 1999 and would allow the sale of food and medicine to the people of Cuba; and

Whereas, Cuba is the only country prohibited by federal law from purchasing food and medicine from United States suppliers; and

Whereas, this prohibition has done nothing to punish Cuba's government or Cuba's political leaders but the innocent people of Cuba who are in need of food and medicine; and

Whereas, the United States has always promoted global humanitarian aid, yet its current prohibition of the sale of food and medicine to Cuba is antithetical to its history of humanitarianism; and

Whereas, the federal government has recently approved the sale of food and medicine to countries such as Iran, Iraq, Libya, and Sudan, and even in the midst of the Cold War, the United States sold food and medicine to the former Soviet Union; and

Whereas, prior to 1960, the people of Cuba purchased hundreds of thousands of tons of rice and other food products annually which were shipped to Cuba through the Port of Lake Charles; and

Whereas, if such purchases were allowed, Cuba's high demand for food products may provide a ready market for Louisiana's agricultural goods; and

Whereas, the sale of food and medicine to the people of Cuba would benefit this state and the country by a promotion of humanitarian policy, an enhancement of the farm-business community, and the creation of hundreds of jobs at the Port of Lake Charles and elsewhere within our economy. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize Congress of the United States to adopt the Cuban Food and Medicine Security Act of 1999 or other similar legislation which would eliminate the current prohibition against the sale of food and medicine to the people of Cuba; and be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM–256. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to a proposed ''National Week of Prayer for Schools''; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 42

Whereas, presidents throughout American history have called our people to prayer, especially Abraham Lincoln in 1863; and

Whereas, in light of this history, a week of dedication toward prayer for our schools should be set aside for the sake of our children and their future; and

Whereas, we invite the people of this nation to join together to pray, sing, proclaim, and speak for the progression of educational programming in our country; and

Whereas, we encourage the citizens of our nation to pay for the dedicated teachers, staff, and administrators who are molding the children's dreams and our futures. Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the United States Congress to proclaim the first week in August of each year as ''National Week of Prayer for Schools''; and be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM–257. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the ''Comprehensive Hurricane Protection Plan for Coastal Louisiana''; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 30

Whereas, Louisiana citizens living and working in southeast Louisiana have been and continue to be vulnerable to the devastating effects of hurricanes and tropical storms; and

Whereas, federal, state, and local governments have attempted to provide hurricane protection to the residents of the region by implementing construction projects designed to protect specific areas; and

Whereas, a comprehensive plan is in need of being developed to provide protection for the areas outside of existing project boundaries which are subject to catastrophic damages due to hurricanes and other storm events; and

Whereas, the U.S. Army Corps of Engineers is analyzing a plan, entitled the ''Comprehensive Hurricane Protection Plan for Coastal Louisiana'', to provide continuous hurricane protection from the vicinity of Morgan City, Louisiana to the Louisiana-Mississippi border; and

Whereas, the plan will seek to expedite the ongoing construction of several hurricane protection projects, seek immediate congressional authorization for projects being planned, initiate and expedite hurricane protection and flood control studies in the region, initiate a study of flood proofing major hurricane evacuation routes, and initiate a reevaluation of existing hurricane protection projects to provide for category 4 or 5 hurricanes; and

Whereas, the development of the plan will necessitate a major cooperative effort of federal, state, and local governments requiring a considerable amount of funds for planning, implementation, and construction; and

Whereas, the association of Levee Boards of Louisiana fully supports and endorses the concepts of the comprehensive hurricane protection plan. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to authorize and urge the governor of the state of Louisiana to support the development of the ''Comprehensive Hurricane Protection Plan for Coastal Louisiana'' by the U.S. Army Corps of Engineers to provide continuous hurricane protection from Morgan City to the Mississippi border; and be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, and to the governor of the state of Louisiana.

POM–258. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Turtle Excluder Device regulations; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 12

Whereas, due to the protection of the beaches on Rancho Nuevo, Mexico, the number of documented nests of the endangered Kemp's Ridley sea turtle has increased to nearly four thousand from a low of about seven hundred in 1985; and

Whereas, the sea turtle population has increased to the point where modifications of turtle excluder device (T.E.D.S) regulations are feasible without causing detriment to the increasing turtle population; and

Whereas, the Louisiana shrimping industry views current T.E.D. regulations as a direct threat to their industry; and

Whereas, commercial shrimp trawl vessel licenses have dropped from a high of approximately thirty-two thousand in 1987, just prior to the T.E.D. regulations, to a present-day low of approximately fifteen thousand. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to pursue other viable alternatives to

present T.E.D. regulations, including, but not limited to seasonal exemptions, where there is a low presence of the Kemp Ridley turtle in the winter season; and area exemptions where there has been no historical evidence of Kemp Ridley populations; and an industry funded recovery program; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM–259. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the National Resource Conservation Service; to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION NO. 60

Whereas, the Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service, has been providing technical assistance to Louisiana's landowners and land managers since 1935; and

Whereas, such technical assistance has been provided through formal working agreements with each of Louisiana's forty-three soil and water conservation districts; and

Whereas, a science-based, multidisciplinary workforce's no-cost assistance has been instrumental to the development of Louisiana's productive cropland, pasture land, and forests; and

Whereas, NRCS has generally provided services and funds to the people of Louisiana through the soil and water conservation districts at a ratio of approximately ten federal dollars for each state dollar; and

Whereas, Louisiana landowners and land managers are besieged by regulations and enforcement actions related to clean air, clean water, wetland protection and restoration, animal waste management, nutrient and pesticide management, riparian area protection, and other environmental requirements; and

Whereas, the technical assistance that NRCS provides is critical to our state's landowners' continuing compliance with these complex environmental laws and regulations; and

Whereas, private landowners and land managers control over eighty percent of Louisiana's land, and their understanding and application of sound conservation practices to their land is essential to maintain its productivity; and

Whereas, these sound conservation practices constitute an important non-point source environmental protection program on a statewide and national basis; and

Whereas, the president of the United States has proposed a budget that in effect would reduce NRCS field service staff by over 1,050 nationwide with a possible twenty-five reduction in Louisiana's field staff; and

Whereas, this potential reduction in field service staff would severely weaken the state and national non-point source environmental protection program, and the resulting impact of the reduced availability of technical assistance would likely lead to increased violations by private landowners. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to restore any budget reductions affecting NRCS in order that it can adequately serve the conservation and environmental needs of Louisiana; and be it further

Resolved, That this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, each member of the Louisiana congressional delegation, the secretary of the United States Department of Agriculture, and the president of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 348: A bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the pubic, and for other purposes (Rept. No. 106–109).

By Mr. THOMPSON, from the Committee on Government Affairs, with amendments:

S. 746: A bill to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government (Rept. No. 106–110).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment and an amendment to the title:

S. 937: A bill to authorize appropriations for fiscal years 2000 and 2001 for certain maritime programs of the Department of Transportation, and for other purposes (Rept. No. 106–111).

By Mr. ROTH, from the Committee on Finance:

Report to accompany the bill (S. 1387) to extend certain trade preference to sub-Saharan African countries (Rept. No. 106–112).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 695: A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area (Rept. No. 106–113).

By Mr. SPECTER, from the Committee on Veterans' Affairs, without amendment:

S. 1402: An original bill to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes (Rept. No. 106–114).

By Mr. MURKOWSKI, from the Committee on Finance, with an amendment and an amendment to the title:

H.R. 1833: A bill to authorize appropriations for fiscal year 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United State International Trade Commission, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1394. A bill to require the Secretary of the Treasury to mint coins in commemoration of the U.S.S. New Jersey, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS:

S. 1395. A bill to require the United States Trade Representative to appear before certain congressional committees to present the annual National Trade Estimate; to the Committee on Finance.

By Mr. FITZGERALD:

S. 1396. A bill to amend section 4532 of title 10, United States Code, to provide for the coverage and treatment of overhead costs of United States factories and arsenals when not making supplies for the Army, and for other purposes; to the Committee on Armed Services.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 1397. A bill to provide for the retention of the name of the geologic formation known as ''Devil's Tower'' at the Devils Tower National Monument in the State of Wyoming; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 1398. A bill to clarify certain boundaries on maps relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself, Mr. DODD, Ms. SNOWE, Ms. LANDRIEU, Mr. REID, Mrs. BOXER, Mr. INOUYE, Mr. SARBANES, Mr. KENNEDY, and Mr. WELLSTONE):

S. 1399. A bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals; to the Committee on Veterans Affairs.

By Mrs. BOXER (for herself, Mrs. MURRAY, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 1400. A bill to protect women's reproductive health and constitutional right to choice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM (for himself, Mr. MACK, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. BINGAMAN):

S. 1401. A bill to amend the Federal Crop Insurance Act to promote the development and use of affordable crop insurance policies designed to meet the specific needs of producers of specialty crops, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 1402. An original bill to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes; from the Committee on Veterans Affairs; placed on the calendar..

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, Mr. BRYAN, and Mrs. MURRAY):

S. 1403. A bill to amend chapter 3 of title 28, United States Code, to modify en banc procedures for the Ninth Circuit Court of Appeals, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBB (for himself, Mr. WARNER, Mr. SARBANES, and Ms. MIKULSKI):

S. 1404. A bill to amend the Internal Revenue Code of 1986 to authorize expenditures from the Highway Trust Fund for the Woodrow Wilson Memorial Bridge Project for fiscal years 2004 through 2007, and for other purposes; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. ROBB, Mr. SARBANES, and Ms. MIKULSKI):

S. 1405. A bill to amend the Woodrow Wilson Memorial Bridge Authority Act of 1995 to provide an authorization of contract authority for fiscal years 2004 through 2007, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SHELBY (for himself, Mr. SESSIONS, Mrs. HUTCHISON, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mrs. BOXER, Mr. STEVENS, Mr. ABRAHAM, Mr. ALLARD, Mr. BUNNING, Mr. GRAMS, Mr. LOTT, Mr. JOHNSON, Mr. BREAUX, Mr. GRASSLEY, Ms. COLLINS, Mr. BURNS, Mr. BYRD, Mr. BROWNBACK, Mr. HAGEL, Mr. COVERDELL, Mr. HELMS, Mr. SPECTER, Mr. THURMOND, Mr. THOMAS, Mr. DEWINE, Mr. DODD, Mr. FEINGOLD, Mr. LEVIN, Mr. MOYNIHAN, Mr. GRAMM, Mr. MACK, Mr. FRIST, Mr. ENZI, and Mr. GREGG):

S. Con. Res. 45. A concurrent resolution expressing the sense of Congress that the July 20, 1999, 30th anniversary of the first lunar landing should be a day of celebration and reflection on the Apollo-11 mission to the Moon and the accomplishments of the Apollo program throughout the 1960's and 1970's; to the Committee on the Judiciary.

S. Con. Res. 46. A concurrent resolution expressing the sense of Congress that the July 20, 1999, 30th anniversary of the first lunar landing should be a day of celebration and reflection on the Apollo-11 mission to the Moon and the accomplishments of the Apollo program throughout the 1960's and 1970's; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1394. A bill to require the Secretary of the Treasury to mint coins in commemoration of the U.S.S. *New Jersey*, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

U.S.S. ''NEW JERSEY'' COMMEMORATIVE COIN ACT

● Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that will assist with the financial costs of relocating the Battleship U.S.S. *New Jersey* to a place of honored retirement in her namesake state. After fifty-six years of service to our Nation, this proud ship is ready to serve America in a new and invaluable role as an educational museum and historic center.

The U.S.S. *New Jersey* is believed to be the most decorated warship in the annals of the U.S. Navy, with sixteen battle stars and thirteen other ribbons and medals. She is one of the four battleships of the 45,000 ton *Iowa* class, which are the largest, fastest and most powerful we ever built. Beyond her imposing size and physical characteristics though, the *New Jersey* has an unmatched record of service to her country.

With the easing of world tensions, the battleship was decommissioned in February of 1991 and she now lays in reserve, ready, but destined never to sail again. In January 1995, the *New Jersey* was stricken by the Navy, meaning that she was available to become a museum. For 24 years, the people of New Jersey have been organizing at the grass roots level to prepare for the eventual return to the ship.

Mr. President, the legislation I am introducing will authorize the Secretary of the Treasury to mint silver coins commemorating the U.S.S. *New Jersey*. Millions of dollars have already been raised through the purchase of Battleship License Plates, an annual Tax Check Off and contributions by many of New Jersey's leading civic and business organizations. The issuance of a U.S.S. *New Jersey* coin will add to these efforts and help commemorate this national treasure.

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

The bill follows:

S. 1394

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''U.S.S. New Jersey Commemorative Coin Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The U.S.S. New Jersey was launched December 7, 1942, the start of nearly 50 years of dedicated service to our Nation prior to final decommissioning in 1991.

(2) After commissioning, the U.S.S. New Jersey was sent to the Pacific, and played a key role in operations in the Marshalls, Marianas, Carolines, Philippines, Iwo Jima, and Okinawa, with a particular highlight being the U.S.S. New Jersey's service as the flagship for Commander 3d Fleet, Admiral William ''Bull'' Halsey, during the Battle of Leyte Gulf in October 1944.

(3) After the Allied victory in World War II, the U.S.S. New Jersey was deactivated in 1948 until being called to service for the second time, in November 1950.

(4) The U.S.S. New Jersey served two tours in the Western Pacific during the Korean War, serving as flagship for Commander 7th Fleet.

(5) After her valiant service during the Korean War, the U.S.S. New Jersey was again mothballed in 1957, only to be re-activated again in 1968 to serve as the only active-duty Navy battleship.

(6) The U.S.S. New Jersey served a successful tour during the Vietnam conflict, providing critical major-caliber fire support for friendly troops, before again being decommissioned in December 1969.

(7) The U.S.S. New Jersey's service to our country did not end with the Vietnam conflict, as she was again called to active duty status in December 1982 and provided a show of strength off the coast of Nicaragua, in Central America in 1983.

(8) The Navy again called upon the U.S.S. New Jersey to provide critical support by sending her to the Mediterranean in 1983 to provide critical fire support to Marines in embattled Beirut, Lebanon.

(9) The U.S.S. New Jersey continued to serve the Navy in a variety of roles, including regular deployments in the Western Pacific.

(10) The U.S.S. New Jersey was decommissioned for the fourth and final time in February 1991.

(11) In 1998 Congress passed legislation to decommission the U.S.S. New Jersey and permanently berth her in the State of New Jersey.

(12) The State has strongly endorsed bringing the U.S.S. New Jersey home, and has issued commemorative license plates and taken other steps to raise funds for the costs of relocating the U.S.S. New Jersey.

(13) The New Jersey congressional delegation is united in its support for bringing the U.S.S. New Jersey home to New Jersey.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATION.—In commemoration of the U.S.S. New Jersey, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this Act from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of service of the U.S.S. New Jersey.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2002''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(3) OBVERSE OF COIN.—The obverse of each coin minted under this Act shall bear the likeness of the U.S.S. New Jersey.

(4) GENERAL DESIGN.—In designing this coin, the Secretary shall also consider incorporating appropriate elements from the tenure of service of the U.S.S. New Jersey in the Navy.

(b) SELECTION.—The design for the coins minted under this Act shall be selected by the Secretary after consultation with the Commission of Fine Arts and shall be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2002, and ending on December 31, 2002.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, 10 percent of the proceeds from the surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the U.S.S. New Jersey Battleship Foundation in Middletown, New Jersey, for activities associated with the costs of moving the U.S.S. New Jersey and permanently berthing her in her new location.

(b) AUDITS.—The U.S.S. New Jersey Battleship Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.●

By Mr. BAUCUS:

S. 1395. A bill to require the United States Trade Representative to appear before certain congressional committees to present the annual Nation Trade Estimate; to the Committee on Finance.

PRESENTATION OF NATIONAL TRADE ESTIMATE

Mr. BAUCUS. Mr. President, the bill I am introducing today requires that the United States Trade Representative, the USTR, appear before the Finance Committee in the Senate and the Ways and Means Committee in the House, on the day that the National Trade Estimates Report is released.

USTR must deliver the NTE Report to the Committees. He or she must provide an analysis of the contents of the NTE Report. And they must outline the major actions that will result from the NTE findings or give the reasons for not taking action.

The NTE is an important document. It is the major opportunity each year for the Administration to set out the key trade barriers we confront with our major trade partners.

At present, our trade law requires merely that USTR report the NTE to the President, the Finance Committee and the appropriate committees in the House. The change I am proposing means that the NTE will be made public on Capitol Hill rather than at USTR. The U.S. Trade Representative will present both its analysis of the trade barriers and its plan of action to deal with those barriers. That presentation will be made directly and immediately to the Congress. USTR should also explain what they have done over the past year to address trade barriers listed in the prior year's report.

This is a small change, but an important symbolic one.

The NTE should be the plan of action the Administration will pursue to dismantle foreign trade barriers. And USTR and the Administration must be accountable to the Congress for the results of this plan.

During twenty-nine years of service in the United States Congress, I have watched a continuing transfer of authority and responsibility for trade policy from the Congress to the executive branch. The trend has been subtle, but clear and constant.

I want to see this trend reversed. We in the Congress have a clear constitutional responsibility for trade. Article I of the Constitution reads: ''The Congress shall have power . . . To regulate commerce with foreign nations.'' I want to use this constitutional authority to provide more effective and active congressional oversight of trade policy. And I would like to see more congressional direction for the executive branch in the area of trade policy.

Again, this bill is a very small step in that direction. In the coming weeks and months, I will introduce further measures to ensure that the Congress implements fully its constitutional prerogatives on trade.

By Mr. FITZGERALD:

S. 1396. A bill to amend section 4532 of title 10, United States Code, to provide for the coverage and treatment of overhead costs of United States factories and arsenals when not making supplies for the Army, and for other purposes; to the Committee on Armed Services.

LEGISLATION TO PROVIDE COVERAGE AND TREATMENT OF OVERHEAD COSTS OF UNITED STATES FACTORIES AND ARSENALS WHEN NOT MAKING SUPPLIES FOR THE ARMY

Mr. FITZGERALD. Mr. President, I rise today, along with my colleagues, Senators DURBIN, GRASSLEY, and HARKIN, to introduce a bill to preserve the integrity of our arsenals and the vital role they play in our national security and defense.

There are three arsenals remaining in this country charged with the responsibility of maintaining a military production capability in case of war. The Rock Island Arsenal in my home State of Illinois is one of those three national arsenals.

The U.S. Government acquired Rock Island, which lies in the Mississippi River between Illinois and Iowa, in 1804. The first U.S. Army establishment on the island was Fort Armstrong in 1816. Neither Illinois nor Iowa had established statehood at that time, but Fort Armstrong served as a refuge for pioneers living on the frontier. In 1862, Congress passed a law that established Rock Island Arsenal. Construction of the first manufacturing buildings began in 1866 and finished with the last stone shop in 1893.

Today, Rock Island Arsenal is a leader in high-technology weapons production, engineering, and logistics and plays an integral role in our national defense, providing manufacturing, supply, and support services for our Nation's Armed Forces.

I recently visited Rock Island Arsenal and was truly impressed with its facility and manufacturing capabilities and with its hard-working personnel. Manufacturing production at Rock Island centers around recoil mechanisms, gun mounts, artillery carriages, and the final assembly of Howitzers. Rock Island also serves as a ''job shop'' for the U.S. military, producing small quantities of urgently needed specialty items and performing work that is not profitable enough to be done in the private sector.

Rock Island is the largest Government-owned manufacturing arsenal in the Western World with state-of-the-art machining, welding, forging, plating, foundry, and assembly facilities.

Rock Island's specialty is artillery production, which it has done since the late 19th century, resulting in a long and distinguished history of efficient production and effective products.

