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Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

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

Gracious God, all through our history as a nation, You have helped us battle the enemies of freedom and democracy. Many of the pages of our history are red with the blood of those who paid the supreme sacrifice in just wars. Lord God of Hosts, be with us yet. Lest we forget, today has been designated as the Day of Honor 2000, to give special recognition to the living minority veterans of World War II throughout our Nation. May we never forget the patriotism of these brave men and women who fought to liberate humankind from the evil grip of Axis tyranny. Enable us to express our debt of gratitude to these gallant Americans by pressing on in the ongoing battle against racial division in our society. Cleanse all prejudice from our hearts and give us courage to work for equality in education, housing, job opportunities, advancement, and social status for all Americans. Help us to honor these minority veterans today as we press on to banish vociferous expressions of hostility and hatred in our society. Shed Your grace on us, crown Your good with brotherhood from sea to shining sea. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2000.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. L. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now begin a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time until 10 a.m. shall be under the control of the Senator from Delaware, Mr. BIDEN, or his designee.

The Senator from Delaware.

NATIONAL MISSILE DEFENSE

Mr. BIDEN. Mr. President, I rise this morning to speak about an issue that is going to consume, over the next couple years, a fair amount of this body's time. If there were a contest to name a foreign policy issue that just won't go away, national missile defense would surely be a top contender.

The United States has been researching, developing, and sometimes deploying ballistic missile defense systems for almost 40 years now. Throughout this period, the issues of whether to deploy such a system and what system to deploy have prompted intense and often partisan debate. That debate continues today.

Two events this week argue strongly, however, for a pause in the partisan wrangling that so often accompanies this debate. The first event was Gov. George W. Bush's call on Tuesday for the President of the United States ''not to make a hasty decision, on a political timetable'' regarding amendments to the Anti-Ballistic Missile Treaty and deployment of a national missile defense.

Anyone on this floor knows that we voted in the last year, assuming that funds are provided and consistent with a policy of continued strategic arms reductions, to deploy a limited national missile defense system ''as soon as technologically feasible,'' and the majority of the Senate voted for that. There has been a bit of a rush, to use the expression we use on the floor, to take steps by the end of this year to ''pour concrete in Alaska.'' That is a euphemism for saying we have to put certain radars up in Alaska in order to meet the timetable to erect by 2005 a limited national missile defense that will defend against, theoretically at least, weapons that may or are likely to be deployed by the North Koreans.

Ninety-nine percent of the American people don't even know what we are talking about because we have not yet debated it, and it is going to cost $30 billion at the low end, probably a lot more. They have not heard that number before. What has happened is that we have been in a headlong rush to be in a position to be able to deploy that system in time to meet the looming threat from North Korea.

Now Governor Bush comes along, the putative candidate for President of the

United States in the Republican Party, and says: Don't make a hasty decision, Mr. President, on a political timetable.

Well, really, we are on a political timetable. What is moving this national missile defense proposal forward as rapidly as it has are the likely events in North Korea over the next 5 to 7 years and a political timetable on the part of some of my Republican friends. Fortunately, Governor Bush has stepped in and said: Let's slow all this down; let's think about this. I think we should listen to him.

A second event is Secretary of State Albright's journey to Florence, Italy, where she is making the case for national missile defense to our increasingly nervous allies, who oppose this notion of a limited national missile defense.

What shall we make of Governor Bush's stance on national missile defense? He proposes a missile defense to defend not only the United States but also our allies. That is a different proposal from that which we have been legislating on for the past 2 years. He also proposes not only to defend against missiles from so-called rogue states, such as North Korea, Iran, and Iraq—which has been the rationale offered as to why we have to move so rapidly toward a national missile defense—but also to protect against accidental launches from anywhere in the world.

If we are to defend our allies as well as ourselves, then we are going to have to build a much larger missile defense system than the one being proposed by the Pentagon and the one we have been debating in the Congress for the past year and a half. If we are to defend against accidental launches from any country rather than only attacks from a specific state, then we cannot rely upon the sort of land-based or sea-based boost-phase system that I and others have been supporting as a means of reconciling defense with deterrence, which is different from the system proposed by the Pentagon.

Governor Bush stated properly that ''deterrence remains the first line of defense against nuclear attack.'' I assume that means he believes the ABM Treaty is essential, as it is a vital building block in that first line of defense against nuclear attack.

Governor Bush promised, properly, that if he were elected President, he would consult with our allies as he developed specific missile defense plans. I, too, have been suggesting, to my Senate colleagues and in high-level meetings, that we had better darn well understand what our allies think about this.

My good friend, Senator KYL, who is one of the brighter fellows here and who strongly supports national missile defense, said we should not let what our allies have to say affect what we do. I don't think it is that simple. Governor Bush now comes along and says he wants to make sure we consult with our allies. That is what he would do first after becoming President. This is clearly something we would want to have already done that before we decided to deploy any such system.

The push to deploy a system, without working out something with our allies, has not come to fruition yet. But Governor Bush points out another flaw in the argument for proceeding rapidly. He also acknowledges the need to convince Russia that the United States' missile defenses would not be aimed at Russia.

Governor Bush indicated a willingness to lower U.S. force levels—although he confuses me. He says ''lower U.S. force levels below the START II levels.'' We have already basically agreed to that in the START III framework that was set in 1997. Is he talking about lowering U.S. nuclear force levels below the 2,000-to-2,500 figure proposed at Helsinki? Or is the suggestion that we lower them only to that level? He was a little unclear in how he stated that, and he leaves me a little unclear—indeed, totally unclear—as to what he means.

Governor Bush also suggests that there is a need to move nuclear forces off the hair-trigger alert they are on. I agree. I think he is absolutely right about that. Indeed, Governor Bush stated that ''the United States should be willing to lead by example'' in this area.

At the same time, however, Governor Bush spoke approvingly of ''laser technology'' and of ''a space-based system.'' Now, this will surely strike others as it did me—as an allusion to Reagan's support for the ''Star Wars'' system of the 1980s, a notion that has been pretty soundly rejected up until now. It will raise legitimate fears, it seems to me, that a missile defense system deployed by the United States, whatever its size at first, would be enlarged to threaten the deterrent capacity of China, and eventually that of Russia.

Would Governor Bush withdraw from the ABM Treaty in order to ''fully explore these options?'' To fully explore the options of laser systems, of space-based systems—does that mean he is going to withdraw from the treaty he seems to imply is the building block upon which our deterrence rests? Or would he defer any decision on deployment until we were certain that the proposed system would successfully meet all of his criteria? His decision in that regard could determine whether his proposal prompted allied support or made them conclude that the United States was choosing missile defense foolishly or recklessly.

Admittedly, this was just a press conference, and Governor Bush has not had a chance to flesh this out. But the bottom line is that he is saying: Whoa, slow up, there are a lot of things we haven't answered. We should not keep this on a political timetable.

I wonder whether Governor Bush thought through all the implications of his missile defense proposals. How would he assure Russia that the United States would not seek to substitute defense for deterrence—an assurance he says is necessary? How would he avoid an arms race between Chinese missiles and American defenses? Or between China and India? Or then between India and Pakistan?

My own view is that the risk of a nuclear arms race in Asia would be the most dangerous consequence of deploying a national missile defense that was not limited to defending against the missiles of specific target states. I fear that such an arms race would be terribly costly and would destabilize China's relations with its neighbors, and that the resulting instability would lead to Japan, Taiwan, or South Korea building nuclear weapons. They have the capacity to do that, and I truly believe they might, if an Asian arms race were to occur as a result of our missile defense deployment.

Last week, the Los Angeles Times reported that a U.S. intelligence official warned ''that construction of a national missile defense could trigger a wave of destabilizing events around the world and possibly endanger relations with European allies.''

Possible consequences reportedly include China fielding hundreds more missiles, putting MIRVed warheads on its missiles—which it does not have now—and adding countermeasures. We all know that they are measures added to a ballistic missile in order to fool any defensive system. The missile puts out a lot of little things—anything from balloons to what most people would think would be just like little pieces of metal. It is a lot more complicated than that, but the effect is to fool the defensive system as to which object has the nuclear warhead. That is what we mean by countermeasures. They are not hard to field. They haven't yet been fielded by China to any significant degree, to the best of our knowledge. But a U.S. intelligence official foresees China adding countermeasures to frustrate U.S. defenses and, in the words of that intelligence official, ''selling countermeasures for sure'' to countries such as North Korea, Iran and Iraq.

This is precisely the sort of concern I have been raising for the last several months. I went to a defense conference in Germany with many of the people in the Senate, in the House, and in the Defense Department, as well as the defense establishments from all our allied nations—even some who are not members of NATO. I raised that very question there.

No one had an answer, I might add, when I raised the question among all the defense experts. Everybody is prepared to give an estimate of what the North Koreans are likely to do in terms of building not only nuclear capability, but also the capability to have a missile with a third stage that could reach the continental United States, that could not only carry a nuclear warhead, but also be used in chemical or biological warfare.

I asked: Can anybody give an estimate to the President as to what the Chinese would likely do if we deployed a national missile defense system? They now have fewer than two dozen intercontinental ballistic missiles. That seems to be a pretty good thing to me. I would not like to see China go to 200, or 400, or 800, or 1,000, which is fully within their capacity. I would not like them to do what the L.A. Times reports that a U.S. intelligence official raises as a possibility. I would not like to see them MIRV their warheads. I would not like to see them have more sophisticated nuclear weapons. I kind of like it where they are.

Now, I also raised the question, Has anybody calculated or laid out for the President of the United States what the likely scenario is if China were to significantly increase their arsenal? What would happen in India? What would happen in Pakistan? Has anybody raised this possibility of that being of concern to the Japanese? Well, the truth is, no one had an answer.

I even went to a high-level meeting in the Defense Department a couple of months ago, with the Secretary of Defense, other high officials, and those in charge of developing this system. I raised the same question again before the Foreign Relations Committee, on which the occupant of the Chair sits. I asked specifically—and he may have been there—the Director of the CIA if they had done such a study. Apparently, one is underway. Apparently, people are beginning to focus on the other side of this equation.

The fundamental rationale for our strategic doctrine is to guard Americans from harm, as best we can, to guarantee the security of those young Senate pages sitting up there and their children and grandchildren. Are we better off with a missile defense system as contemplated and an arms race in Asia, if that were to occur?

Or are we better off with the risk that might come from North Korea, if they developed a third stage that could reach the United States and we relied instead upon deterrence? I have not made that final judgment in my own mind. But I know one thing. We don't have enough information now to make a final judgment.

All this leads me to conclude that the risks inherent in doing without a national missile defense at this moment might be less than the risk we would accept in building either the Pentagon's proposed missile defense or the sort of defenses that Gov. George Bush has proposed.

Brent Scowcroft, former National Security Adviser in the Ford and Bush administrations, is also allegedly concerned. The Los Angeles Times reported that he called the scenario of an Asian nuclear arms race ''plausible'' and warned: ''We ought to think whether we want the Chinese to change their very minimalist strategy.''

I know I don't want China to change their minimalist strategy. I believe anybody who thinks we can affect that outcome would not want China to change its minimalist strategy. I say this—speaking for myself, and clearly not for Brent Scowcroft—not merely because of the added threat that it would pose to the United States of America, but also because of what that would most assuredly cause to happen in India, and what that almost assuredly would cause to happen in Pakistan, and elsewhere.

Can anyone in this Chamber suggest to me that if China were to change in a robust fashion their nuclear strategy, that officials are going to sit in Tokyo, and say: You know, let's not worry about this; this is not a problem; we have the American nuclear umbrella? As much as I love our Japanese friends and allies, the last thing I want to see come out of this debate that we are going to have in the next weeks and months, and hopefully next year or so, is a nuclear Japan.

I hope General Scowcroft, who is a senior adviser to Governor Bush, will encourage his very important pupil to think carefully about this.

Just as I have concerns regarding Gov. Bush's position on national missile defense, so do I have concerns regarding the Pentagon's proposed system and the hurried pace at which a deployment decision is being forced upon the President.

Some of my concerns are those of a supporter of arms control, but others relate to the apparent shortcomings of the system the Pentagon proposes.

Renowned scientists and former defense officials have said that a land-based missile defense aimed at incoming warheads cannot do the job.

The current National Intelligence Estimate on the foreign missile threat to the United States warns:

> We assess that countries developing ballistic missiles would also develop various responses to US theater and national defenses. Russia and China each have developed numerous countermeasures and probably are willing to sell the requisite technologies.
>
> Many countries, such as North Korea, Iran, and Iraq probably would rely initially on readily available technology—including separating RVs, spin-stabilized RVs, RV reorientation, radar absorbing material . . ., booster fragmentation, low-power jammers, chaff, and simple (balloon) decoys—to develop penetration aids and countermeasures. These countries could develop countermeasures based on these technologies by the time they flight test their missiles.

Decades ago, when missile defense research began during the Cold War, the goal was not a perfect defense.

Rather, the idea was that by limiting our casualties—both in human lives and in retaliatory forces—a missile defense would buttress our ability to fight and win a nuclear war.

Missile defense supporters saw such an imperfect national missile defense as a contributor to deterrence, even though the Nixon administration eventually concluded that it was better to bar such defenses than to engage in an arms race involving both offensive and defensive weapons.

Modern proposals for a limited national missile defense are very different, however. They are aimed at deterring countries that would have no hope of defeating the United States in a nuclear war, but would seek to deter or to punish us by building a capability to destroy one or more American cities.

To defend against those threats, one's defense must be perfect. Merely limiting the destruction will not suffice.

I wonder whether the operational effectiveness of the Pentagon's proposed missile defense will really be sufficient.

If a system can kill each warhead 95 percent of the time, then the odds are 1 in 3 that an 8-warhead attack will get at least one warhead through and destroy a U.S. city. If the system can kill each warhead 98 percent of the time, there will still be a 1-in-3 chance that an attack with 21 warheads will get at least one bomb through.

In the days when the Presiding Officer and I were younger men, there used to be a bumper sticker that people would put on their car: ''One nuclear bomb can ruin your day''—one warhead getting through. If the objective is to deter against any of these rogue states, a missile defense must be perfect.

Missile defense supporters cite the need to avoid being blackmailed by North Korea or Iraq. But I find it hard to see how a national missile defense will give us freedom of action in Korea or the Middle East, if there is still one chance in 3, or even one chance in 5, that a modest attack will wipe out a whole American city.

In light of that reality, it is equally hard to understand the Pentagon's commitment to the proposed system, except as the product of bureaucratic inertia and political pressure to deploy the first system it could find.

When the Foreign Relations Committee held hearings on missile defense last year, I asked all our witnesses—both supporters and opponents of national missile defense—whether they would support a system limited to that which the Pentagon proposes. Not one of them, proponent or opponent, was prepared to do so.

Two commissions chaired by Gen. Larry Welch, former Chief of Staff of the Air Force, have criticized the testing program for the Pentagon's national missile defense system. The term ''rush to failure'' has become part of our everyday vocabulary. We should be equally attentive to Gen. Welch's warning that we are unprepared to determine the ''deployment readiness'' of national missile defense, despite the name of the Defense Department's forthcoming review.

The Pentagon's director of operational test and evaluation has voiced similar concerns regarding the limits of our national missile defense testing program.

His concerns were seconded last month by the American Physical Society, which warned:

A decision on whether or not to deploy the NMD is scheduled for the next few months. The tests that have been conducted or are planned for the period fall far short of those required to provide confidence in the ''technical feasibility'' called for in last year's NMD deployment legislation.

The American Physical Society is the premier professional group for physicists in this country. They take no stand on national missile defense itself. They deserve our bi-partisan attention.

In recent weeks, former senior officials have counseled delay. Listen to President Reagan's former National Security Advisor, Robert McFarlane: ''Still more work is needed before a decision on deployment is made.''

Listen to President Carter's former National Security Advisor, Zbigniew Brzezinski:

The bottom line is that at this stage there is no urgent strategic need for a largely domestically driven decision regarding the deployment of the national missile defense.

The issue should be left to the next president—to be resolved after consensus is reached with our allies both in Europe and in the Far East, after more credible evidence becomes available regarding the technical feasibility and probable costs of the national missile defense, and after compelling intelligence estimates are aired regarding the origin, scale and timing of likely new threats to the United States and its allies.

In a forthcoming article, former Secretary of Defense Harold Brown writes: ''deployment of the present NMD system should be deferred.'' He is joined in that recommendation by two former Deputy Secretaries of Defense, John Deutch and John White.

Former Secretary of State Henry Kissinger says: ''In the light of recent ambiguous test results and imminent electoral preoccupations, it would be desirable to delay a final technical judgment until a new administration is in place.''

As we all know, the motivations behind these bi-partisan recommendations are often very divergent.

Many Republicans fear that President Clinton will purposely strike a deal with Russia to limit U.S. missile defenses to an ineffective system, hoping that such a deal will make it politically untenable for a Republican president, were one to be elected, to go beyond it.

I do not share those fears. The Administration has made clear to Russians and Republicans alike that its proposed ABM Treaty protocol would be only a first step.

My fear is rather that the President will be sandwiched: between Russia, which doubts both our intent to deploy a missile defense system and our willingness to limit it; and Republicans, who have tried to make this a partisan campaign issue and have even urged Russian officials not to negotiate with the President of the United States of America.

My fear is that the President—in order to show Russia that he is serious, and under pressure from Republicans accusing the Administration of being ''soft'' on the issue—will order the Defense Department to proceed with the deployment of a system that all of us know is the wrong one to build.

The time has come to set our fears aside. The fact is that, whatever our views on the wisdom of putting our trust in a national missile defense, many of us oppose the system proposed by the Pentagon.

Whatever our views on the larger issues, many of us would be content if the President were to defer both a deployment decision and the choice of a missile defense architecture, and let his successor grapple with those issues.

It is also a fact, however, that the President has been under political pressure to proceed with deployment, despite the technical and strategic concerns that many of us share.

If missile defense supporters maintain that pressure, they increase the risk that a poor system will be deployed, rather than one that meets our country's needs by any rational measure.

I therefore call on the two major presidential campaigns—that of Gov. Bush and that of Vice President GORE—to agree not to seek partisan advantage if the President defers a missile defense deployment decision.

I call on all of us in the Congress to give the President the freedom of action to make his decision without political sniping.

I also call on both campaigns to agree that negotiations for a path-breaking START III agreement should continue. Gov. Bush stated that he would:

. . . ask the Secretary of Defense to conduct an assessment of our nuclear force posture and determine how best to meet our security needs . . . [and] pursue the lowest possible number consistent with our national security.

He added that ''the United States should remove as many weapons as possible from high alert, high-trigger status, another unnecessary vestige of Cold War confrontation.''

There is no reason to defer these two ideas until next year.

The Joint Chiefs of Staff has said that it cannot go below the Helsinki target of 2,000 to 2,500 warheads for a START III agreement unless the President changes the nuclear targeting guidance.

Gov. Bush has implied that he would seek the Pentagon's advice on alternatives to that guidance, however, and President Clinton should do the same.

In summary, the longest-lasting foreign policy debate is not likely to be settled any time soon. There is widespread agreement, however, that we should not let this debate lead us into unwise decisions.

With goodwill on both sides, we have an opportunity to suspend the partisan wrangling and let our current and future leaders make their decisions in a rational way. Let us all work together to achieve that shared objective.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Wyoming.

CONGRESSIONAL ACCOMPLISHMENTS

Mr. THOMAS. Mr. President, I wanted to talk a little bit about the things we have accomplished in this last session of the Congress, the first year, which is over. We are into the second year of this 106th Congress.

We are having a little problem moving along, of course, and we are trying to find a way to avoid holding up progress after the filing of unrelated amendments that have turned out to be filibusters. I hope we can get around that and move forward with the 13 appropriations bills we have.

We ought to recognize this has been a productive session. We have done a great deal. But there are a number of things I think are of particular importance to the American people. One, obviously, is to do something with the Social Security retirement system. We have done a great deal with that over the last year. Although there still needs to be some systematic changes made to the program, we can ensure that the program will be there over time.

We have made a very significant movement by providing that the 12½ percent of our earnings paid into Social Security by everyone who works in this country is, in fact, used for Social Security. Historically, over a very long time, those dollars have been used for many non-Social Security programs. Because of this Republican Congress, because of the lockbox idea, we have put that money aside. It is not being spent for other items. That is very significant.

I hope we can proceed and look at alternatives to ensure that the young people who are now just beginning to pay into the program will have a program of benefits when the time comes for them to be eligible for the benefits. Frankly, the program has changed in terms of the profile of people. When we began, there were some 20 people working for every one drawing benefits. Now it is less than 3 and will be down to 2.

Obviously, things have to be changed. There are some options: We can raise taxes. I don't know of anyone excited about that. We can reduce benefits. The same is true with that. Or, indeed, we can take a portion of those dollars and make them individual accounts for each person—2 percent out of the 12 percent is what we are talking about—and let that money be invested in their behalf, invested in equities, let it be invested in bonds, let it be invested in a combination of their choice, for their retirement, or as part of their estate if they are not fortunate enough to live.

The issue most talked about is education. Only about 7 percent of the finances of education in this country, elementary and secondary, are provided by the Federal Government. There is a great deal of discussion about how that is allocated and how it is made available. The big debate, and the reason we haven't gone further with elementary and secondary reauthorization, is there is a difference of view.

My friends on the other side of the aisle believe if the Federal Government is providing the money, it ought to also provide the rules as to how it is used. We think that is not the most effective way to use the money.

I come from Wyoming. We have some very small towns in our relatively small State. In Chugwater, WY, where I attended a graduation ceremony this week, with 12 graduates from high school, they have different needs than Pittsburgh, PA.

We need to have the flexibility. We say let's help make education stronger, but let the local people decide how that is done. We have been working on that.

Another area is economic opportunities for all Americans. We have done that in terms of tax relief. Unfortunately, the bill that was passed in this Congress was vetoed by the President, denying relief for hard-working Americans. However, we were successful in passing a Republican bill that eliminated the penalty on earnings in excess of Social Security income. Instead of having to pay taxes on $1 out of $3, we have removed that, to encourage people to continue to work and earn money.

Another is national security. I suspect there is nothing more important. There is no more logical role for the Federal Government than defense. No one else can do that. Over the last several years, this administration has not adequately funded defense. Now we have to do that, particularly since we have a volunteer service. There has to be some attraction to that. There has to be an attraction to get men and women to go into the service and, maybe even more difficult, once they are trained to doing things, to work as pilots or mechanics or whatever, to keep them there. That is very difficult. So we have made some progress in that area.

I think there are a lot of things that have been done. I mentioned Social Security and taking care of the surplus. I think that is a real plus for this Congress, that we have a budget surplus. For the first time in probably 40 years, we have a budget surplus. We are not spending Social Security money. Indeed, this time there will be, hopefully, more money than is necessary to conduct the business of the Federal Government.