Rock Island has been very successful at producing towed artillery and has also been responsible for the production work on all U.S. Howitzers for the last 50 years. However, even with the state-of-the-art facilities, expertise, and proven track record of the arsenals, there are those who would like to see them closed and transfer all military production to private firms.

Through those efforts, the arsenals have slowly but surely been marginalized through the years. Currently, Rock Island Arsenal is operated only at about 20 percent of its capacity. This approach does not save the Government money. It wastes it by making the Government pay twice for any product an arsenal can manufacture.

Let me explain this point, because it is important to understand that our current policy does not save the taxpayers any money. Arsenals are currently kept open and on standby to gear up for production in the event of a national military emergency. Therefore, the Army must pay the overhead to keep them open whether or not the Army uses the arsenals to procure equipment and supplies. When a contract is awarded to a private firm, the Army is still paying for unused capacity at the arsenals, while at the same time paying the private contractor the cost of the contract. In effect, the taxpayers are paying twice for every product procured from a private contractor that could have been procured from an arsenal.

The Army's procurement system hides these true costs from the public. The Army's bidding procedures do not allow procurement officers to evaluate arsenal bids fairly. Current bidding procedures require arsenals to include all of their full overhead costs, including the cost of unused capacity in the bid price for their products. This approach skews the true cost of the products produced by the arsenals. By requiring that arsenal bids include the cost of unused plant capacity—that is, those costs associated with the level of readiness the arsenals are already required to maintain—the Army has rendered arsenal bids inherently uncompetitive because the price of the product is artificially inflated beyond its true cost through the inclusion of overhead costs unrelated to the specific bid.

This bookkeeping fiction makes the bid price for arsenal products uncompetitive, even if the actual price of an arsenal product can be acquired at the

lowest cost to the Government. Thus, not only must the taxpayers pay twice for a product when it is not manufactured at an arsenal, but the taxpayer may not be buying the lowest priced product.

The legislation I am interested in introducing today, Mr. President, with my colleagues from Illinois and Iowa, would require the Secretary of the Army to include in his annual budget request a line item to pay for the unutilized and underutilized plant capacity of the arsenals, thus recognizing the important role played by the arsenals in maintaining our defense preparedness. By requiring the Army to account for the overhead cost of unused arsenal capacity, the arsenals will no longer have to artificially inflate the cost of their bids to account for this overhead. Arsenals will be able to make competitive bids by virtue of not having to abide by the fiction of including as overhead for a bid the total cost of maintaining the arsenals. Instead, arsenals will be placed on a fairer footing with private firms by including in their bid price only the overhead cost associated with the particular product on which they are bidding.

In the end, this approach will allow the Army to procure those products which arsenals are capable of manufacturing in the most cost-effective way.

Products manufactured by our national arsenals are among the best in the world, and the arsenals deserve fair treatment and consideration in the marketplace. In short, adoption of this legislation will enhance our national defense, save taxpayer dollars, and ensure the economic viability of the communities that surround our national arsenals, such as that in Rock Island, IL.

Mr. President, I ask for favorable consideration of this bill.

I ask unanimous consent that a copy of the text of our bill be printed in the RECORD.

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

S. 1396

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

SECTION 1. OVERHEAD COSTS OF UNITED STATES FACTORIES AND ARSENALS WHEN NOT MAKING SUPPLIES FOR THE ARMY.

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

(1) Factories and arsenals owned by the United States play a vital role in the national defense by ensuring the making of supplies for the Department of the Army.

(2) The vital role of such factories and arsenals in the national defense is not diminished by their unutilization or underutilization in peacetime.

(b) OVERHEAD COSTS OF FACTORIES AND ARSENALS WHEN UNUTILIZED OR UNDERUTILIZED.—Section 4532 of title 10, United States Code, is amended by adding at the end the following:

''(c) OVERHEAD COSTS WHEN UNUTILIZED OR UNDERUTILIZED.—(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year under section 1105(a) of title 31, an estimate of the funds to be required in the fiscal year in order to cover any overhead costs at factories and arsenals referred to in subsection (a) that result from the unutilization or underutilization of such factories and arsenals in the fiscal year due to low production requirements of the Department of the Army.

''(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph (1) shall be available to the Secretary in such fiscal year to cover such costs.

''(3) In determining the cost of making a supply or other good, other than a supply for the Department of the Army, at a factory or arsenal referred to in subsection (a), the Secretary shall not take into account any overhead cost covered with funds available to the Secretary under paragraph (2).''.

(c) STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (a), by inserting ''AUTHORITY TO MAKE SUPPLIES.—'' before ''The Secretary of the Army''; and

(2) in subsection (b), by inserting ''ABOLITION.—'' before ''The Secretary''.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 1397. A bill to provide for the retention of the name of the geologic formation known as ''Devils Tower'' at the Devils Tower National Monument in the State of Wyoming; to the Committee on Energy and Natural Resources.

DEVILS TOWER NATIONAL PARK NAME PRESERVATION ACT

Mr. ENZI. Mr. President, I rise to introduce a bill which will enable Devils Tower National Monument to retain its historic and traditional name.

Wyoming is a state rich with heritage. We have cities and communities named after great explorers like John Charles Fremont, John Wessley Powell, and mountain man Jim Bridger. We have cities named after William F. ''Buffalo Bill'' Cody, Civil War Hero General Philip Sheridan and Army Fort Commander Caspar Collins. The state is also rich with names that recognize the contributions by Native Americans. Our state capital, Cheyenne, is joined with other areas named Shoshoni, Washakie, Arapahoe, Ten Sleep, Sundance and Shawnee. Wyoming also adopted many names that represent the unique geography that makes up our diverse state. For example, we have the Yellowstone, Riverton, Big Piney, Green River, Mountain View, Lonetree, and the Wind River Canyon.

One such place, Devils Tower, was named in 1875 by a military survey team. You can imagine the impact on the group as it rode up to the tower more than 120 years ago. The gray volcanic tower sits on the plains of Northeastern Wyoming and shoots up, straight into the sky, for approximately one-quarter of a mile. Its rugged walls and round shape make it look something like a giant petrified tree stump. I live in the area and have visited the tower many times. I can attest that the name Devils Tower is clearly applicable.

Along with Yellowstone National Park's Old Faithful, Devils Tower has become an icon of Wyoming and the West. This unique structure is known internationally as one of the premiere climbing locations in the world and therefore plays a vital role in the state's billion dollar tourism industry.

I am, however, sensitive to the feelings of those Native Americans who would prefer to see the name of this natural wonder changed to something more acceptable to their cultural traditions. Many tribal members think of the monument as sacred. However, I believe little would be gained and much would be lost should Devils Tower be renamed. Any name change for Devils Tower would dredge up age-old conflicts and divisions between descendants of European settlers and the descendants of Native Americans and would place a heavy burden on the region's economic stability.

My legislation will prevent such an impact and will embrace the least offensive option offered so far—the preservation of the traditional name of Devils Tower. I urge my colleagues to support this measure. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other authority of law, the mountain located 44°42′58″ N., by 104°35′32″ W., shall continue to be named and referred to for all purposes as Devils Tower.

By Mr. HELMS:

S. 1398. A bill to clarify certain boundaries on maps relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

COASTAL BARRIER RESOURCES SYSTEM CORRECTIONS

Mr. HELMS. Mr. President, today I'm introducing legislation to correct errors in the Coastal Barrier Resource System maps which have resulted in the denial of federal flood insurance to a large number of coastal North Carolinians in Dare County, insurance for which they unquestionably should have been eligible.

I've received many complaints from property owners about this situation, and last year I and members of North Carolina's House delegation asked the Fish and Wildlife Service to determine whether the map of the ''otherwise protected area' overlaying the Cape Hatteras National Seashore was in fact accurate.'' (Property owners outside of the seashore were being denied flood insurance on the grounds that they were within the boundary of the ''otherwise protected area.'')

Mr. President, the background regarding this Senate bill that I'm introducing today will explain the necessity of this bill's being offered:

Congress enacted the Coastal Barrier Improvement Act of 1990 (P.L. 101–591; 104 Stat. 2931); within that act it established a classification in the System

known as ''otherwise protected areas'' which consist of publicly or privately-owned lands on coastal barriers which were held for conservation purposes. While they were not made part of the Coastal Barrier Resources System, the Congress forbade the issuance of new flood insurance for structures within these areas. (Lands within the Coastal Barrier Resources System—undeveloped coastal barriers and associated areas—are denied any Federal development-related assistance.)

All of the ''otherwise protected areas'' are depicted on maps adopted by the Congress in the Coastal Barrier Improvement Act. As needed, the U.S. Fish and Wildlife Service, which administers these maps, works with the Federal Emergency Management Agency, (FEMA) to determine precisely where the boundary of otherwise protected areas are located, so that FEMA may determine whether specific locations are eligible for flood insurance.

After consulting extensively for more than a year with FEMA and the National Park Service, the Fish and Wildlife Service has now advised us that the maps of the ''otherwise protected area,'' known as NC03P, are indeed inaccurate. The errors in the maps deny flood insurance to property owners adjacent to the Cape Hatteras National Seashore in Dare County.

The errors result from inaccurate depictions of the Cape Hatteras National Seashore boundary on the standardized maps upon which Congress designated this area, and in part because of the problems inherent in translating lines drawn on the large-scale maps used for designations into precise, on-the—ground property lines-a problem which neither the Congress nor the Interior Department appears to have considered when this was enacted in 1990.

The fact that Congress designated the boundaries of coastal barrier units and ''otherwise protected areas'' by maps, the detection of an error in a depicted feature of the underlying map, or disparities between clear Congressional intent and the actual map, does not alter the enacted boundary of the unit or area. Only any act of Congress may revise such a boundary; the statute does not provide authority for an administrative correction of such an error.

Although there is no statutory definition of, and little legislative history for, ''otherwise protected areas'', the areas so designated by Congress in 1990 were almost without exception depicted on maps transmitted by the Secretary in his January 1989 report to Congress pursuant to section 10 of the Coastal Barrier Resources Act of 1982. In developing the recommendations and maps for that Report, the Department utilized the following definition, which was published in the Federal Register (50 FR 8700):

A coastal barrier or portion thereof is defined as ''otherwise protected'' if it has been withdrawn from the normal cycle of private development and dedicated for conservation, wildlife management, public recreation or scientific purposes. . . .

This definition indicates that ''otherwise protected areas'' included only the conservation areas upon which they were based. In addition, the Administration has supported and Congress has enacted legislation in several instances where the stated purpose was to remove private property from the mapped outer boundary of an otherwise protected area.

I am grateful for the cooperation of the Administration in this matter, I do regret that it look so long in this case.

The fact remains that the mistakes which led to more than 230 properties in Dare County being placed within the outer boundary of the ''otherwise protected area'' was clearly not intended by Congress when the ''otherwise protected area'' was created.

The bill I'm introducing today will correct these errors, Mr. President, and I urge the Senate to pass this legislation promptly.

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

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

S. 1398

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

SECTION 1. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAPS.

(a) IN GENERAL.—The 7 maps described in subsection (b) are replaced by 31 maps entitled ''Coastal Barrier Resources System, NC–03P'', designated as Cape Hatteras 5A through 5G, and dated May 26, 1999.

(b) MAPS DESCRIBED.—The maps described in this subsection are the 7 maps that—

(1) relate to the unit of the Coastal Barrier Resources System entitled ''Cape Hatteras NC–03P'';

(2) are designated as Cape Hatteras 5A through 5G; and

(3) are included in a set of maps entitled ''Coastal Barrier Resources System'', dated October 24, 1990, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the maps that replace the maps described in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

By Mr. DEWINE (for himself, Mr. DODD, Ms. SNOWE, Ms. LANDRIEU, Mr. REID, Mrs. BOXER, Mr. INOUYE, Mr. SARBANES, Mr. KENNEDY, and Mr. WELLSTONE):

S. 1399. A bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals; to the Committee on Veterans' Affairs.

VA NURSE APPRECIATION ACT OF 1999

Mr. DEWINE. Mr. President, I rise today to introduce legislation to address a little known but very important issue within the Department of Veterans Affairs. The legislation would correct an injustice suffered throughout this decade by a workforce of 39,000 dedicated nurses who devote their careers toward the caring of our nation's veterans. Due to an unintentional use of federal law, the VA has allowed nurses to go up to five years in a row without a single raise. In some cases, VA nurses have received pay cuts by as much as eight percent in a single year, or received a token raise of one-tenth of one percent. I am today, along with Senators DODD, SNOWE, LANDRIEU, REID, BOXER, INOUYE, SARBANES and KENNEDY, calling on Congress to put an end to this practice by passing the VA Nurse Appreciation Act.

We find ourselves in this situation because of unintended consequences. In 1990, Congress passed the Nurse Pay Act, which allowed VA medical center directors to give VA nurses higher annual pay raises than other federal employees on the General Schedule (GS). At the time, this well intentioned bill was needed to address a national nursing shortage in VA hospitals. However, after the shortage eased, many medical center directors used the discretion given to them by the law to provide minimal raises and even pay cuts. In my own state of Ohio, from 1996 to 1998, VA nurses in Columbus took a 2.8% pay cut, while federal employees in the same area received pay raises ranging from 2.4% to 3%. This clearly was not what Congress had in mind when it passed the 1990 Nurse Pay Act.

Unfortunately, the problem is widespread and knows no geographic boundaries. From 1996–1999, nurses at sixteen different VA medical centers had their pay rate cut by as much as eight percent, while other federal employees received annual GS increases ranging from 2.4% to 3.6% or more. In addition, from 1996–1999, no raises were given to Grade I, II or III nurses at approximately 80 VA medical centers around the country.

To address this wrong, the VA Nurse Appreciation Act. This bill would ensure that Title 38 nurses would be eligible to receive the same annual GS increase plus locality pay provided to all other federal employees in their area. The bill would preserve the essential purpose of the 1990 Nurse Pay Act by giving the VA Secretary the discretion to increase pay, or delegate this authority to VA medial center directors if they have trouble recruiting or retaining quality nurses.

Mr. President, what message are we sending to our veterans when we are not willing to pay the nurses that provide their daily care the same pay increases that every federal employee now receives. Congress should be dedicated to providing our veterans the

best possible health services, and putting an emphasis on top quality nursing care is a right step in that direction. This bill would end the practice of discriminatory pay cuts by directors of VA medical facilities and provide the assurance of at least the GS raise received by all other federal employees. This bill is really about fairness. It would help those dedicated workers who have not been receiving regular pay raises for years. If we can pass this bill quickly, we can insure all VA nurses will receive a much-deserved pay raise in January 2000.

This bill is companion legislation to H.R. 1216, introduced by my colleague and friend from Ohio, Congressman LATOURETTE. It has the support of the American Nurses Association (ANA), the American Federation of Government Employees (AFGE) and the National Federation of Federal Employees (NFFE) along with various veterans groups, including the Disabled American Veterans and the Paralyzed Veterans of America. The LaTourette bill has bipartisan support from more than 70 House members, including 11 members of the House committee on Veterans' Affairs.

Congress now has the chance to right a wrong and show VA nurses that their compassion and dedication are appreciated. I urge my colleagues to support and cosponsor the VA Nurse Appreciation Act.

I ask unanimous consent that the text of the VA Nurse Appreciation Act and letters in support of the legislation be printed in the RECORD.

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

S. 1399

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Veterans Affairs Nurses Appreciation Act of 1999''.

SEC. 2. REVISED AUTHORITY FOR ADJUSTMENT OF BASIC PAY FOR NURSES AND CERTAIN OTHER HEALTH-CARE PROFESSIONALS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) ANNUAL ADJUSTMENTS UNDER TITLE 5.—Section 7451 of title 38, United States Code, is amended—

(1) by striking subsections (d), (e), (f), and (g); and

(2) by adding after subsection (c) the following new subsection (d):

''(d) The rates of basic pay for each grade in a covered position shall (notwithstanding subsection (a)(3)(A)) be adjusted annually by the same percentages as the rates of pay under the General Schedule are adjusted pursuant to sections 5303 and 5304 of title 5. Adjustments under this subsection shall be effective on the same date as the annual adjustments made in accordance with such sections 5303 and 5304.''.

(b) REVISED TITLE 38 LOCALITY PAY AUTHORITY.—Such section is further amended by adding after subsection (d), as added by subsection (a) of this section, the following new subsection (e):

''(e)(1) Whenever after October 1, 2002, the Secretary determines that the rates of basic pay in effect for a grade of a covered position, as most recently adjusted under subsection (d), at a given Department healthcare facility are inadequate to recruit or retain high-quality personnel in that grade at that facility, the Secretary shall in accordance with this subsection adjust the rates of basic pay for that grade at that facility.

''(2) An adjustment in rates of basic pay for a grade under this subsection shall be made by determining a minimum rate of basic pay for the grade and then adjusting the other rates of basic pay for the grade to conform to the requirements of subsection (c).

''(3)(A) The Secretary shall determine a minimum rate of basic pay for a grade for purposes of paragraph (2) so as to achieve consistency between the rates of basic pay for the grade at the facility concerned and the rates of compensation in the Bureau of Labor Statistics labor market in which the facility is located for non-Department health-care positions requiring education, training, and experience that is equivalent or similar to the education, training, and experience required for Department personnel in the grade at the facility.

''(B) The Secretary shall utilize the most current industry-wage survey of the Bureau of Labor Statistics for a labor market in meeting the objective specified in subparagraph (A).

''(C) For purposes of this paragraph, the term 'rate of compensation', with respect to health-care positions in non-Department health-care facilities, means the sum of—

''(i) the rate of pay for personnel in such positions; and

''(ii) any employee benefits (other than benefits similar to benefits received by employees in the covered position concerned) for those health-care positions to the extent that such employee benefits are reasonably quantifiable.

''(4) An adjustment under this subsection may not reduce any rate of basic pay.

''(5) An adjustment in rates of basic pay under this subsection shall take effect on the first day of the first pay period beginning after the date on which the adjustment is made.

''(6) The Secretary shall prescribe regulations providing for the adjustment of rates of basic pay for employees in covered positions in the Central and Regional Offices in order to assure the recruitment and retention of high-quality personnel in such positions in such offices. The regulations shall provide for such adjustment in a manner similar to the adjustment of rates of basic pay under this subsection.''.

(c) ANNUAL ADJUSTMENTS IN INCREASED RATES OF BASIC PAY.—Section 7455 of such title is amended—

(1) in subsection (a)(1), by striking ''and (d)'' and inserting ''(d), and (e)''; and

(2) by adding at the end the following:

''(e) Whenever an annual adjustment in rates of basic pay under sections 5303 and 5304 of title 5 becomes effective on or after the effective date of an increase in rates of basic pay under this section, the rates of basic pay as so increased under this section shall be adjusted in accordance with appropriate conversion rules prescribed under section 5305(f) of title 5, effective as of the effective date of such annual adjustment in rates of basic pay.''.

(d) CONFORMING AMENDMENT.—Subsection (c)(1) of section 7451 of such title is amended by striking the third sentence.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 3. SAVINGS PROVISION.

In the case of an employee of the Veterans Health Administration who on the day before the effective date of the amendment made by section 2(a) is receiving a rate of pay by reason of the second sentence of section 7451(e) of title 38, United States Code, as in effect on that day, the provisions of the second and third sentences of that section, as in effect on that day, shall continue to apply to that employee, notwithstanding the amendment made by section 2(a).

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO,

Washington, DC, June 29, 1999.

DEAR SENATOR: On behalf of the American Federation of Government Employees, AFL–CIO, and the 600,000 federal employees we represent, I am writing to urge you to become an original co-sponsor of the Department of Veterans Affairs Nurses Appreciation Act of 1999. This bipartisan bill will be introduced by Senator MIKE DEWINE (R–OH) and Senator CHRIS DODD (D–CT).