Of course, several things can happen with that money. One, we can make sure we start to pay down the debt. I mean pay down the debt with real dollars, not simply putting in Social Security dollars there as well. We stopped the raid on the Social Security fund and began to make some reduction in the debt that we have. The interest on that debt has been almost the second largest item in the Federal budget for a very long time. We can change that. Of course, if that is done, and done properly, we can move on to some tax relief, which I think is something we ought to do.

I mentioned our efforts on elementary and secondary education. We also were able to take the first step in passing the Ed-Flex program which, again, provides more opportunities for local people to use those Federal dollars as they need them. Some schools need capital construction, some need computers, some need more teachers or smaller classrooms, but each school district has a little different need. We want to make sure they have an opportunity to make that decision. We also need to ensure the money is not spent by the bureaucracy in Washington but in fact finds its way to the schools on the local level.

Overall tax relief is still something we need to do. We have done a great deal on that so far and can do substantially more.

I mentioned what we did on Social Security, and we need to go further.

On national defense, the Senator just before me was talking about missile defense. Certainly, we need to continue to explore that. We need to continue to have a strong military. In my view, that is our best chance for peace in the world—to continue to have a strong military.

I had the good fortune a couple of weeks ago to visit the Space Command in Colorado Springs. I am impressed with what they are doing to find a way to have a missile defense program that will allow us a deterrent so we can move forward with other kinds of things. We were successful, and I believe we acted properly, not ratifying the Comprehensive Test Ban Treaty so we could continue to test our weapons and make sure they are as they should be.

We have made some real progress in trade. The African trade bill is out there. It was signed into law in May. We can do something with that. Yesterday, the Permanent Normal Trade Relations for China was passed by the House and will be over here now. I happen to be the chairman of the subcommittee on Asia and the Pacific rim. I do believe certainly we have to verify the things happening in that area of the world, but there is good evidence we can make more progress bringing about change by being involved as opposed to isolating and seeking to stay away from that. So certainly there is a great deal to be gained there.

We have made some progress in high tech. The Y2K bill was an important piece of legislation, and the Satellite Television Improvement Act, particularly for rural States where people do not have access to cable. It has not yet been completed, but we have made some real movement on that. We hope to have that completed so people all across the country can have the same opportunities, both in satellites and TV, and also, of course, in infrastructure for high-tech broadband coverage. We are moving forward on the opportunity to do that. We must move in that direction.

Health care is an area on which we have to move forward. This Senate has passed a Patients' Bill of Rights that would provide for patients in HMOs to have some immediate referral, so if there is a question about the procedures, rather than having to go to court or having someone in an office far away decide what you can do, you have an appeal to a physician as to what that ought to be. Unfortunately, that bill is still in conference, but we think it will be out very soon.

One of the things we have done in this Congress that was particularly important was the Welfare Reform Act—of 1996, actually. This Republican Congress passed that. We have helped people find jobs, helped people move into opportunity instead of dependency. That is something I think has been very useful to all Americans.

We have a ways to go, of course. We constantly have things to do here, as we should. On the other hand, we have also moved forward and made a good deal of progress in this Congress. We have an opportunity to do more. As I mentioned, unfortunately, we have come to kind of a slowdown here, using the techniques, using the process to force issues. What it really does is slow down everything we do.

There is clearly an opportunity for differences of view; that is what this place is for, to talk about differences, to disagree, if you please, as to the role of Government and what ought to be done. But the idea of using irrelevant issues to hold up progress on the things we all know we have to do—and I am particularly talking about the appropriations bills that obviously have to be passed. Frankly, we are anxious to get them done early so we do not run into the same problems we had several years ago where we could not get it done and had to put it all in one package at the end. The President then used that as leverage on the Congress. He threatened and, indeed, did shut down the Government to be able to force things through this Congress that the Congress did not want to do. We should not let ourselves get into that position again, certainly not this year.

Mr. President, I am expecting other Senators to come for this time period. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I want to follow my colleague's remarks with some thoughts of my own concerning the appearance that the Senate is not getting anything done these days, and talk a little bit about the reasons why. Anybody watching the Senate proceedings over the course of the last couple of weeks would probably wonder what we were accomplishing and would have some reason to criticize the Senate for not getting a lot of business done.

What is the reason for that? I think it is very important, and that is why I wanted to come to the Senate floor to talk about it because I am becoming very frustrated at the tactics of many people on the other side of the aisle, the Democratic minority, in attempting to preclude the Senate from doing its business, the people's business.

We have important legislative initiatives that the majority leader has tried to bring before the Senate repeatedly, and repeatedly he has been thwarted by the minority which seems intent on bringing the Senate to an absolute stop, to a standstill, to prevent it from doing any business unless the majority accedes to the minority's request that they be permitted to offer amendments which are nongermane, irrelevant, to the subject matter of the Senate.

When people reflect on the organizations to which they belong and their understanding of things as basic as Robert's Rules of Order, they appreciate that almost any organization has to have certain rules under which to live.

In the House of Representatives, as the Presiding Officer is well aware, both of us having come from the House of Representatives, there are pretty strict sets of rules to apply. There are 435 people in the House, and if they all did what they wanted to do, they would never get anything done. We pretty much have to talk about things that are germane and relevant to the pending business, and if we do not, someone can make an objection that this is out of order, and everybody knows under Robert's Rules, one can say: Mr. Chairman, that's out of order; that's not relevant to the subject we are supposed to be discussing.

In the Senate, the rules are much more liberal. Members generally work together on things and do not enforce the rules as strictly as they are enforced in the House. Nevertheless, the Senate has essentially always had rules respecting germaneness and relevancy, and until very recently, we could make an objection that a proposed amendment, for example, on an appropriations bill was not germane or was irrelevant, and in order to continue to debate that amendment, the proponent would have to get 60 Senators to agree to do that, to overrule the ruling of the Chair that the amendment is not germane or irrelevant.

I know this is all somewhat procedure and it may make some eyes glaze over, but it is an important foundation for my point. We decided if we were going to do the business of the people, we had to ensure we could get on with it and not have a lot of riders on these appropriations bills and, therefore, we would begin enforcing rule XVI, which says if a Senator is going to debate something, it needs to be relevant or germane to these bills. That is the basic issue that has members of the minority upset.

How dare you gag us, they say. Gag them? Nobody is being gagged. We are simply going to enforce the rules that say if you are going to propose an amendment, it needs to be relevant or germane. Everybody in the country understands that—the organizations to which they belong. Why wouldn't the minority want that? Because they want to accomplish two objectives apparently: One is to prevent the majority from accomplishing anything this year so they can call us a do-nothing Congress; in other words, create a self-fulfilling prophecy. By preventing us from doing anything, they will criticize the majority leader for not doing anything.

The other objective apparently is to be able to debate their agenda, things such as gun control and the minimum wage, maybe prescription drugs, and so on, on their timetable. So whatever bill we bring up, they try to attach to it an irrelevant or nongermane amendment relating, for example, to gun control.

We have had lots of gun control debates. I remember 2 weeks last year when the majority leader finally said: OK, we will have the debate; it will be on the juvenile justice bill. We voted on lots of amendments, including some the minority really liked. We had that debate; we had those votes; but that was not enough. It appears we have to talk about these things all of the time because that is what is going to be politically popular in this fall's elections.

That is wrong. To tie up the people's business, to tie up the Senate for political gain is wrong. If any of the members of the minority are engaging in this procedure for that purpose, they clearly ought not to.

We have accomplished a lot this year, notwithstanding these tactics. I note things such as repeal of the Social Security earnings test, something Republicans wanted to do for a long time, and the Presiding Officer and I have been working on for a long time; the budget resolution, which maintains a balanced budget—we got that done; bills such as the African-Caribbean free trade bill; financial services modernization; the FAA reauthorization—a lot of different pieces of legislation that are good, that help maintain a part of our economy or ensure we are going to have a balanced budget, for example.

There are many other pieces of legislation we want to pass. We want to pass the marriage tax penalty relief bill to do away with the marriage penalty in the IRS Code. The minority will not let us bring it for a vote. They say they are for it, but they are not going to let us vote on it.

It is the same thing with the reauthorization of the education bill. This is a bill that needs to be reauthorized because it deals with all of the rules under which the Federal money goes to the States to support primary and secondary education. The minority will not let us vote on it.

Appropriations bills: We have to pass 13 appropriations bills to keep the Government running. People get mighty upset when the Government cannot continue to operate. Who is stopping us from acting on these appropriations bills? The Democrats in the Senate will not let the majority bring these appropriations bills up, except one. We can bring up the legislative branch appropriations bill, the bill that provides the money to run the Congress. They will let us bring that one up but none of the others.

We have a very important agricultural supplemental appropriations bill to help out farmers in this country. Democrats will not let us bring it up. When I say they will not let us bring it up, people say how can they stop you? Under the rules of the Senate, one Member can object to any piece of legislation being brought up for its consideration or being voted on, and in order to override that person's objection, you have to get 60 Members of this body to agree to override that and proceed to a vote or proceed to consideration of a bill. That is called invoking cloture.

There are 55 Republicans and there are 45 Democrats. On these procedural matters, the Democratic Members tend to vote in a block, the net result of which is we can never get 60 votes to proceed with business. Because of the party loyalty and the partisanship that has gotten involved in our legislative agenda, we are not able to move matters forward because there is an objection to proceeding. That is why I say members of the minority preclude us from moving forward and doing the people's business.

We wanted to pass a very important amendment to me, and I note to the Senator from California, Mrs. FEINSTEIN, who is on the floor now—the crime victims' rights constitutional amendment. Frankly, parliamentary tactics were used and threatened to make it clear that we would be debating that bill for weeks, something that obviously we did not have time to do if we were going to do the other important business of the Senate. Senator FEINSTEIN and I had to pull that bill down.

Since I am being critical of members of the Democratic minority, let me say that there have been some Members, such as Senator FEINSTEIN, who have worked very closely with me and others to try to move some of these important bills forward.

We all get caught up in our own partisan battles here. That is to be expected. It is a political year, after all. It seems to me we can and ought to agree there are some things so important that we ought to get together as Democrats and Republicans and move the legislation forward.

One of them clearly is the education bill. Another is the repeal of the marriage tax penalty. Another is the appropriations bills. For the life of me, I do not see why there have to be objections to bringing forward appropriations bills, and I do not subscribe to the notion that it is wrong for us to

bring those bills forward if members of the minority cannot seek amendments which are nongermane or irrelevant.

We all know what Robert's Rules provide. Those are not the rules of the Senate, but we all understand why we have to have rules such as that, and that is to keep the process moving along so that we can do the important business we have to do.

I am very frustrated today, Mr. President. It is obvious because I do not ordinarily come to the floor, and I do not like to criticize in a partisan way. But people have to understand today or tomorrow we are probably going to begin the Memorial Day recess, which means there will be another 12 or 13 days of nonaction in the Senate, the net result of which will be we are way behind getting our business done, especially the appropriations bills to run the Government.

The danger is that there are not very many opportunities for us to get these bills done before the Senate has to adjourn for an election this year, and we will end up, instead of focusing on each of the appropriations bills, in turn having to put it all into one giant appropriations bill.

What happens when we do that? Every Member comes back to the Senate months later and says: I didn't know they put that in the bill. Nobody has a chance to read these giant omnibus bills. So we vote on bills we haven't even had an opportunity to read. Staff gets all kinds of things inserted. People on the inside get all kinds of things inserted in the legislation. We find out weeks later about the mistakes we have made. It is impossible to have a good, informed vote on a bill.

The other danger, of course, is that it is easier; that instead of resolving disputes and prioritizing spending, by offsetting this spending with this savings—for example, in those last days to put together these giant omnibus appropriations bill—you don't make those hard decisions; you just add more money. So you resolve the dispute by saying: we are taking care of you, and we are taking care of you. And pretty soon we have busted the budget. Most importantly, we may make the mistake of spending Social Security surplus money.

This past year, we did not spend a dime of Social Security surplus money. The previous year, we saved most of that Social Security surplus from being spent. Republicans, this year, are committed not to spending any of the Social Security surplus. But, unfortunately, I will make this prediction: If we get into this giant omnibus appropriations process at the end because we could not do our business during the weeks we have now to do that business, we are going to end up spending Social Security surplus money. I will never vote for such a bill. I think, therefore, we ought to be very careful about getting ourselves into that box.

Mr. President, I appreciate the opportunity to speak to this issue. I hope people with goodwill can work it out, so when we come back from our recess, we can begin to get the people's business done and get it done on time. It is important for the future of this country.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2603) making appropriations for the legislative branch for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Mikulski Amendment No. 3166, to express the sense of the Senate commending the United States Capitol Police.

AMENDMENT NO. 3166

The PRESIDING OFFICER. There are 10 minutes available for debate on the pending amendment.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, yesterday I offered an amendment to the legislative branch appropriations bill commending the Capitol Police, and all the employees of the legislative branch, and recommending that we keep the Senate funding levels in conference.

I also complimented the outstanding leadership provided by Senator BENNETT, the Chair of the legislative appropriations subcommittee, as well as Senator FEINSTEIN, the ranking member of the subcommittee, who really moved this legislation in a way that I think meets the responsibilities we have to the American people.

The best way we can show our responsibility to the American people is to really let them know that the men and women who work at the U.S. Capitol are needed and valued.

My amendment is not about money, it is about morale. We want to say to the men and women who work at the U.S. Capitol that we know who you are and we value what you do. You are the men and women who work in this building for the American people. You serve the Nation.

The Capitol Police protect this building, which is a symbol of freedom and democracy the world over. The Capitol Police ensure that everyone who comes to the U.S. Capitol is safe and secure, including Members of Congress and staff.

The Capitol Police are brave. They are resourceful. They are tough. They are gallant. They protect you whether you are a foreign dignitary, such as Nelson Mandela, or a member of a Girl Scout troop from Maryland.

We need to make sure they have their jobs, they have their pay, they have their pension, and they have our respect. That is what my amendment is all about: To support the Capitol Police and the other employees of the legislative branch.

I was deeply disturbed at the House bill which cut over 1,700 employees of the legislative branch. This isn't about bureaucracy. The people we are talking about are the 117 people from the Congressional Research Service. That is the body that is absolutely dedicated to giving us unbiased, unpolitical, accurate information so we can make the best decisions in our approach to forming public policy. We turn to them for models for the Older Americans Act and for ideas on new technology breakthroughs to be pursued. We have to make sure we have the Congressional Research Service and that they have the staff they need to do their job.

Also under the House bill, 700 jobs would be cut from GAO. Every Member of the Senate who is fiscally prudent knows we need the GAO. It is not about keeping the books, but it is about keeping the books straight. We continually turn to the GAO to do investigations of waste and abuse, to give us insights on how to better manage and be better stewards of the taxpayers' funds. People with those kinds of skills could leave us in a nanosecond and move to the private sector. They could be ''dot.comers'' with no hesitation.

If we are going to be on the broadband of the future, we need to make sure we have the skills to run a contemporary Congress. We need to make sure they have security in their jobs and security in health benefits and in their pensions. We need to be sure we let those workers know we are on their side.

In addition to that, we want to make sure we acknowledge the role our own staffs play in constituent service and in helping us craft legislation.

Two years ago, we all endured a very melancholy event here in the Congress. Two very brave and gallant police officers literally put themselves in the line of fire to protect us. Their names were Officer Chestnut, from Maryland—his wife still lives over there at Fort Washington—and Detective Gibson, of Virginia, father of three—teenagers, college students. We mourn them. We consoled their families and said a grateful Congress will never forget.

We should not forget the men and women who work here, but the way we remember is with the right pay, the right benefits, and the right respect.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will just take about 2 minutes in support of the Mikulski amendment to say how proud I am to be an original cosponsor. I have probably given 15 or 20 speeches about this, so I do not want to take any time except to emphasize two points.

First of all, I thank the Senator for mentioning Officer Chestnut and Detective Gibson. It has really been almost 2 years ago that we lost those two fine officers. I do think the best way we honor them is by supporting the police.

I think what happened on the House side was really unconscionable because whereas we really need to do even better by way of making sure we get two police officers at each post, making sure we have the security for them, much less the security for the public and ourselves, instead, what we saw was actually a slashing of the budgets, which means hundreds of officers losing their jobs and not really having police officers working under the right conditions for themselves, their families, for the public, and for us.

We really have done well on the Senate side. I thank Senators BENNETT, FEINSTEIN, MIKULSKI, and others for their commitment. I hope every single Senator will support this amendment. Like other Senators, I am not always wild about sense-of-the-Senate amendments—I offer a fair number of them myself—but sometimes they are really important. Sometimes they are, while symbolic, really powerful and really important.

I do think we need to convey the message, in light of what happened on the House side, in light of how demoralized and how angry and indignant some police officers are, that we fully support them.

This amendment is a very important one. I hope it will have the full support of the Senate.

I yield the floor.

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

The Senator from Alaska is recognized and controls the rest of the time.

Mr. STEVENS. I yield a portion of my time to Senator FEINSTEIN. I do wish a couple minutes before we come to the vote.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to, from the Democratic side, more or less conclude the debate on the legislative branch appropriations bill.

We believe it is a good bill. We are very supportive—both Senator BENNETT and I—of Senator MIKULSKI's amendment. I am delighted she offered it.

The men and women of the Capitol Police perform a vitally important job. Unfortunately, sometimes we hardly notice them. This is an opportunity to give them notice, respect, commendation, and say we are proud of you.

The legislative branch appropriations bill restores the damaging cuts contained in the House bill and reaffirms our commitment to ensuring security in the Capitol and of the Capitol Police.

I reiterate what a delight it has been to work with our chairman, Senator BENNETT. My tenure as ranking member on this subcommittee has been marked by a sense of comity and equity which has really made this work a great pleasure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank Senator FEINSTEIN. I commend Senators BENNETT and FEINSTEIN for managing this bill. It is a significant bill.

With regard to the police, this bill increases support for our Capitol Police by 26 percent. In fact, in addition to that, we have in the Agriculture bill, awaiting Senate action, $2.3 million in overtime costs to implement the two-men-per-door policy and $10 million to provide additional facilities to support police functions. The 2001 appropriations bill provides $5.2 million in overtime to continue the two-men-at-each-door policy.

I commend Senator MIKULSKI for her amendment. I deem it as a remembrance sense of the Senate, and we should remember these men who lost their lives in guarding this building and the functions of the Congress.

I hope we will have the support of all Members for the basic bill. We support Senator MIKULSKI's amendment, as a sense-of-the-Senate amendment, that recognizes what is in the bill, that is, increasing support for the security functions for the Capitol and those who work in it.

Mr. President, I believe we have scheduled the time to commence the vote.

The PRESIDING OFFICER. The vote is scheduled for 10:45.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. STEVENS. Mr. President, there are three votes in succession?

The PRESIDING OFFICER. There are two.

Mr. STEVENS. Two votes. Very well.

Does Senator FEINSTEIN wish any more time? Senator MIKULSKI?

Ms. MIKULSKI. Mr. President, my amendment in no way is a criticism of Senators BENNETT and FEINSTEIN. They did a fantastic job, not only in moving the bill but the way they have conducted the hearings and worked with Members on very sensitive issues. I commend them. Had the House done what Senators BENNETT and FEINSTEIN did, my amendment would not have been necessary.

Mr. STEVENS. I thank the Senator.

If it is in order, I yield back the remainder of the time and ask for the vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3166. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—100

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

The amendment (No. 3166) was agreed to.

The PRESIDING OFFICER. The pending question is, Shall the bill be engrossed and advanced to third reading?

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—98

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

NAYS—2

Brownback Smith (NH)

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill is now returned to the calendar.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business for not to exceed 1 hour, with the time controlled by the Senator from Kansas, Mr. ROBERTS, and the Senator from Georgia, Mr. CLELAND.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I yield 2 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator BYRD from West Virginia be allowed to speak for up to 20 minutes and Senator REED from Rhode Island to speak for up to 5 minutes following the Senator from Kansas and the Senator from Georgia.

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

TRIBUTE TO VICTIMS OF GUN VIOLENCE

Mrs. MURRAY. Mr. President, I thank my colleague for yielding to me.

I come to the floor for a brief moment to pay tribute to the victims of gun violence who were killed one year ago today.

We are all familiar with the incidents of gun violence in our schools; from Columbine to Springfield, OR, to Paducah, KY, and unfortunately to so many other schools and communities.

Gun violence is particularly disturbing when it happens in a school.

But gun violence happens everywhere. A member of my staff lost a son to gun violence. Her son was simply stopping at a convenience store when he was robbed and killed.

How many families have to suffer unnecessarily before this Congress passes commonsense gun control legislation?

The U.S. Conference of Mayors has maintained a list of the thousands of Americans have been killed by gunfire since the Columbine tragedy.

Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year.

We will continue to do so every day that the Senate is in session until this Republican Congress acts on sensible gun control legislation.

Here are the names of a few Americans who died due to gun violence one year ago today:

Antwan Brooks, 26, Pittsburgh, PA;

James A Brown, 22, Chicago, IL;

Kenneth Cork, 46, Houston, TX;

Marsha Cress, 32, Fort Worth, TX;

Kenneth L. Mack, 49, Chicago, IL;

Michael Powers, 29, Atlanta, GA;

Howard Rice, 31, Baltimore, MD;

Fernando Rojas, 17, Chicago, IL;

Rodney Wayne Smith, 33, Washington, DC;

Rolando Williams, 17, Pittsburgh, PA; and

Earlwin Wright, 22, Chicago, IL.

The PRESIDING OFFICER. The Senator from Kansas.

EMPLOYMENT OF U.S. MILITARY FORCES

Mr. ROBERTS. Mr. President, I thank my friend from Georgia, Senator CLELAND, for his role in our ongoing, bipartisan foreign policy dialog. As we approach Memorial Day, I also thank him for his personal sacrifice and example for our great country.

This is our fourth foreign policy dialog. It is called the employment of U.S. military forces or what could be better described as the use of force. It couldn't come at a better time, the week prior to the Memorial Day celebration, a day of solemn celebration and reflection, a day to remember our fallen family members, our friends, and our fellow Americans, a day that always makes me very proud of our country and humbled by the self-sacrifice of our men and women who paid the ultimate price so that we may live free.

As my good friend from Georgia has seen with his own eyes, it is not the U.S. Constitution that really keeps us free, for it is merely a piece of paper. The marble headstones at Arlington National Cemetery and cemeteries all across America and throughout the world mark what truly has kept us free. And our freedoms will continue to be secured by the brave men and women of our Armed Forces.

Samuel P. Huntington, the renowned author and historian in the 1950s, articulated in his book ''The Soldier and the State'' two important military characteristics. The first is expertise to prevail at the art of war; the second is the responsibility for protecting our freedoms, similar to the responsibility that lawyers have to protect American justice and the rule of law and that doctors have to save lives and protect the health of their patients. Quite simply: The role of our Armed Forces is to fight and to win the Nation's wars.

Eleven times in our history the United States has formally declared war against foreign adversaries. There have been hundreds of instances, however, in which the United States has utilized military forces abroad in situations of military conflict or potential conflict to protect our U.S. citizens or to promote our U.S. interests. Of those hundreds of uses of military force where the U.S. did not declare war, some have obviously been successful and some obviously have not.

Today, I am not going to discuss the use of military force for the purpose of protecting our vital national interests. Those uses of force in our history have occurred rarely and usually without much opposition due to the future of the Nation. Our forces are equipped and train every day to carry out this task. Those types of conflicts of national survival have easily been defined in terms of the political objectives, clear military strategies to achieve those objectives, and the definition of victory or success is the capitulation of the enemy.

The U.S. Armed Forces are no stranger to limited contingency operations, military operations other than war, but the changes in political context of the commitments pose new problems of legitimacy, mission creep, operational tempo, and multilateral cooperation. Although limited contingency operations may produce short-term benefits, history has shown the lasting results of long-term commitments are very limited at best.

The ideas developed by Carl von Clausewitz, famous military theorist of the early 19th century, are profoundly relevant today. The criteria of appropriateness and proportionality are crucial concerns in any military operation other than war.

Clausewitz identified any protracted operation that involves enlargement or lengthening of troop commitment is likely to cause multiple rationales for the intervention. When a marine landing party went ashore at Port-au-Prince in Haiti in 1915, neither the Wilson administration nor the Marine Corps nor the Congress would have predicted that they began an operation to protect the foreign lives and property and to stop a civil war that would end 30 years later with an admission of failure in reforming the public institutions of Haiti.

Does this sound familiar? Currently, the United States has troops in 141 nations and at sea; 55 percent of the nations of the world have U.S. troops stationed within their borders. From 1956—that is the second term of President Eisenhower—to 1992, the United States used military forces abroad 51 times. Since 1992, the U.S. has used military force 51 times.

During that same timeframe of roughly a 400-percent increase in the use of the military as an instrument of power, the military has been forced to downsize and decrease force structure by 40 percent. That type of planning and management of the military reflects poorly on the civilian leadership. All of our services are at the breaking point. I fear there is no more give or elasticity in the force structure of our most valued treasure, the men and women who serve.

The can-do, never-say-die attitude of the military and its leadership and the very competence that the U.S. military has displayed in successfully responding to a wide variety of contingencies seems to have encouraged its further use by this administration, acquiesced to by this Congress.

A recent study from the Center for Strategic and International Studies of

military culture identifies seven areas of concern within our military today. Service members expressed a commitment to values related to effectiveness and sacrifice and discipline, but they had deep concerns about the imbalance between the missions and the resources to perform those missions to a high standard. They felt the Pentagon was out of touch. Quite frankly, they questioned the command support in the face of social concerns. They had concerns about the sense of dwindling understanding of the military so rampant today in our society. They indicated a lot of disgust with civilian leadership behavior not tolerated in their units in the military.

Thomas Jefferson said: Eternal vigilance is the price of liberty. Our military has always exemplified that statement.

However, I am concerned that the current use of military force is undermining the trust of leadership at all levels. We cannot continue to accept the status quo. We cannot continue to appropriate the contingency funds for emergency deployments with no end in sight or no planned exit strategy.

General Zinni, who is the CINC of the Central Command, expressed concern about the pace of these operations and what it is doing to our service members. He said:

> We don't have the resources to meet the strategy. It's plain and simple. We don't have enough people, we don't have enough force structure, we don't have the right kinds of things we need to meet the strategy.

Since 1991, we have spent over $25 billion on peacekeeping operations. The impact on the war-fighting capability of each of the services, including the time to recover war-fighting skills after peacekeeping operations, is reflected in the current readiness concerns expressed by the Joint Chiefs.

As an example, the United States continues to dedicate three divisions in the Balkans rotation: One division training to deploy for peacekeeping operations, one division in the area of responsibility, and one division retraining after deployment—three divisions not ready to execute their primary tasks.

Here is an account from a commander in Kosovo, a peacekeeping operation, which is very troubling to me. This is a quote, an e-mail that went from one commander to another. He was reflecting to his friend, who was going to take over his command, what went on in terms of his daily operation:

> After getting hit in the head by a large rock and getting smashed across the back with a tree limb, I gave the order for the soldiers to open fire with nonlethal munitions. This worked pretty well clearing the crowd back initially. As we continued to fight and move with the people on the hill, I looked over to the landing zone and saw a mob swarming toward the subject and five soldiers. The soldiers started to move out of the landing zone, but they had people around them throwing everything. I grabbed 10 guys and went to help get the five soldiers. When we were 15 meters away, I saw a soldier get smashed over the head with a huge tree limb. He was fine. Thank God for Kevlar. At this point, I took out my 9mm with the intent to shoot. However, I fired several warning shots. The crowd cleared out, and we walked everyone out, including the injured.

I want to ask a question. What if those rocks and tree limbs would have been AK–47s and RPGs? I think the debate about a week ago regarding Kosovo and our involvement there would have dramatically changed had that been the case.

We continue to maintain multiple wings of aircraft in southwest Asia, and we continue to place American aviators in harm's way every day in Iraq. What most Americans don't know is that although airpower seems sterile, clean, and bloodless on CNN that is not the case—that is not the case. The mission tapes of the men and women flying missions over Iraq reflect the risk. A war America thought we won 10 years ago slowly rages on.

Mr. President, 75 percent of our military today joined after 1989. They have known nothing but turmoil in terms of their missions. They have been deployed away from their families for 6-month rotations and, in some cases, three, four, and five times. Their war-fighting capabilities and readiness to execute military operations is not as sharp as it should be. Their morale is low because they are leaving their families. Seventy percent of the force today is married, and they are leaving them for very questionable missions. No wonder sailors and airmen and soldiers are leaving the force and voting with their feet. Only the Marine Corps has maintained their recruiting and retention goals, and they have had a very difficult time achieving that goal.

The current military is stressed, it is strained, and it is hollow. As our armed services activity levels have increased and force structure has decreased time for realistic combat training is lost, supply stocks are diminished, and personnel are displaced. Military leadership at all levels suffers from the current strain; leadership crucial in regard to the goal of winning wars.

The key to leadership is trust: Trust from the civilian leadership and the public that the military will put together the proper plan to win, trust from the military that the civilian leadership—those of us in the Congress and in the administration—will provide the proper tools to win, and trust to use force judiciously and to gain the political and public support.

Congress must trust the President, and the President must trust the Congress to ensure the use of force is necessary, after all other instruments of power and diplomacy have failed. And our national interests dictate that the political objectives still must be achieved.

I commend our military leaders for weathering the current storm. I also commend the men and women of the Armed Forces. Whenever I visit a base in Kansas, or overseas, I am always impressed with our citizens in uniform. Their service, integrity, self-discipline, respect for authority, honor, and sacrifice is inspirational; it is a battery charger. I know we have honest disagreements and differences of opinions, and that is good for the system. Debate will continue to occur. Even General Washington had severe disagreements with the Congress about allowing him to perform summary punishments. However, we must mend, heal, and restore harmony to the system by rebuilding the respect, trust, and understanding in the civilian-military relations.

In the post-cold-war era, limited contingency operations have become our predominant military endeavor. There are no easy answers to the problems of limited contingency operations. Deciding to intervene and use our military force is a very difficult problem; it is very perplexing.

The distinguished Senator from Georgia and I have had long talks about this, trying to set up some kind of a criterion, set up some kind of a list that would make sense, outlining the various reasons for intervention abroad. Listing all of the questions the President ought to ask before the Marines are sent in can best be characterized now as an ''it depends'' doctrine.

I acknowledge that the post-cold-war recommendations and the public debate between the foreign policy elite, the Congress, the Secretary of State and Defense, the Chairman of the Joint Chiefs of Staff, and the Joint Chiefs of Staff cannot agree upon and do not provide a clear set of tests that should be applied before deciding to commit troops to combat in support of less than vital national interests. I wish there were a test or a criterion.

That is really the reason Senator CLELAND and I entered into the foreign policy dialog. We always seem to be stuck with foregone conclusions in terms of foreign policy and sending our men and women in uniform in harms way.

The former Secretary of Defense, Caspar Weinberger, identified six tests that he said should be applied when weighing the use of U.S. combat forces abroad. Three of the tests—number one, when vital interests are at stake; number five, with public support; and number six, as a last resort—concern the foreign policy and the political circumstances in regard to the use of force. Tests number two, three, and four concern the relationship between the military means and the political ends.

Former Secretary of State, George Shultz on the ''vital interests'' test argued that a wide range of international challenges justify U.S. use of force. And, the last two administrations have uniformly rejected the first vital interest test.

Former Secretary of Defense William Perry argued that the use of force might be necessary to support coercive diplomacy when national interests that

do not rise to the level of vital are at stake.

Secretary of State Madeleine Albright has asserted that decisions can only be made on a case by case basis, and it would be counterproductive to define rigidly in advance the conditions in which a decision to use force would be made.

But if vital interests need not be at stake, the question remains what degree of U.S. interests justify the use of force, at what level, and with what risks.

Mr. President, I would contend that the use of force for other than vital or extremely important national interests, as defined in our second dialogue, has not worked in the post-cold-war period. The role of the military is not to act as the cop on the beat for the whole world. The non-prudent use of force in support of less than vital interests is not worth the current costs to our readiness and military morale.

C. Mark Brinkley in the Marine Corps Times said it best when he identified with no other form of government to turn to, Serbs and ethnic Albanians alike turned to the Marines for help. In addition, to more traditional roles of securing the area and suppressing civil unrest, the unit recreated basic elements of daily life: restoring law and order and reopening schools and hospitals, garbage collection, and counselling. The Marines also evolved into a police force for the American sector, patrolling the night and responding to emergencies.

However, these operations require significantly different skills than what the armed forces are currently trained to execute. If we are training our peacekeepers to be more like MP's than combat troops, don't we run the risk that the skills needed by a policeman may get them killed when there is combat?

Two schools of thought on the use of force have developed, the national interests school which argues that military force should be used only when there is clear cut political and military objectives and in an overwhelming fashion.

The other school, the limited objectives school, which would use military force even in ambiguous situations as a means of enforcing international decisions or quelling ethnic conflict.

General Colin Powell contended in 1993, the key to using military force is to first match political expectations to military means in a wholly realistic way, and, second to attain decisive results. A decision to use force must be made with a clear purpose in mind, and then adding that if it is too murky, as is often the case, know that leaders will eventually have to find clarity.

We are having a hard time doing that in the Balkans today.

The decision to use force must also be supported by the public. Presidential leadership requires working with Congress and the American people requires Congress to work with the President to provide essential domestic groundwork if U.S. military commitments are to be sustainable. General Powell asserted the troops must go into battle with the support or understanding of the American people.

Mr. President, the pendulum's path has definitely displaced toward the limited objectives school. President Clinton's doctrine of ''global vigilance'' and ''aggressive multilaterialism'' is the current example and policy.

Mr. President, the current precision strike and technological advantage that we enjoy today has led to its increased use due to the perceived minimal risk to American aviators. A few cruise missiles or laser guided bombs may fix a short term problem but do not address the underlying long term problems. I would contend that if the intervention is not worth the cost of one American service member then we ought to be thinking about the worth of using military force in the first place.

If the U.S. decides to use military force and unleash our military might then the cause had better be commensurate with American national interests and analogous to the risk to American service members.

The Chairman of the Joint Chiefs of Staff, General Henry Shelton pronounced the ''Dover Test'' must be used when deciding to send troops in harms way, and, if the use of force is not worth the consequences of American service members making the ultimate sacrifice arriving at Dover Air Force Base then the military should not be used.

If the cause is not worth the risk of one American life then the results and handcuffs placed on the military rules of engagement in an effort to curtail risk actually increase the risk. The situation over time, and the situation we are now faced with in the Balkans and in Iraq.

Mr. President, I believe the pendulum of the use of force doctrine needs to swing towards the national interest school of thought. Humanitarian military intervention, in violation of the U.N. charter from attacking other states to remedy violations of human rights, will not rectify the underlying human rights problems. When there is no peace to keep then American service members become targets, not peacekeepers.

Our challenge is to understand the need for prudent, limited, proportionate use of military force as an instrument of national power.

I now want to offer a very strong and very thought provoking words from the book ''Fighting for the Future,'' by Ralph Peters, former Army lieutenant colonel. It is controversial. I offer it as food for thought.

Colonel Peters said:

> We face opponents, from warlords to druglords, who operate in environments of tremendous moral freedom, unconstrained by laws, internationally recognized treaties, and civilized customs, or by the approved behaviors of the international military brotherhood. These men beat us. Terrorists who rejected our worldview defeated us in Lebanon. ''General'' Aideed, defeated us in Somalia. And Saddam, careless of his own people, denied us the fruits of our battlefield victory. In the Balkans and on its borders, intransigents continue to hold our troops hostage to a meandering policy. Our enemies play the long game, while we play jailbird chess—never thinking more than one move ahead. Until we change the rules, until we stop attacking foreign masses to punish by proxy protected-status murderers, we will continue to lose. And even as we lose, our cherished ethics do not stand up to hard-headed examination. We have become not only losers but random murderers, willing to kill several hundred Somalis in a single day but unwilling to kill the chief assassin, willing to uproot the coca fields of struggling peasants but without the stomach to retaliate meaningfully against the druglords who savage our children and our society.

He went on to say,

> Tomorrow's enemies will be of two kinds—those who have seen their hopes disappointed, and those who have no hope. Do not worry about a successful China, worry about a failing China.

Those are words to think about.

Limited contingency operations consisting of crisis management, power projection, peacekeeping, localized military action, support for allies, or responding to terrorism require well-defined objectives, consistent strategies to achieve objectives, and a clear, concise exit strategy once those objectives are attained. Otherwise, our country will get involved in operations like those in the Balkans with no end in sight and no peace to keep.

Mr. President, in closing, our service members are, in fact, America, they reflect our diverse origins and they are the embodiment of the American spirit of courage and dedication. Their forebears went by the names of doughboys, Yanks, buffalo soldiers, Johnny Reb, Rough Riders, and GI's. For over 200 years they have answered our Nation's call to fight. Our citizen soldiers today continue to carry America's value system and commitment to freedom and democracy.

The world we face is still full of uncertainty and threats. It is not a safe world. However, all Americans sleep soundly at night because of the young men and women standing ready to fight and die, if necessary, for our freedoms. It is our duty in this body to ensure they are used appropriately. We have an obligation to do just that in the future, for our sake and theirs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I wish every American could have heard that distinguished lecture, dialog, and discussion of what I think is the most important action this Government can ever take, and that is the question of committing young Americans in harm's way. It is the most serious decision that I as a Member of the Senate can take. It is one of the reasons that brings me here to share the podium and

the floor in the Senate with the distinguished Senator from Kansas, PAT ROBERTS, my colleague, my friend. We work together so well on the Armed Services Committee on behalf of young Americans in the military and retired military and Guard and Reservists, we thought we would bring our thoughts, our concerns, to the floor of this body and stand shoulder to shoulder as we are today discussing at the question of American intervention abroad.

I will recap a couple of items that Senator ROBERTS, in his eloquence and in his great research, has pulled together for Members to consider as we look at the question of America's intervention abroad today. He mentioned that we were involved militarily in 141 places around the globe. I deal with these issues most every day. That is even a shocking statistic to me. Additionally, we were involved militarily in more than 55 percent of all the nations on the globe. One wonders if we are not becoming the new Rome. My greatest fear is we will become part of a Pax Americana, or as 2,000 years ago, Pax Romana, where Rome kept the peace in the known world. Is that our role today? Is that our mission? Are we called upon to be the new Rome or is that part of our intervention strategy?

I thought it was fascinating that Senator ROBERTS pointed out since Eisenhower we have intervened in the world some 51 times; just since 1992 we have had 51 interventions. We have had an increase in American military commitments in the last 10 to 15 years of some 400 percent, but we have downsized the American military's ability to meet those commitments by some 40 percent. A classic case is the Balkans. I just got back from Macedonia, Kosovo, and visited the airbase where we launched the attacks into Kosovo and Serbia at Aviano, Italy. We have three U.S. Army divisions, as the distinguished Senator from Kansas has pointed out, in effect, bogged down in the Balkans. That is almost a third of our entire U.S. Army. They are bogged down in the Balkans with no end in sight. As the distinguished Senator has pointed out, it is hard to keep the peace when there is no peace to keep.

I think also fascinating is his point that some 75 percent of our young Americans in active duty military service joined the service since 1989. All they have known is turmoil, deployments, commitments, time away from their family. I think that is a powerful point and one of the things that stresses and strains our American military today.

That brings us to the floor today on this key question of trust, trust in the leadership, especially the civilian leadership of this Government, and trying to increase that trust among our young men and women deployed all over the world. His point is certainly well taken today, that if we don't judiciously use the American military, then we will see it attrited over time to where we cannot use it. So that element of trust is a key element that I keep close to my heart. I appreciate the Senator mentioning it.

The distinguished Senator mentioned that next Monday is Memorial Day, May 29. Pursuant to a joint resolution approved by the Congress in 1950, the President of the United States will issue a proclamation calling upon the people of the United States to observe a day of prayer for permanent peace in remembrance of all those brave Americans who have died in our Nation's service. That is what Memorial Day is supposed to be all about—a day of remembrance. As someone who almost wound up on the Vietnam veteran wall, I can say that Memorial Day honoring those who never made it back from our wars is something special to me.

With this, our fourth discussion on the role of the United States in today's world, Senator ROBERTS and I come to what is probably the core issue motivating us to take on this entire project. The key question is, Under what circumstances should the Government of the United States employ military force as an instrument of national policy? I can think of no more fitting subject for the Congress to contemplate as we prepare for the Memorial Day recess.

We have quoted Clausewitz, the great German theoretician on war, numerous times, but this is a quote that I think is appropriate as we approach Memorial Day. Clausewitz said of war,

> Kind-hearted people might of course think there was some ingenious way to disarm or defeat an enemy without too much bloodshed, and might imagine this is the true goal of the art of war. Pleasant as it sounds, it is a fallacy that must be exposed: war is such a dangerous business that the mistakes which come from kindness are the very worst . . . It would be futile—even wrong—to try to shut one's eyes to what war really is from sheer distress of its brutality.

General Sherman said it best: War is hell. For those who participate they understand it must only be undertaken under the most serious circumstances. My partner in these dialogues, the distinguished Senator from Kansas, Senator ROBERTS, has often cited the following quotation from one of my personal heroes, Senator Richard B. Russell, from thirty years ago, during the war in Vietnam. At that time I was serving in that war. Senator Russell said:

> While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them. As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

That was Senator Russell 30 years ago. As Senator ROBERTS has observed, ''That is a most powerful statement of truth that has direct applications to the challenges we face today . . . The only thing that has changed is that today we refer to American men and women.''

I share Senator ROBERTS' sentiment completely.

Richard Haass, a former official in the Bush administration and now director of Foreign Policy Studies at the Brookings Institution, and also someone whom both Senator ROBERTS and I have frequently cited during these discussions, has written a wonderful primer called ''Intervention, The Use of American Military Force in the Post-Cold War World.'' In it Mr. Haass provides an overview of the evolution of American thinking about intervention, followed by an analysis of current policies on the subject and a set of pragmatic guidelines which Mr. Haass proposes to improve the conduct of future American interventions. It is well worth the attention of every Member of this distinguished body.

Mr. Haass writes:

> The changes intrinsic to the post-Cold War world have created new, intense conflicts that complicate any prospective use of force by the United States. On the other hand, a number of political and technological developments enhance opportunities for the United States to use its military might effectively. . . . But if there are new reasons as well as new opportunities for the United States to use force, there are no longer any clear guidelines for when and how to do it. . . . Intervening too often poses an obvious danger. Any government indulging in what might be described as wanton uses of force would be guilty of acting irresponsibly, particularly toward those in uniform. . . . At the same time, setting too high a bar against intervention has costs as well. Defining interests too narrowly or prerequisites for employing force too broadly would be tantamount to adopting a policy of isolationism.

In my view, this is a very lucid discussion of where we are and of the difficult choices we face when—and unfortunately I must add if—the Congress of the United States is included in these deliberations on intervention. We saw these issues largely recapitulated here on the Senate floor as recently as last week with our belated but still illuminating debate on the ongoing Kosovo intervention.

I wish my distinguished friend from Kansas and I could have had that kind of debate before we engaged in the first military strike in Kosovo. I still remember well, as the Senator from Kansas has indicated, virtually by the time we got the ball here in the Senate, the prestige of the United States and NATO was already at stake. The horse was already out of the barn. We debated military intervention into Kosovo, an offensive strike by NATO, which is a basically defensive military organization—we debated it here only a couple of days. We had a very fine debate, pro and con, about the future of that military engagement in Kosovo in the last few days. Those debates will continue as long as that force is there, and properly so. But our point here is let's make those debates on the floor of the Senate before we commit military force, and not after.

As I mentioned before, the Haass book also offers a useful presentation on the evolution of American thinking on intervention, starting with our heritage under what he calls Christian ''just wars,'' or the ''just war'' theory as enunciated by such luminaries as St. Augustine, Thomas Aquinas, and others. As defined by Haass, under this approach, ''wars are considered to be just if they are fought for a worthy cause, likely to achieve it, sponsored by legitimate authority, undertaken as a last resort, and conducted in a way that uses no more force than necessary or proportionate and that respects the welfare of noncombatants.''

While the ''just war'' theory has never been the sole criterion by which America or other western nations have waged war, it is nonetheless still a standard moral benchmark, if you will, which we can and should apply to individual proposed interventions. It is something we ought to keep in mind.

As we have discussed before in this series, the end of World War II and the onset of the cold war produced great tension, the threat of a global nuclear Armageddon, and a vast expenditure of resources. But it also created a very clear standard of military interventionism for the United States; namely, the containment of the Soviet Union and its allies. It was under this overall framework that the two largest post-World War II American interventions took place, in Korea and Vietnam.

The eminent military historian of the war in Vietnam, Colonel Harry G. Summers, Jr., discussed the failure—on many different levels—of that American intervention in his book ''On Strategy: The Vietnam War in Context.''

I have read this book thoroughly. I just wish I had read it before I went to Vietnam and not after.

It is not my purpose today to revisit that conflict in detail, but for purposes of today's discussion on the general subject of American intervention abroad, let me quote briefly from Summers' work. He says:

By our own definition, we failed to properly employ our Armed Forces so as to secure U.S. national objectives in Vietnam. Our strategy failed the ultimate test, for, as Clausewitz said, the ends of strategy, in the final analysis ''are those objectives that will finally lead to peace.''