The bill corrects an incongruity in the pay system for workers at the Department of Veterans Affairs (DVA) which has hurt nurses and other health care workers. For the last decade, the roughly 39,000 DVA nurses who care for our ailing veterans have been part of a unique, locality-based pay system that gives hospital directors discretion over nurses salaries. Unfortunately, this atypical discretion has been used to freeze nurse pay, provide minuscule annual raises and even cut pay rates by as much as 8% in a single year.

The Department of Veterans Affairs Nurses Appreciation Act, which is being introduced at the request of AFGE, will rectify the long-standing abuse of DVA nurses. It will put a permanent stop to wage freezes and negative pay adjustments. It will guarantee that DVA nurses and other health care employees receive the same general schedule (GS) increase plus locality pay given to virtually all other federal workers, including federal workers who work alongside our DVA nurses. Should the DVA have problems recruiting or retaining quality nurses in the future, the Secretary will have the flexibility to increase pay if necessary.

The primary purpose of this bill is to ensure that DVA employees who have been denied annual pay increases will start to be put on equal footing with their GS co-workers.

Veterans service organizations such as the Disabled American Veterans, the Vietnam Veterans of America, and the Paralyzed Veterans of America support passage of the Department of Veterans Affairs Nurses Appreciation Act of 1999.

Year after year, DVA nurses have lagged behind in pay increases, as compared to their GS co-workers. For example, in 1996, the average pay raise for nurses was 1.2 percent; compared to the 2.4 percent average increase received by their GS co-workers. In 1997, the average pay raise for nurses was again 1.2 percent, compared to the 3.0 percent average increase received by their GS co-workers. In 1998, the average pay raise for nurses was 2.2 percent, compared to the 2.9 percent average increase received by their GS co-workers. In 1999, the average pay raise for nurses was 3.0 percent, compared to the 3.6 percent average increase received by their GS co-workers. From 1996 through 1999, DVA nurses on average were denied a pay raise equal to 4.5 percent because of the current pay system for nurses.

DVA nurses, like their co-workers, deserve praise and respect for standing by our nation's veterans. As you may recall during the government shutdown DVA nurses and their co-workers took care of veterans without even knowing whether they would get paid.

Many DVA nurses could have pursued higher paying jobs in the private sector. Instead, most have chosen to stay with the DVA because they care deeply for our aging and ailing veterans and are earnestly committed to

their specialized and patriotic work. In fact, most DVA nurses have dedicated their entire careers to caring for veterans. The average DVA nurse is a 47 year old female with 11 years of tenure.

DVA nurses, like their co-workers, provide not only a vital service for our nation's veterans, but honor veterans with compassion, respect and professional care. I urge you to demonstrate to these dedicated workers that their work is valued and appreciated by becoming an original co-sponsor of the Department of Veterans Affairs Nurse Appreciation Act. If you have any questions about this bill, please contact Mike Hall in Senator DeWine's office at 224–2315 or Dominic DelPozzo in Senator Dodd's office at 224–2823 or Linda Bennett in AFGE's Legislative Department at (202) 639–6413.

Sincerely,

BOBBY L. HARNAGE, SR.,
National President.

AMERICAN NURSES ASSOCIATION,
Washington, DC, June 11, 1999.

Hon. STEVEN C. LATOURETTE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LATOURETTE: The American Nurses Association (ANA) is pleased to support H.R. 1216, the VA Nurse Appreciation Act of 1999. While the Veterans Health Administration (VHA) has made some effort to address the implementation problems of the VA Nurse Locality Pay System, more significant and immediate action must be taken to ensure that VA registered nurses are appropriately paid for their expert work.

H.R. 1216 would allow for all Title 38 registered nurses, employed within the VHA, to receive the same pay adjustment provided all federal employees covered by the Federal Employees Pay Comparability Act (FEPCA). This pay adjustment would include both the nationwide component and a locality pay component. Passage of H.R. 1216 provides for this adjustment without requiring that VA registered nurses be placed on the General Schedule levels of one to fifteen.

ANA strongly supports the provision that provides additional authority, starting in 2002, to the Secretary of the Veterans Administration to adjust the rates of basic pay. This provision is necessary to ensure that the VA can continue to adequately recruit and retain registered nurses. The VA's inability to recruit and retain registered nurses was one of the primary reasons for passage of the original VA nurse locality pay bill. In the near future, nursing will again be facing a tightening labor market and the VA must be able to compete.

ANA applauds your efforts to address this significant problem and we stand ready to assist in anyway possible.

Sincerely,

MARJORIE VANDERBILT,
Director, Federal Government Relations.

● Mr. DODD. Mr. President, I rise today to join my colleague, Senator DEWINE, in introducing the Nurse Appreciation Act of 1999. It will alter the Department of Veterans Affairs' regulations regarding compensation rates for nurses. Unfortunately, the current regulations have led to hardship for many of our nation's VA nurses.

For example, from 1996 through 1999, nurses at 16 VA hospitals have seen their pay slashed by up to eight percent. Also, during those same years, nurses at 80 VA hospitals have not received a single raise. Meanwhile, other federal employees at all VA hospitals received the annual General Schedule increases of 2.4 percent to 3.6 percent. This nation cannot continue a policy of turning a blind eye to those who care for its sick and wounded veterans.

The Nurse Appreciation Act of 1999 will correct this injustice which seems to be an unintended consequence of the Nurses Pay Act of 1990. That law was written when VA hospitals faced a shortage of qualified nurses, and it gave hospital directors wide discretion in setting pay rates for nurses in their hospitals. The law partially served its purpose because it allowed directors to increase nurses' pay rates if they were having difficulty recruiting and retaining qualified nurses. Those who wrote the law, however, could not have anticipated that the VA would take advantage of the fact that the law did not mandate any minimum annual increase each year. They could not have anticipated that the law would be used to freeze or even reduce nurses' pay rates.

Over the past several years, a few factors emerged to create the inequity in VA nurses' compensation. First, the nurse shortage of a decade ago has subsided. Second, VA hospital directors and network directors have been granted more responsibility for their budgets. In other words, if hospital directors can save money by not providing an annual increase to nurses, then the directors can use that money for other purposes. Finally, to make matters worse, the funding that goes to these hospitals has been, in many cases, steady or decreasing over the past few years. I know, for example, that the two VA hospitals in Connecticut have not received a real funding increase in about three years. So the hospitals in Newington, West Haven, and in many other cities throughout the country must tighten their belts each year to absorb costs due to inflation.

The pressure to save money has caused many hospital directors to forgo providing even the slightest annual increase to nurses. Yet, hospital budget pressures have absolutely no bearing on whether other federal employees—including other veterans hospital employees—receive their annual salary increases. Those increases are prescribed by the federal government. This legislation just says that nurses should be treated the same as the others. It says that nurses should not bear a disproportionate share of the burden caused by stagnant budgets at our VA hospitals.

Apparently the VA believes that, in the absence of a nurse shortage, annual increases for nurses are unnecessary. But I do not subscribe to that reasoning. We should not wait for a crisis before we take action. If we get to the point where some VA hospitals are unable to retain well-qualified nurses as a result of unbearably inadequate pay, we will have waited far too long and will have badly degraded services at our VA hospitals.

Furthermore, this nation has benefitted from a robust economy over the last several years. That economy has given a boost to nearly every segment of society. Clearly, though, despite the immense value of their work, many VA nurses have been left behind. Valuable work on behalf of this nation deserves, at a minimum, adequate compensation. This bill will provide that compensation and enable us to do right by our VA hospital nurses.●

By Mrs. BOXER (for herself, Mrs. MURRAY, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 1400. A bill to protect women's reproductive health and constitutional right to choice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

FAMILY PLANNING AND CHOICE PROTECTION ACT OF 1999

Mrs. BOXER. Mr. President, when I entered the United States Senate in 1993, women's rights were strong and secure. That year alone, we passed the Violence Against Women Act, the Family and Medical Leave Act, and the Freedom of Access to Clinic Entrances Act. We lifted the gag rule, which freed up doctors to tell their patients that abortion is a legal option.

Things are quite different now. Since 1994, the tide has turned against women's rights, as there have been nearly 100 votes to restrict choice, and pro-choice forces have lost most of these votes.

Congress recently blocked women in the military and military dependents from using their own funds to obtain an abortion at military facilities. The House of Representatives voted to make it a crime for any adult to help a teenager travel to another state to avoid her home state's restrictive parental consent laws, and the Senate voted to prohibit women who work for the federal government from accessing health plans that offer abortion services.

At the same time, violence against clinics and health care workers is increasing. Last year, the Feminist Majority reported that nearly one out of four clinics faced severe anti-abortion violence including death threats, stalking, bomb threats, bombings, arson threats, arson, blockades, invasions, and chemical attacks.

In my own state of California, there have been 29 recorded incidents of violence against clinics since 1984. The firebombing of a women's health care clinic on July 2 in Sacramento serves as a grim reminder that this violence continues.

While there are many in the community and in Congress who have helped fight off assaults on women's health rights, playing defense is not enough. We need a positive agenda for women's health, choice and family planning if we hope to move the pendulum back the other way.

The Family Planning and Choice Protection Act of 1999 sets out such an agenda. This comprehensive bill is pro-choice, pro-family planning, and pro-

women's health. It will improve family planning programs and services; strengthen women's right to choose; expand access to contraceptive coverage; protect patients and employees at reproductive health care facilities; and give law enforcement the resources needed to protect women's legal rights.

Mr. President, I urge my colleagues to support this legislation and to stand up for the women in their respective states who deserve to have their rights and health protected. 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. 1400

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Family Planning and Choice Protection Act of 1999''.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Reproductive rights are central to the ability of women to exercise full enjoyment of rights secured to women by Federal and State law.

(2) Abortion has been a legal and constitutionally protected medical procedure throughout the United States since 1973 and has become part of mainstream medical practice as is evidenced by the positions of medical institutions including the American Medical Association, the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association, and the American Public Health Association.

(3) The availability of abortion services is diminishing throughout the United States, as evidenced by—

(A) the fact that 86 percent of counties in the United States have no abortion provider; and

(B) the fact that, between 1992 and 1996, the number of abortion providers decreased by 14 percent.

(4)(A) The Department of Health and Human Services and the Institute of Medicine of the National Academy of Sciences have contributed to the development of a report entitled ''Healthy People 2000'', which urges that the rate of unintended pregnancy in the United States be reduced by nearly 50 percent by the year 2000.

(B) Nearly 50 percent, or approximately 3,050,000, of all pregnancies in the United States each year are unintended, resulting in 1,370,000 abortions in the United States each year.

(C) The provision of family planning services, including emergency contraception, is a cost-effective way of reducing the number of unintended pregnancies and abortions in the United States.

TITLE I—PREVENTION

Subtitle A—Family Planning

SEC. 101. FAMILY PLANNING AMENDMENTS.

Section 1001(d) of the Public Health Service Act (42 U.S.C. 300(d)) is amended to read as follows:

''(d) For the purpose of making grants and entering into contracts under this section, there are authorized to be appropriated $500,000,000 for each of fiscal years 2000 through 2004.''.

SEC. 102. FREEDOM OF FULL DISCLOSURE.

Title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.) is amended by adding at the end the following:

''SEC. 1107. INFORMATION ABOUT AVAILABILITY OF REPRODUCTIVE HEALTH CARE SERVICES.

''(a) DEFINITION.—As used in this section, the term 'governmental authority' means any authority of the United States.

''(b) GENERAL AUTHORITY.—Notwithstanding any other provision of law, no governmental authority shall, in or through any program or activity that is administered or assisted by such authority and that provides health care services or information, limit the right of any person to provide, or the right of any person to receive, nonfraudulent information about the availability of reproductive health care services, including family planning, prenatal care, adoption, and abortion services.''.

Subtitle B—Prescription Equity and Contraceptive Coverage

SEC. 111. SHORT TITLE.

This subtitle may be cited as the ''Equity in Prescription Insurance and Contraceptive Coverage Act of 1999''.

SEC. 112. FINDINGS.

Congress finds that—

(1) each year, 3,000,000 pregnancies, or one half of all pregnancies, in this country are unintended;

(2) contraceptive services are part of basic health care, allowing families to both adequately space desired pregnancies and avoid unintended pregnancy;

(3) studies show that contraceptives are cost effective: for every $1 of public funds invested in family planning, $4 to $14 of public funds is saved in pregnancy and health care-related costs;

(4) by reducing rates of unintended pregnancy, contraceptives help reduce the need for abortion;

(5) unintended pregnancies lead to higher rates of infant mortality, low-birth weight, and maternal morbidity, and threaten the economic viability of families;

(6) the National Commission to Prevent Infant Mortality determined that ''infant mortality could be reduced by 10 percent if all women not desiring pregnancy used contraception'';

(7) most women in the United States, including three-quarters of women of childbearing age, rely on some form of private insurance (through their own employer, a family member's employer, or the individual market) to defray their medical expenses;

(8) the vast majority of private insurers cover prescription drugs, but many exclude coverage for prescription contraceptives;

(9) private insurance provides extremely limited coverage of contraceptives: half of traditional indemnity plans and preferred provider organizations, 20 percent of point-of-service networks, and 7 percent of health maintenance organizations cover no contraceptive methods other than sterilization;

(10) women of reproductive age spend 68 percent more than men on out-of-pocket health care costs, with contraceptives and reproductive health care services accounting for much of the difference;

(11) the lack of contraceptive coverage in health insurance places many effective forms of contraceptives beyond the financial reach of many women, leading to unintended pregnancies;

(12) the Institute of Medicine Committee on Unintended Pregnancy recommended that ''financial barriers to contraception be reduced by increasing the proportion of all health insurance policies that cover contraceptive services and supplies'';

(13) in 1998, Congress agreed to provide contraceptive coverage to the 2,000,000 women of reproductive age who are participating in the Federal Employees Health Benefits Program, the largest employer-sponsored health insurance plan in the world; and

(14) eight in 10 privately insured adults support contraceptive coverage.

SEC. 113. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

''(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan provides benefits for other outpatient prescription drugs or devices; or

''(2) exclude or restrict benefits for outpatient contraceptive services if such plan provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because

of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

''(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

''(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed—

''(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

''(i) benefits for contraceptive drugs under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription drug otherwise covered under the plan;

''(ii) benefits for contraceptive devices under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription device otherwise covered under the plan; and

''(iii) benefits for outpatient contraceptive services under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient health care service otherwise covered under the plan; and

''(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services.

''(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

''(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

''(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

''(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

''(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides protections for enrollees that are greater than the protections provided under this section.

''(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Standards relating to benefits for contraceptives.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2000.

SEC. 114. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

''SEC. 2707. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

''(a) REQUIREMENTS FOR COVERAGE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan provides benefits for other outpatient prescription drugs or devices; or

''(2) exclude or restrict benefits for outpatient contraceptive services if such plan provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

''(b) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

''(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

''(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

''(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed—

''(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

''(i) benefits for contraceptive drugs under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription drug otherwise covered under the plan;

''(ii) benefits for contraceptive devices under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient prescription device otherwise covered under the plan; and

''(iii) benefits for outpatient contraceptive services under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any outpatient health care service otherwise covered under the plan; and

''(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services.

''(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

''(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

''(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

''(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

''(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides protections for enrollees that are greater than the protections provided under this section.

''(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 2000.

SEC. 115. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

"SEC. 2753. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2000.

SEC. 116. FEHBP COVERAGE.

(a) PROHIBITION.—No Federal funds may be used to enter into or renew a contract which includes a provision providing prescription drug coverage unless the contract also includes a provision for contraceptive coverage.

(b) LIMITATION.—Nothing in this section shall apply to a contract with—

(1) any of the following religious plans—

(A) SelectCare;

(B) Personal CaresHMO;

(C) Care Choices;

(D) OSF Health Plans, Inc.;

(E) Yellowstone Community Health Plan; and

(2) any existing or future plan, if the plan objects to such coverage on the basis of religious beliefs.

(c) REFUSAL TO PRESCRIBE.—In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

Subtitle C—Emergency Contraceptives

SEC. 121. EMERGENCY CONTRACEPTIVE EDUCATION.

(a) DEFINITION.—In this section:

(1) EMERGENCY CONTRACEPTIVE.—The term ''emergency contraceptive'' means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is designed—

(A) to be used after sexual relations; and

(B) to prevent pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus.

(2) HEALTH CARE PROVIDER.—The term ''health care provider'' means anyone licensed or certified under State law to provide health care services who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(b) EMERGENCY CONTRACEPTIVE PUBLIC EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall develop and disseminate to the public information on emergency contraceptives.

(2) DEVELOPMENT AND DISSEMINATION.—The Secretary may develop and disseminate the information directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, and clinics.

(3) INFORMATION.—The information shall include, at a minimum, information describing emergency contraceptives, and explaining the use, effects, efficacy, and availability of the contraceptives.

(c) EMERGENCY CONTRACEPTIVE INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall develop and disseminate to health care providers information on emergency contraceptives.

(2) INFORMATION.—The information shall include, at a minimum—

(A) information describing the use, effects, efficacy and availability of the contraceptives;

(B) a recommendation from the Secretary regarding the use of the contraceptives in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b), for distribution to the patients of the providers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for the period consisting of fiscal years 2000 through 2002.

TITLE II—CHOICE PROTECTION

SEC. 201. MEDICAID FUNDING FOR ABORTION SERVICES.

Sections 508 and 509 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999 (Public Law 105–277) are repealed.

SEC. 202. CLINIC VIOLENCE.

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

(1) Federal resources are necessary to ensure that women have safe access to reproductive health facilities and that health professionals can deliver services in a secure environment free from violence and threats of force.

(2) It is necessary and appropriate to use Federal resources to combat the nationwide campaign of violence and harassment against reproductive health centers.

(3) The Congress should support further increasing Federal resources to fully ensure the safety of health professionals, center staff, and all women using reproductive health center services and the family members of such persons.

(b) NATIONAL TASK FORCE ON VIOLENCE AGAINST HEALTH CARE PROVIDERS.—

(1) ESTABLISHMENT.—There is established within the Department of Justice a task force to be known as the ''Task Force on Violence Against Health Care Providers'' (referred to in this subsection as the ''Task Force'').

(2) COMPOSITION.—The Task Force shall be composed of at least 1 individual to be appointed by the Attorney General from each of the following:

(A) The Bureau of Alcohol, Tobacco and Firearms.

(B) The Federal Bureau of Investigation.

(C) The United States Marshal Service.

(D) The United States Postal Service.

(E) The Civil Rights Division of the Department of Justice.

(F) The Criminal Division of the Department of Justice.

(3) POWERS AND DUTIES.—The Task Force shall—

(A) coordinate investigative, prosecutorial and enforcement efforts of Federal, State and local governments in cases related to violence at reproductive health care facilities and violence against health care providers;

(B) under the direction of the Attorney General, conduct security assessments for reproductive health care facilities; and

(C) provide training for local law enforcement to appropriately address incidences of violence against reproductive health care facilities and provide methodologies for assessing risks and promoting security at reproductive health care facilities.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for each fiscal year to carry out this subsection.

(c) GRANTS FOR CLINIC SECURITY.—

(1) IN GENERAL.—The Office of Justice Programs within the Department of Justice shall award grants to reproductive health care facilities to enable such facilities to enhance security and to purchase and install security devices.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this subsection.

SEC. 203. APPROVAL OF RU–486.

The Secretary of Health and Human Services shall—

(1) ensure that a decision by the Food and Drug Administration to approve the drug called Mifepristone or RU–486 shall be made only on the basis provided in law; and

(2) assess initiatives by which the Department of Health and Human Services can promote the testing, licensing, and manufacturing in the United States of the drug or other antiprogestins.

SEC. 204. FREEDOM OF CHOICE.

(a) FINDINGS.—Congress finds the following:

(1) The 1973 Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973) established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy. Under the strict scrutiny standard enunciated in the Roe v. Wade decision, States were required to demonstrate that laws restricting the right of a woman to choose to terminate a pregnancy were the least restrictive means available to achieve a compelling State interest. Since 1992, the Supreme Court has no longer applied the strict scrutiny standard in reviewing challenges to the constitutionality of State laws restricting such rights.

(2) As a result of modifications made by the Supreme Court of the strict scrutiny standard enunciated in the Roe v. Wade decision, certain States have restricted the right of women to choose to terminate a pregnancy or to utilize some forms of contraception, and the restrictions operate cumulatively to—

(A)(i) increase the number of illegal or medically less safe abortions, often resulting in physical impairment, loss of reproductive capacity, or death to the women involved;

(ii) burden interstate and international commerce by forcing women to travel from States in which legal barriers render contraception or abortion unavailable or unsafe to other States or foreign nations;

(iii) interfere with freedom of travel between and among the various States;

(iv) burden the medical and economic resources of States that continue to provide women with access to safe and legal abortion; and

(v) interfere with the ability of medical professionals to provide health services;

(B) obstruct access to and use of contraceptive and other medical techniques that are part of interstate and international commerce;

(C) discriminate between women who are able to afford interstate and international

travel and women who are not, a disproportionate number of whom belong to racial or ethnic minorities; and

(D) infringe on the ability of women to exercise full enjoyment of rights secured to women by Federal and State law, both statutory and constitutional.

(3) Although Congress may not by legislation create constitutional rights, Congress may, where authorized by a constitutional provision enumerating the powers of Congress and not prohibited by a constitutional provision, enact legislation to create and secure statutory rights in areas of legitimate national concern.

(4) Congress has the affirmative power under section 8 of article I of the Constitution and under section 5 of the 14th amendment to the Constitution to enact legislation to prohibit State interference with interstate commerce, liberty, or equal protection of the laws.

(b) PURPOSE.—The purpose of this section is to establish, as a statutory matter, limitations on the power of a State to restrict the freedom of a woman to terminate a pregnancy in order to achieve the same limitations on State action as were provided, as a constitutional matter, under the strict scrutiny standard of review enunciated in the Roe v. Wade decision.

(c) DEFINITION.—As used in this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

(d) GENERAL AUTHORITY.—A State—

(1) may not restrict the freedom of a woman to choose whether or not to terminate a pregnancy before fetal viability;

(2) may restrict the freedom of a woman to choose whether or not to terminate a pregnancy after fetal viability unless such a termination is necessary to preserve the life or health of the woman; and

(3) may impose requirements on the performance of abortion procedures if such requirements are medically necessary to protect the health of women undergoing such procedures.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) prevent a State from promulgating regulations to protect unwilling individuals or private health care institutions from being required to participate in the performance of abortions to which the individuals or institutions are conscientiously opposed;

(2) prevent a State from promulgating regulations to permit the State to decline to pay for the performance of abortions; or

(3) prevent a State from promulgating regulations to require a minor to involve a parent, guardian, or other responsible adult before terminating a pregnancy;

so long as such regulations meet constitutional standards.

SEC. 205. FAIRNESS IN INSURANCE.

Notwithstanding any other provision of law, no Federal law shall be construed to prohibit a health plan from offering coverage for the full range of reproductive health care services, including abortion services.

SEC. 206. REPRODUCTIVE RIGHTS OF WOMEN IN THE MILITARY.

Section 1093 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ''or in a case in which the pregnancy involved is the result of an act of rape or incest or the abortion involved is medically necessary or appropriate'';

(2) by striking subsection (b); and

(3) by adding at the end the following:

''(b) ABORTIONS IN FACILITIES OVERSEAS.—Subsection (a) does not limit the performing of an abortion in a facility of the uniformed services located outside the 48 contiguous States of the United States if—

''(1) the cost of performing the abortion is fully paid from a source or sources other than funds available to the Department of Defense;

''(2) abortions are not prohibited by the laws of the jurisdiction where the facility is located; and

''(3) the abortion would otherwise be permitted under the laws applicable to the provision of health care to members and former members of the uniformed services and their dependents in such facility.''.

SEC. 207. REPEAL OF CERTAIN STATE CHILD HEALTH INSURANCE PROGRAM LIMITATIONS.

(a) IN GENERAL.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended—

(1) in paragraph (1), by striking '', and any health'' and all that follows through ''incest''; and

(2) by striking paragraph (7).

(b) CHILD HEALTH ASSISTANCE.—Section 2110(a)(16) of the Social Security Act (42 U.S.C. 1397jj(a)(16)) is amended by striking ''only if'' and all that follows and inserting ''services;''.

SEC. 208. FUNDING FOR CERTAIN SERVICES FOR WOMEN IN PRISON.

Sections 103 and 104 of title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (Public Law 105–277) are repealed.

SEC. 209. FUNDING FOR CERTAIN SERVICES FOR WOMEN IN THE DISTRICT OF COLUMBIA.

Section 131 of the District of Columbia Appropriations Act, 1999 (Public Law 105–277) is repealed.

SEC. 210. FUNDING FOR CERTAIN SERVICES FOR WOMEN UNDER THE FEHBP.

Sections 509 and 510 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277) are repealed.

By Mr. GRAHAM (for himself, Mr. MACK, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. BINGAMAN):

S. 1401. A bill to amend the Federal Crop Insurance Act to promote the development and use of affordable crop insurance policies designed to meet the specific needs of producers of specialty crops, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SPECIALTY CROP INSURANCE ACT

● Mr. BINGAMAN. Mr. President, I rise to express my support for the legislation being introduced today. I am proud to be a co-sponsor of the Specialty Crop Insurance Act of 1999 with my colleagues, Senators GRAHAM, MACK, BOXER and FEINSTEIN. The outcome of this legislative effort will have a profound effect on the economic health and well-being of specialty crop producers in my state of New Mexico, as well as for farmers across the country.

Today's crop insurance program does not provide sufficient risk management protection to many specialty crop producers, leaving the growers vulnerable to risk. Specialty crops in New Mexico include chiles, pecans, lettuce, and pistachios. In fact, Dona Ana County ranks as the number one pecan-producing county in the nation according to a recent USDA census. And we produce 50% of the chiles used in the United States. However, at present, viable crop insurance policies which offer valid risk management protection are available for only a limited number of specialty crops. Many policies which are available fall short of reflecting the needs of producers. This means that the great majority of specialty crops farmers in this nation are without appropriate, adequate and affordable risk management protection. This legislation addresses the needs of those farmers who produce our fruits and vegetables, nuts, and greenhouse and nursery plants for affordable crop insurance policies.●

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, Mr. BRYAN, and Mrs. MURRAY):

S. 1403. A bill to amend chapter 3 of title 28, United States Code, to modify en banc procedures for the Ninth Circuit Court of Appeals, and for other purposes; to the Committee on the Judiciary.

NINTH CIRCUIT COURT OF APPEALS EN BANC PROCEDURES ACT OF 1999

Mrs. FEINSTEIN. Mr. President. I am pleased to introduce the ''Ninth Circuit Court of Appeals En Banc Procedures Act of 1999.''

As the largest circuit in the country, the Ninth Circuit faces unique difficulties. While this size has certain advantages, including creating a uniform body of federal law along the Pacific Coast of the United States, it also creates organizational and procedural challenges which must be addressed for the court to do its job effectively. The bill I am introducing today requires organizational and procedural reforms which will help the court to meet these challenges.

The United States Department of Justice, which is the most frequent litigant before the Ninth Circuit—participating in 40% of its cases—has specifically identified reform of the en banc review process as critical to resolving the existing problems on the Ninth Circuit.

''From our perspective as litigants, the Ninth Circuit's shortcoming is traceable not principally to its large number of judges or geographical size, but rather to its failure effectively to address erroneous panel decisions in important cases . . . .''

The ''Ninth Circuit Court of Appeals En Banc Procedure Act'' will institute three major changes to Ninth Circuit court procedures: (1) it reduces the number of judges required to call for an en banc hearing; (2) it increases the size of en banc panels from 11 to a majority of the Circuit; and (3) it requires the establishment of a system of regional calendaring.

First, this legislation would grant the Ninth Circuit a dispensation to lower the statutory requirement that a majority of the Circuit's active-service judges must vote affirmatively to rehear a case en banc. Instead, 40 percent

of the judges sitting on the Ninth Circuit would be sufficient to request an en banc hearing.

In recent years, too many en banc requests at the Ninth Circuit have been disregarded by the Court. In 1996, the Ninth Circuit voted on 25 en banc requests by its judges, but only agreed to 12 en banc hearings. In 1997, the Ninth Circuit considered 39 en banc requests, but only held 19 hearings. In 1998, the Ninth Circuit entertained 45 en banc requests, but the Circuit only agreed to hold 16 en banc panels.

The Supreme Court, our nation's highest and most venerated court, requires less than a majority of its members to consider a case. It is simply common sense that the Ninth Circuit should not have a higher burden for hearing a case en banc than the Supreme Court uses to grant certiorari.

Lowering the bar to en banc hearings will enable the Ninth Circuit to resolve a greater percentage of conflicts before they reach the Supreme Court.

A second provision of this legislation will increase the size of Ninth Circuit en banc panels from the current 11 judges to a majority of the Ninth Circuit. Except for the Ninth, the Fifth, and the Sixth circuits, all en banc panels sit as an entire court. Eleven judges selected from a 28 judge circuit are insufficient to give litigants or the general public confidence that an en banc decision reflects the views of the entire circuit. By increasing the size of the panels, the Ninth Circuit will have more judges to raise, identify, and resolve potential conflicts in controversial cases.

Critics have also objected to the Ninth Circuit because of its geographical expanse, as it ranges from Hawaii to Alaska to Arizona. It is charged that judges unfamiliar with the history of a particular region often sit on panels that decide regional issues.

The Federal courts are a national court, with a responsibility to apply a single, coherent Federal law across the states. The states of the Ninth Circuit have benefitted from this harmonizing influence. For example, the Ninth Circuit has created a consistent body of maritime law on the West Coast.

At the same time, to address both the appearance of regional bias and any actual regional bias that does exist, this bill would require the Ninth Circuit to have geographical representation on its panels.

The Ninth Circuit presently has three administrative units—a Northern, a Southern, and a Central unit. Under this legislation, at least one judge from the particular geographic unit would be assigned to cases arising in that unit. Thus, if an appeal was filed in Alaska, a judge from the Northern region would sit on the case. Similarly, if an appeal was filed in San Francisco, a Central region judge would sit on the case.

To the degree that the Ninth Circuit has stepped outside the mainstream of jurisprudence, this legislation enacts reforms that will help corral stray decisions. I look forward to working with my fellow Senate and House colleagues in enacting this reform.

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

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

S. 1403

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 ''Ninth Circuit Court of Appeals En Banc Procedures Act of 1999''.

SEC. 2. NINTH CIRCUIT EN BANC PROCEDURES.

(a) IN GENERAL.—Section 46 of title 28, United States Code, is amended—

(1) in subsection (d)—

(A) by striking ''paragraph (c)'' and inserting ''subsection (c) or (d)''; and

(B) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d)(1) Notwithstanding the first sentence of subsection (c), 40 percent or more of the circuit judges of the Ninth Circuit Court of Appeals who are in regular active service may order a hearing or rehearing before the court en banc for such circuit.

''(2) Notwithstanding the second sentence of subsection (c) or section 6 of the Act entitled ''An Act to provide for the appointment of additional district and circuit judges, and for other purposes'', approved October 20, 1978 (28 U.S.C. 41 note; Public Law 95–486; 92 Stat. 1633) a majority of the circuit judges of the Ninth Circuit Court of Appeals who are in regular active service shall be required to sit on a court en banc for such circuit.

''(3) The Ninth Circuit Court of Appeals shall be organized in no less than 3 administrative units based on geographic regions. Each panel of the Ninth Circuit Court of Appeals shall be assigned to an administrative unit. In any case or controversy heard by any panel of an administrative unit of the Ninth Circuit Court of Appeals, at least 1 judge of that administrative unit shall be assigned to that panel.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 6 of the Act entitled ''An Act to provide for the appointment of additional district and circuit judges, and for other purposes'', approved October 20, 1978 (28 U.S.C. 41 note; Public Law 95–486; 92 Stat. 1933) is amended by striking ''Any court of appeals'' and inserting ''Subject to section 46(d)(2) of title 28, United States Code, any court of appeals''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect 60 days after the date of enactment of this Act.

By Mr. ROBB (for himself, Mr. WARNER, Mr. SARBANES, and Ms. MIKULSKI):

S. 1404. A bill to amend the Internal Revenue Code of 1986 to authorize expenditures from the Highway Trust Fund for the Woodrow Wilson Memorial Bridge Project for fiscal years 2004 through 2007, and for other purposes; to the Committee on Finance.

WOODROW WILSON BRIDGE FUNDING ACT

By Mr. WARNER (for himself, Mr. ROBB, Mr. SARBANES, and Ms. MIKULSKI):

S. 1405. A bill to amend the Woodrow Wilson Memorial Bridge Authority Act of 1995 to provide an authorization of contract authority for fiscal years 2004 through 2007, and for other purposes; to the Committee on Environment and Public Works.

WOODROW WILSON BRIDGE FINANCING ACT

Mr. ROBB. Mr. President, I'm pleased to introduce legislation today to provide additional federal funding for the Woodrow Wilson Bridge. The legislation, the Woodrow Wilson Bridge Funding Act, has been cosponsored by the other three Senators from this region, Senators WARNER, SARBANES and MIKULSKI. We have worked well as a team. And I thank Senator WARNER, who will introduce corresponding legislation that authorizes the funding to go to the bridge project, which I am also pleased to cosponsor.

These two bills complete the job that was started in the TEA–21 legislation we passed last year. In that bill, the Administration agreed to support $900 million for the bridge. I commend my senior colleague for his tireless efforts to secure those funds. But even with the funding provided by TEA–21, the amount of funding available for the bridge fell $1 billion short of what is needed to build it.

Since the passage of the highway bill, I have been pressing the Administration to recognize the federal obligation which is owed to this federally-owned bridge. During the past few months of fits and starts on this project, I have focused on funding as the most serious long-term threat to rebuilding the bridge. I've spoken to Secretary Slater, written letters to the Secretary and OMB Director Jack Lew, and my office has been in constant contact with the Department of Transportation urging a solution to our funding shortfall.

So I was gratified when the Administration proposed a solution reflected in the bills we are introducing today. After receiving the Administration's proposed legislation and consulting with the entire regional delegation, from both sides of the aisle and both sides of the Potomac River, we decided to divide the legislation into two bills, which will be referred separately to the two committees with primary interest in the legislation. The bill I'm introducing allows direct payments from the Highway Trust Fund to be used to finish this project. It will be referred to the Finance Committee, on which I sit, and I look forward to working with my colleagues on that committee to move this legislation forward. Senator WARNER's bill will be referred to the Environment and Public Works Committee, on which he sits.

Together, these two bills will solve the remaining financing problem facing the Woodrow Wilson bridge. By securing Administration support in advance, we have already travelled a significant distance toward getting a bill that can be signed into law. And it is my hope we can move quickly in the Congress to fill this fiscal pothole.

Mr. President, I ask unanimous consent that the two bills be printed consectutively in the RECORD.

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

S. 1404

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 ''Woodrow Wilson Memorial Bridge Funding Act of 1999''.

SEC. 2. AMENDMENT OF TRUST FUND CODE.

Section 9503(c)(1) of the Internal Revenue Code of 1986 (relating to expenditures from the Highway Trust Fund) is amended—

(1) in the first sentence—

(A) by inserting ''(except for expenditures provided for under subparagraph (F))'' after ''2003'';

(B) in subparagraph (D), by striking ''or'' at the end;

(C) in subparagraph (E), by striking the period at the end and inserting '', or''; and

(D) by adding at the end the following:

''(F) authorized to be paid out of the Highway Trust Fund under the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627).''; and

(2) in the second sentence, by striking ''TEA 21 Restoration Act'' and inserting ''Woodrow Wilson Bridge Financing Act of 1999''.

———

S. 1405

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 ''Woodrow Wilson Bridge Financing Act of 1999''.

SEC. 2. ADVANCE AUTHORIZATION OF CONTRACT AUTHORITY FOR THE WOODROW WILSON BRIDGE.

(a) FEDERAL CONTRIBUTION.—Section 412(a)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627; 112 Stat. 159) is amended—

(1) by striking ''2002, and'' and inserting ''2002,''; and

(2) by inserting '', and $150,000,000 for each of fiscal years 2004 through 2007'' after ''2003''.

(b) LIMITATION ON FEDERAL CONTRIBUTION.—Section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627; 112 Stat. 159) is amended by adding at the end the following:

''(d) LIMITATION ON FEDERAL CONTRIBUTION.—The total amount made available from the Highway Trust Fund under this section shall not exceed $1,500,000,000. Amounts from the Highway Trust Fund for the Project in excess of $1,500,000,000 shall be provided by the Capital Region jurisdictions.

''(e) CONTRIBUTIONS BY CAPITAL REGION JURISDICTIONS.—

''(1) IN GENERAL.—For each of fiscal years 2004 through 2007, every $1 provided from the Highway Trust Fund under this section shall be matched by at least $0.67 provided by the Capital Region jurisdictions from amounts made available to the jurisdictions under title 23, United States Code, or from other sources available to the jurisdictions.

''(2) ALLOCATION.—The Capital Region jurisdictions shall allocate payment of the matching funds required under paragraph (1) as the jurisdictions determine to be appropriate.''.

Mr. WARNER. Mr. President, I rise to introduce today legislation to complete the commitment to finance the federal share of the cost of constructing the new Woodrow Wilson bridge.

As my colleagues are aware, this 40-year-old bridge which links Interstate 495 between Maryland and Virginia, is owned by the federal government. For over a decade, the U.S. Federal Highway Administration, the District of Columbia, Maryland, Virginia and affected local governments have conducted an extensive public process to select a design for a replacement facility for the Wilson bridge.

The Record of Decision on the Environmental Impact Statement selected an alternative for a 12-lane bridge, of which 10 lanes are for all traffic and 2 lanes are dedicated for HOV.

The Transportation Equity Act for the 21st Century, TEA–21, provides $900 million for planning, engineering, design and construction from 1998 through 2003 for this design. This funding level represents approximately half of the estimated total project cost of $1.9 billion.

The legislation I am introducing today, along with my Senate colleagues, Senator ROBB, Senator SARBANES and Senator MIKULSKI, provides the final installment of federal funds for the project. Also, this legislation has been reviewed by the Administration and it compliments the legislation requested by the Administration earlier this month.

Specifically, the bill provides a total of $600 million from the Highway Trust Fund in fiscal years 2004 through 2007, at an annual funding level of $150 million. Our bill adds a requirement not present in the Administration's bill that Maryland, Virginia and the District of Columbia must provide $400 million before any of the funds can be obligated.

The requirement for matching funds from the capital region jurisdictions ensures that the total project cost of $1.9 billion is fully financed. Also, this matching provision responds to a major issue that came before a federal court earlier this year. In that litigation, the court ruled that the project had not fully met the transportation conformity requirements of the Clean Air Act. Conformity requires that sources of funding for transportation projects be identified and that state transportation plans for building transportation projects ''conform'' with state implementation plans designed to meet air quality standards.