Given the magnitude of our defeat in Vietnam, and attendant human, financial, and political costs, there was a very understandable recoiling from military interventionism in the public and Congress, among various Presidential administrations and among the American military itself. Nearly a decade passed from the end of U.S. combat participation in Vietnam in 1973 until the deployment of the U.S. Marines as part of the Multinational Force in Lebanon in August of 1982. However, this was also a period when many of the post-cold-war conditions described by Haass as facilitating U.S. interventions were first taking hold, including the diminution of the Soviet/Warsaw Pact threat, the development of greater U.S. capacity to sustain long-distance military operations, and the resurgence of national and ethnic tensions around the globe.

A little less than a decade after the Lebanon debacle, in the aftermath of other interventions in Grenada in 1983, Libya in 1986, Panama in 1989–1990, and in the 1990–1991 timeframe in the gulf war, and after the final end of the cold war, the Chairman of the Joint Chiefs of Staff, Colin Powell, who had lived through this entire era, propounded a list of six questions which must be addressed before we commit to a military intervention.

I submit General Powell's summation here is a summation based on his own experience and his own history in looking at this turbulent time.

No. 1, is the political objective important, clearly defined, and well understood?

No. 2, have all nonviolent means been tried and failed?

No. 3, will military force achieve the objective?

No. 4, what will be the cost?

Next, Have the gains and risks been thoroughly analyzed?

Next, After the intervention, how will the situation likely evolve and what will the consequences be?

That is, I guess, my biggest problem with some of our interventions. We have not thought through the end game, sometimes called the exit strategy. But what would be the result of failure? What will be the result of success? I am not sure we are thinking through our interventions.

In a similar vein, falling on the side of what I would call restraint with respect to U.S. military interventions, in 1993, then-Secretary of State Warren Christopher outlined four prerequisites for the use of force by the United States:

No. 1, the presence of clearly articulated objectives;

No. 2, a high probability of success;

No. 3, the likelihood of congressional and public support; and No. 4, the inclusion of a clear exit strategy.

Not bad advice. However, even before the start of the Clinton administration, developments in Africa and in the Balkans were leading to a reassessment of the limits on U.S. military interventions. At the same time his administration was deciding in favor of intervention in Somalia but against military involvement in Bosnia, President Bush articulated a somewhat lower bar for U.S. military intervention. As described by Haass:

Bush argued for a case-by-case approach in deciding when and where to use force. He argued against using interests as an absolute guide, noting that ''military force may not be the best way of safeguarding something vital, while using force might be the best way to protect an interest that qualifies as important but less than vital.''

That is Haass.

Instead, Bush set out five requirements for military intervention to make sense: force should only be used, he said, where the stakes warrant it, where and when it can be effective, where the application can be limited in scope and time, and where the benefits justify the potential costs and sacrifice. Multilateral support is desirable but not essential. What is essential in every case is a clear and achievable mission, a realistic plan for accomplishing the mission, and realistic criteria for withdrawing U.S. forces once the mission is complete.

That is a pretty thorough analysis of the thought process that must be undergone if we are to be successful in our interventions.

During the Clinton administration, there have been military interventions in Iraq on several occasions, and continuing to this day: In Somalia from 1992 to 1995, in Bosnia and Macedonia since 1993, in Haiti from 1993 to 1996, in Afghanistan and Sudan in 1998, and of course in Kosovo beginning last year.

There has been an accompanying evolution away from the more restrictive view of interventions expressed by Secretary Christopher and toward the less restrictive stance perhaps expressed most clearly recently by British Prime Minister Blair in an April speech last year in Chicago.

Prime Minister Blair said:

The principle of non-interference must be qualified in important respects. Acts of genocide can never be a purely internal matter. When oppression produces massive flows of refugees which unsettle neighboring countries then they can probably be described as ''threats to international peace and security. . . .'' So how do we decide when and whether to intervene. I think we need to bear in mind five major considerations. First, are we sure of our case? War is an imperfect instrument for righting humanitarian distress, but armed force is sometimes the only means of dealing with dictators. Second, have we exhausted all diplomatic options? Third, on the basis of a practical assessment of the situation, are there military operations we can sensibly and prudently undertake? Fourth, are we prepared for the long term? In the past, we talked too much about exit strategies. But having made a commitment we cannot simply walk away once the fight is over, better to stay with moderate numbers of troops—

Does that sound familiar?

than return for repeat performances with large numbers. And finally, do we have national interests involved? The mass expulsion of ethnic Albanians from Kosovo demanded the notice of the rest of the world. But it does make a difference that this is taking place in such a combustible part of Europe.

That is the end of Blair's statement. Interesting.

Clearly, we have come a long way from Vietnam, and today's world is quite different than the world of the sixties and seventies. Questions about the use of force are, by their very nature, difficult ones. There are no easy answers and no easy choices for any President, and certainly not us in the Congress. Part of this is a product of the disorderly post-cold-war order, or a new world disorder. Every American and every inhabitant of this planet is certainly better off than we were in the cold war which threatened the very survival of global civilization. That

ended, but the termination of that phase of international politics has made the world actually more complex for foreign policymakers.

In the cold war, the superpower rivalry and its mutually assured destruction doctrine, in terms of nuclear war, imposed strong constraints on interventions by either superpower. Korea, Vietnam, and Afghanistan were notable exceptions.

In the pre-cold-war history of the United States, the question of U.S. intervention outside of the Western Hemisphere rarely arose, short of a Pearl Harbor or a Lusitania incident that began the First World War. In the new post-cold-war disorder, we largely face only self-imposed constraints to our actions abroad. Thus, we now need answer only whether we should undertake such an action, not whether we can do so.

That is a clear distinction. In the cold war, we had a line that we knew we could not cross or should not cross. Now there are no lines. If my colleagues read Tom Friedman in the book ''Lexus and the Olive Tree,'' barriers of all kinds, not only the Berlin Wall, are coming down all over the world. So the question more and more on American intervention is, Should we do it? What Senator ROBERTS and I are trying to say is that it is not only a Presidential decision, it is a decision in which all of us have to participate and, hopefully, one that we can arrive at a consensus on before we send young Americans into harm's way. That is why we are here. That is why we are taking the Senate's time today.

The two administrations which have confronted the post-Soviet Union world have grappled mightily with the complexities in places such as Iraq, Croatia, Bosnia-Herzegovina, Somalia, Haiti, and now Kosovo. And almost every step in these areas have been subjected to questioning and controversy before, during, and after the operation in question. Opposition to the Presidential policies has not offered a clear-cut alternative, with some opponents calling for greater and some for lesser exertions of American power. As I have said before on several occasions, I approach the debate on intervention with the greatest respect for the difficulties which the current or, indeed, any other post-cold-war administration and Congress must face when deciding Americans should go to war.

However, I must say that I believe any departure from the principle of using our military intervention solely in defense of vital national interests is a slippery slope. Let me say that again. I have to say that I personally believe that any departure from the principle of using American military intervention solely in defense of vital national interests is a slippery slope. Let's recall from our previous discussions the very small ''A'' list of truly vital interests. As articulated by the 1996 Commission on America's National Interests—and Senator ROBERTS and I are engaging ourselves with that commission that is cranking up again and we hope to have some input—the Commission on America's National Interests articulated that those interests are ''strictly necessary to safeguard and enhance the well-being of Americans in a free and secure Nation,'' and include only the following: Prevent, deter, and reduce the threat of nuclear, biological, and chemical weapons attacks on the United States. That is simple. That is clear.

Two, prevent the emergence of a hostile hegemon in Europe or Asia. As Senator ROBERTS the other day said, hegemon means the big bully, the lead dog, the big dog.

Three, prevent the emergence of a hostile major power on U.S. borders or in control of the seas.

Four, prevent the catastrophic collapse of major global systems such as trade, financial markets, supplies of energy, and so forth.

Five, ensure the survival of U.S. allies.

In pursuit of these objectives, the ''United States should be prepared to commit itself to fight,'' the commission says, ''even if it has to do so unilaterally and without the assistance of allies.'' I understand my friend and colleague, Senator ROBERTS, says this list might be slightly modified and updated by a new commission, but the content will basically be similar.

In short, I believe we can and must be prepared to commit all available American resources—including military forces—in the defense of truly vital national interests. In such cases, I believe Presidents should seek congressional approval, and I cannot imagine a Congress not granting such authority in these cases. But in all other cases, I believe we have to impose a much higher bar before we put American service men and women into harm's way—a much higher bar and a much higher standard than we have used in the last 10 or 15 years.

General Shelton, Chairman of the Joint Chiefs of Staff, put it beautifully in an address to the Kennedy School at Harvard recently:

> In every case when we contemplate the use of force, we should consider a number of important questions. These are not new questions, as most are articulated formally in the National Security Strategy. They are:
>
> Is there a clearly defined mission?
>
> Is the mission achievable, and are we applying the necessary means to decisively achieve it?
>
> Do we have milestones against which we can measure or judge our effectiveness?
>
> Is there an exit strategy? Or, put another way, a strategy for success within a reasonable period?
>
> Do we have an alternate course of action should the military action fail or take too long?
>
> Are we willing to resource for the long haul?
>
> If our military efforts are successful, are the appropriate national and international agencies prepared to take advantage of the success of the intervention?

We see that in the Balkans right now.

> Have we conducted the up-front coordination with our allies, friends, and international institutions to ensure our response elicits the necessary regional support to ensure long-term success?

These are powerful questions, as articulated by the Chairman of the Joint Chiefs of Staff.

He goes on to say:

> The military is the hammer in America's foreign policy toolbox . . . and it is a very powerful hammer. But not every problem we face is a nail.

That is critical.

> We may find that sorting out the good guys from the bad is not as easy as it seems. We also may find that getting in is much easier than getting out.

Boy, is that true.

> These are the issues we need to confront when we make the decision to commit our military forces. And that is as it should be because, when we use our military forces, we lay our prestige, our word, our leadership and—most importantly—the lives of our young Americans on the line.

As we approach Memorial Day, where we pay tribute and honor to those young Americans who have given their lives in the past, we must think carefully and judiciously how we commit young Americans in the future in terms of American military intervention in the world.

Americans who serve today on the front lines in the service of this great Nation in Korea, Kosovo, Bosnia, Saudi Arabia, and elsewhere around the globe, are very special Americans. They have volunteered to do this duty for the rest of us.

When we return from the Memorial Day break, Senator ROBERTS and I will resume these dialogs with a discussion of Clausewitz's trinity of warmaking. He said, successfully war is prosecuted if you have three things together: the people, the government, and the military. Marching forward arm in arm is what we are all about. That will be the subject of our next discussion.

I yield to the distinguished Senator from Kansas, my partner, my dear friend, Mr. PAT ROBERTS.

Mr. ROBERTS. Mr. President, how much time remains?

The PRESIDING OFFICER. All time has expired.

Mr. ROBERTS. I thank my colleague for his contribution. I yield the floor for that purpose.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2559

Mr. ROBERTS. Mr. President, I ask unanimous consent that following the allotted times for morning business, the Senate then proceed to the conference report to accompany H.R. 2559, the crop insurance bill, and it be considered as having been read, and under the following time restraints: 1 hour under the control of Senator LUGAR; 1 hour under the control of Senator HARKIN; and 1 hour under the control of Senator WELLSTONE.

I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to vote on the conference report, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, has an order been entered for me to be recognized at this time?

The PRESIDING OFFICER. It has. The Senator is recognized for 20 minutes.

Mr. BYRD. I thank the distinguished Presiding Officer.

Mr. President, I may have to lengthen that.

I ask unanimous consent at this time that I may speak up to 30 minutes, if I need to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CONVENING OF CONSTITUTIONAL CONVENTION, MAY 25, 1787

Mr. BYRD. Mr. President, today, May 25, in the year of our Lord 2000, marks the 213th anniversary of a monumental event, the most monumental event that ever occurred in American history. It was on May 25, 1787, that a sufficient number of State delegations convened in Philadelphia to begin their deliberations ''to form a more perfect Union.'' Fifty-five delegates labored through that long, hot summer in Independence Hall in the very room where the Declaration of Independence had been signed 11 years earlier. By September 17 of that year, when they adjourned sine die, they had produced a remarkable document, the most remarkable document of its kind that was ever written, the Constitution of the United States.

I place only the King James version of the Holy Bible above this document, the Constitution of the United States. That is the remarkable document that established our Federal Government, that provided for a U.S. Senate, that provided for the equality of the small States with the large States. That is the document that made it possible for tiny, mountainous West Virginia to have two votes, to be equal to the great State of New York, to be equal to the great States of California, Florida, Illinois, Ohio, Indiana in the Senate. If it were not for this document which I hold in my hand, the Constitution of the United States, we wouldn't be here today. I wouldn't be here. The distinguished Presiding Officer who comes from the State of Illinois would not be here. He would not be presiding in that chair. These would not be the United States of America. In all likelihood, they would be the ''Balkanized States of America.''

This remarkable document has established our Federal Government. It is fitting, therefore, that we pause today, and I thought it fitting that someone take the floor to remark about the importance of this day in history and the importance of this document. It is fitting that we pause to reflect on what those men who met at the Constitutional Convention hoped to accomplish and to remark on what they achieved.

The fledgling United States was in dire straits in 1787. There were no automobiles. There were no airplanes, no diesel motor trains, no electric lights, no sulfa drugs, no antibiotics in 1787. It had become painfully apparent that the first National Government under the Articles of Confederation was not working.

Having thrown off the yoke of royal rule during the Revolution, Americans at first had been reluctant to establish another strong central government. Not many people, I wager, in this country remember much, if anything, about the Articles of Confederation, our first Constitution, but our forebears had created a Government under the Articles of Confederation that represented little more than a loose association of 13 States, with the States retaining the real power. Those States were the former Colonies.

The National Government consisted of a single legislative body. Most of the governments in the world today consist of unicameral legislative bodies, one legislative body. But there are 61 governments in the world today that have bicameral legislatures. Most of the larger countries have bicameral legislative bodies. There are 61 of them. And in only two, the United States and Italy, are the upper chambers not subordinate to the lower chambers.

Each State, under the Articles of Confederation, regardless of size—whether it was Pennsylvania, New York, tiny Delaware, Rhode Island, or Georgia—each State, regardless of size, had a single vote in the Congress, in that one body. Under the Articles of Confederation, Congress could raise money only by asking the States for it. Congress had no power to force a State to pay its share. At times, Congress lacked the funds to pay its soldiers' salaries and faced the threat of mutiny. General George Washington faced that threat of mutiny. The Nation's international credit remained weak because of its war debts, which went unpaid due to wrangling between and among the States.

This discouraged foreign investments—as one could imagine—and further complicated the efforts to fund the Government operations.

As economic conditions worsened, a band of farmers in western Massachusetts, led by the Revolutionary War veteran, Daniel Shays, shut down the State courts to stop their creditors from foreclosing on their lands. I wonder what Senator TED KENNEDY would think of that today. How would Senator JOHN KERRY feel about that—Shays' Rebellion? And not only did they close down the courts to stop their creditors from foreclosing on their lands, but they also attacked the Federal arsenal at Springfield. When Massachusetts appealed for assistance, Congress had neither an adequate army nor adequate funds to suppress Shays' Rebellion.

George Washington, who had retired to his estate at Mount Vernon after commanding American forces during the Revolutionary War, feared for the survival of his country and predicted ''the worst consequences from a half-starved, limping Government, always moving upon crutches and tottering at every step.'' That was George Washington, the first President and the greatest President ever of the United States.

In 1785, a dispute over navigation rights on the Potomac River prompted the States of Virginia and Maryland to set up a meeting to settle their differences. Maryland's delegation went to Alexandria, VA, only to find that Virginia's delegates had not yet arrived. They had no interstate highways. They had no great bridges that spanned the river. They had no airplanes. There was no airport over at National in those days. There were only horses and buggies.

As I say, Maryland's delegation went to Alexandria, VA, only to find that Virginia's delegates had not yet arrived. Anxious for the conference not to fail, George Washington graciously invited the delegates to Mount Vernon. There the two delegations discussed tolls and fishing rights on the Potomac. Where does the Potomac rise? It rises in my State, in West Virginia. Of course, there was no West Virginia in those days, but there was Virginia. And other questions were raised that went beyond their immediate disputes. When the Virginia delegates submitted their report to the Virginia Assembly, it went to a committee chaired by James Madison, Jr.

Convinced that larger issues remained, Madison persuaded the assembly to pass a resolution calling for a convention in the States to deal with interstate commerce. In the fall of 1786, that convention met in Annapolis, MD. You see, if it were today, Senators BARBARA MIKULSKI and PAUL SARBANES would be there. But it was long before their time. That convention could do nothing, since only 6 of the 13 States sent representatives. Spurred by Madison of Virginia and Alexander Hamilton of New York, the Annapolis convention called for another convention the following year in Philadelphia to go beyond commercial disputes and consider creating a Federal Government strong enough to meet the needs of the new Nation.

On May 14, 1787, the date set for that convention to open, a quorum could not be attained. Not until May 25—213 years ago today—did delegates from a majority of the States arrive. That was an important day—the day that a quorum of delegates arrived. Eventually, all but Rhode Island would send delegates.

With a quorum established, they got down to business by unanimously electing George Washington as their Presiding Officer. Talk about a great President, one that all the subsequent Presidents—I am sure most of them—have tried to emulate, there was the greatest President of all, George Washington, first in the hearts of his countrymen. His great prestige, the delegates knew, would help to quiet public suspicion of the convention's intent. That convention closed its doors. They didn't open the doors to the public. They locked the doors and established sentries at the doors and conducted its proceedings in secret. That was a good thing.

According to James Madison's notes from May 25, Washington, ''in a very emphatic manner . . . thanked the convention for the honor they had conferred on him, reminded them of the novelty of the scene of business in which he was to act, lamented his want of better qualifications, and claimed the indulgence of the House toward the involuntary errors which his inexperience might occasion.'' The convention then elected a secretary and appointed a committee to prepare its standing rules. The convention knew the importance of standing rules. The convention had learned that from the colonial legislatures, the State legislatures, and from Parliament in the motherland. Several of those forebears came from England, Scotland, and Ireland; they were all subjects of Great Britain, of course. They knew about Parliament. So, they prepared standing rules.

Over the next 3 months, the delegates crafted an entirely new Federal Government for the United States. Ever fearful of tyranny, they solved the problem of concentration of power by dividing responsibilities among three equal branches of Government. O, that more of our people today would study American history! I am not talking about social studies; I am talking about history—American history. O, that more of our Members would refresh their memories concerning American history! How many times have I reminded ourselves of the importance of the checks and balances, the separation of powers, the fact that there are three equal and coordinate branches of Government?

As pragmatists who doubted the perfectibility of human beings, they assumed—those delegates at the convention—that strong individuals and groups would always grasp for more power—and they were right—which would be dangerous, even if meant for good purposes. They, the delegates, believed that government evolved from the people and, indeed, they began their document with the words: ''We the People.'' But they also anticipated that public opinion would swing wildly—swing like a pendulum—wildly at times, and that public passions could get swept away in the frenzies of the moment. Some people glibly refer to our form of government as a democracy. When you hear someone say that form of government is a democracy, mark that person as not knowing what he is talking about. That person does not know what he is talking about when he says that this Government is a democracy. It is not. Rather than a democracy, the Framers created a representative government, a republic, with elaborate checks and balances.

If we want to understand the difference between a democracy and a republic, let James Madison explain the difference in Federalist No. 10 and Federalist No. 14.

As James Madison later explained in the Federalist: ''If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.''

Mr. President, because the U.S. Constitution still functions essentially the way its authors intended, and because it has been amended only 27 times in the past two centuries, that Constitutional convention has sometimes been celebrated as the ''Miracle at Philadelphia,'' and the delegates praised by none less than Thomas Jefferson as ''demigods,'' suggesting that their work was divinely inspired. In point of fact, the convention was a long, hard, bitterly-debated ordeal that on several occasions came close to collapse. They did not have air-conditioning in those days. Those summers were just as hot as they are now, I suppose. The delegates needed to reach several crucial compromises before enough of them would agree to the new constitution. One of these compromises—known as the Great Compromise—created the U.S. Senate as a means of satisfying the smaller states' demands for equality, while the House of Representatives would grant more votes to the larger states by apportioning on the basis of population. Another pivotal compromise—the Three-Fifths Compromise—addressed the emotional issue of human slavery, by permitting slaves to be counted as three-fifths of a person for purposes of taxation and representation. Without the agreement, the Southern states would not have ratified the new constitution. Yet, it left in place the peculiar institution of slavery that eventually would tear the nation apart in civil war.

In other words, Mr. President, as remarkable as was the Constitution that emerged from Philadelphia in 1787, and as much as it solved the problems that had festered under the Articles of Confederation, it was not a finished document. Despite the towering presence of George Washington, Benjamin Franklin, Alexander Hamilton, Madison, Mason, and other wise and trusted leaders at the Constitutional convention, there remained deep public suspicion over this new government, which after all had been debated entirely in secret session. Some delegates refused to sign the Constitution because it lacked protection of individual rights. This omission proved a major obstacle to the ratification of the Constitution, leading Madison to pledge his support for a series of amendments while the ink on the Constitution was still wet. During the First Congress, as a member of the House of Representatives, Madison proposed the first ten amendments, known as the Bill of Rights, and two other amendments not ratified at the time (one of which more recently resurfaced as the 27th amendment) and which we remember in our own time here in the Senate.

The late Justice Thurgood Marshall once commented that he could not admire the framers' decision to compromise with slavery, and that, therefore, he preferred to celebrate the Constitution as ''a living document, including the Bill of Rights and other amendments protecting individual freedoms and human rights.'' Several amendments to the Constitution were more administrative in scope, designed to fix flaws in the Electoral College, change the calendar for congressional sessions and presidential inaugurations, and permit the levying of a federal income tax. But most of the amendments dealt with expanding democratic rights and freedoms, from the abolition of slavery to the extension of the right to vote to blacks, women, and 18-year-olds, and even for the right of the people to directly elect their United States senators. These few amendments have improved the original document. Yet, in so many respects the Constitution remains unchanged. Today, each branch of the government retains essentially the same powers it was given in 1787—albeit magnified to meet the challenges of subsequent centuries. Ours, as Justice Thurgood Marshall reminded us, is a living Constitution.

If the Holy Bible were small enough, I would carry that with me, too. This is the Constitution of the United States. Fortunately, it is a small document. It is a compact document that fits comfortably inside my shirt pocket, and several Senators in this body carry the Constitution in their pockets. It is far shorter than most State constitutions, including my own West Virginia Constitution. It does not take long to read. But each time one reads it, one will find something new in that Constitution—some thought that did not occur to that individual before.

It does not take long to read, and yet opinion polls show that many Americans have either never read it or have

forgotten most of what they learned about it in school. That may also go for a good many of the Members of this body, and the other body. It would be very well if all Members of the Senate and House reread the Constitution from time to time. It is vital that all Americans familiarize themselves with this document so that they know their constitutional rights and their constitutional responsibilities.

Let me suggest, therefore, that May 25, marking the anniversary of the day the Constitutional Convention got down to business, would be an appropriate day for all of us to once again read the Constitution and to appreciate the framers' efforts ''to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.''

This coming Monday is Memorial Day, May 29. On that day, Edmund Randolph, Governor of the State of Virginia, presented his 15 resolves, his 15 resolutions to the convention. The debates in those ensuing days largely centered around Randolph's resolutions, or the so-called Virginia plan. So, I say to my colleagues, remember this coming Monday. That was the day when the convention first heard about the Virginia plan.

Long live the memories of the Framers of the U.S. Constitution!

WEDDING ANNIVERSARY CELEBRATION

Mr. BYRD. Mr. President, this is not quite as important a subject to my listeners, perhaps, as the words I have just spoken, but it is an important subject to me, because next Monday, the Lord willing—in the Book of James, we are told always not to say, I'll do this or I will do that tomorrow; I'll go here or I'll go there tomorrow; always say, ''the Lord willing'' —next Monday, the Lord willing, my wife and I will celebrate our 63rd wedding anniversary.

I have to frankly say that what little I have amounted to, if it is anything much, I owe for the most part to her. She saw to it that I earned a law degree. She virtually put me through law school by her caring ways. She fulfilled the responsibilities at home, rearing our children while I was busy. She went to the store, she did the buying, she did the washing, she did the ironing, she pressed my clothes. She mopped the floors, she vacuumed the carpets, she did the work. I have never seen a person who was a harder worker than my wife and the woman who raised me, my old foster mother, my aunt.

But Erma is the one to whom credit is due. She has set the kind of example for me over the years that I have not been able to emulate fully. This coming Monday, I am going to show her my appreciation by going back to the hills with her. On Monday, we will finish reading the King James version of the Holy Bible together. We are down to where we lack four chapters. We try to read the Bible every Sunday—not that I am somebody who is good; the Bible says that no man is good; not that I am somebody good —but she and I read that Bible every Sunday. Three or four months ago, I counted the number of chapters remaining, and it came out to where if I divided them in a way that we would read six chapters every Sunday, we could finish the Bible, the reading of the Holy Bible, from beginning to end, the old testament and the new, on next Monday, our wedding anniversary. We lack four chapters, and God willing, we will finish those four chapters next Monday.

After that day, we will be on our way to our 64th wedding anniversary.

DETECTIVE JOHN EUILL

Mr. BYRD. Mr. President, as I am talking about the Bible, I want to call attention to a good man who works in this Capitol. He is a detective. His name is John Euill.

Every time this little publication comes out, he brings it to me. The title of it is, ''Our Daily Bread.'' John Euill always brings that to me. Of course, we are not supposed to call attention to anyone in the galleries in the Chamber, but I am going to call attention to someone who is sitting on the Chamber bench on the Republican side right now. All of our Members have shaken his hand. He is courteous. John Euill is a wonderful man.

Let me read just a few words from ''Our Daily Bread,'' which he gave me today. The chapter titled, ''Building on the Bible'':

What can be done to improve society? An MTV political correspondent had this unexpected but praiseworthy suggestion: ''No matter how secular our culture becomes, it will remain drenched in the Bible. Since we will be haunted by the Bible even if we don't know it, doesn't it make sense to read it?''

Our culture is indeed ''drenched in the Bible.'' Whether or not the majority of people realize it, the principles on which the United States was founded, and the values which still permeate our national life, were based on the Holy Scriptures.

If Senators don't believe that, go back and read the Mayflower Compact and many of the other great documents that form the basis of this great Nation.

Yet, God's Word no longer occupies the commanding place it held in the past.

And that is true.

Its ethics are sometimes still praised even though biblical morality is flagrantly violated. So I agree with the political correspondent's urging that people read the Bible.

We need to do more, however, than just read the Word of God. We need to believe the Bible and put its inspired teachings into practice. The psalmist reminded us that we are to walk in God's ways, to keep His precepts diligently, and to seek Him with our whole heart.

Psalm 119, the second through the fourth verses. I am going to read those verses for the people who are watching through that electronic eye above the presiding chair. I want in my small way to dedicate them today to Detective John Euill.

Blessed are they that keep his testimonies, and that seek him with the whole heart.

They also do no iniquity: they walk in his ways.

Thou hast commanded us to keep thy precepts diligently.

I thank all Senators for their patience, and I yield the floor.

SPECIAL AGENT JOHN J. TRUSLOW

Mr. REED. Mr. President, I would like at this time to pay my respects to FBI Special Agent John Joseph Truslow. John Truslow, an FBI agent stationed in Providence, was more than ''just an agent.'' He was a brave man, a Rhode Islander who cherished his home state and served its people with courage and distinction.

John grew up in Central Falls, Rhode Island and attended the University of Rhode Island, receiving a bachelor's degree in 1972 and a master's degree in 1978. In 1980, he joined the Federal Bureau of Investigation in New York, where he was assigned for eleven years.

In 1991, John Truslow transferred back home to Rhode Island, with his wife, Diane, and their two children, Catherine and David.

During the next nine years with the Bureau, John Truslow distinguished himself by leading several federal probes that attacked corruption in our cities and towns.

In 1996, when the North Cape barge ran aground at Moonstone Beach, spilling over 800,000 gallons of home heating oil into Narragansett Bay and killing millions of fish and wildlife, John Truslow was hard at work. Throughout that year and the next, he led a methodical investigation, which uncovered the corporate negligence that contributed to the disaster. Because of his work, a groundbreaking agreement was reached in which the owner of the North Cape agreed to pay $9.5 million in criminal damages. Today, despite one of the worst environmental accidents in Rhode Island's history, Narragansett Bay is recovering, due, large part, to the work of Mr. Truslow.

Described by friends and co-workers as a man of substance and a man of honor, John continued to report to work each day, even after having been diagnosed with terminal brain cancer in August 1999. In fact, on April 5, one day after his twentieth anniversary with the FBI and after months of being physically ravaged by cancer and the effects of chemotherapy, John testified before a federal grand jury to present evidence which lead to the indictment on bankruptcy fraud charges of a Rhode Island traffic court judge. Twelve days later, on April 17, he was in court for that indictment.

John was a dedicated agent, working up until his final days. We are humbled by his courage, allegiance to duty and

his perseverance in the face of adversity. He served with honor and distinction, for the people of his home state of Rhode Island as well as the Federal Bureau of Investigation.

Unfortunately, John lost his battle with cancer on May 5. To his family, I offer my sincerest condolences.

I need not tell them that they can be proud of John; they already know that. But, I would like them to know what John's work meant to so many in our state. He made a difference in our criminal justice system and has left a lasting impression on friends, co-workers and colleagues in law enforcement.

While he is gone, John's legacy of duty and courage lives on, and his record of service to his country and Rhode Island will not soon be forgotten.

I ask unanimous consent that an article from the Providence Journal-Bulletin on the life of Mr. Truslow be printed in the RECORD.

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

[From the Providence Journal-Bulletin, May 14, 2000]

REMEMBERING A MAN WHO HAD THE COURAGE OF HIS CONVICTIONS

(By Mike Stanton; Journal Staff Writer)

Despite the ravages of brain cancer, FBI agent John Truslow, whose cases included the North Cape oil spill and Operation Plunder Dome, worked up until the final days of his life.

When two dozen FBI agents prepared to raid Providence City Hall last spring, a lanky, bespectacled agent named John Truslow was put in charge.

''We specifically chose him because we wanted someone who was low-key and decisive,'' recalls Daniel Knight, the head agent in Providence.

Later that afternoon, while top federal prosecutors and FBI officials held a news conference to announce Operation Plunder Dome, Truslow was back in his familiar post behind the scenes, poring through the arcane documents and tedious tax records that would help the government build criminal cases against corrupt Providence officials.

If John Truslow toiled in obscurity, his efforts were not in vain. He worked on some of the most prominent criminal cases in Rhode Island over the past decade from public corruption in Johnston to criminal negligence in the 1996 North Cape oil spill to the ongoing corruption probe of the administration of Providence Mayor Vincent A. Cianci Jr.

Truslow kept working even after he was diagnosed with terminal brain cancer last year.

As the cancer ravaged his body and the chemotherapy failed to arrest the disease's advance, Truslow would say that he was ''on top of the world'' and keep showing up for work.

Although his gait was unsteady and he was unable to drive, Trusklow was still on the job in April, putting in a nine-hour day as a federal grand jury indicted retired Rhode Island traffic-court judge John F. Lallo on fraud-related charges after an 18-month investigation.

On May 5, Truslow died, with his wife of nearly 22 years, Dianne, and their daughter Catherine and son David nearby. He was 50.

''John would never, ever give up,'' says his friend and colleague, Special Agent W. Dennis Aiken. ''He wasn't given a lot of time by the doctors, but he had things that he wanted to finish. He met every goal he set.''

That sense of purpose was evident at Truslow's wake last Monday, a celebration of his life that drew an overflow crowd of friends, family and colleagues from throughout the Northeast.

Patting his friend's hand, Aiken talked about Truslow's love of his family and his job, and vowed that his work would continue:

''There's still a lot of people we need to put in jail.''

EVEN AT 6–FOOT–5, John J. Truslow was a man who, with his crumpled raincoat and mild personality, ''could easily fade into the background,'' says friend and federal prosecutor Ira Belkin.

''He was all substance, no show,'' says Belkin. ''No task was too small or too big. If I had 10 John Truslows, there would be no crime in Rhode Island.''

Truslow grew up in Central Falls, one of four children. His father worked for a local gas company; his mother worked in a mill.

As a student at the University of Rhode Island in the early 1970s, Truslow met a high-ranking FBI official the father of a classmate and ''became fascinated with the bureau,'' recalls his wife, Dianne L. Truslow.

The FBI official told him that there were two paths to becoming an agent accounting or law school. Truslow chose accounting.

He joined the bureau in 1980, in New York, and within a few years began specializing in white-collar crime. In 1991, he transferred to Rhode Island, moving to East Greenwich.

Before long, Truslow was leading a federal corruption probe of the Town of Johnston, involving bribes by developers to town officials.

One official was charged with demanding a $10,000 bribe, which he described as ''coffee money.'' Ultimately, eight people were convicted. Long-time Johnston Mayor Ralph aRusso, who wasn't charged, was voted out of office.

''The people in Johnston Town Hall hated to see him,'' recalls Dianne Truslow. ''He knew their records better than they did.''

Other Johnstonians cheered him on. One was Rosie Cioe, proprietor of the downtown Providence deli Amenities, where Truslow would stop in every morning for a cranberry muffin.

''John kept my hopes up that Johnston would turn itself around,'' she recalls. ''I'd say, 'You're doing a hell of a job, John. Keep going.' He'd just smile.''

Peter DiBiase, a Providence criminal-defense lawyer who represented people investigated by Truslow, calls him ''a worthy adversary and an honorable man.''

''He played hard and he played fairly,'' recalls DiBiase. ''He's the most diligent FBI agent I ever met.''

ON JAN. 19, 1996, the tug Scandia caught fire in a storm and ran aground at Moonstone Beach with the barge North Cape, causing the worse oil spill in Rhode Island history.

Truslow led a team of state and federal investigators in piecing together hundreds of boxes of ship records and interviewing crew members who had concealed problems with the boats.

The result was a groundbreaking 1997 agreement in which the boat owner, Eklo Marine Corp., agreed to pay $9.5 million in damages.

''Some agents are good with paper and some are good with people there aren't many agents like John who are good with both,'' says Belkin.

Truslow had a patient, methodical style of interviewing that broke down many a target into confessing criminal wrongdoing, associates say. In one fraud case, Belkin recalls, a suspect being questioned by Truslow raised his hand and, to the dismay of his lawyer, said, ''Guilty.''

Last Aug. 11, while delivering subpoenas to Newport, Truslow suffered a seizure and blacked out, crashing his car into a tree in Middletown. He came to in an ambulance.

Hospital tests found seven tumors in his brain and three more in his lungs. Following 10 days of radiation treatment, doctors at the Dana Farber Cancer Institute in Boston found that the tumors had grown. Last October, they estimated that he had six months to live.

''We were beside ourselves,'' recalls Dianne Truslow. ''We sat there and wept.''

Agents continued to drive Truslow to Boston for treatment. His hair fell out, his body grew gaunt, and he suffered painful side effects from the chemotherapy. Still, he kept working. His job helped distract him from the cancer, and the cancer drove him to push hard to finish cases.

Truslow worked on a Plunder Dome case involving lawyer and long-time State House insider Angelo ''Jerry'' Mosca Jr. In January, Mosca pleaded guilty to delivering $25,000 in bribes to city tax officials; one of the bribes involves allegations that $10,000 was intended for an unidentified high-ranking city executive.

Truslow also sat at the table with a federal prosecutor in March, when Providence tax collector Anthony E. Annarino pleaded guilty to taking bribes in another Plunder Dome case.

Truslow's wife says that he set milestones to keep himself going: his 50th birthday in November, which was marked by a surprise party attended by about 75 FBI agents and other friends; Christmas, his children's birthdays, his 20th anniversary with the FBI.

On April 5, the day after marking his 20th anniversary, Truslow was back before a federal grand jury, presenting evidence that led to the indictment of former Rhode Island traffic-court judge John Lallo on bankruptcy fraud charges.

In the preceding months, Truslow had continued to build the case, interviewing witnesses at Foxwoods casino in Connecticut, where Lallo had piled up gambling debts.

On April 17, Truslow appeared in court for Lallo's arraignment. One week later, on April 24, he came to work for the last time. After a few hours, however, it became apparent that he had taken a turn for the worse: he struggled to speak in complete sentences, and had to be taken home.

He died nearly two weeks later. On Thursday, Truslow's wife and children, following his wishes, scattered his ashes from an airplane over a favorite spot overlooking Narragansett Bay.

Dianne Truslow recalls her husband's pride back on April 4, when he was honored for his 20 years of service in the FBI. Barry W. Mawn, the head of the FBI's Boston office, hailed Truslow as ''a profile in courage.''

As the 200 people there wept openly, a sobbing Truslow thanked them.

''I don't know how much longer I have,'' said Truslow, ''but I will continue to work every day and do my best.''

AGRICULTURAL RISK PROTECTION ACT OF 2000—CONFERENCE REPORT

Mr. LUGAR. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater

access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance programs and for other purposes and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2559, to amend the Federal Crop Insurance Act have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report. (The conference report is printed in the House proceedings of the RECORD of May 24, 2000.)

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, as a parliamentary inquiry, my understanding is that unanimous consent has been reached that this Senator controls 1 hour of debate, the distinguished Senator from Iowa, Mr. HARKIN, 1 hour of debate, and the distinguished Senator from Minnesota, Mr. WELLSTONE, controls 1 hour of debate.

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I yield to myself such time as I may require.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to speak about the Agricultural Risk Protection Act of 2000. I am very pleased this legislation is before the Senate today for final consideration after a great deal of work by Senators of both parties and both sides of this Capitol. I am here to testify that there is proud bipartisan support for this legislation, highlighted by the fact that all members of the conference committee for this legislation signed the conference report after our meeting yesterday.

This conference report contains several titles. Title I pertains to crop insurance important to so many agriculture producers throughout the country. The fiscal year 2001 budget resolution provided $8 billion over 5 years for crop insurance legislation. This conference report increases premium subsidies to make crop insurance more affordable. The bill also tightens program integrity provisions to limit abuse. It also helps producers of non-insured crops, predominantly specialty crops, by making the non-insured assistance program more readily available to them. Finally, the legislation encourages farmers to adopt a broad array of risk management activities beyond crop insurance alone.

Title II of this conference report provides $7.14 billion in economic assistance to farmers as provided in the fiscal year 2001 budget resolution. Included in this conference report is $5.466 for a market loss payment for farmers in this fiscal year based on last year's AMTA payment rate. Five hundred million dollars is provided for oilseed producers. Funds are also provided for specialty crops including funding for purchases of crops that have experienced low prices in 1998 or 1999 and loans for apple producers who are suffering economic and income loss. Finally, funding is provided for purchases of commodities for the school lunch program which benefits school children as well as farmers.

Title III of the conference report contains the Biomass Research and Development Act, a bill which I originally introduced in the Senate last year. This legislation establishes a focused, integrated, and innovation-driven research effort to develop technologies for the production of biobased industrial products. The bill also authorizes a biomass research and development initiative to competitively award grants to carry out research and development of low cost and sustainable biobased industrial products.

Title IV and V of the conference report consolidates and streamlines existing statutory authorities for plant protection and authorizes civil penalties for harming or interfering with animals used for USDA inspections. Senator CRAIG had originally introduced this legislation in the Senate.

I thank Senator HARKIN, the ranking minority member of the committee, and Senator ROBERTS and Senator KERREY for their hard work and that of their staff in finalizing the crop insurance legislation. All members of the conference committee and their staff are thanked for their important contributions to the process.

Finally, I also want to thank Congressman COMBEST, the chair of the House Agriculture Committee, and Ranking Minority Member STENHOLM and their staff for their hard work in the past few weeks on this legislation.

I am pleased to report the House of Representatives took action on this conference report this morning and passed it unanimously. I am hopeful that we may have a result similar, if not exactly the same as that, this afternoon in this body.

Let me simply add that this legislation is of enormous importance to American agriculture. I have tried to summarize as succinctly as possible these five titles. But the consequences of this bill are very substantial. The dollars involved I have outlined. But the confidence, the hope that comes to producers who have had great discouragement in terms of low prices, in terms of export markets that have been withheld due to economic conditions in Asia, biotechnology disputes now in Europe, very great problems in negotiating trade agreements, whether it be the Seattle scene or the Washington scene more recently—this has been a very tough time.

The Chair comes from the State adjacent to my own, a State which, like Indiana, must export half of the soybeans we produce and about a third of the corn we produce. There can be no prosperity in American agriculture without vigorous negotiations to knock down these trade barriers and to open up prospects for our farmers to realize the benefits of having the best—the best in terms of quality, the best in terms of price.

These economic circumstances do not pertain if there are barriers to exports. But in this interim period, it is appropriate that Congress has understood these unusual international problems and understood we are in transition to more market-oriented farming. The crop insurance title in particular recognizes the possibility of farmers becoming much better marketers, much better business people, which all of us will have to become if we are, in fact, to succeed over the coming generation.

I know many Senators will want to speak on this issue. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Who yields time to the Senator from North Dakota?

Mr. CONRAD. I yield myself time off the leader's time.

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

Mr. CONRAD. Mr. President, as a member of the conference on the disaster bill and the crop insurance bill, I am pleased to give strong support to the conference report.

First, I thank the chairman of the Senate Agriculture Committee, Senator LUGAR, for his leadership, his patience, and his very gracious treatment of all of our colleagues. All of us understand this particular bill was not Senator LUGAR's first preference. Once again, he responded to the concerns of colleagues on the Senate Agriculture Committee and in the larger body and did so in a most gracious way. For that, I thank Senator LUGAR. He has once again demonstrated the way we ought to do business in the Senate. He has certainly set a high standard.

I also thank our ranking member, Senator HARKIN, who has been indefatigable in advancing the cause of American agricultural producers. Senator HARKIN has been a forceful advocate. Time after time, he has stood in the breach and insisted we do what is right by farmers and ranchers all across the country. I thank Senator HARKIN for his exceptional leadership. We would not be here today without him.

I also thank Senator KERREY and Senator ROBERTS who were the primary sponsors of the legislation before us. Without their steadfastness right to the bitter end, we would not be here today. We faced a threat as late as last night when it was proposed we put the bankruptcy bill on this legislation. All of us know what that would have meant. That would have meant endless delay. That would have meant sinking into a bog of controversy that extends not only to the bankruptcy bill, but unrelated issues attached to it. Special thanks to those who stood firm and

said, no, this needs to be a bill that deals with the critical problems facing farmers and ranchers in the United States.

I also thank my close friend and colleague, Senator GRASSLEY, who, as a member of the Budget Committee, worked with me to secure the $8.2 million in the budget that makes possible crop insurance reform.

Finally, I recognize the work of the House committee chairman, Congressman COMBEST, for conducting what was a very fair and open conference committee. That is the way a conference committee should function. It was give and take, it was a debate, it was discussion, and at the end, it was a coming together around legislation that is, I think, outstanding. I again single out the House committee chairman, Congressman COMBEST, for his leadership.

We have developed, I believe, the right bill at the right time with the required budget support. In one bill, we have managed to bring together emergency farm relief for the families who are faced with the lowest prices, in real terms, in 50 years and a reform of the crop insurance system to make it more affordable at every level.

In addition to that, we are righting a wrong done to Durum farmers a year ago. This bill provides emergency relief in the form of 100-percent AMTA supplemental payments. For wheat farmers, that means instead of getting 64 cents a bushel, as they did last year in an AMTA payment, they will get 64 cents in addition to the regular AMTA payment, which this year will be 57 cents. So they will get an AMTA supplement—this is on wheat now—of 64 cents a bushel that is equivalent to last year's AMTA payment, married to the AMTA payment we will be getting this year.

In addition, we have a crop insurance reform bill that is a dramatic improvement. When I go home and have meetings all across North Dakota, one of the most agricultural States in the Nation, what I am told, and told repeatedly, is that crop insurance is not working. It does not work because we do not have the right levels of support at the levels of coverage that farmers are buying, and they have a very serious problem if they have multiple years of disaster.

Oddly enough, the way the formulas work, when farmers have multiple years of disaster, the base that calculates the support they receive is diminished—it is reduced, and it is reduced dramatically. The irony is, at the very time farmers need help the most, we have a formula that gives them the least help. It makes no sense. We have adjusted that in this legislation.

I know there are those who are critical of using the AMTA payments as a basis for the economic disaster assistance. I understand that. AMTA payments are not countercyclical. That is, they are not designed to help those commodities that are the exact ones that are being hurt by this downturn.

In addition, AMTA payments are not based on current production. AMTA payments, as a result, can go to producers and landowners who may no longer be producing the crop on which their payment is based or who are no longer growing a crop of any kind. Those are legitimate criticisms. Most of us recognize that.

The question is, Do we make the perfect the enemy of the very good? I say to my colleagues, could we have done better? Yes, we could. We could have adopted a countercyclical program. But I say to my colleagues, at some point we have to make a decision: Are we going to delay support for producers who are in very deep economic trouble, faced with a circumstance in which USDA informs us, absent our action, farm income will drop $8 billion this year; or do we act?

I urge my colleagues to join us in acting. Let's not delay. Let's not wait. Let's not make the perfect the enemy of the very good. The fact is, this package is going to make the difference for tens of thousands of farm families all across America between economic survival and economic death. That is the reality. That is what motivates the urgency of our action.