Mr. President, the funding provided in this legislation also ensures that this project will receive the same financial treatment as other highway construction projects around the nation. Under TEA–21 and prior federal transportation laws, 20 percent of state funds are required to match 80 percent of federal dollars used on any highway construction project on the federal-aid system. This 80 percent federal/20 percent state requirement will now be applied to the Wilson bridge project when this legislation is enacted.

Mr. President, now is the time to act on this legislation. The project is at a critical juncture as we work to meet the construction schedule. While the funds authorized in this bill will not be available until 2004 through 2007, full funding must be identified and committed now before any construction can begin. The current schedule is for construction to begin by the fall of 2000.

Let me be clear to my colleagues that this legislation continues all of the requirements set for the capital region jurisdictions established in TEA–21. Specifically, Virginia, Maryland and the District of Columbia must develop a financial plan and enter into an agreement with the federal government to determine which jurisdiction will take title to the new bridge.

Also, this legislation does not waive any federal environmental laws. Those issues are before federal court and efforts to resolve them are ongoing between the Federal Highway Administration and the plaintiffs.

As it has been stated previously, the useful life of the current bridge is nearly expired. Daily traffic of over 175,000 vehicles per day is causing irreparable damage to the bridge structure. It is prohibitively expensive to continue spending scarce transportation dollars to repair the bridge when its projected lifespan is rapidly expiring. The Federal Highway Administration has confirmed that we can keep the bridge open to all traffic until about the year 2004, but those estimates can change overnight as monthly safety inspections reveal continuing damage.

Today, we are introducing two bills in the Senate to accomplish this funding initiative because of the committee jurisdictional issues. As a member of the Environment and Public Works Committee, I am sponsoring the bill to provide $600 million from the Highway Trust Fund beginning in 2004. My colleague, Senator ROBB, as a member of the Finance Committee, will be introducing legislation to permit these Highway Trust Fund dollars to be obligated in 2004 and beyond. Current tax law limits the obligation of new Highway Trust Fund dollars beyond the current TEA–21 authorization period of 2003.

Ms. MIKULSKI. Mr. President, I rise as a cosponsor of the Woodrow Wilson Bridge Financing Act of 1999.

The Woodrow Wilson bridge is the only federal bridge in the country. This bridge used to be a bridge over troubled water. Now it is a troubled bridge over the Potomac River. We need a new bridge—not only because of the significant increase in the volume of commuters, interstate travelers and trucks that use the bridge, but also for public safety. The construction of this bridge must be completed in a timely way.

I support this legislation for two reasons. First, it provides the funding that we need to finish constructing the Woodrow Wilson bridge. Second, it makes the project compliant with the

Clean Air Act as required by the U.S. District Court for the District of Columbia.

Specifically, this legislation provides the authorization for an additional $600 million for the bridge. This $600 million is in addition to the $900 million that has already been committed by the federal government. It will provide $150 million per year from 2004 to 2007.

The legislation also commits the surrounding states to contribute their fair share to the construction of the bridge. Since federal funding makes up 80% of the cost of the bridge, the Capitol Region jurisdictions are committed to providing the remaining 20%. In fact, the states have to provide at least $0.67 for every $1 provided from the Highway Trust fund. Together, the federal and state governments will be able to provide what we need to build the bridge.

The Woodrow Wilson Bridge Financing Act of 1999 is an innovative, creative and resourceful response to what was once a big problem for the entire metropolitan area. I urge my colleagues to join me in supporting this important legislation.

Mr. SARBANES. Mr. President, I am pleased to join with my colleagues, Senators ROBB, WARNER and MIKULSKI, as an original co-sponsor of these two measures providing the additional financing necessary for the replacement of the Woodrow Wilson Bridge. The proposed $600 million in new funding authorized in these measures, combined with the $900 million already made available under the Transportation Equity Act for the 21st Century (TEA–21), will enable us to move ahead with constructing this vital link in our region's and nation's transportation system.

Mr. President, everyone who commutes to work in the Washington Metropolitan area or who travels on Interstate 95 knows what a serious traffic and safety problem we have in the area of the Woodrow Wilson Bridge. The bridge is one of the worst bottlenecks on the interstate system. It is carrying traffic volumes far in excess of its designed capacity. Originally constructed in 1961 to carry 70,000 vehicles per day, the bridge now averages 176,000 vehicles daily. It is rapidly approaching the end of its service life. In fact in 1994, the Federal Highway Administration determined that due to the age of the facility, the structural deterioration and traffic demand, the existing bridge would not last much beyond 2004 even with additional repairs. The substandard condition of the bridge and resulting congestion means accidents—at a rate of twice that for other segments of the Capital Beltway—and significant delays for commuters, interstate truckers, tourists, businesses and employers alike. With traffic volumes in the area projected to nearly double in the next 20 years, there has been a clear need to address this problem.

In 1996, after many years of intensive study, the Wilson Bridge Coordination Committee, comprised of federal, state and local officials, recommended a 12-lane drawbridge and reconstructing approaches and adjacent interchanges as the preferred alternative for the replacement structure, at an estimated cost of $1.6 billion. Since then, there has been much discussion and debate about the size and cost of the facility as well as how the new bridge would be paid for and I would like to make several points:

First, the project is a federal responsibility. The bridge is owned by the Federal government. In fact, it is the only federally-owned bridge on the interstate system. Funding provided for it should be commensurate with the federal ownership of the bridge.

Second, the replacement bridge must be built in accordance with the same standards as applied to bridges owned by state jurisdictions. Just replacing the existing structure is not an acceptable option because it would continue the current bottleneck at the bridge and because it would not meet the Federal Highway Administration's own guidelines which require states in building new structures to meet projected future carrying capacity needs. This means the replacement structure must be able to accommodate current as well as projected future traffic growth and that the related interchanges and approaches to the bridge should match the new bridge. It should also provide for pedestrian and bicycle access as well as accommodate future transit useage. What is needed is not a quick fix that we will have to revisit in several years, but a long term solution that will carry us well into the next century.

Third, we should not lose sight of the fact that if a replacement is not undertaken in the very near future, it will be necessary to impose significant restrictions on the use of the existing bridge and this will have enormous economic and transportation related consequences throughout the entire region.

Last year we took a significant step forward in replacing the Woodrow Wilson Bridge by authorizing $900 million in new contract authority in TEA–21. The legislation which we are introducing today, when enacted, will help ensure that the federal responsibility to this bridge is met, and that it will meet the region's needs as we move into the next century.

I want to commend Secretary Slater and his staff at the Department of Transportation for their support and assistance in developing this legislation and I urge my collegues to join me in supporting this measure.

ADDITIONAL COSPONSORS

S. 12

At the request of Mrs. HUTCHISON, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals.

S. 61

At the request of Mr. DEWINE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 456

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 456, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes.

S. 607

At the request of Mr. CRAIG, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 607, a bill reauthorize and amend the National Geologic Mapping Act of 1992.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 664

At the request of Mr. CHAFEE, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 761

At the request of Mr. ABRAHAM, the name of the Senator from Washington

(Mr. GORTON) was added as a cosponsor of S. 761, a bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

S. 765

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 765, a bill to ensure the efficient allocation of telephone numbers.

S. 798

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 798, a bill to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security, and for other purposes.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 820

At the request of Mr. BREAUX, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 847

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 847, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 879

At the request of Mr. CONRAD, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leashold improvements.

S. 907

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 907, a bill to protect the right to life of each born and preborn human person in existence at fertilization.

S. 1017

At the request of Mr. MACK, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low- income housing credit.

S. 1086

At the request of Mrs. HUTCHISON, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Alabama (Mr. SHELBY), the Senator from Colorado (Mr. ALLARD), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Montana (Mr. BURNS), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1086, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1114

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1114, a bill to amend the Federal Mine Safety and Health Act of 1977 to establish a more cooperative and effective method for rulemaking that takes into account the special needs and concerns of smaller miners.

S. 1165

At the request of Mr. MACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1165, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 1207

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1207, a bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Connecticut (Mr. DODD), the Senator from Montana (Mr. BURNS), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1277

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1296

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1296, a bill to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

S. 1310

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1334

At the request of Mr. AKAKA, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1334, a bill to amend chapter 63 of title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

S. 1345

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1345, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1381

At the request of Mr. COCHRAN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to establish a 5-year recovery period for petroleum storage facilities.

S. 1391

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1391, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

SENATE RESOLUTION 87

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of Senate Resolution 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE CONCURRENT RESOLUTION 45—EXPRESSING THE SENSE OF CONGRESS THAT THE JULY 20, 1999, 30TH ANNIVERSARY OF THE FIRST LUNAR LANDING SHOULD BE A DAY OF CELEBRATION AND REFLECTION ON THE APOLLO–11 MISSION TO THE MOON AND THE ACCOMPLISHMENTS OF THE APOLLO PROGRAM THROUGHOUT THE 1960'S AND 1970'S

Mr. SHELBY (for himself, Mr. SESSIONS, Mrs. HUTCHISON, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mrs. BOXER, Mr. STEVENS, Mr. ABRAHAM, Mr. ALLARD, Mr. BUNNING, Mr. GRAMS, Mr. LOTT, Mr. JOHNSON, Mr. BREAUX, Mr. GRASSLEY, Ms. COLLINS, Mr. BURNS, Mr. BYRD, Mr. BROWNBACK, Mr. HAGEL, Mr. COVERDELL, Mr. HELMS, Mr. SPECTER, Mr. THURMOND, Mr. THOMAS, Mr. DEWINE, Mr. FEINGOLD, Mr. ENZI, and Mr. GREGG) submitted the following resolutioin which was referred to the Committee on the Judiciary:

S. CON. RES. 45

Whereas the Apollo-11 mission successfully landed a manned spacecraft on the Moon on July 20, 1969, marking the first time in history that humans have walked on the surface of the Moon or any other planet;

Whereas the 6 Apollo missions successfully departed Earth aboard a Saturn V Rocket, the largest and most powerful American rocket ever produced, en route to the Moon;

Whereas 12 Americans successfully landed on the surface of the Moon where they performed various experiments and collected samples for study, and planted the flag of the United States of America in the lunar soil achieving a milestone in American and human history;

Whereas the contributions of other Americans who made up the thousands of contractors and Government employees who worked on the Apollo program are recognized; and

Whereas the events of the Apollo missions are examples of the great achievements of the American space program reflecting the explorer's spirit of the American people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the 30th anniversary of the first lunar landing should be a day of celebration and reflection on the Apollo-11 mission to the Moon and the accomplishments of the Apollo program throughout the 1960's and 1970's.

SENATE CONCURRENT RESOLUTION 46—EXPRESSING THE SENSE OF CONGRESS THAT THE JULY 20, 1999, 30TH ANNIVERSARY OF THE FIRST LUNAR LANDING SHOULD BE A DAY OF CELEBRATION AND REFLECTION ON THE APOLLO–11 MISSION TO THE MOON AND THE ACCOMPLISHMENTS OF THE APOLLO PROGRAM THROUGHOUT THE 1960'S AND 1970'S

Mr. SHELBY (for himself, Mr. SESSIONS, Mrs. HUTCHISON, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mrs. BOXER, Mr. STEVENS, Mr. ABRAHAM, Mr. ALLARD, Mr. BUNNING, Mr. GRAMS, Mr. LOTT, Mr. JOHNSON, Mr. BREAUX, Mr. GRASSLEY, Ms. COLLINS, Mr. BURNS, Mr. BYRD, Mr. BROWNBACK, Mr. HAGEL, Mr. COVERDELL, Mr. HELMS, Mr. SPECTER, Mr. THURMOND, Mr. THOMAS, Mr. DEWINE, , Mr. DODD, Mr. FEINGOLD, Mr. LEVIN, Mr. MOYNIHAN, Mr. GRAMM, Mr. MACK, Mr. FRIST, Mr. ENZI, and Mr. GREGG) submitted the following resolution; which was considered and agreed to:

S. CON. RES. 46

Whereas the Apollo-11 mission successfully landed a manned spacecraft on the Moon on July 20, 1969, marking the first time in history that humans have walked on the surface of the Moon or any other planet;

Whereas the 6 Apollo missions successfully departed Earth aboard a Saturn V Rocket, the largest and most powerful American rocket ever produced, en route to the Moon;

Whereas 12 Americans successfully landed on the surface of the Moon where they performed various experiments and collected samples for study, and planted the flag of the United States of America in the lunar soil achieving a milestone in American and human history;

Whereas the contributions of other Americans who made up the thousands of contractors and Government employees who worked on the Apollo program are recognized; and

Whereas the events of the Apollo missions are examples of the great achievements of the American space program reflecting the explorer's spirit of the American people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the 30th anniversary of the first lunar landing should be a day of celebration and reflection on the Apollo-11 mission to the Moon and the accomplishments of the Apollo program throughout the 1960's and 1970's.

AMENDMENTS SUBMITTED

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

MOYNIHAN AMENDMENTS NOS. 1256–1257

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted two amendments intended to be proposed by him to the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

AMENDMENT NO. 1256

At the appropriate place, insert:

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of $193,572,000. The Information Security Oversight Office, charged with administering this nation's intelligence classification and declassification programs shall receive $1.5 million of these funds to allow it to hire more staff so that it can more efficiently manage these programs. Within such amounts . . .

AMENDMENT NO. 1257

At the appropriate place, insert:

SEC. 308. SENSE OF THE CONGRESS ON CLASSIFICATION AND DECLASSIFICATION.

It is the sense of Congress that the systematic declassification of records of permanent historic value is in the public interest and that the management of classification and declassification by Executive Branch agencies requires comprehensive reform.

KYL (AND OTHERS) AMENDMENT NO. 1258

Mr. KYL (for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. THOMPSON, Mr. SPECTER, Mr. GREGG, Mr. HUTCHINSON, Mr. SHELBY, Mr. WARNER, Mr. BUNNING, Mr. HELMS, Mr. FITZGERALD, Mr. LOTT, Mr. KERREY, Mrs. FEINSTEIN, Mr. SMITH of New Hampshire, and Ms. COLLINS) proposed an amendment to the bill, H.R. 1555, supra; as follows:

At the appropriate place insert the following:

"SEC. . DEPARTMENT OF ENERGY NUCLEAR SECURITY.

''(a) Section 202(a) of the Department of Energy Organization Act (referred to in this section as the ''Act'') is amended by striking the second sentence and inserting ''The Secretary shall delegate to the Deputy Secretary such duties as the Secretary may prescribe unless such delegation is otherwise prohibited by law, and the Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of the Secretary becomes vacant.

''(b) Section 202(b) of the Act is amended by striking the first two sentences and inserting ''There shall be in the Department two Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. One Under Secretary shall be the Under Secretary for Nuclear Stewardship. The other Under Secretary shall bear primary responsibility for science, energy (including energy conservation), and environmental functions.''

''(c) After section 212 of the Act add the following new section:

'' 'AGENCY FOR NUCLEAR STEWARDSHIP

'' 'SEC. 213(a) There shall be within the Department a separately organized Agency for Nuclear Stewardship under the direction, authority, and control of the Secretary, to be headed by the Under Secretary for Nuclear Stewardship who shall also serve as Director of the Agency.

'' '(b) The Under Secretary for Nuclear Stewardship shall be a person who has an extensive background in national security, organizational management and appropriate technical fields, and is especially well qualified to manage the nuclear weapons, nonproliferation and fissile materials disposition programs of the Department in a manner that advances and protects the national security of the United States.

'' '(c) The Secretary shall be responsible for all policies of the Agency. The Under Secretary for Nuclear Stewardship shall report solely and directly to the Secretary and shall be subject to the supervision and direction of the Secretary. The Secretary shall have a staff adequate to fulfill the responsibility to set policies throughout the Department including establishing policies governing the Agency for Nuclear Stewardship. The Secretary's staff, including but not limited to the General Counsel and the Chief Financial Officer, shall assist the Secretary in the supervision of the development and implementation of policies set forth by the Secretary and shall advise the Secretary on the

adequacy of such development and implementation. The Secretary may not delegate to any Department official the duty to supervise or direct the Under Secretary for Nuclear Stewardship.

''(d) The Secretary may direct other officials of the Department who are not within the Agency for Nuclear Stewardship to review the Agency's programs and to make recommendations to the Secretary regarding the administration of such programs, including consistency with other similar programs and activities in the Department.

''(e) The Secretary shall assign to the Under Secretary for Nuclear Stewardship direct authority over and responsibility for:

''(1) all programs and activities of the Department related to its national security functions, including nuclear weapons, nonproliferation and fissile materials disposition, and;

''(2) all activities at the Department's national security laboratories, and nuclear weapons production facilities.

''(f) The Secretary shall assign to the Under Secretary for Nuclear Stewardship direct authority over and responsibility for all executive and administrative operations and functions of the Agency for Nuclear Stewardship (except for the authority and responsibility assigned to the Deputy Director for Naval Reactors), including but not limited to:

''(1) strategic management;

''(2) policy development and guidance;

''(3) budget formulation and guidance;

''(4) resource requirements determination and allocation;

''(5) program direction;

''(6) safeguards and security;

''(7) emergency management;

''(8) integrated safety management;

''(9) environment, safety, and health operations (except those environmental remediation and nuclear waste management activities and facilities that the Secretary determines are best managed by other officials of the Department);

''(10) administration of contracts, including those for the management and operation of the nuclear weapons production facilities and the national security laboratories;

''(11) intelligence;

''(12) counterintelligence;

''(13) personnel, including their selection, appointment, distribution, supervision, fixing of compensation, and separation;

''(14) procurement of services of experts and consultants in accordance with section 3109 of Title 5, United States Code, and;

''(15) legal matters.

''(g) There shall be within the Agency three Deputy Directors, each of whom shall be appointed by the President, by and with the advice and consent of the Senate; who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of Title 5 (except the Deputy Director for Naval Reactors when an active duty naval officer). There shall be a Deputy Director for each of the following functions:

''(1) defense programs;

''(2) non-proliferation and fissile materials disposition, and;

''(3) naval reactors.

''(h) The Deputy Director for Naval Reactors shall report to the Secretary of Energy through the Under Secretary for Nuclear Stewardship and have direct access to the Secretary and other senior officials of the Department; and shall be assigned the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors as described by the reference in section 1634 of Public Law 98–525. Except as specified in subsection (g) and this subsection, all other provisions described by the reference in section 1634 of Public Law 98–525 remain in full force until changed by law.

''(i) There shall be within the Agency three offices, each of which shall be administered by a Chief appointed by the Under Secretary for Nuclear Stewardship. There shall be a:

''(1) Chief of Nuclear Stewardship Counterintelligence, who shall report to the Under Secretary and implement the counterintelligence policies directed by the Secretary and Under Secretary. The Chief of Nuclear Stewardship Counterintelligence shall have direct access to the Secretary and all other officials of the Department and its contractors concerning counterintelligence matters and shall be responsible for:

''(A) the development and implementation of the Agency's counterintelligence programs to prevent the disclosure or loss of classified or other sensitive information, and;

''(B) the development and administration of personnel assurance programs within the Agency for Nuclear Stewardship.

''(2) Chief of Nuclear Stewardship Security, who shall report to the Under Secretary and shall implement the security policies directed by the Secretary and Under Secretary. The chief of Nuclear Stewardship Security shall have direct access to the Secretary and all other officials of the Department and its contractors concerning security matters and shall be responsible for the development and implementation of security programs for the Agency including the protection, control and accounting of materials, and the physical and cybersecurity for all facilities in the Agency.

''(3) Chief of Nuclear Stewardship Intelligence, who shall be a senior executive service employee of the Agency or an agency of the intelligence community who shall report to the Under Secretary and shall have direct access to the Secretary and all other officials of the Department and its contractors concerning intelligence matters and shall be responsible for all programs and activities of the Agency relating to the analysis and assessment of intelligence with respect to foreign nuclear weapons, materials, and other nuclear matters in foreign nations.