I am very proud of the package that is before us. Many people labored hours and hours to produce this result. I salute not only the Members who worked hard and provided the leadership, but I thank the staffs on both sides who exhibited a dedication to public service because they did not work just 9 to 5. I know there are some people who think the Senate is kind of an easy-going place and people work leisurely hours. That is not the truth.

The truth is people here work very hard. No one works harder than the staffs. The staffs in this circumstance have given us a perfect example of how to function to produce a result. They worked together harmoniously—well, not always harmoniously. Sometimes there was friction, sometimes there were real differences of opinion, but they kept at it, and they produced a result, and it is a result that is good for the country. They worked very long hours, many times late into the night, through the weekends repeatedly, to help achieve this result. I salute them today on both sides of the aisle because this was a bipartisan product. That happens, unfortunately, not as frequently as it should happen in this Chamber. I can tell you, this package is a product of coming together in a bipartisan effort. I salute all those who helped produce it.

In addition to the disaster package we have, in addition to the crop insurance reform which is wide sweeping and incredibly important to America's farmers and ranchers, this bill also includes provisions that effectively resolve a lawsuit brought by an unfair action by USDA regarding the 1999 durum crop revenue coverage level in contracts that were offered in various parts of the country. This means that both parties to that lawsuit—farmers and USDA—have a reason to settle that lawsuit, with every policyholder who received a claim getting additional per-bushel assistance.

More importantly, the bill language makes it clear that actions on the part of USDA that change the conditions of crop insurance policies retroactively are not acceptable for any commodity.

Whatever were they thinking of, to put out a contract—however flawed that contract might be—to have farmers sign up to it, and then to withdraw it? These contracts are contracts. That means there is a two-way bargain. You cannot have a circumstance in which the Federal Government puts out a contract, gets people to sign up to it, and then changes its mind and withdraws it. That is not fair. That is not right. In this legislation, we have sent that clear signal.

I close by suggesting to my colleagues that we now have a moment in time that we can act together in the best interests of the farmers and ranchers of America. I urge my colleagues to support this conference report. I again say how proud I am to have been a part of this conference that functioned the way a conference should in a bipartisan effort to produce a result that is good for America.

I thank the Chair and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I note that Senator HARKIN was going to come out on the floor. I will try to be relatively brief. I did not want to precede him. Let me just take a few moments, and then I will reserve the remainder of my time for later on. I know my colleague from Idaho wants to speak as well.

Mr. President, I am speaking on my hour right now, though I will not take up all the time, and I will reserve the remainder of my time.

At the beginning, Mr. President, before I thank some of my colleagues for their work and then be honest in some of my criticism, I will very briefly, with the indulgence of my colleagues, just point out on the floor of the Senate that yesterday—all of us have to deal with this in our States—Sheila and I received some unexpected news that has devastating consequences for the people of part of Minnesota—an area I love, the Minnesota Iron Range. The steel company LTV announced it is going to close the taconite plant in Hoyt Lakes. They employ 1,400 people, I say to my colleague from Idaho. For Hoyt Lakes, Aurora, and other communities in the Iron Range, this is just devastating news.

It just makes me sick to my stomach because these workers are friends and their family members are part of our family. I have always been honest that the Iron Range in Minnesota is a second home for me. It is all so unexpected.

Jerry Fallos, who is the president of the steelworkers local, got a call yesterday at 6 a.m. in the morning. The company said: We want to meet with you. He had absolutely no inkling there was any trouble. LTV said: We are closing the Erie plant.

I know that the steelworkers are asking for an accounting of the closing. They are pledging to do whatever they can to keep it open. In whatever way I can help as a Senator, I certainly intend to do it.

By way of concluding these remarks and getting on to the conference report, I want to say this.

Tomorrow, I am going to leave early to go home and meet with county commissioners, workers, union representatives, company people, small businesspeople, and all the rest. I know we will be talking about how to get assistance to people and how to have more economic development and the need to figure out yet other ways to diversify the local economy. But the one thing I want to mention, because the Iron Range is so special, is that sometimes I do not think we focus enough on community.

I think this should bring Democrats and Republicans together —a place where people live, where people go to church or synagogue or mosque, or wherever people raise their families, where people know one another, people love one another, and people support one another.

I truly do believe sometimes these capital investment decisions in this new global economy, that get made over martinis, halfway across the world, can have devastating consequences for the people in our communities. I think we need to put more of a premium on community, especially on our smaller communities. I hate it when we are put in the position of picking up the pieces as a result of the communities being devastated by policies that are needless and should not be supported in the first place.

Again, we have seen a torrent of dumped steel imports coming into our country that has made our industry vulnerable. We now have 1,400 people—much less their families and communities—who are very much at risk.

As a Senator, I am going to do everything I can to help these people.

In some ways this is like the farm crisis.

Mr. President, I ask my colleague from Idaho how long he intends to take?

Mr. CRAIG. I thank my colleague.

I would speak probably no more than about 5 or 6 minutes.

Mr. WELLSTONE. Mr. President, I did not want to precede Senator HARKIN, who is the ranking member on this committee. I ask unanimous consent that Senator HARKIN be able to speak, after which Senator CRAIG would be recognized for 5 minutes, and then I be recognized to follow Senator CRAIG. Would that be all right? I would be pleased to do that. I ask unanimous consent that that be the order. I say to my friend from Iowa, I did not intend to precede him.

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

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank Senator WELLSTONE for his consideration. I do appreciate that very much.

Mr. President, I come to the floor this afternoon, as most of us do, to speak about the crop insurance conference report that is now before us and to thank those conferees—the chairman of the full committee, Senator LUGAR, Senator ROBERTS, and others on our side, certainly, who were engaged, as they should be, to produce this conference report, and thank them for the hard work they have rendered in bringing about crop insurance reform.

It is a challenging process at best. They have done an excellent job in balancing the interests we have in agriculture, and to have crop insurance that reflects the diversity of agriculture itself.

With the passage of the farm bill, Congress—we—promised crop insurance that would work. I am pleased to see that we now are living up to that promise by passing sweeping legislation to bring some normalcy back to our Nation's farm economy and to expand the risk management tools available to our farmers and ranchers.

The crop insurance conference report addresses several concerns farmers from my State and I have about the current Crop Insurance Program. The conference report provides increased subsidies for greater buy-up of crop insurance, funding for research and development of specialty crop insurance, and the removal of the NAP area trigger, just to name a few of the improvements.

This legislation is a very balanced approach, containing meaningful and sweeping reforms that all of us would admit are long overdue.

As we all know, the agricultural economy has been in a dramatic slump for the last good number of years. USDA reports that overall conditions in the economy in early 2000 are largely a replay of last year. Agriculture is a part of the world economy, and farmers across the board are facing very difficult times.

For the past 2 years, though, we here in Congress have tried to respond to the agricultural crisis by providing over $15 billion in emergency economic aid. I do not stand back from that. I think it was appropriate and necessary to keep our agriculture economy out of bankruptcy.

The need this year is not much different than last. I am pleased that there is $7.1 billion in economic farm aid in this conference report. This funding includes $5.5 billion additional AMTA payments, or market loss payments; $200 million for specialty crops; $500 million for oilseed payments; $11 million for wool and mohair maintenance; loans for producers who were affected by the AgriBioTech bankruptcy that impacted my State and other States dramatically, including Oregon, Washington, Montana, some 30-plus States that were involved in both grass clover and alfalfa seeds.

I have worked for and supported the funding because I believe it is what our farmers need to stay in business in the short term. We must help them deal with this if we can; and I think we are. USDA reports that global economies are now improving. Of course, we know that many of our products sell openly in the world market. As that economy improves, so does the demand for agricultural commodities from this country and the improvement of price.

The conference report also includes the Plant Protection Act, a bill I have been working on for nearly 2 years. What is it? It is a weeds program. That is what it is all about. I think those of us who are familiar with agriculture recognize that we have not been good at dealing with weeds. Those of us who live near large tracts of public land recognize that our public land neighbors have been less than good stewards of their land by allowing major increases in noxious weed populations on our public lands. This is a major step in the direction of improving that. It follows the President's initiative that was taken a couple of years ago with the legislation Senator AKAKA and I have worked on for some time. I hope we can meet the other needs that Senator AKAKA has, and I will work with him in the agricultural appropriations that will follow to see if we can make that happen.

This legislation will organize and expand the function of the Animal and Plant Health Inspection Service. APHIS currently gets its authority from 10 different statutes, some of which are outmoded and conflicting and complicated. As a result, it simply has not provided us with the kind of consistency we need to deal with commercializing technologies and the use of biocontrols in the area of weeds.

The PRESIDING OFFICER (Mr. ALLARD). The Senator's time has expired.

Mr. CRAIG. Mr. President, I ask unanimous consent for no more than 2 minutes.

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

Mr. CRAIG. This bill has broad support from the American Nursery and Landscape Association, National Association of State Departments of Agriculture, the National Christmas Tree Association, the National Potato Council, and many others that for a long time have recognized the need to reform this area of the law.

Again, I commend the conferees on both sides of the aisle for the hard work they have undertaken in producing this conference report in a way that will produce reform in crop insurance that I think is now functional, workable, and becomes the kind of risk

management tool we promised American agriculture some years ago. With that is the supplemental program for emergency purposes that will go a long way toward stabilizing the agricultural economy as we move through this year and into next.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, Senator ROBERTS is here. He worked so hard on the crop insurance bill, which is a fine piece of legislation. I ask unanimous consent that Senator ROBERTS be recognized for about 15 minutes, and afterwards I follow him, and then Senator HARKIN.

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

Mr. ROBERTS. Mr. President, I rise today in strong support of H.R. 2559, the Agriculture Risk Protection Act of 2000.

As has been indicated by my colleagues, this legislation provides what we believe are very dramatic reforms to the Crop Insurance Program. It also marks the final product of a legislative initiative Senator BOB KERREY and I began working on nearly 2 years ago. Senator KERREY and I decided to undertake this task at the same time Congress was passing the first of several large agriculture assistance packages in 1998. The problems we experienced in 1998 and again in 1999 exposed many of the holes in the current Crop Insurance Program. We agreed that changes needed to be made and that we must work together in a bipartisan manner to achieve program improvements. In fact, this is one of the reforms that was promised as an integral part of the 1996 farm bill. Obviously, those reforms did not take place, but here we are, finally, in an effort to achieve those reforms.

Senator KERREY and I did not just set out to write a bill based upon what we thought needed to be done. Rather, we wanted input from those who were most directly affected by this program. We asked virtually every producer, every farm organization, every commodity group, every crop insurance company, every insurance agent group in the country for input on this legislation. We traveled throughout the country. We held, literally, hundreds of hours of listening sessions here in Washington to get the input both from the organizations and the producers.

The responses were overwhelmingly clear: Major changes were needed in regard to the Crop Insurance Program. These groups recommended more affordable crop insurance policies at higher levels of coverage, equalization of the subsidy on something called revenue insurance, provisions to deal with multiple years of disaster, a better program for new and beginning farmers, changes in the product approval process, and, finally, the removal of the regulatory roadblocks that had stifled new product development.

Senator KERREY and I took these recommendations very seriously, and this legislation achieves each of these goals. The process has not been easy. We began our meetings on this issue in September of 1998. We introduced our first legislation, S. 529, the Crop Insurance for the 21st Century Act, last February. We then introduced a second bill, S. 1580, the Risk Management for the 21st Century Act, in September. In March, the Agriculture Committee and the Senate approved the crop insurance legislation that was based largely upon our original bill. Since passage of the Senate bill, we have spent nearly 7 full weeks in conference with the House. There have been many surprises, many bumps in the road, to say the least, sometimes arising at the last minute. I believe those unexpected bumps, however, were appropriate because they helped remind us of the often unexpected, unpredictable risks that our farmers and ranchers face on a daily basis, the same risks that this legislation works to help them manage.

The task was difficult and the hours were often long, but in the end we achieved a bipartisan bill that was supported by all 18 members of the conference committee between the House and the Senate. That is no small achievement.

Exactly what does this bill do? It makes it easier for producers to purchase the higher levels of coverage by increasing the premium write-downs and reducing the farmer's out-of-pocket expenses. By allowing the producer to produce these higher levels of coverage, I believe we will reduce the need for future disaster bills, those disaster bills that are always a disaster to pass, a disaster to implement, and always seem to come during even-numbered years. The legislation makes the revenue insurance policies that have become enormously popular for producers more affordable as well. This is risk management. These are risk management tools that, hopefully, will lessen the reliance on disaster bills and all of the expenditures that those entail, usually under emergency legislation.

The legislation also provides adjustments to something called the average production history, the APH, for those farmers who have experienced a year or years of significant crop losses and disaster. It provides for a new assigned yield system that will benefit new and beginning farmers.

The legislation also restructures the board of directors to provide more producer and insurance expertise. The product approval and the research development processes are greatly improved. This will result in the development of new and improved products that will provide our producers with the additional risk management tools they need.

We have also strengthened the fraud and abuse penalties in the program. Farmers and ranchers should pay attention to this; critics of the farm program should pay attention to this. Under this legislation, the producers and insurance representatives who would abuse the program face fines of up to $10,000 and possible disbarment from all USDA programs for up to 5 years. Those who would try to destroy the integrity of the program are going to be punished, and they are going to be punished big time.

I also comment on several provisions that do not necessarily affect my State and producers but which I know are very important to other Members in this body.

In recent years, there have been many complaints that specialty crop producers and certain areas of the country have been ''underserved'' by the Crop Insurance Program. This legislation takes major steps to address these concerns.

First, it provides nearly $500 million over 5 years for changes to make something called the Noninsured Assistance Program, or NAP. NAP will work better for these producers. It requires the RMA to undertake studies and report to Congress on ways to better serve these areas. And more than $200 million is provided for expanded research and education to develop new and better risk management products for these producers.

Mr. President, in addition to the important crop insurance reforms included in this package, we have also provided $7.1 billion in agriculture assistance for farmers and ranchers who have not enjoyed the booming economic times experienced by the rest of the U.S. economy. Approximately $5.5 billion of this amount will go out as market loss payments, through the AMTA payment mechanism established in the 1996 farm bill.

Now, while I understand some of my colleagues believe this is not the best way to distribute these funds, it is the quickest guaranteed manner by which the USDA can make these payments. I remind my colleagues who wanted to develop a new payment formula that in the past 2 years it has taken the Department of Agriculture at least 9 months to make these payments through the disaster and assistance programs that were not paid to producers through the AMTA payment mechanism.

I also point out that after a lot of real criticism regarding the AMTA process, the department or the administration came forward with a plan, only to be roundly criticized by virtually every farm organization and commodity group. So I think this is the way to do it. These are emergency payments.

As long as we don't have our export markets back, as long as farmers are not experiencing the kind of farm income at the country elevator, and market prices are depressed, I think this is appropriate, and doubtless this will help. We are doing it early. We are doing it early in the spring. It is in the budget. No Social Security money. No emergency money. The farmers, ranchers, and the lenders can sit down, and

under consistency and predictability, know what they are getting this fall.

I am also pleased that $15 million is included for carbon sequestration research. The preliminary research indicates that agriculture can and will play an important and positive role in the debate regarding global climate change, and this funding is an important downpayment on this research. Senator KERREY and I worked hard to include this research money. It will enable farmers, again, to play a positive role in taking carbon out of the atmosphere and to mitigate the global climate change problems we have.

I could continue to discuss the merits of this legislation, but I will cease and desist. However, I do have a few closing comments.

First, this legislation has been a personal priority of mine for many years. It was nearly 20 years ago that my predecessor in the House of Representatives, Congressman Keith Sebelius, cast the deciding vote to create the Federal Crop Insurance Program. Since that time, I have been committed to strengthening this program and making it work for our producers. We promised this in the 1996 farm bill. In addition, an improved Crop Insurance Program has been an underlying promise ever since that bill has been passed. It was a promise I personally made, and today I consider it a promise, hopefully, fulfilled.

It has been a pleasure to work with my colleague from Nebraska on this issue. Senator KERREY is retiring from the Senate when this session ends, and I know passage of this bill before leaving the Senate has been one of his top priorities. We could not have done the job, the committee could not have done the job, the staff could not have done the job, we would not have had this bill without the support, leadership, advice, counsel, and hard work of Senator KERREY. Furthermore, I thank the distinguished chairman of the committee, Senator LUGAR, for his assistance in working with us to get a strong bill out of the conference between the House and Senate. Without his leadership as well, obviously, we would not have this package.

Finally, I thank the staff of the Senate Agriculture Committee. The Senate legislative counsel and the Congressional Budget Office spent considerable time on this legislation. As a matter of fact, maybe even too much time. It has been a Herculean effort, and all Members and staff involved deserve to be commended. I would be remiss if I did not mention specifically Bev Paul, who works for Senator KERREY; Mike Seifert, who works for me; and Keith Luse, the distinguished and able staff director of the Senate Agriculture Committee. They basically did the work and reported to us, and we reported to them to go back to work and they finally produced a bill. They persevered.

I close by stating that this is a good and fair bill. For the first time, it is a truly national crop insurance bill that serves all regions of the country. I remind my colleagues that it is a bipartisan bill, supported by all 18 members of the conference committee. It represents a real investment in our farmers and ranchers and the agriculture sector of our economy. I am proud of our efforts on this legislation.

I thank my colleagues for their support. I urge its quick passage. It is my understanding that it passed by unanimous consent in the other body, which has a lot of difficulty deciding when to adjourn, let alone passing things by unanimous consent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I come to the Senate floor today to speak of my profound disappointment regarding the way in which the Senate is conducting its business. I am outraged that these payments have been attached to a conference report without any consideration in the full Senate.

Mr. President, without any public debate and with no hearings in the Agriculture Committee some of our colleagues have attached $7.1 billion to this conference report, and have unilaterally decided to continue the failed farm policy of the 1996 farm bill.

First of all, I want to be very clear that I am pleased there was some recognition in Congress that the Freedom to Farm bill, or as I call it the Freedom to Fail bill, has not provided an adequate safety net to our nation's family farmers. Furthermore, I am pleased that the Budget Committee recognized that after spending over $16 billion the last 2 years on emergencies, family farmers were in need of an economic safety net.

But I believe this emergency assistance package only relieves the apparent symptoms of the economic crisis in agriculture. This assistance will help some farmers to continue their operations for the immediate future, but this direct cash infusion cannot sustain farmers for the long term.

I am deeply concerned about simply attaching this money to a conference report without any debate or possibility of amendments. And as a Senator from Minnesota, with thousands of family farmers in my state who are suffering economic convulsion, I am completely opposed to continuing this disastrous farm policy passed 4 years ago.

Mr. President, this is very much an extension of the debate we began last week—it's a debate about our right to be legislators. It is about being able to offer amendments to improve legislation—that is what the people of Minnesota elected me to do. The people of Minnesota and the thousands of Minnesota family farmers certainly didn't elect me to be silent, and accept the status quo in Washington, DC.

At times Senate procedure can seem a bit arcane to many people—let me explain what has happened with this legislation. We are now considering the crop insurance conference report—this is great. The legislation passed 95–5, and I voted for the bill. The crop insurance bill passed by the Senate will, in fact, make crop insurance much more affordable for thousands of family farmers who have experienced years of crop losses—like the Red River Valley in Minnesota. I will do everything in my power to pass this important piece of legislation—I have no objection there.

However, what has been done behind closed doors in a conference committee, with absolutely no public scrutiny, is completely different. What the conferees have done is to attach $7.1 billion in emergency farmer relief payments to the crop insurance bill. They have not asked the full Senate. They have not consulted with the House of Representatives.

And conference reports are privileged which means that Senators cannot offer any amendment. Nor can Senators engage in extended debate. In essence, we as Senators have been left with no options to alter the conference report in any way.

Mr. President, as a Senator from Minnesota this is one of the most egregious maneuvers I have witnessed in the Senate. And the one thing that greatly concerns me about this road we seem to be heading down is that back home in Minnesota I meet with people, and they really believe that I will make a difference in their lives—that I can in fact help them.

However if, as a Senator, I cannot at least offer amendments, to what is probably the most important agriculture bill, I am shut out. In fact all Senators are shut out. I don't claim to agree with everyone, and I welcome having debates about what is the best way to spend $7 billion, but the Senate must have those debates.

And for Minnesota farmers time is not neutral. That was evident when nearly 4,000 family farmers from Minnesota, and all across the country, came to Washington, DC, to demand a change in the failed Freedom to Farm Act. People really believe when we meet with them that we can do something right now about the abysmally low prices, whether it is the livestock producers, or whether it is the corn growers, or dairy producers. With what is going on in farm country with crops, people are in such pain. They still come out to meetings because they still believe in us as their Senators, and by meeting with us and talking about what is happening to them, somehow since we are their Senators we can do something to help.

But I am left with very few options. The majority has insisted on attaching a vital piece of legislation to a conference report without any public debate, or amendments. And that is to say nothing about the substance of the legislation they are attempting to ram through the Senate.

However, I am glad that Minnesota will benefit from the emergency package. And, although I have significant reservations that AMTA is not the best mechanism to provide income assistance to producers, it will at least keep farmers going for another year. I preferred and pushed for a mechanism that targets and ties assistance to actual production.

Mr. President for the first time since 1996 the majority has recognized that the Freedom to Fail does not provide an adequate safety net for our family farmers. Through including $7.1 billion in the FY 2001 budget resolution for farm relief the Budget Committee has conceded that the Freedom to Farm Act has failed to provide an economic safety net for our nation's family farmers.

We were presented with a tremendous opportunity to reverse the disastrous farm policy enacted in 1996, by targeting this money to our nation's small and medium sized producers who are truly in an economic crisis. But rather than examining serious policy alternatives that could reverse the current economic crisis in rural America, we have been presented with legislation that continues the Freedom to Fail bill.

First of all, and I think this simply prudent public policy—and I say this is with greatest respect for the chairman of the Agriculture Committee—I do believe the Agriculture Committee had a responsibility to our nation's family farmers to hold hearings on mechanisms to target the financial assistance to those small and medium farmers most in need. I firmly believe it is a grave mistake not to base these payments both on prices and production.

Basically what the majority has done is to double these disastrous AMTA payments. And they have refused to deal with any of the problems of distribution equity.

As we have seen over the last 2 years, emergency assistance packages only relieve the apparent symptoms of the economic crisis in agriculture. Assistance will help some farmers to continue their operations for the immediate future, but direct cash infusion cannot sustain farmers for the long term.

There are a couple of problems with these AMTA payments. First of all, these payments are based on the old farm program's historic yields. Farmers such as traditional soybean farmers, who never had a program base in the old program, don't get any of these AMTA payments. That is one huge problem.