''(j)(1) The Under Secretary shall, with the approval of the Secretary and the Director of the Federal Bureau of Investigation, designate the chief of Counterintelligence who shall have special expertise in counterintelligence.

''(2) If such person is a federal employee of an entity other than the Agency, the service of such employee as Chief shall not result in any loss of employment status, right, or privilege by such employee.

''(k) All personnel of the Agency for Nuclear Stewardship, in carrying out any function of the Agency, shall be responsible to, and subject to the supervision and direction of, the Secretary and the Under Secretary for Nuclear Stewardship or his designee within the Agency, and shall not be responsible to, or subject to the supervision or direction of, any other officer, employee, or agent of any other part of the Department.

''(l) The Under Secretary for Nuclear Stewardship shall delegate responsibilities to the Deputy Directors except that the responsibilities, authorities and accountability of the Deputy Director for Naval Reactors are as described in subsection (h).

''(m) The Directors of the national security laboratories and the heads of the nuclear weapons production facilities and the Nevada Test Site shall report directly to the Deputy Director for Defense Programs.

''(n) The Under Secretary for Nuclear Stewardship shall maintain within the Agency staff sufficient to implement the policies of the Secretary and Under Secretary for Nuclear Stewardship for the Agency. At a minimum these staff shall be responsible for:

''(1) personnel;

''(2) legal services, and;

''(3) financial management.

''(o) The Under Secretary shall, consistent with the effective discharge of the Agency's responsibilities, make the national security laboratories, nuclear weapons production facilities, and capabilities of the Agency available to other programs of the Department, federal agencies, and appropriate entities in accordance with policies implemented by the Under Secretary.

''(p)(1) Not later than March 1 of each year the Under Secretary for Nuclear Stewardship shall submit through the Secretary to the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Senate and the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs of the Agency for Nuclear Stewardship during the preceding year.

''(2) The report shall provide information on:

''(A) The status and effectiveness of security and counterintelligence programs at each nuclear weapons production facilities, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

''(B) the adequacy of procedures and policies for protecting national security information at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

''(C) whether each nuclear weapons production facility, national security laboratory, or other facility or institution at which classified nuclear weapons work is performed is in full compliance with all security and counterintelligence requirements, and if not what measures are being taken or are in place to bring such facility, laboratory, or institution into compliance;

''(D) any significant violation of law, rule, regulation, or other requirement relating to security or counterintelligence at each nuclear weapons production facility, national security laboratory, or any other facility or institution at which classified nuclear weapons work is performed;

''(E) each foreign visitor or assignee; the national security laboratory, nuclear weapons production facility, or other facility or institution at which classified nuclear weapons work is performed visited, the purpose and justification for the visit, the duration of the visit, whether the visitor or assignee had access to classified or sensitive information or facilities, and whether a background check was performed on such visitor prior to such visit; and

''(F) such other matters and recommendations to Congress as the Under Secretary deems appropriate.

''(3) Each report required by this subsection shall be submitted in unclassified form, but may include a classified annex.

''(4) Thirty days prior to the submission of the report required by subsection p(1), but in any event no later than February 1 of each year, the director of each Department of Energy national security laboratory and nuclear weapons production facility shall certify in writing to the Under Secretary for Nuclear Stewardship whether that laboratory or facility is in full compliance with all national security information protection requirements. If the laboratory or facility is not in full compliance, the director of the laboratory or facility shall report on why it is not in compliance, what measures are being taken to bring it into compliance, and when it will be in compliance.

''(q) The Under Secretary for Nuclear Stewardship shall keep the Secretary, the Committees on Armed Services of the Senate

and House of Representatives, the Committee on Energy and Natural Resources of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Commerce of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives fully and currently informed regarding any action or potential significant threat to, or loss of, national security information, unless such information has already been reported to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence pursuant to the National Security Act of 1947, as amended.

''(r) Personnel of the Agency for Nuclear Stewardship who have reason to believe that there is a problem, abuse, violation of law or executive order, or deficiency relating to the management of classified information shall promptly report such problem, abuse, violation, or deficiency to the Under Secretary for Nuclear Stewardship.

''(s)(1) The Under Secretary for Nuclear Stewardship shall not be required to obtain the approval of any officer or employee of the Department of Energy, except the Secretary, or any officer or employee of any other Federal agency or department for the preparation or delivery of any report required by this section.

''(2) No officer or employee of the Department of Energy or any other Federal agency or department may delay, deny, obstruct or otherwise interfere with the preparation of any report required by this section.

''(t) For purposes of this section—

''(1) the term ''personnel of the Agency for Nuclear Stewardship'' means each officer or employee within the Department of Energy, and any officer or employee of any contractor of the Department (pursuant to the terms of the contract), whose—

''(A) responsibilities include carrying out a function of the Agency for Nuclear Stewardship; or

''(B) employment is funded primarily under the—

''(i) Weapons Activities; or

''(ii) Non-proliferation, Fissile Materials Disposition or Naval Reactors portions of the Other Defense Activities budget functions of the Department;

''(2) the term ''nuclear weapons production facility'' means the following facilities:

''(A) the Kansas City Plant, Kansas City, Missouri;

''(B) the Pantex Plant, Amarillo, Texas;

''(C) the Y–12 Plant, Oak Ridge, Tennessee;

''(D) the tritium operations facilities at the Savannah River Site, Aiken, South Carolina;

''(E) the Nevada Test Site, Nevada; and

''(F) any other facility the Secretary designates.

''(3) the term ''national security laboratory'' means the following laboratories—

''(A) the Los Alamos National Laboratory, Los Alamos, New Mexico;

''(B) the Lawrence Livermore National Laboratory, Livermore, California; and

''(C) the Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

''(d) Within 180 days of the date of enactment of this Act, the Secretary shall report to the Senate and the House of Representatives on the adequacy of the Department's procedures and policies for protecting national security information, including national security information at the Department's laboratories, nuclear weapons facilities and other facilities, making such recommendations to Congress as may be appropriate.

''(e) The following technical and conforming amendments are made:

''(1) Section 5314 of title 5, United States Code, is amended by striking '''Under Secretary, Department of Energy''' and inserting ''Under Secretaries of Energy (2), one of whom serves as the Director, Agency for Nuclear Stewardship.'''

''(2) Section 202(b) of the Act is amended in the third section by striking '''Under Secretary''' and inserting '''Under Secretaries'''.

''(3) Section 212 of the Act is amended by striking subsection 212(b) and redesignating subsection 212(c) as subsection 212(b).

''(4) Section 309 of the Act is amended by striking '''Assistant Secretary to whom the Secretary has assigned the functions listed in section 203(a)(2)(E)''' and inserting '''Under Secretary for Nuclear Stewardship'''.

''(5) The Table of Contents of the Act is amended by inserting after the item relating to section 212 the following new item:

'''SEC. 213. Agency for Nuclear Stewardship.

COVERDELL (AND OTHERS) AMENDMENT NO. 1259

Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. DEWINE, Mr. HELMS, Mr. LOTT, Mr. TORRICELLI, Mr. CRAIG, Mr. GRAHAM, and Mr. REID) proposed an amendment to the bill, H.R. 1555, supra; as follows:

At the end of the bill, add the following new title:

TITLE ___—BLOCKING ASSETS OF MAJOR NARCOTICS TRAFFICKERS

SEC. __01. FINDING AND POLICY.

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

(1) Presidential Decision Directive 42, issued on October 21, 1995, ordered agencies of the executive branch of the United States Government to, inter alia, increase the priority and resources devoted to the direct and immediate threat international crime presents to national security, work more closely with other governments to develop a global response to this threat, and use aggressively and creatively all legal means available to combat international crime.

(2) Executive Order No. 12978 of October 21, 1995, provides for the use of the authorities in the International Emergency Economic Powers Act (IEEPA) to target and sanction four specially designated narcotics traffickers and their organizations which operate from Colombia.

(b) POLICY.—It should be the policy of the United States to impose economic and other financial sanctions against foreign international narcotics traffickers and their organizations worldwide.

SEC. __02. PURPOSE.

The purpose of this title is to provide for the use of the authorities in the International Emergency Economic Powers Act to sanction additional specially designated narcotics traffickers operating worldwide.

SEC. __03. DESIGNATION OF CERTAIN FOREIGN INTERNATIONAL NARCOTICS TRAFFICKERS.

(a) PREPARATION OF LIST OF NAMES.—Not later than January 1, 2000 and not later than January 1 of each year thereafter, the Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, shall transmit to the President and to the Director of the Office of National Drug Control Policy a list of those individuals who play a significant role in international narcotics trafficking as of that date.

(b) EXCLUSION OF CERTAIN PERSONS FROM LIST.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the list described in subsection (a) shall not include the name of any individual if the Director of Central Intelligence determines that the disclosure of that person's role in international narcotics trafficking could compromise United States intelligence sources or methods. The Director of Central Intelligence shall advise the President when a determination is made to withhold an individual's identity under this subsection.

(2) REPORTS.—In each case in which the Director of Central Intelligence has made a determination under paragraph (1), the President shall submit a report in classified form to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Represent setting forth the reasons for the determination.

(d) DESIGNATION OF INDIVIDUALS AS THREATS TO THE UNITED STATES.—The President shall determine not later than March 1 of each year whether or not to designate persons on the list transmitted to the President that year as persons constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The President shall notify the Secretary of the Treasury of any person designated under this subsection. If the President determines not to designate any person on such list as such a threat, the President shall submit a report to Congress setting forth the reasons therefore.

(e) CHANGES IN DESIGNATIONS OF INDIVIDUALS.—

(1) ADDITIONAL INDIVIDUALS DESIGNATED.—If at any time after March 1 of a year, but prior to January 1 of the following year, the President determines that a person is playing a significant role in international narcotics trafficking and has not been designated under subsection (d) as a person constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the President may so designate the person. The President shall notify the Secretary of the Treasury of any person designated under this paragraph.

(2) REMOVAL OF DESIGNATIONS OF INDIVIDUALS.—Whenever the President determines that a person designated under subsection (d) or paragraph (1) of this subsection no longer poses an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the person shall no longer be considered as designated under that subsection.

(f) REFERENCES.—Any person designated under subsection (d) or (e) may be referred to in this Act as a ''specially designated narcotics trafficker''.

SEC. ___04. BLOCKING ASSETS.

(a) FINDING.—Congress finds that a national emergency exists with respect to any individual who is a specially designated narcotics trafficker.

(b) BLOCKING OF ASSETS.—Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this Act, and notwithstanding any contract entered into or any license or permit granted prior to the date of designation of a person as a specially designated narcotics trafficker, there are hereby blocked all property and interests in property that are, or after that date come, within the United States, or that are, or after that date come, within the possession or control of any United States person, of—

(1) any specially designated narcotics trafficker;

(2) any person who materially and knowingly assists in, provides financial or technological support for, or provides goods or services in support of, the narcotics trafficking activities of a specially designated narcotics trafficker; and

(3) any person determined by the Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, to be owned or controlled by, or to act for or on behalf of, a specially designated narcotics trafficker.

(c) PROHIBITED ACTS.—Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act or in any regulation, order, directive, or license that may be issued pursuant to this Act, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, the following acts are prohibited:

(1) Any transaction or dealing by a United States person, or within the United States, in property or interests in property of any specially designated narcotics trafficker.

(2) Any transaction or dealing by a United States person, or within the United States, that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, subsection (b).

(d) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section is intended to prohibit or otherwise limit the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(e) IMPLEMENTATION.—The Secretary of the Treasury, in consultation with the Attorney General, Director of Central Intelligence, Secretary of Defense, and Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the International Emergency Economic Powers Act as may be necessary to carry out this section. The Secretary of the Treasury may redelegate any of these functions to any other officer or agency of the United States Government. Each agency of the United States shall take all appropriate measures within its authority to carry out this section.

(f) ENFORCEMENT.—Violations of licenses, orders, or regulations under this Act shall be subject to the same civil or criminal penalties as are provided by section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) for violations of licenses, orders, and regulations under that Act.

(g) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, corporation, or other organization, group or subgroup.

(2) NARCOTICS TRAFFICKING.—The term ''narcotics trafficking'' means any activity undertaken illicitly to cultivate, produce, manufacture, distribute, sell, finance, or transport, or otherwise assist, abet, conspire, or collude with others in illicit activities relating to, narcotic drugs, including, but not limited to, heroin, methamphetamine and cocaine.

(3) PERSON.—The term ''person'' means an individual or entity.

(4) UNITED STATES PERSON.—The term ''United States person'' means any United States citizen or national, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. ___05. DENIAL OF VISAS TO AND INADMISSIBILITY OF SPECIALLY DESIGNATED NARCOTICS TRAFFICKERS.

(a) PROHIBITION.—The Secretary of State shall deny a visa to, and the Attorney General may not admit to the United States—

(1) any specially designated narcotics trafficker; or

(2) any alien who the consular officer or the Attorney General knows or has reason to believe—

(A) is a spouse or minor child of a specially designated narcotics trafficker; or

(B) is a person described in paragraph (2) or (3) of section __04(b).

(b) EXCEPTIONS.—Subsection (a) shall not apply—

(1) where the Secretary of State finds, on a case-by-case basis, that the entry into the United States of the person is necessary for medical reasons;

(2) upon the request of the Attorney General, Director of Central Intelligence, Secretary of the Treasury, or the Secretary of Defense; or

(3) for purposes of the prosecution of a specially designated narcotics trafficker.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will to take place Tuesday, July 27, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

S. 439, a bill to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, has been added to the agenda.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HAGEL. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, July 20, 1999, in open session, to receive testimony on U.S. policy and military operations regarding Kosovo.

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

COMMITTEE ON FINANCE

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, July 20, 1999 beginning at 10:00 a.m. in room SD–106, to conduct a markup.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 20, 1999 at 11:00 a.m. to hold a hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''ESEA: Improving Use of Funds'' during the session of the Senate on Tuesday, July 20, 1999, at 9:30 a.m.

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

SPECIAL COMMITTEE ON AGING

Mr. HAGEL. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on July 20, 1999 from 2:30 p.m.—4:30 p.m. in Dirksen 215 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct a hearing Tuesday, July 20, 9:30 a.m., Hearing Room (SD–406), on the science of habitat conservation plans.

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

SUBCOMMITTEE ON FOREST & PUBLIC LAND MANAGEMENT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 20, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 729, the National Monument Public Participation Act of 1999.

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

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on International Operations be authorized to meet during the session of the Senate on Tuesday, July 20, 1999 at 2:00 p.m. to hold a hearing.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be permitted to meet on Tuesday, July 20, 1999, at 9:30 a.m. for a hearing entitled ''The Hidden Operators of Deceptive Mailings.''

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

ADDITIONAL STATEMENTS

NATIONAL ENDOWMENT FOR DEMOCRACY

● Mr. LUGAR. Mr. President, we will soon be debating the Commerce, Justice, State, and the Judiciary appropriations bill on the floor of the Senate. The State Department title of the bill includes no funding for the National Endowment for Democracy (NED) which I hope will be reversed by the Senate when we debate this appropriations bill.

For the information of my colleagues, I ask that a letter from National Security Advisor Samuel R. Berger to Senator BOB GRAHAM be printed in the RECORD.

The letter follows:

THE WHITE HOUSE,
Washington, July 19, 1999.

Hon. Bob Graham,
U.S. Senate, Washington, DC.

DEAR BOB: Thank you for writing concerning the Commerce-Justice-State Appropriations Bill and the lack of funding for the National Endowment for Democracy (NED). I share your concern over the inadequacies of the bill.

The Senate appropriations bill as reported from Committee is fraught with a range of serious problems. And, the decision to eliminate funding for the NED is one of many factors which render the legislation unacceptable. For this reason,the President's senior advisors would recommend that the legislation be vetoed if it were enacted in its current form.

Our position on the NED is clear. The NED is at the core of the vision we share for a world that is more free and more democratic. Indeed, it was President Reagan's initiative to establish the NED, a decision and a vision that has had a powerful impact on our nation's efforts to expand democracy and human rights. And to its credit, the NED conducts its critically important activities with annual funding that amounts to only a small fraction of our nation's international affairs budget. From supporting election monitoring in Indonesia, to promoting independent media in the Balkans, the NED represents and promotes the most fundamental of American values throughout the world.

Thank you again for your letter on this important matter. Please know that the President remains one of the strongest champions of the Endowment, and appreciates your continuing support of the NED.

Sincerely,

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

Mr. LUGAR. The letter states the Administration's unequivocal support for the National Endowment for Democracy and articulates the strong positive contribution the NED makes to our national interest.

MAX SOLIS—1999 CONNECTICUT SMALL BUSINESS PERSON OF THE YEAR

● Mr. DODD. Mr. President, once again this year, the Small Business Administration held its annual Small Business Week. The SBA hosts this event to recognize the many accomplishments of this country's small businessmen-women. Today, I am pleased to pay a special tribute to the achievements of Max Solis, Chairman and CEO of BST Systems, Inc., who was named Connecticut's 1999 Small Business Person of the Year.

Having received a Bachelor of Science degree in Electrical Engineering from the City College of New York and a Masters of Business Administration from New York University, Max Solis went on to found BST Systems, Inc. in 1983. BST Systems, Inc., located in Plainfield, Connecticut, is a small minority-owned business that employs approximately 68 people. BST focuses on engineering-oriented, high-technology business and specializes in manufacturing and testing high-energy silver zinc cells, specialty cells and complete batteries, as well as electronic support equipment for NASA, the Department of Defense, and various commercial applications.

In addition to this most recent honor, BST Systems also received NASA's 1994 Minority Subcontractor of the Year Award and NASA's Commitment to Excellence Award in both 1995 and 1997. Just this past May, BST Systems was the recipient of the George M. Low Award, NASA's highest honor for excellence and quality and recognition of its significant contributions to the advancement of our nation's space program.

Mr. President, I am so very pleased to have the opportunity to highlight the success of Max Solis and BST Systems, Inc. Small business entrepreneurs like Max Solis and his employees keep this country on the cutting edge of innovation and advanced technology. And as we enter a new century, small businesses like BST will be integral to ensuring continued American leadership in these critical areas. I congratulate Max Solis and BST Systems, Inc. on being honored by the Small Business Administration for their outstanding efforts, and I wish them much success as they, and other small businesses, continue to provide valuable products and services to people across the country and, indeed, throughout the world.●

TRIBUTE TO RAY LACKEY

● Mr. McCONNELL. Mr. President, I rise today to recognize Alex ''Ray'' Lackey for his recent appointment as the Eighth Command Sergeant Major of the Army Reserve.

Ray has been serving as supervisor of customer services at the Bowling Green post office for almost 20 years, and now embarks on a three-year tour of duty at the Pentagon. Ray has served in numerous capacities in the U.S. military for more than 28 years, with his most recent assignment as Command Sergeant Major for the 100th Division in Louisville. Ray's supervisors have commended him for his ability to maintain a professional balance between his demanding positions in both the U.S. Postal Service and the Department of the Army.

Ray's experience in military service is broad, including service as Squad Leader with the 82nd Airborne Division, Drill Sergeant at Fort Knox, Platoon Sergeant with the 2nd Infantry Division in Korea, Battalion Operations Sergeant, First Sergeant, and Commandant of the 100th Division Drill Sergeant School. In 1982, he received the distinction of U.S. Army Reserve Drill Sergeant of the year.

Ray has been decorated with an impressive number of awards and honors over the years, including being awarded the Meritorious Service Medal five times, the Army Commendation Medal two times, the Good Conduct Medal twice, the Army Reserve Component Achievement Medal five times, and the Army Achievement Medal, the National Defense Service Medal with Bronze Star, the Armed Forces Reserve Medal with ''M'' device, the Noncommissioned Officers Professional Development Ribbon with numeral four, the Army Service Ribbon and the Overseas Service Ribbon. He has also earned the Expert Infantryman Badge and the Parachutist Badge.

As is evidenced by the lengthy list of Ray's achievements and honors, he has served his State and his country well. It is also clear that the Department of the Army has great confidence in Ray's experience, and it seems only fitting that someone with his expertise and seasoned skills will be working in such a significant capacity at the Pentagon. My colleagues and I extend our gratitude for Ray's willingness to continue serving the country in this new post, and wish him the best in his next stage of service.●

TELEHEALTH

● Mr. INOUYE. Mr. President, this past month, Major General Nancy Adams, Commander of the Tripler Army Medical Center, Honolulu, HI participated in the Congressional Ad Hoc Steering Committee on Telehealth Demonstration and Briefing. I have been pleased to work closely with General Adams for a number of years, including during her earlier tenure as Chief, United States Army Nurse Corps.

I am extraordinarily pleased to have her selected to command Tripler. She is the first female commander of our facility and the first two-star nurse in the history of the United States Army.

Mr. President, I ask that her opening remarks be printed in the RECORD.

The remarks follow:

REMARKS OF MG NANCY R. ADAMS, DEPARTMENT OF DEFENSE AT THE CONGRESSIONAL AD HOC STEERING COMMITTEE ON TELEHEALTH DEMONSTRATION AND BRIEFING ON ''INFORMATION TECHNOLOGIES FOR HEALTHCARE: GOVERNMENT, INDUSTRY AND ACADEMIA WORKING TOGETHER'', 23 JUNE 1999

Good Morning and aloha from Hawaii. I am Major General Nancy Adams. I am privileged to offer the opening remarks on the accomplishments and challenges the Department of Defense (DOD) is addressing in information technologies for healthcare.

In my current assignment as the Commanding General, Tripler Army Medical Center, Hawaii, and the United States Army Pacific Command Surgeon, I am somewhat in awe at being designated as the DOD spokesman. However, I am very pleased to have the opportunity because telemedicine and telehealth initiatives are vital to the mission of my medical center. To say that I am the DOD spokesperson does exaggerate my accountability with the Department. So to be safe, I should at this point go with the standard disclaimer, which says my information does not necessarily reflect the views of the Department or the Secretary of Defense.

I am most pleased to be participating in the congressional Ad Hoc Committee on Telehealth forum. This event acknowledges the vision and support congressional representatives have offered to enhance the applications of information technology to healthcare in general with special emphasis on clinical practice.

Within the Department of Defense, and most particularly in the Pacific, there are significant distances, time zone disparities, and geographic boundaries that present challenges to the delivery of patient care. In the Pacific, a variety of both public and private sector agencies are involved in health care services, with the overall goal to transcend time, distance, and structural barriers to provide quality healthcare to Department of Defense beneficiaries. Because of our global role, it is incumbent that the Department of Defense work collaboratively to afford responsive health care services, and this challenge can only be addressed with innovative technology and telecommunication solutions. Hence, I would like to illustrate a few examples from my Hawaii experience, on how the linkage between information, knowledge, and technologies have enhanced access to health care services and improved the quality of care rendered.

Tripler Army Medical Center is the only Department of Defense tertiary care medical treatment facility in the Pacific. Tripler serves the health care needs of more than 750,000 active-duty military, their families, military retirees, retiree families and other Pacific island beneficiaries. Using the systems developed through Department of Defense, such as the Composite Health Care System II, or CHCSII, Corporate Executive Information System or CEIS, AKAMAI, and the Pacific Medical Network or PACMEDNET, have enabled us to improve the quality of care and access to health services for our beneficiaries.

Healthcare information systems and telehealth applications within the Department of Defense strive to accomplish the following 5 goals: Keep Active Duty forces on the job; Reduce the Military Health System skill mix and size in staffing model; Increase productivity of the direct care component; Enhance and measure health and fitness of beneficiaries, and lastly, Promote and measure customer satisfaction with Information Technology.

The healthcare information management initiatives within the Department of Defense focus on research and the value of information and telehealth applications along with implementation of automation support to enhance patient care delivery. I can attest that information management support provided by systems such as the CHCSII, CEIS, and the telehealth support from Akamai and PACMEDNET, have provided significant readiness and humanitarian implications for regional care in the Pacific. Being responsible for delivery of healthcare to a region as big as the Pacific—which encompasses 70 countries and 14 time zones—requires me to use and support the development of technology tools. These technology tools and clinical capability offer tremendous opportunities for reuse by other federal agencies, as well as transferability to private sector agencies.

As stated earlier, healthcare information technologies are an essential element of health care services within the Department of Defense because of the need to overcome the dispersion of beneficiaries over great distances. The telehealth possibilities are highly opportunistic and provide a window on the future. Our technology is a means of demonstrating US engagement in other nations by providing a telepresence in other than US military medical treatment facilities. Specific benefits healthcare technology has offered Tripler Army Medical Center and the Pacific include:

Ability to provide a health profile for a person that will facilitate decision making by a provider who doesn't have access to a complete medical record.

We can integrate patient administrative and clinical data between multiple and diverse healthcare systems.

The same network and technology that provides information for diagnosing and treating patients can also be utilized for teaching via distance learning techniques.

Use of the Internet and web-enabled solutions has fostered a sense of community amongst clinicians and consumers by enabling information sharing, education, and collegial relationships.

From my perspective as a military medical center commander and the Command Surgeon, healthcare information technologies contribute to the readiness and health care delivery mission. I mention this as a single mission because the role of military medicine is to stay trained and ready for contingency operations that directly support the US military. The business of health care in and of itself is not our focus. It is the link between readiness and health care delivery that makes military medicine vital to our nation. The linkage between readiness and health care is good business for the military.

Through the application of information systems and telehealth technologies, the quality of care and utilization of scarce medical resources are positively effected thereby improving both military readiness and health care delivery. Utilization of information systems and telehealth applications provides immediate access even when specialists are not on site. For example, Tripler will be interpreting echocardiograms from Yokoto, Japan and Guam. This can be life saving information if you are talking about the patient's need for surgery or the functioning of the heart after a heart attack. These technologies also project medical specialty expertise without deploying them from the medical center. This saves significant dollars by not taking the medical specialist away for a minimum of two days travel to do a day's work. In addition, for those clinicians who are forward deployed, this access to specialists decreases their professional isolation and improves their decision-making ability. In some cases there is the added benefit of eliminating the need to air-evac patients for definitive care and continuity of care is maintained at their home station.

Healthcare information technologies are good new stories for the Department of Defense but the potential is in its infancy. Only by working with our partners in other government agencies, industry, and academia, will we be able to maximize the investment in technology by increasing its utility and clinical efficacy. In closing, my goals for attending the congressional Ad Hoc Steering Committee on Telehealth Demonstration and Briefing are twofold:

To communicate the reality of the technological solutions currently available within the Department of Defense to provide quality health care and improve access;

And second, to encourage networking among the congressional supporters, speakers, attendees, and exhibit presenters to further maximize our capabilities. As we share information and establish relationships with one anther I am sure our collective efforts will produce more and better applications of the technology than what is already here. Ideas for future integration and information management technologies should be the most valuable outcome of today's activities. I hope most of you will be staying through the day and spending time in the exhibit area. Many of the leading edge health care technology companies have displays, as well as Department of Defense, Veterans Administration, and Indian Health Service enterprises. Individually as well as together we are all involved in re-engineering health care processes to incorporate emerging technologies!

I am very pleased to be sharing the podium with distinguished leaders from Congress, the military, government service, and industry. Those of us in the military know that it is only through the vision and support of Congressional representatives that the Department of Defense has progressed to our current level of sophistication in healthcare information technologies and telehealth. Ladies and Gentlemen, I challenge you to continue to exploit the capabilities in healthcare information technologies; to capitalize on the improvements it can offer the business practice of patient care, and to nurture the positive and sustained impact of technology on enterprise value. I encourage you to take advantage of the sense of community the Internet enables by sharing your ideas and solutions with fellow government, industry and academic colleagues.●

TRIBUTE TO DR. SYLVIO L. DUPUIS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Dr. Sylvio L. Dupuis, Executive Director of McLane, Graf, Raulerson and Middleton Law Firm, for receiving Business NH Magazine's 1999 Business Leader of the Year Award. Dr. Dupuis received this honor due to his outstanding civic involvements coupled with his exemplary leadership in the business world.

Dr. Dupuis took the position of Executive Director in April of 1996. His philosophy of personalization—solving problems with an interview rather than a phone call or a memo—has given him and his law firm an excellent reputation. Under his capable and inspiring leadership, the firm grew from fifty lawyers to eighty. Dr. Dupuis will retire from the McLane Law Firm in June of 1999 but will continue to have an active role in community affairs. The McLane, Graf, Raulerson and Middleton Law Firm is sure to miss Sylvio's leadership.

Besides being one of the most talented and well-established businessmen in the state, Dr. Dupuis has countless other achievements in virtually every facet of New Hampshire life. He has been widely involved in areas ranging from health care to the arts. He is the former President and CEO of Catholic Medical Center, the former Commissioner of the Department of Insurance

for New Hampshire, the former President of New England College of Optometry and he has served with distinction, as the Mayor of Manchester, New Hampshire.

I commend Dr. Dupuis for his outstanding leadership and shining example. His varied professional experience shows him to be the ideal representative of New Hampshire business. I wish him the best as the new President of Notre Dame College in Manchester, New Hampshire. I am proud to represent him in the United States Senate.●

30TH ANNIVERSARY OF THE FIRST LUNAR LANDING

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 46, submitted earlier today by Senators SHELBY and SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 46) expressing the sense of Congress that the July 20, 1999, 30th anniversary of the first lunar landing should be a day of celebration and reflection on the Apollo-11 mission to the Moon and the accomplishments of the Apollo program throughout the 1960's and 1970's.

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

Mr. SESSIONS. Mr. President, I rise today to offer a few thoughts about space, the vision that is needed to take us there, and to say a few words of appreciation on the anniversary of one of the greatest accomplishments in world history. First, I recognize and thank all the people—scientists, flight operations experts, administrators, maintenance experts, astronauts, and every other member of the NASA team and Apollo program—who worked so hard to make the successful launch and mission of Saturn V to the moon a reality and victory for America.

When President Kennedy announced his intentions to devote the resources and support to NASA that would be necessary to accomplish the monumental task of landing men on the surface of the moon, our space program was born. Up until that magnificent moment when Neil Armstrong let everyone watching and listening know that the ''Eagle had Landed'' and for many years afterward, our space program flourished and steamed ahead making great strides in nearly every area of space exploration. Unfortunately, in recent years, while marked by continuing and important scientific medical research and several noteworthy events, our space program has become stagnant in comparison to the growing and vibrant NASA of the past. I am one member of Congress who feels very strongly that too much remains to be learned and explored for our space program to remain in neutral any longer.

Mr. President, on the anniversary of one of our greatest accomplishments, we have slipped dangerously close to the edge. If we do not act, we may lose one or more of the most historically significant pieces of our space program in existence. I am proud to say that one of the last three of these great artifacts remaining from the Apollo Project—the Saturn V rocket—stands on the grounds of the U.S. Space and Rocket Center in Huntsville, Alabama. But the fact remains that this rocket is in need of restoration and protection. I join my colleague and fellow Alabamian, Senator SHELBY, as an original cosponsor of the resolution that has been introduced which calls upon the Congress to provide federal assistance to fund the much-needed restoration and protection projects for the Saturn V rocket at the U.S. Space and Rocket Center. This funding will enable this great monument to our space program to live on as an enduring symbol of America's greatness both here on earth and beyond. I call on my colleagues in Congress to lend the assistance that is needed to protect the great history of our space program.

Mr. President, as I stated earlier, I am one member of Congress who believes that NASA embodies many of the most important qualities of our nation. We are a nation of explorers and inventors—proud, hardworking and brave. Our legacy as a nation is one of unmatched proportion. We must do our part to continue to build upon the past for the benefit of our future generations.

Mr. President, safe, reliable, low-cost transportation has been the key to the development of frontiers from the dawn of time. Ocean-going vessels enabled the discovery of the New World and initiated global commerce. The stagecoach transported early settlers and cargo across the untamed American West, and the transcontinental railway opened up this new frontier to vast numbers of settlers. Today, modern airways are a critical element of international commerce.

Transportation has made it possible to explore and develop the frontiers that emerged throughout history. Thirty years ago it was a Saturn V rocket carrying three men to the moon. And now, transportation is again the driver as we boldly prepare to explore deeper and develop the largest frontier of all - the frontier of space.

As a nation of explorers, I would like to think that we see the opportunities for scientific research and new space industries as limitless in scope and benefit to mankind.

Consider the possibilities:

Manufacturing medicines that are far superior to drugs made on Earth.

Even today the work that is being lead by NASA and its Marshall Space Flight Center, in particular, in Microgravity Research is paying tremendous dividends. Already this research is saving lives. The research that will be conducted on the International Space Station will take us even farther.

Consider the possibility of Mining resources from orbiting bodies, or servicing large communications and remote sensing platforms in low earth orbit without bringing them back to Earth.

Consider: Generating cheap, clean power from the Sun, or exploring new worlds and safely, routinely and affordably transporting passengers to and from space.

It all sounds like science fiction today and it is because the current high cost of space transportation has locked the door to these opportunities. I believe that NASA is ready to start turning science fiction into science reality—to unlock the door to a new frontier of opportunity.

The problem is this, space launch is not fully and completely reliable as we want it to be and its costs have been very expensive. Current launch costs consume valuable NASA resources and limit the ability to achieve its science and exploration goals. Only the highest priority science payloads are being launched and human exploration is on hold until we can solve this problem of launch costs.

Launch costs have also slowed the commercial development of space. While the U.S. space program faces new challenges to its decades long, global leadership position, the U.S. commercial space launch industry has dwindled from complete market dominance in the mid-1970's to only 30% on a greatly expanded worldwide market today. The United States has lost 70% of market share to the Russians, to the French, and to the Chinese. Several factors including foreign government subsidization and the constant optimization of 30 year old technology by foreign firms are at the heart of a problem this Congress ought to solve—now!

While improvement and evolution of existing systems and technologies are necessary in the face of ever increasing competition abroad, it will take a revolution to open the space frontier and enable the development of space. Our investments in launch technology have been sporadic over the years, resulting in high costs and small, incremental improvements in launch safety and capability. Today, many entrepreneurs realize the significance of the expanding commercial space marketplace, but are left to solve the hard problem of access to low Earth orbit with just their innovative spirit and today's technology.

We have had a rash of failures of expendable launch vehicles recently; 6 of the last 8 launches have been failures. Still, NASA continues to fly the Space Shuttle safely. But that safety record comes at a high cost to the people at United Space Alliance, NASA Kennedy, Marshall, and Johnson Space Flight Center (JSC).

Space launch is expensive because of complex systems that require extensive checkout and human intervention. Small margins result in high maintenance and replacement. Flight hardware reuse is limited. Launch facilities

and range safety operations are out of date.

Achieving simplicity and robust performance has never been achieved in space launch. NASA has taken the brute force approach to beating Earth's gravity by expending hardware during ascent; or they have shaved weight and squeezed the last fraction of a percent of performance from the propulsion systems—gaining performance at the expense of simplicity and robustness.

I have talked to the people at NASA Marshall. They have lived with the Shuttle propulsion systems and they have a lot of ideas that will make the next generation 100 times safer and 10 times cheaper than today; and their ideas don't stop there! They believe that, in 25 years, they can develop the technology that will improve safety over 10,000 times and reduce cost by 100 times that of the current Shuttles. I believe that the people at Marshall Space Flight Center, in cooperation with Stennis Space Center and the Glenn Research Center as well as other NASA scientists, can revolutionize space propulsion in the next 25 years. NASA administrator Dan Goldin shares this same view.

They believe that they can combine simplicity and with a robust capability that will increase reliability 100 fold while multiple abort options and safe crew escape systems will provide passenger safety equivalent to today's aircraft. They believe that they can develop the technology that will result in what they are calling ''a beautiful machine,'' safe and reliable first, then affordable. This marriage of simplicity and performance can only be obtained through major breakthroughs in space transportation technology at the basic component and system level.

Mr. President, it is a top priority of NASA to develop innovative space transportation technologies for commerce, civil space travel and the defense of the nation. This is not a might do task, but a must do task if this nation is to once again lead the way in space exploration.

Unlike the prior generation, our generation has not invested in a future of space exploration. Let's step back in time about 50 years. America and Russia were on separate paths to launch a satellite into orbit around the Earth. The Space Age had begun. In a laboratory at the University of Pennsylvania stood the world's first general purpose computer—the ENIAC. Spanning 150 feet and weighing 30 tons, ENIAC's twenty banks of flashing lights indicated the results of fourteen ten-digit multiplication processes in one second. It was one hundred times faster than a mechanical calculator, enabled by 18,000 water-cooled vacuum tubes. Tubes blew and were replaced several times an hour, but they ushered in the electronic age.

Only 7 years after the invention of the transistor, the first silicon-based transistorized computer was developed. Four years later a practical integrated circuit was the genesis for printing conducting channels directly on silicon surfaces. Less than twenty-five years after the development of ENIAC, Intel introduced the first microprocessor, using 2,300 transistors on a 108 Kilo Hertz silicon chip. The U.S., at that time, was just beginning the development of the Space Shuttle.

In the 28 years since, the number of transistors on a single chip has increased from 2,300 to 7.5 million and the number of instructions per second has increased more than 3,000 times. The processor capacity has increased at a rate of a factor of two every 18 to 24 months and the cost per kilobyte of computer memory has decreased by a factor of 640,000. Today over 44% of U.S. homes have a personal computer. The Space Shuttle is still the workhorse for human space flight and remains the only reusable launch system.

Today it is impossible to think of a world without computers or to imagine that the ideas we developed and that we take for granted might have been strenuously resisted in the past. And while it seems barely credible today that scientists, engineers, and businessmen five decades ago didn't initially grasp the implication of this new technology—this has been the case more often than not throughout history.

Now let's look forward in time. Imagine a world where traveling to an orbiting space production facility is as common as making a business trip on a commercial airliner? Does this seem plausible? How probable did personal palmtop computers seem fifty years ago? Technology was the engine that enabled these breakthroughs—technology will enable safe, reliable, affordable access to space over the next twenty-five years. I believe that we will see major steps toward this goal in the next 5 to 10 years if we invest now.

Over the next decade, NASA intends to increase safety by a hundred fold while reducing cost tenfold. Safety will be defined as the probability of a catastrophic failure once out of every 1,000,000 flights. This dramatic leap will come by departing from a past emphasis on cost and performance to a focused new paradigm of safety and reliability, which in turn, will drive down costs. Improvements in safety will require future space transportation systems to assure crew safety from prelaunch to landing. To accomplish this, launch systems must be inherently reliable, functionally redundant wherever practical and designed to minimize or eliminate catastrophic failure modes. Next generation systems will have the ability to complete their missions with at least one engine failure from liftoff. Designs will minimize the opportunity for human error in test, checkout and operations. By incorporating a crew escape capability for all flights and reducing the number of launch elements, NASA will be able to meet their safety goals.

In this time-frame, launch costs will fall from current levels of $10,000 to $1,000 per pound to low earth orbit. In order to achieve this ambitious cost goal, today's multi-stage, partial and fully expendable rockets must be replaced by single stage, fully reusable systems. A single stage to orbit Reusable Launch Vehicle (RLV) can eliminate assembly and checkout costs currently associated with the large number of complex interfaces on today's Space Shuttle. Full reusability will eliminate the need to throw away expensive hardware and reduce the need for ongoing production, but a key technology will be the manufacturing technology to build large, very lightweight, composite propellant tanks and structures. The expertise that will make these lightweight structures possible is the current Shuttle tank production facility at Michoud, Louisiana.