In addition, it is possible for some people who might not even have planted a crop to receive them because the Freedom to Farm—or what I call the ''Freedom to Fail''—payments are completely unconnected to production or price. Furthermore, I predict, largely this money will be used to pay back banks and lenders from whom farmers needed to borrow money earlier this year just to get in their crops.

Let's be clear—it is now evident that the majority of AMTA payments have not been distributed to family farmers, rather they have gone to the largest farmers and corporate agribusiness. Recently a comprehensive study was conducted on the federal farm payments from 1996 through 1998 which shows that the 1996 Freedom to Farm bill (and subsequent legislation) has provided minimal financial assistance for the large majority of family farmers.

The study found that the largest farming operations were generously compensated by Freedom to Farm, and many of the top payment recipients were paid hundreds of thousands of dollars over the 3-year period studied. Large operators received these enormous payments, even as operators of smaller farms (with average annual sales of $50,000 or less) actually lost money.

According to the U.S. Department of Agriculture, these smaller farms realized an average net loss of $3,400 in income from their farming operations in 1996 alone.

From 1996 through 1998 nearly 61 percent of all federal Freedom to Farm money approximately $13.8 billion in total went to the 144,000 individuals, corporations and farm partnerships among the top 10 percent of recipients.

A recipient among the top 10 percent was paid an average of $95,875 over the 3 years ('96–'98). These payments were on top of any profits earned from the sale of agricultural commodities, and do not include payments made under conservation, disaster or crop insurance programs.

In contrast to the largest farmers, the vast majority of AMTA recipients have seen very little benefit from Freedom to Farm. Half of all farmers received less than $3,600 in total from 1996 through 1998, or an average of about $1,200 per year.

Large corporate agribusiness already enjoy significant competitive advantages over smaller farming operations in availability of capital. According to USDA's Economic Research Service, farm operator households for farms with sales of $500,000 or more averaged $153,847 in farm income in 1996, while operators of farms with between $250,000 and $500,000 in sales averaged $53,265 in household farm income in the same year. And operators of farms with less than $50,000 in sales realized a net loss of income from their farm operations.

The central question we need to ask ourselves is that if the largest U.S. agribusiness are inherently more efficient, as corporate America assures us they are, why do these efficient farms need Federal Government assistance, and why do they collect the majority of the assistance that is provided?

Hundreds of thousands of small- and medium-sized operations receive meaningless amounts of AMTA assistance under Freedom to Farm programs. I believe, it is a great mistake not to target this money to producers based on actual production.

That is the key issue. That is the key difference. In dealing with this price crisis, we ought to make sure that the payments are connected to production and price. So what the Republicans have is the wrong mechanism for addressing the price crisis. We must target the assistance to family farmers and tie direct assistance to production. Thousands of family farmers across the country could go out of business due to conditions that are beyond their control. In Minnesota, up to 30 percent of our family farmers are threatened—that's thousands of farm families.

Whatever you do by way of dealing with low prices, you have to make sure that payments are connected to production and price. Too many of the transition payments go to landowners, and not necessarily producers. I don't think that makes a lot of sense. Some, like soybean growers, won't be helped at all. We can do better, we must do better.

We could at minimum target the assistance to those farmers who are in the most need. We have an opportunity to make at the very least incremental changes to current farm policy. The policy objective of the ad-hoc aid is clouded by the apparent inability of Congress to pass aid packages targeting assistance to farmers most at risk.

Some of the largest and most profitable farms in the country will benefit from this assistance if it is distributed in double AMTA payments and meanwhile there are no funds devoted to other needs in rural America.

Mr. President I also want to talk about the whole problem of concentration of power. This is an unbelievable situation. What we have is a situation where our producers, such as our livestock and grain producers, when negotiating to sell, only have three or four processors. They have the ADM's, the Smithfield's, the ConAgra's, the IPB's, the Hormel's and the Cargill's. The point is, you have two, three, or four firms that control over 40 percent, over 50 percent, sometimes 70–80 percent of the market.

Let me just run through some statistics that illustrate this point. In the past decade and a half, the top four pork packers have increased their market share from 36 percent to 57 percent.

The top four beef packers have expanded their market share from 32 percent to 80 percent.

The top four flour millers have increased their market share from 40 percent to 62 percent, while the market share of the top four soybean crushers has jumped from 54 percent to 80 percent.

The top four sheep, poultry, wet corn, and dry corn processors now control 73 percent, 55 percent, 74 percent, and 57 percent of the market, respectively. By conventional measures, none of these markets is really competitive.

Thousands of our livestock and grain producers are facing extinction, and

the packers are in hog heaven. The mergers continue, and we have all of these acquisitions. We need to put free enterprise back into the food industry.

I have had a chance to review the Sherman Act and the Clayton Act and the work of Estes Kefauver and others. We had two major public hearings in Minnesota and in Iowa last year with Joel Klein, who leads the Antitrust Division of the Justice Department, and Mike Dunn, head of the Packers and Stockyards Administration within the Department of Agriculture. And earlier this year we had thousands of family farmers in Washington to rally at the Capitol. In all the meetings I have been at over the last two years, producers are asking the same question: Why, with these laws on the books, isn't there some protection for us? We have all sorts of examples of monopoly. We want to know where is the protection for producers.

It is critical to pass some stronger antitrust legislation. I know Senator LEAHY and Senator DASCHLE have done a great job with their legislation. I am pleased to join with them in cosponsoring the Fair Competition Act of 2000.

Mr. President, there is a frightening difference when the major agribusiness firms can raise billions on Wall Street while making record profits at the same time farmers and ranchers are faced with take-it-or-leave-it low prices. Even, the American Farm Bureau Federation, who I don't always agree with, testified on February 1, 2000, that ''consolidation, and the subsequent concentration within the U.S. agricultural sector is having adverse economic impacts on U.S. family farmers.'' The administration recently testified that:

> High concentration, forward sales agreements, production contracts, and vertical integration have raised major concerns about competition and trade practices in livestock and procurement by meat packers and poultry processors. . . . The four leading packers' share of steer and heifer slaughter increased from 36 percent in 1980 to 81 percent in 1998.

This concentration of power in the hands of a few increases the likelihood that farmers or ranchers will be the victim of unfair or deceptive practices. The Fair Competition Act will give USDA the authority to help address those practices. Firms and corporations, no matter how large, which engage in unfair, deceptive, or unjustly discriminatory practices, or which give undue preferences, or make false statements regarding transactions, will be stopped by this bill.

The bill also focuses on mergers of agribusinesses and on agribusiness acquisitions. Over the last quarter century there have been a major increase in the horizontal, vertical and sectoral concentration of agribusinesses and in industries serving agriculture. At some breaking point, the concentration of agribusinesses in any region will mean that farmers or ranchers are adversely affected by an imbalance of negotiating power and a lack of viable market alternatives. The bill gives the Secretary the authority to identify circumstances where a proposed merger will result in unfair or deceptive practices that adversely affect farmers or ranchers and to take a strong action against such a merger.

In addition, under the bill the Secretary shall make findings about whether a proposed merger or acquisition could ''be detrimental to the present or future viability of family farms or ranches or rural communities in the areas affected by the merger or acquisition.''

If the Secretary determines that such adverse effects are likely, the Secretary would propose remedies, such as divestiture of asserts or other corrective action, designed to protect family farms and ranches, and the affected local communities. Failure to comply with those remedies could result in significant civil money penalties.

This authority is similar to that conferred by Congress on the Surface Transportation Board which takes into account the ''public interest'' with respect to proposed mergers of railroads. That Board examines the potential effects on the public, on employees and on competition and ''the impact of any transaction on the quality of the human environment and the conservation of energy resources.'' (49 CFR 1180.1) To carry out its duties, ''the Board has broad authority to impose conditions on consolidations * * *''

Similarly, the Federal Communications Commission exercises a major role over the telecommunications or broadcasting industry mergers when it examines whether transferring licenses to the merged entity is ''in the public interest.''

This bill thus aims at preventing the detrimental effects of such increased concentration on farmers and ranchers, and rural communities, just as the Surface Transportation Board has imposed a moratorium on railroad mergers to ensure that railroad mergers are in the ''public interest.''

We need to pass this legislation now, and I think there is going to be a considerable amount of support for this. The reason I think there is going to be a lot of support is that I think many of my colleagues have been back in their States, and for those of us who come from rural States, from agricultural States, you can't meet with people and not know we have to take some kind of action.

This ought to be a bipartisan issue. I think this is one issue on which all the farm organizations agree. We must have some antitrust action. We must have some bargaining power for the producers. We must put free enterprise back into the food industry.

But this conference report moves us further away from making any real change in farm policy. I would like to remind my colleagues that $7.1 billion for assistance for producers was allocated, but a significant portion of the funds in this bill have been dedicated to programs and projects, as worthy as they may be, that;

1. Do not provide assistance to family farmers or ranchers in the near term.

2. Are more appropriate issues for the appropriations committee to handle.

3. Distribute money to universities and agribusiness.

I would simply like to identify for my colleagues where some of this $7.1 billion, allocated for assistance for producers, will actually be going.

$20 million for the Market Access Program—a program that assists business trade associations and cooperatives for marketing development. How does that help the average family farmer deal with paying for health care for his family?

$3 million will be directed to Georgetown University and North Carolina State University for research regarding the extraction and purification of proteins from genetically altered tobacco. I ask my colleagues, could not have $3 million be better spent on direct income assistance to the thousands of small family farms who are in danger of losing their farms this year?

$30 million for training and technical assistance relating to the management of water and waste disposal in Alaska. As a Senator from Minnesota, I am quite sure that small dairy producers, or soybean producers in my state who are facing the biggest agricultural depression in more than a generation, would appreciate the assistance $30 million could provide—it would allow many families to at least stay in farming this year.

Mr. President, the plain fact is that this short term assistance is simply a band-aid. I understand the majority does not want to have any public discussion on the farm bill they enacted. That is clearly evident by the way in which they have moved this legislation to the Senate floor, with no debate or examination.

The point is that farmers in this country want to know, they deserve to know, whether they have a future beyond 1 year. They can't cash flow on these prices, whether it be for wheat, for corn, for cotton, for rice, or whether it be for livestock producers. They simply cannot cash flow—they cannot make it. They can work for 20 hours per day and be the best managers in the world, and they still wouldn't make it.

But rather than open and make changes to the farm bill and avoid these lump assistance infusions, the majority defends the status quo in farm policy. Yet, how much longer can we mask reality of failing agricultural policy? Short-term fixes are more expensive than carefully planned long-term programs. For the past 3 consecutive years, Congress has passed supplemental appropriations bill. Direct farm payments for 1999 were approximately $16 billion, making last year the highest record for direct farm payments in U.S. history.

We need to stop using ad-hoc assistance as a substitute for farm policy. We need to reopen and rewrite a farm bill with a strong sustainable policy. Namely, we need a farm policy that empowers farmers not only to merely survive, but to prosper.

And that was what the Rally for Rural America was all about. We had, from all over the country, around 4,000 people—most of them family farmers. From the State of Minnesota, we had close to 500 people here, most of them family farmers. I point out to my colleagues, this was an unusual gathering. They came to our Nation's Capital to try to have a conversation with America, to make sure people in the country know about the economic convulsion that is happening in rural America.

And Congress appropriately responded with a commitment to reform rural policies to: alleviate the agricultural price crisis; ensure competitive markets; invest in rural education and health care; protect our Nation's resources for future generations; and ensure a safe and secure food supply.

I ask my colleagues, what became of that commitment to the thousands of family farmers who came to Washington, DC—I ask where is the followup? Is the followup passing $7 billion in AMTA payments that has never even been discussed in the Agriculture Committee? Is it in providing huge payments to corporate farms and agribusinesses, while leaving little for the ordinary family farmer? Or is it in ignoring the root problems in the 1996 Freedom to Fail Act. I don't think so.

For 2000, net farm income is forecast to decline for the 4th straight year, by 17 percent. Low prices scale across the board for almost all major crops. USDA projects that 2000 crop corn prices will be the lowest since the mid 1980's. That's 26 percent below the average of 1993–1997. Soybeans are projected to be at their lowest levels since 1986. Yet, I do not need to list all the statistics. I have been on the Senate floor, and Senators know, economists and specialists know and most importantly those who farm the land do not need to hear statistics to know times are tough.

Whatever our explanation for the very low commodity prices on the global market, federal farm policy needs to be there to offer some safety net to help people stay in business when this happens. We need a farm bill that establishes an equitable safety net. We need a farm bill that provides a level of financial security during periods of market disruption and commodity price instability. A safety net should include a counter cyclical price and income assistance directed to producers. One simple idea of providing a safety net is lifting caps on the loan rates.

In addition, long-term policy must be developed to enhance competitiveness and transparency throughout agriculture domestically and globally. We know these figures well. I and others have recited these numbers time and time again on the Senate floor. We know concentration in the agriculture economy has been accelerating at a rapid pace.

In the past decade and a half, the top four pork packers have increased their market share from 36 to 57 percent, the top four beef packers have expanded their market share from 32 to 80 percent, and the top four flour millers have increased their market share from 40 to 62 percent.

We must halt this trend of consolidation. Congress must pass the Fair Competition Act to restore competitive markets in agriculture and give farmers more equal bargaining power against corporate business.

It is greatly disturbing that a handful of firms dominate the processing of every major commodity. Many of them are vertically integrated. This growing trend in concentration, low prices and anticompetitive practices are driving family-based farmers out of business. Farmers are going bankrupt or giving up, and few are taking their places. More and more farm families are having to rely on other jobs to stay afloat. In fact, reports indicate that off-farm income now constitutes as much as 90 percent of all household income received by the average farm operator.

There is a gross disparity of economic power that has shifted a growing share of farm income to agribusiness. We need to reverse that trend and focus on equalizing the bargaining power between farmers and the global agribusinesses.

According to economic literature, markets are no longer competitive if the top four firms control over 40 percent of the market. Yet, Excel and IBP control 60 percent of the beef packing industry and Kellogs and General Mills have 63 percent of the market share for cereal.

Policy makers wrote the 1996 farm bill and we can rewrite it. The corporate culture's powerful influence has penetrated to humankind's greatest common denominator, food. We cannot allow our lives to become beholden to corporate America. We must provide an agricultural policy that preserves the family farm and protects the food industry from an oligopoly of corporate agribusinesses. We must fight for these critical policy changes.

We have some differences here in the Senate. They are honestly held differences. All of us care about agriculture. All of us know what the economic and personal pain is out there in the countryside. But with no opportunity to consider and debate a fair and equitable distribution plan, and a bill that short changes the American family farmer by diverting money away from equitable income assistance, the majority in Congress has failed America's family farmers.

Mr. President, I say to Senator ROBERTS and Senator KERREY: Good work. Thank you for your commitment and the work on the crop insurance conference report. This report is extremely important. To farmers, this is going to make a big difference. I also thank Senator LUGAR. Senator CONRAD spoke of his graciousness, and I think he is always that way. Because of the crop insurance reform, I will vote for this conference report.

My dissent has to do with, again, the way we are conducting our business. The crop insurance reform is very important. But this is a crop insurance conference report. When the Budget Committee said, look, we are going to have $7 billion to deal with the farm crisis, what the Budget Committee was saying and what the Senate was saying is, rather than just doing emergency appropriations, let's have some deliberation and some policy evaluation and figure out how to get that money to people in the most equitable manner.

My dissent, I say to my colleagues out of respect, is that I believe we should have had debate about this. I believe that the Senate Agriculture Authorization Committee should have had hearings. I don't think it is appropriate that the $7 billion in AMTA payments—essentially doubling the AMTA payments—was put into this conference report. I don't think it was appropriate. I heard my colleague—two Senators spoke. Senator CONRAD said there are legitimate concerns, but I think this is the quickest way to get assistance out to people. Senator ROBERTS said the same thing, roughly speaking.

The point is that we did have some time when we could have had some hearings and when we could have had some debate on this. I do not believe we should have just automatically taken the $7 billion and said it is going to be AMTA payments, that's it. We put it into a conference report, which doesn't enable any of us to come out here and have much debate about it, and it certainly doesn't enable us to testify, doesn't enable us to have amendments and to act the way I think we should act in the Senate on such important matters.

Mr. President, we had this farm rally here maybe 2 months ago. Several thousand farmers came. It was pouring rain and it was cold. They came a long way. Many came by bus because, for them, they are trying to survive. I have no illusions. We are not going to write a new farm bill. The Freedom to Farm bill is really the ''freedom to fail'' bill. I have said that many times over. But it does seem to me that if we are not going to write a new farm bill—at least not until after the election—we ought to do the very best we can in getting the payments to people in such a way that people who need the assistance the most are the ones who get the lion's share of the benefits. Right now, with these AMTA payments, we have a subsidy in inverse relationship to need.

What we have here—with no opportunity for real debate, with no opportunity for amendments—is $7 billion put into a conference report on crop insurance in the form of more AMTA payments providing subsidy to farmers

in inverse relationship to need, with the vast majority of the benefits going to the very largest agricultural operations. This is a disastrous distribution formula. I think it violates the very principle of equity and fairness.

Problem:

First of all, the AMTA payments are based upon the old farm programs' historic yields.

We don't have an opportunity to have an amendment on this? We don't have an opportunity to say that this is unfair to farmers, such as soybean farmers who never had a program base in the program and don't receive any AMTA payments? There is no benefit for them? We don't have an opportunity to discuss this, to have an amendment to try to improve this?

Second, since this was connected to the ''freedom to fail'' bill—what I call the ''freedom to fail'' bill—the payments aren't connected to production. Many of these payments go to these large landowners who aren't necessarily even producers. I want the assistance to go to the producers. I want it to have some relationship to price and to farm income.

Let me simply quote some of the findings from the Environmental Working Group.

The largest farm operations in the country are generously compensated with these payments. They are paid hundreds of thousands of dollars over a 3-year period of AMTA payments going to large farm operations, and the midsized farm operations and the smaller farm operations are not getting the benefits they need to survive.

Environmental Working Group:

From 1996 to 1998, 61 percent of all Freedom to Farm money AMTA payments—approximately $13.8 billion—went to 144,000 individuals, corporations, and farm partnerships among the top 10 percent. The top 10 percent, the large farm operations, and the least in need of assistance, get over 60 percent of the AMTA payments. It doesn't make any sense. Recipients in the top 10 percent, those large farm operations, are doing well. They get an average of $95,000 over this period of time. Half the farmers in the country get less than $3,600, and many of the farmers in my State get less than that.

While you have these large farm operations, that do not even need the assistance, getting well over the majority of all the money—the top 10 percent—the struggling, midsized family farmers in the State of Minnesota are lucky if they get $3,000 a year. These are the farms that are going to go under. The USDA says we are going to see a 17-percent drop in farm income this year.

Why in the world, when you have these transition payments—AMTA payments—going to the largest landowners who aren't even necessarily producers, based upon a program base going back years, providing the majority of the benefits to the large operators, not helping those farmers who are most in need and who may not survive—why do we have $7 billion put into this conference report which doesn't have anything to do with crop insurance reform, which means we don't really get to debate it?

That is why we are doing it. I don't think that is Senator LUGAR's style. He is probably one of the fairest Senators, I believe, in the Senate. But I have to keep saying this. It pains me to say this on the floor because I think so much of him as an individual. But this shouldn't be in this conference report. We should have had hearings. We should have had an opportunity to come out here with amendments.

I would love to have had an amendment saying it is going to go to producers, and not just landowners. I would love to have had an amendment that said we need to target more to the midsized producers. I would love to have had an amendment that said it shouldn't be based upon the old program base—no opportunity. I would like to have had an amendment that called for equity payments that said raise the loan rate—we could have done it for fiscal year 2001—to the same level it is for soybeans, in which case corn would be $2.11 and wheat would be $3.10. That would make a huge difference. We could have done that.

We could have had, and we should have had, an opportunity to have not only a 1-hour speech or 2-hour speech in reaction to a conference report, but we should have had hearings. We should have had deliberation. We should have been able to do some serious policy evaluation. And we should have had the opportunity to come out here on the floor and/or in committee with amendments that would have made sure that until we write a new farm bill and get rid of this miserable failure—this ''freedom to fail'' bill—we would have been allocating the $7 billion of assistance with most of it going to those farmers most in need—not to the top 10 percent, the largest farm operations, those that are doing the very best right now in farm income, getting over 60 percent of the benefits.

The crop insurance reform package that Senators ROBERTS and KERRY worked on is superb. I am all for it. I am going to vote for this because of that. But I think it is just reprehensible that we continue now along this line of taking really important policy questions and burying them in conference reports. I don't know what the $7 billion of assistance is doing in this report.

I just want to conclude—because I promised my colleagues I would be brief, and then I will reserve the remainder of my time—by making one other point, which is, I hope we have the opportunity on the floor of the Senate to have debate about farm policy. I hope we can have a debate and a vote on the Fair Competition Act.

It is breathtaking, the extent to which these large conglomerates have muscled their way to the dinner table, exercising their raw economic and political power over producers, over consumers, and, I would argue, over taxpayers. What we need is some competition in the food industry. What we need is to put some free enterprise back into the free enterprise system. What we need is some antitrust action.

I am going to try to do everything I can as a Senator—and I know other Senators will be supportive—to get this Fair Competition Act passed, which gives USDA, if they are willing to use it, some real authority, which really gets tough in terms of dealing with some of this horizontal integration that is taking place, which goes after anticompetitive practices, which really creates a level playing field for our producers, and which doesn't exist right now.

It is just absolutely unbelievable to me that while the family farmers in my State struggle to survive, a lot of these huge packers are making record profits. While family farmers in my State are struggling to survive, a lot of these big exporters and huge grain companies are doing just fine. While the family farmers in my State struggle to survive, the farm/retail spread grows wider and wider—the difference between what farmers get by way of price and what consumers pay at the grocery store, the supermarket.

I have two objections to what is going on on the floor of the Senate right now.

Objection No. 1: This is a great crop insurance conference report, but this $7 billion of payments should not have been put into this report. We should be allocating this assistance and getting it to the farmers most in need. We should have had the opportunity for debate and the opportunity for amendment.

I think it is a terrible way for us to continue to conduct our business. I hope we don't continue this pattern of more and more important public policy questions that crucially define the quality, or lack of quality, of the lives of the people we represent—in this particular case, family farmers, being put into an unrelated conference report. That is wrong.

The second point I make is: It is time for us to really get serious about the policy change in this area, and in particular I focus on dealing directly with the price crisis, and also the call for strong antitrust action.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I concur with what the Senator from Minnesota said. I defy anyone to explain in any rational context whatsoever, any kind of rational terms, why we make payments to farmers based on what they did 20 years ago. There is absolutely no rational basis for that. I will talk about that in my comments a little bit later.

I understand there is a unanimous consent request we are operating under, is that right?

The PRESIDING OFFICER. There is time allocated for three Senators: Senator LUGAR, Senator HARKIN, and Senator WELLSTONE.