Systems in 10 years will have to accommodate hundreds of missions per year and will be commercially certified for hundreds of flights.

This level of cost reduction has the potential to enable new, nontraditional uses of space. Taking this vital first step is comparable to the first 25 years in the development of the microprocessor when computer processors went from millions of dollars to hundreds of thousands of dollars.

Over the next 25 years more dramatic improvements will be enabled by an all flight crew escape system and horizontal takeoff, which allows the vehicle to abort its takeoff after reaching maximum power—much like an aircraft. Costs will fall to $100 per pound for low earth orbit missions. This low price per flight will create a 15-fold increase in the size of the current projected space launch market. This larger market will, in-turn, enable this system to be developed independent of U.S. Government financial support. The number of flights per year will jump to over 2,000, which will require certification for thousands of flights.

Future generations of space travel will be almost as routine as commercial air travel today. The passenger risk will be reduced to 1 fatality per 2,000,000 flights at a cost of $10 per pound to orbit. Crew escape will be eliminated as system reliability matures. In forty years, true Spaceliners will be capable of satisfying a market demand over 10,000 missions per year—acheiving near airline-like life certification.

Doubling and tripling the structural margin will require us to move beyond traditional rocket engine cycles to a combined air-breathing rocket cycle. These new propulsion systems could allow space vehicles to takeoff horizontally like an airplane. These air-breathing vehicles will provide greater opportunities to return to earth from orbit—a key requirement for routine commercial package delivery and military priorities. The technologies required for these systems will truly marry the best of the aeronautics and space communities.

The large increase in flights per year will demand that current operations

and maintenance procedures be revolutionized. Unlike the current shuttle, which requires over 5 months to process with several thousand personnel, the next generation of systems will be turned around in one week with less than one hundred personnel. In contrast to the rigorous tear-downs and inspections required for the Space Shuttle's subsystems, the next generation vehicle's on-board health monitoring systems will tell the ground crews which systems need replacement before landing. Due to modern computer and display technologies, the number of personnel required on launch day will be reduced from 170 to about 10. An automated mission planning system will enable changes in payload and weather to be factored in less than twenty-four hours. The payload will be processed off-line and integrated into the vehicle the day prior to launch. Range safety will be accomplished using the Global Positioning System, reducing the number of personnel to a handful. Upon landing, the vehicle will, various ways, automatically restore itself, requiring minimal human intervention.

In twenty-five years, vehicles will be re-flown within one day and in forty years, within several hours with crews numbering less than ten. Fully automated ground processing systems will require only a handful of personnel to launch the vehicle. Due to the increased intelligence of on-board systems, only cursory walk-around inspections will be required between flights. Payloads will be fully containerized and loaded hours before flight. Range safety will be replaced by Aerospace Traffic Control Centers scattered around the globe, passively monitoring the multiple flights using commercial broadcast towers.

Today we've imagined our boundless future of space exploration on safe, affordable space transportation.

But, stop to think what our future will be if we don't develop the fundamental technological building blocks. To realize these ambitious goals, we must provide consistent funding for our technology programs over the next several decades.

What will inspire the next generation of Americans? We must not kill the spirit of the Lewis and Clark's among us. Our next great adventure is the exploration and development of space! If we continue to cut corners on our financial commitment without conquering this tremendous challenge of making space travel safe and affordable for ordinary people, we will stunt the pioneer spirit that brands us all as Americans.

NASA has accepted the responsibility for pushing technology because this is vitally important for our nation. The nation must focus resources on accelerated technology development if we are to remain the worldwide technology leader. We will drive the technology breakthroughs necessary to sustain and enhance U.S. military capabilities. Our Nation's defense in very dynamic times must rely on cutting-edge space launch technologies to protect our borders.

But low-cost space transportation is not just about surviving. It is about thriving economically. Our wildest dreams of doing business on the space frontier surely don't even begin to skim the surface of the incredible economic opportunities waiting beyond the horizon.

Today, the X–33 and X–34 programs are making significant strides, taking us towards these goals and will provide us with new benchmarks in how to develop and operate modern reusable launch systems. Today, I want to salute NASA's goals and dreams. They are the same ones that took Apollo 11 to the Moon 30 years ago. They should be ours as well; to develop and demonstrate in flight the required technologies to win the promise of flights to low earth orbit for $100 per pound, with a 10,000 times increase over today's safety levels.

Mr. President, I also want to endorse NASA's approach of ''build a little, test a little, fly a little'' by performing rigorous ground testing. I believe it is imperative to move forward with our X–34 sized flight demonstrations within the next 5 years.

We are at a defining moment in the development of space. The key is making space transportation affordable for ordinary people. Through innovative technology development, NASA will lead our nation as we unlock the door to the final frontier. I call on all my colleagues, and indeed the citizens of our great land, to give them our support. Let us return to a time when we made our dreams a reality—let us return to being a nation of explorers.

Mr. GRAHAM. Mr. President, thirty years ago today human beings first set foot the surface of the Moon. The Apollo 11 landing was an unprecedented accomplishment, one that marked the culmination of a national commitment to space exploration initiated by President Kennedy.

As many of my colleagues will remember, our country's space program was a child of the Cold War. In many ways, our rivalry with the Soviet Union in space was the primary impetus for the Apollo Program. The Soviets launched the first artificial satellite. They put the first man in space. They achieved the first space walk. Thirty years ago, we were intent on responding to those milestones by putting the first man on the Moon. As then Senate Majority Leader Lyndon Johnson said, ''I, for one, don't intend to go to sleep by the light of a Communist moon.''

Today there is no Cold War, no unifying theme around which to rally our space program. Yet our exploration of space remains as important today as it was three decades ago. History tells us that those nations which developed the frontier prospered. Space is the latest frontier.

Mr. President, if I am not mistaken, the Chinese character for ''crisis'' is the same as that for ''opportunity.'' As our nation recalls the triumph of Apollo, we face both crisis and opportunity in our space program.

On May 25th, the Cox Commission reported multiple instances of sensitive American nuclear and missile technology falling into the hands of the People's Republic of China. It identified the lack of a sufficient United States commercial space launch capacity—a problem that has sent launch business to nations like China—as one of the reasons for this transfer of information.

The numbers tell an alarming story. Though nearly 70% of the world's commercial satellites are assembled in the United States, less than 45 percent are launched from our shores. Because more than 60 U.S. satellites have been approved for export to launch from Russia, the Ukraine, and China since 1995, U.S. rocket manufacturers and their vast supplier network have lost approximately $2.4 billion in direct revenues—a figure that doesn't include American satellite launches by the powerful European Arainespace Consortium.

Why are we losing out to other nations? One reason is cost. As scientist and author Gregg Easterbrook pointed out in the June 2, 1998 edition of the New York Times, companies that launch satellites aboard American space vehicles can expect to pay between $10,000 and $12,000 per pound. Nations like China—where government partially subsidizes the cost of satellite launches—can offer the same services for half the cost.

A second reason for our nation's declining share of commercial space launches is the relatively small number of available launch vehicles in the United States. From 1977 to 1986, the space shuttle was the only spacecraft authorized to carry satellites into orbit. That nearly ten-year hiatus in American rocket development gave a huge advantage to nations that used that time to build and improve the Russian Proton, European Ariane, and Chinese Long March rockets.

Last fall, I joined Senator CONNIE MACK (R–FL), U.S. Representative DAVE WELDON (R–FL), members of the House Science and Senate Commerce Committees, and a broad, bipartisan coalition in tackling these problems through the enactment of the Commercial Space Act. That legislation took steps to create a stable business environment for the U.S. commercial space industry, while simultaneously making the government's use of space technology more efficient and saving taxpayers millions of dollars. Even better, it did not add new federal regulations or raise taxes by so much as a penny. President Clinton signed it into law on October 28, 1998.

The Commercial Space Act will help to address the cost and capacity problems that have plagued our nation's

commercial space industry. For example, it breaks the federal government's monopoly on space travel and encourages launch options that might lower costs. Until the passage of this legislation, the space shuttle was the only American craft authorized to both leave and re-enter our planet's atmosphere. Commercial companies that have an interest in providing repeat services to their customers might benefit from the same principle of reusability that powers Columbia, Discovery, Atlantis, and Endeavor.

In addition, our legislation helps to mitigate the United States' dearth of launch vehicles by allowing the conversion of excess ballistic missiles into space transportation carriers. International arms control agreements have rendered these missiles useless for national defense, and the hundreds in storage eat up close to $10 million a year. Replacing their nuclear warheads with scientific and educational payloads will give the United States a practical, low-cost method for putting satellites into orbit.

But more and less expensive rockets will do little to erase other nations' competitive advantage if the United States does not have the infrastructure needed to launch them. That's why a similar bipartisan coalition recently introduced the Spaceport Investment Act. This legislation would make the financing of spaceport construction and renovation 100% tax-free—an innovation that could spur private investment in the important task of building and modernizing our nation's space launch facilities.

While airports, high speed rail, seaports, mass transit, and other transportation projects can raise money through tax-exempt bonds, spaceports do not currently enjoy such favorable tax treatment. This amounts to a glaring omission in federal policy. Airlines, cruise, and shipping lines could not exist without airports and seaports. In the same fashion, state-administered spaceports provide vital incentives for space-related economic growth by supplementing the launch infrastructure already provided by the federal government.

My home state offers tangible proof of spaceports' value to the commercial space industry. Since its creation in 1989, Spaceport Florida has facilitated more than $100 million in space-related construction and investment projects. This includes the modification and conversion of Launch Complex 46 from a military to a commercial space facility.

Virginia, Alaska, and California also host spaceports, and ten other states—Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oklahoma, Texas, and Utah—are considering their establishment. We must take advantage of this opportunity to make the public and private sectors partners in the effort to build badly needed launch sites around the nation.

The Commercial Space Act and Spaceport Investment Act will boost the effort to recapture space business in the United States. But these legislative initiatives must be part of a larger solution. In the coming months, I will be exploring the idea of a National Space Summit that brings together lawmakers, federal and state space administrators, business leaders, and academic representatives with the goal of launching a united effort to revitalize our commercial space industry and reverse our rapidly declining share of space launches.

Mr. President, while we recognize the historical significance of today's date, we must not let the accomplishments of the past dilute our focus on the future. My proposal is an innovative and efficient method for encouraging private and public cooperation in the important goal of revitalizing our national reach for the stars.

I urge my colleagues in the Senate to join us in this important effort to repave our pathways to outer space. This would be a fitting tribute to the brave pioneers who landed on the Moon thirty years ago today. Those early explorers sacrificed much for our nation's commitment to space exploration. Just yesterday, one of these pioneers, Apollo 12 Commander Pete Conrad, was buried in Arlington National Cemetary. Let us produce a lasting memorial to these astronaut heroes by rededicating ourselves to their cause.

Mr. BURNS. Mr. President, today I rise to join my colleagues in a tribute to the 30th anniversary of the Apollo 11 mission. Thirty years ago today, our nation was launched into the lead of a global space race. Not only was this an important step for our nation, it was an important step for America in the Cold War—a war waged in technological and economic terms rather than on the front lines of the battlefield. A war in which America later claimed victory during President Reagan's administration.

The Apollo 11 mission played a role in that victory. The famous words, ''one small step for man, one giant leap for mankind'' was more than appropriate. It was one of the highlights of NASA and during the pinnacle of the agency's existence. On the morning of July 16, 1969, the mission's Saturn V rocket was launched from the Kennedy Space Center, landing on the moon four days later. On board with Neil Armstrong and Buzz Aldrin was Michael Collins, who piloted the command module while his comrades used a landing craft, the *Eagle*, to make that historic visit to the lunar surface.

The mission was a unifying event in an era when America was wracked by social protest and divided over the Vietnam War. People across the country, and around the world, sat glued to television sets as the Apollo crew did what was once thought impossible. The important achievement of Apollo demonstrated that humanity is not forever chained to this planet.

Mr. President, I regret that the push for manned space flight has faded in the years since Apollo. I find it ironic, that 30 years after first going to the moon that children today are learning about space travel in history class, rather than science class.

May 13, 2004, will mark the launch of the Corps of Discovery bicentennial. It was during this adventure that Meriwether Lewis and William Clark, along with a small band of men, set out on a voyage of exploration that was to earn them a place in America's history. Tasked with exploring a new and largely unknown world, Lewis and Clark opened the West and provided storytellers with a compelling, historic drama.

Today, NASA's role in space exploration parallels the role of the Corps of Discovery. No other federal agency is faced with such intriguing and limitless boundaries. No other federal agency captivates the attention of school children around the nation.

But NASA's obstacle is not a technology barrier—rather it is a barrier of financial abilities. Space activities require decades of planning. Short-term constraints of a political agenda do not address this necessity. It is not where we want to be next year, rather where we want to be 20 years from now. That is a blindness many politicians are hampered with.

For the sixth year in a row, NASA's budget has declined while its productivity improves. We know what NASA is able to do. In the 1960s, the Saturn/Apollo program put a man on the moon. Only recently has the commercial sector approached NASA's heavy-lift capacities.

Our nation's history is one of triumph and tragedy. We have rejoiced in NASA's success and mourned in its grief but the Apollo 11 mission was one of the greatest moments in our nation's history.

I thank the Chair.

Mr. FRIST. Mr. President, thirty years ago Neil Armstrong took his historic first steps on the surface of the moon, fulfilling the dreams of his fellow astronauts, his country, and the entire human race. His ''small step'' has inspired the following generations in a quest to explore the frontiers of space. Space travel has encouraged ingenuity that permeates American society. National Aeronautic and Space Administration (NASA) accomplishments have led to technological advancements utilized in everyday life, as well as increased math and science interest among school children, and the development of a multi-billion dollar commercial space industry. While there are many benefits of space exploration, the United States still faces the challenge of developing a cost effective strategy to manage existing space programs. We should build on the legacy of Apollo II by forging ahead with both basic R&D and advanced future technologies in a cost effective and well-managed collaborative effort with private industry.

The accomplishment three decades ago of the seemingly impossible task of sending a man to the moon led to a newly found confidence in the power of science. President Kennedy challenged America in 1961 to send a man to the moon, when many people believed it to be impossible. Within a decade, America had risen to the challenge by demonstrating their technological superiority over the rest of the world with Apollo 11. Such a powerful display of technology is a catalyst of a cycle resulting in an increased standard of living for many Americans. The cycle begins as many young people are motivated to pursue science as an academic discipline. New scientific interest results in an increase in basic research funding at universities and corporations. The cycle is completed when advancements ranging from more comfortable mattresses to better radiation treatment for cancer patients begin to make their way into everyday life. Other emerging applications include agricultural remote sensing techniques, distance learning, and telemedicine. The increased productivity attributable to these applications will serve as a stimulus to the national economy.

Commercial space launch is an entire industry that has stemmed from the application of technology in space. The broadcast, telecommunications, and weather industries all increasingly rely on satellites to provide the most effective services. The U.S. commercial launch industry had revenues totaling $2.4 billion dollars in 1997. This industry is projected to grow exponentially over the coming years. The Commerce Department estimates that over 1,700 satellites are expected to be launched over the next ten years—70% of which will come from the commercial industry. It is clear that if the United States is to remain the world's leader in this domain, we must begin now to modernize the Nation's space launch capacity. That means reviewing the state of our outdated launch vehicle technology, our costly infrastructure, and the financial insurance needs that are key to the growth of this industry.

The immediate future of NASA lies in the International Space Station, an international cooperative effort to build a research facility in space. The International Space Station will provide a unique environment for research with the absence of gravity, allowing new insights into human health and disease treatments. However, this innovative research facility bears a price tax of approximately $100 billion dollars to the American taxpayers. Although this program is a long-term investment which will bring discoveries unimaginable to today's scientists, it is our duty to protect the American taxpayers from unsatisfactory performance of the participating foreign partners, prime contractor, and program management. Congress must insist on further accountability from NASA in order to most effectively support this program. We should not allow delays in foreign components of the International Space Station to increase the burden on American citizens.

On this day in 1969, Neil Armstrong knew that he was making an important first step. We have the responsibility of taking the next step by determining the future path for NASA and the space industry. Our efforts to reach the moon required a creative approach to a difficult challenge. In the spirit of the Apollo program, I call on NASA and policy makers to take a creative approach to ensuring fiscal responsibility while fostering the innovation that benefits every American.

Mr. BROWNBACK. Mr. President, I rise in support of the resolution submitted by Senator SHELBY commemorating the 30th anniversary of the first lunar landing, an event that will be remembered as one of the most important events of our country and century. Americans remember the landing on the lunar surface not only with a sense of historical significance, but also with one of honor and pride in the accomplishment of the crew of Apollo 11 and the men and women of NASA who made it possible.

This mission was conducted during a tumultuous time in our country's history. Sending a man to the moon forced us to marshal our country's vast talent and technological resources and to drive our creative energies to the breaking point. Apollo proved that necessity is the mother of invention. The Apollo mission required us to make quantum leaps in propulsion systems, airframe materials, electronics, and other scientific areas in an impossible amount of time.

I congratulate Neil Armstrong, Buzz Aldrin, the late Michael Collins, and NASA for their courage to lead our country to the new world of space. While our accomplishments in space have continued, space still offers us a vast and unexplored frontier. America has been, and should remain a world leader in space research, technology, and exploration. It is on this 30th anniversary of the first lunar landing that America should renew its support for our space program and challenge ourselves once again as we begin a new century.

Mr. WARNER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 46) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 46

Whereas the Apollo-11 mission successfully landed a manned spacecraft on the Moon on July 20, 1969, marking the first time in history that humans have walked on the surface of the Moon or any other planet;

Whereas the 6 Apollo missions successfully departed Earth aboard a Saturn V Rocket, the largest and most powerful American rocket ever produced, en route to the Moon;

Whereas 12 Americans successfully landed on the surface of the Moon where they performed various experiments and collected samples for study, and planted the flag of the United States of America in the lunar soil achieving a milestone in American and human history;

Whereas the contributions of other Americans who made up the thousands of contractors and Government employees who worked on the Apollo program are recognized; and

Whereas the events of the Apollo missions are examples of the great achievements of the American space program reflecting the explorer's spirit of the American people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the 30th anniversary of the first lunar landing should be a day of celebration and reflection on the Apollo-11 mission to the Moon and the accomplishments of the Apollo program throughout the 1960's and 1970's.

ORDERS FOR WEDNESDAY, JULY 21, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, July 21. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, 30 minutes; Senator HATCH, or his designee, 30 minutes.

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

Mr. WARNER. Mr. President, I further ask unanimous consent that following morning business the Senate resume consideration of the intelligence authorization bill, and Senator BINGAMAN be recognized at that time in order to offer an amendment.

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

PROGRAM

Mr. WARNER. For the information of all Senators, the Senate will convene at 9:30 a.m. and be in a period of morning business for 1 hour. Following morning business, the Senate will resume the debate on the intelligence authorization bill. Senator BINGAMAN will be recognized to offer a second-degree amendment regarding field reporting to the Kyl amendment regarding Department of Energy reforms. Other amendments are expected to be offered and debated throughout tomorrow's session of the Senate. Therefore, Senators can expect votes throughout the day and into the evening.

The majority leader would like to inform all Members that the Senate will

remain in session on Wednesday until action is completed on the pending intelligence authorization bill. Upon completion of the intelligence authorization bill, it is the intention of the majority leader to proceed to any appropriations bill on the calendar.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Wednesday, July 21, 1999, at 9:30 a.m.