Mr. HARKIN. We are not under any kind of a speaking order unanimous consent, is that correct?

The PRESIDING OFFICER. The last order was for the Senator from Iowa to be recognized.

Mr. HARKIN. Mr. President, I will yield the floor and let my colleagues make their statements. I vitiate that unanimous consent and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I am pleased to yield time.

Mr. HARKIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 48 minutes and the Senator from Minnesota has 41 minutes.

Mr. WELLSTONE. Mr. President, I yield 20 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. DORGAN. I ask unanimous consent to be recognized for 10 minutes following the presentation of the Senator from Nebraska.

The PRESIDING OFFICER. On whose time?

Mr. HARKIN. I yield the time.

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

Mr. KERREY. Mr. President, I rise in support of this crop insurance conference report.

As my colleagues from the Agriculture Committee are well aware, this legislation has been a work in progress for a good long time.

The final package we reached with the House and that we bring to the floor today is a very good bill. Farmers in my home state of Nebraska are going to be very pleased with it, as are farmers of all types of crops all across the Nation.

The major provisions of this bill reflect just what we heard when Senator ROBERTS and I asked farm and lending groups what they wanted in this legislation, nearly one and a half years ago.

At that time, they asked for more affordable coverage, equity for revenue insurance, more new and innovative policies from the private sector and a better program for specialty crops.

This bill includes all of those provisions.

Although we've provided additional subsidies to buy crop insurance for the past two years, this bill makes them permanent law.

And we go one step further by increasing subsidies even higher at the very highest levels of coverage—a provision that would have been especially helpful to farmers this year, as a broad stretch of the Midwest and South face severe drought.

The final bill moves the Risk Management Agency in what I strongly feel is the right direction, toward being a regulator instead of competitor. We place new product development fully in the hands of the private sector, whether it be insurance companies, trade associations, or universities.

It includes authority that will finally help provide independent advice to the FCIC Board of Directors and create an equal review process for all new policy submissions.

The bill includes and builds upon ideas forwarded by our colleagues from Florida, Senators GRAHAM and MACK, regarding new policy development for specialty crops.

It includes an important provision first advocated by our Ag Committee colleagues, Senators BAUCUS and CRAIG, to remove the area yield trigger requirement from the Non-Insured Assistance Program.

There are dozens of other equally important provisions in this bill that benefit each and every region of the country. While I am aware that the row-crop producing parts of the country will gain the most immediate benefits because of their long-standing participation in the crop insurance program, the potential for the program to work just as well along the coasts and in the south is given great weight under this legislation.

Not every provision benefits every region; a few are specific only to one region or commodity. That is how we finally ended up with a bill with national appeal, and I am very proud of that effort.

Let me say just a few words about the additional 2000 and 2001 spending added to the crop insurance bill.

I am pleased that the Budget Committee included additional ag spending in the budget resolution this year, much as they did crop insurance funding last year, and of course Senators CONRAD and GRASSLEY are responsible for that and I thank them.

My concerns—and the concerns of many Nebraskans—are well-known: distributing additional payments through the Freedom to Farm mechanism is unfair to many and the cause of a number of the problems rural communities are facing.

These payments, based on planting decisions made in the 1970s and 1980s, disadvantage younger farmers and those who have traditionally rotated crops or tried to diversify—exactly contrary to what Freedom to Farm was supposed to accomplish.

Some payments go to producers and landowners who are no longer producing the crop upon which their additional payment is based. Even worse, under this approach payments go to people who no longer farm at all.

The complaint I hear most frequently is about the crops included in these payments versus those that are not. Freedom to Farm is destroying the alfalfa processing industry in Nebraska. As prices for other commodities have collapsed, more and more farmers are growing alfalfa—a non-program crop. Yet they continue to benefit from these payments, even while long-time alfalfa producers receive nothing.

Adding additional payments for oilseeds—even while most oilseed producers already receive Freedom to Farm payments and enjoy an artificially high support price—makes even less sense.

Despite the great expectations surrounding this farm program, I contend that it creates greater market distortions than those supposed ''failed'' farm programs of the past.

And meantime, we spend billions of dollars each year to keep it in place, while our rural communities are dying.

Also attached to this bill is additional spending for 2001.

This package represents a good-faith effort by Chairman LUGAR and Chairman COMBEST to put together a package acceptable to the majority, and I do not envy their work.

Although there are provisions in the package I do not support, there are many that I do.

I commend them for structuring a package with national appeal and for giving consideration to a broad group of commodities and interests.

Finally, let me offer my sincere thanks to a number of people for their work on this bill. Chairman LUGAR and his staff have worked very hard on this legislation and made a tremendous effort to advance the often-diverse opinions of members of the Ag Committee.

Thanks also to our ranking member, Senator HARKIN, and to his staff, as well as to our minority leader, Senator DASCHLE, and his staff. They made this legislation possible.

The coalition that joined Senator ROBERTS and me on this legislation way back in March of 1999 and worked together throughout deserves special recognition: Senators HARKIN, CONRAD, DASCHLE, BAUCUS, JOHNSON, SANTORUM, ROBERTS, GRASSLEY, and CRAIG. Special mention must go to staff for each of these members, for working together tirelessly and in a completely bipartisan fashion.

Let me also thank the Senate Legislative Counsel, especially Gary Endicott, for his work throughout this process, including too many nights and weekends.

And finally, my deepest thanks to Senator ROBERTS and to Mike Seyfert of his staff for their perseverance and good humor for the last eighteen months. Their commitment to making this legislation bipartisan—right up to the closing hours—is a tribute to Kansas and the Senate.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I would like to make a few comments about the conference report that is before us today. As I do, I want to compliment some folks for a lot of hard work: My colleague, Senator CONRAD, especially, who has played such an integral role in

this; Senator HARKIN, Senator LUGAR, Senator GRASSLEY, Senator ROBERTS, to just mention a few—for a whole series of folks in different areas have played significant roles in trying to bring this to the floor of the Senate.

Frankly, while there are some things I would have done differently in constructing this legislation—particularly the emergency aid—I am going to vote for it. I think this is a good day for family farmers in my State and the country.

We have a fellow in North Dakota named Arlo Schmidt. Arlo is an auctioneer. He told me one day about an auction sale he had conducted awhile back. What happened during that sale describes so well the passion and the hurt that exists in farm country when grain prices collapse and family farmers lose their hopes and their dreams. This auction sale had occurred on a family farm, owned by a family who was not able to make it. They had gone broke because prices collapsed. It was not their fault. A whole series of things conspired to say to this family they could not farm anymore. They were losing their hopes, their dreams, and their future that day.

At the end of the auction sale, a young boy who lived on that farm—he was 10 or 11 years old or so—came up to the auctioneer. The young boy was very angry with him, so angry, that he said to the auctioneer: You sold my dad's tractor.

Arlo said he put his hand on the boy's shoulder to try to console him a little bit, but the boy looked up at him through some tears and angrily said: I wanted to drive that tractor when I got big.

The young boy wasn't accepting any of that comfort from the auctioneer. He wanted to drive that tractor when he got big.

That boy felt like a lot of families feel, living on a family farm. The farm was much more than a business. It was a way of life.

Family farmers cannot make a living when grain prices collapse. The underpinning basis of Freedom to Farm was, let's not care about price supports or safety nets; let's operate in the open market, the free market. Well, there wasn't an open market when Congress passed it; and there's not one now.

It seems to me, after about 3 years of applying tourniquets, somebody ought to ask the question: Isn't there some serious bleeding going on here? We have brought to the floor—including this bill—emergency help three times in 3 years. All of this emergency help is to try to take the place of the safety net that does not exist in Freedom to Farm.

It seems to me it would be wise for us now—after we pass this bill—to learn from our mistakes. If we have to do this every single year, let's do it in a thoughtful way and the right way. Let's repeal Freedom to Farm and replace it with a safety net that works for family farmers, a safety net that says to that family who has those hopes and dreams: if you work hard and you do a good job we will give you an opportunity to make it, even during tough times.

This legislation has a lot of things in it. No. 1, it improves the Crop Insurance Program. I salute that effort by my colleagues. Many of us have had input, although I did not play the major role on this. The fact is, this improvement is a collaboration of Republicans and Democrats that is significant. This legislation increases premium subsidies to help family farmers buy up better levels of coverage; a better depth of coverage at less cost for family farmers.

In North Dakota, it solves some peculiar problems. We have had problems year after year in which farmers have lost a substantial amount of their crop to wet cycles and, therefore, their production is decreased. Because of this, every single year their insurance coverage under crop insurance is decreased. They have been caught in a Catch-22 from which they could not escape, and it did not make any sense. This bill addresses those issues. This is an important and significant piece of reform to the crop insurance bill.

Let me also say this proposal before us today includes emergency economic assistance for family farmers. This assistance is what I talked about earlier. My colleague, Senator WELLSTONE, was absolutely correct on this subject. We ought not use doubling the AMTA payment, year after year after year, as a method of providing economic assistance to family farmers. It is not the most efficient and not the most effective way to deliver this assistance.

I am going to vote for this bill. If I had written this legislation, I would have written it differently. This replicates what we have done the last 2 years. This is the third year in a row we have increased AMTA payments. This will send money to people who have not seen a farm for a couple of years; have not gassed up a tractor in the spring to plow a straight furrow for awhile. They are not farming now. They are going to get money under this bill, and it does not make any sense to me.

What we ought to be doing is extending emergency help to family farmers living out there on the farm, and who are struggling to make a living. This help should be going to family farmers who are confronted with collapsed prices; all who have found that when you raise a bushel of grain for $4 a bushel and then have to sell it for $2.50, you are going to be in trouble. You cannot continue to make it that way. There ought to be a safety net for those folks, the folks who are really farming. Regrettably, the mechanism to distribute that emergency economic aid has been the double AMTA payment. I think we could have done much, much better than that.

My hope is that following the passage of this conference report—and I will vote for it even though I disagree with the mechanism of the economic assistance package, and I do compliment those who helped bring this to the floor—my hope is that when this is done, we will all understand that if we have to do this year after year after year, it is time to learn from it. We really ought to be able to learn when something doesn't work. Let's just admit our farm policy doesn't work and change it.

I started by talking about family farming. Some will say—they are careful about the circles they say it—but they say the family farm is just yesterday. This is all nostalgia about an economic unit that does not work anymore. This view is just wrongheaded. We have the kind of economy we intend to have. We can have the kind of economy we create in this country. We can decide we want big corporate agrifactories from California to Maine producing America's food, or we can decide to have a network of families working on farms producing America's food.

Europe has made that decision. Go to Europe and visit the rural communities in the countryside. You will discover small towns are doing well. There is life, there is a heart, and there is pulse in small towns. Why? Because Europe has decided they want a network of family farmers producing their food.

The result of this decision is a rural economy that is thriving and working. Europe has a safety net for family farmers they can rely on which gives them hope for the future. Regrettably, we have not had that same continuity in this country.

On the other hand, we in this country have lurched back and forth from farm policy to farm policy. Finally, we fell off the cliff with Freedom to Farm, saying we have this new idea—not a very good idea, incidentally—but a new idea called Freedom to Farm. Now, after 3 years of tourniquets, having had to pass three successive economic assistance packages to make up for the deficiency, we all ought to understand that we have to change the underlying farm bill.

This legislation includes a substantial amount of resources at a time when those resources will be critically important to our family farmers. I have said, and I will say it again—I think repetition is probably important, at least to make this point—while I think there is a better way to move these resources to rural America, it is critical at this point, given the collapsed grain prices, to send these resources out now. This help will give farmers some hope.

Our family farmers are not some anachronism that does not fit in today's economy. As I said, there are some who think it is like the little diner that got left behind when the interstate came in—it is nostalgia to think about, but not really a significant part of our future economy.

People who think that way, in my judgment, are fundamentally wrong.

Go to rural America and learn from where the seedbed of family values comes. Understand the value of rural values in this country and the rolling of those values from family farms to small towns to big cities, and what it has done to nourish and refresh the values of our country. Then tell me somehow families living on America's farms don't count and don't matter.

The fact is, they face economic challenges almost no one else faces. A small family unit trying to run a farm puts a seed in the ground and has no idea whether that seed will grow. It might get too much rain; it might not. Maybe this seed won't get enough rain. It might hail; it might not. Maybe insects will come. Maybe not. Maybe crop disease will destroy it. Maybe not.

If they survive all those uncertainties, maybe they will get it off in time to go to an elevator and discover they have lost $1.50 a bushel for every bushel they raised. They get hit with this loss after all their months of work, starting with the tractor in the spring to plow the furrows to plant the seeds all the way to the combining in the fall to get it in off the field and into the grain elevator.

The lack of connection here is striking. So many hundreds of millions of people are hungry and our grain markets tell us the food produced by family farmers has no value. It is a striking paradox.

In conclusion, I thank my friends, Senator HARKIN and Senator LUGAR, for whom I have great regard, for what they have done in this legislation. I urge my colleagues to come back, after we pass this legislation—and I shall gladly vote for it—to reform the fundamental farm program itself. If we do that, we will not then have to be continually passing emergency economic assistance packages, as we are doing today with the crop insurance reform bill.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. I thank the Chair.

Mr. President, I commend the conferees for their efforts to finalize the crop insurance report. The crop insurance proposal before us today is the culmination of literally years of hard work by numerous Senators and Congressmen. As you may remember, I have been a supporter of S. 2251, the Risk Management for the 21st Century Act, and I am extremely happy to see that the work on that legislation has finally been dove-tailed into the work of the House of Representatives. You will also note that the report includes over $7 billion in supplemental appropriations to help farmers and ranchers cope with the current farm crisis.

Some will note that this is the third year in a row Congress has provided a large supplemental appropriation to help America's farmers. However, those of you that have traveled to our rural communities know that every dime we can send to these areas is vitally needed. Agriculture is facing one of the most dire times that I can remember. Families are losing farms, ranches, and the livelihood that makes up their own family histories. A way of life is at risk, and in Montana, that way of life is what makes my state what it has become. Without these monetary adjustments to make up for failing markets, entire communities would dry up and blow away. In Montana, our economy is already reeling, and agriculture is our number one industry.

Without adequate agricultural support, the investments we have made in economic development to diversify our economy will be threatened. Agricultural production is the foundation that we must build upon. Agriculture is what keeps products moving across the shelves, restaurants open, and food on the table. Without that, it will be almost impossible to keep towns vibrant enough to attract new investment and new technologies.

Some critics are pointing out that this is the third year in a row that we have supplied rural America with supplemental appropriations. I agree that this pattern is costly, but I must point out that the promises given to rural America have not been carried out. We were promised strong foreign market penetration and a workable market that would get our fair share of the dollar back to producers. This has not happened. Look at any trade deal that has been negotiated in the last few years and you will see that our agriculture industry is almost always left with little protection, and actually very little support from our trade representatives. The result is an onslaught of foreign competition within our own markets, and not nearly enough of our product making it out of the country. Unfortunately, the administration and current world market trends have not allowed current farm policy to work in the manner that was anticipated at the time of its implementation. I continue to support the principles of our current farm policy but am deeply disappointed that we have not found a way to address the inaction of the administration in opening foreign markets. It will be necessary for Congress to look for ways to allow our current farm policy to continue and provide for the times of depressed markets such as we are facing currently.

The current farm policy has not created the trade imbalance and subsequent market collapse, but it has not been flexible enough to protect our consumers. The combination of failed trade policies, and an unresponsive farm policy has resulted in the need for direct supports being sent to our producers. This year may be even more vital than previous years. We are facing drought across the West. Livestock is already being moved for lack of water and irrigation has started earlier than in recent memory. Markets and mother nature have combined forces and Congress must respond with a strong message to rural America that we will be there to help, both this year and in the future.

I thank the conferees for heading some of my requests and helping out those farmers hurt by the bankruptcy of AgriBiotech. The ABT language is vital to producers who have been negatively impacted by a bankruptcy that was no fault of their own. Additionally, our wool producers have been given a shot in the arm to help make sure their industry remains viable. These are just a few examples, but I can assure you that this Montanan extends our thanks for these helping hands.

The underlying legislation that is carrying this supplemental package is equally important, and is part of the necessary message that Congress is willing to support agriculture in the future. It is a proposal that offers much-needed changes in the area of risk management for farmers and ranchers. Managing risk in agriculture has become perhaps the most important aspect of the business. Agricultural producers who are able to effectively manage risk are able to sustain and increase profit and operate more effectively in business cycles. An effective crop insurance program will provide our producers new possibilities for economic stability in the future. It will provide another foothold in our attempts to help agriculture out the current hole that it is in, and it will provide a vital tool to help prevent future depressions in the agriculture industry.

The Federal Government must help facilitate a program to unite the producer and the private insurance company. The control must be put in the hands of the agricultural producer, and coverage must be high enough to warrant enrolling in the program. Although no producer can completely control risk, an effective management plan will reduce the negative effects of unavoidable risks. Today's family farmer must have adequate options, or one bad year could mean the difference between keeping the family farm or having to leave agriculture.

This bill addresses the inadequacies of the current crop insurance program. The problems and inconsistencies with the current program make it both unaffordable and confusing to agricultural producers. Costly premiums with low coverage percentages are the biggest problem. In years of depressed market prices, crop insurance, though badly needed, is simply unaffordable for farmers.

This bill inverts the current subsidy formula, in order to provide the highest levels of subsidies to producers at the highest levels of buy-up coverage, and thus alleviate the problem of unaffordable premiums. It also allows for the revenue policies to be fully subsidized.

Another important provision in this bill is a pilot program to reward producers for risk management activities. It will allow producers to elect to receive a risk management payment or a

crop insurance subsidy. The risk management payments will be given to those producers that utilize any two of several activities, including using futures or options, utilizing cash forwards, attending a risk management class, using agricultural trade options or FFARRM accounts or reducing farm financial risk. Quite simply, it rewards a producer for utilizing management tools that will help protect his, and the government's, exposure in the current agriculture market.

This bill also takes into account the lack of production histories for beginning farmers or those who have added land or recently utilized crop rotation. This will make it possible for producers to get a foot in the door and receive affordable crop insurance.

This bill is an important tool to reform the current crop insurance program into a risk management program, designed to help the producer in the long-term. It is vital to find a solution to provide a way for farmers to stay in agriculture. They must be able to continue to produce and distribute the world's safest food supply at a profitable margin.

Mr. President, I am extremely happy that the conferees have finally completed their work on this important proposal. It is vital to Montana and the rest of our Nation's rural agriculture communities.

Mr. President, I thank Senator HARKIN of Iowa, Senator KERREY of Nebraska, Senator ROBERTS of Kansas, and the Ag Committee—I do not serve on the Ag Committee—for completing this legislation.

This legislation, by the way, was promised 2 or 3 years ago. They have labored a long time with the Crop Insurance Program which is probably the best package that has ever been produced by Congress and given to the American agricultural community to manage their risks. This is a tool to manage their risks.

Also, my colleagues will note this report also includes $7 billion in supplemental appropriations to help farmers and ranchers cope with the current farm situation.

Think about that a bit. This is landmark legislation because we are not even to Memorial Day, we are not even into the meat of the growing season, and we have already made preparation to deal with the situation that exists in agricultural today.

We have been stripped from some of our markets, and our prices continue to be very low. On the other hand, the American consumer is still supplied with the most wholesome food in the world.

This Congress has fulfilled its promise to have this money ready to go for our Nation's ag producers.

Without these monetary adjustments to make up for failing markets, entire communities will dry up. They are experiencing more financial stress than ever before, probably even through the Great Depression. Without this support, the investments we have made in economic development to diversity our economy will be threatened. This also sends a strong message to the financial community and the farm community that we are serious about the support of that industry and will not just let it dry up on the vine.

I congratulate the people who worked so hard. This conference was not an easy conference. It was not an easy package to put together. Next year, we will be debating what is good for a farm program, and we know there will be some changes made. Right now, the signal to our producers on the land is direct and it is very sharp.

We have had some unfortunate things happen in the State of Montana. We depend heavily on the Pacific rim for exports. Three years ago, the economics of the Pacific rim collapsed: Indonesia, Malaysia, the Philippines, South Korea, Thailand. Some of those economies are just starting to come back.

Just yesterday, we signed an agreement with the Taiwanese—they will be visiting the State of Montana—on buying wheat from my State. We have also put in the act that the Department of Agriculture has tools to use to fight the competition on the international markets. They have chosen not to do that. There is enough blame to go around for a farm economy that is hurting. Nonetheless, this is a positive bipartisan step in the right direction.

The producers of our country should take a look at this package. There is a lot of flexibility here. Not only do we talk with multiperil things that can happen in a crop-year, but we are also talking about revenue, and we have never done that before. We have a complete package, a package that offers a tool for risk management for our ag producers on the land.

Again, I compliment the Agriculture Committee on both sides of the aisle for their work on this legislation. It is very important to the farm States of this country.

I thank the Senator from Iowa for allowing me a little time. I congratulate him and thank him for his leadership on this issue and everybody who had a part in putting this together.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself on my time such time as I may consume.

I thank the Senator from Montana for his strong support and input into this bill, as he said over a couple of years, trying to make sure we get a crop insurance bill that helps farmers manage risks. I appreciate his input and his kind words. Hopefully, we will adopt this conference reports this afternoon and farmers in Montana and Iowa, and all points in between, will at least have some assurance they can help manage their own risks.

Mr. BURNS. There are a lot of points.

Mr. HARKIN. There are a lot of points in there, that is true.

Mr. President, I express my support for the conference report to the Agriculture Risk Protection Act of 2000 which we conferenced yesterday.

I thank Senator LUGAR, our chairman, for his hard work and persistence, as I said, over a couple of years in crafting the crop insurance title in this conference report which will provide significant benefits to farmers across the country.

This accomplishment is bipartisan, one of which we can be proud. I thank Senator LUGAR again for his persistent and strong leadership. I thank both Senator ROBERTS and Senator KERREY who really were the impetus for these changes in the Crop Insurance Program. I know the two of them worked long and hard to put together this bill. In the beginning stages, they worked with us on both sides of the aisle to meet the needs of various parts of our country. I especially thank Senator ROBERTS and Senator KERREY.

In this regard, Mr. President, this is probably the last agriculture bill we will have this year. There may be some bits and pieces that come along later. I think it is safe to say this may be the last, and probably will be the last, major ag bill this year.

In that regard, I pay my respects and thank our departing colleague, Senator KERREY from Nebraska. He has been an invaluable member of the Senate Agriculture Committee for all of these years. He has always given great input and great insight into our deliberations and discussions on all facets of American agriculture. He has been an invaluable member of our committee. I know I will miss him greatly on our side of the aisle.

He has always worked in a bipartisan fashion to help move legislation. I take this time to thank my friend and colleague from across the Missouri River and to wish him well in the future and again thank him for his work in getting this legislation through. It is a fitting tribute to his work through the years in the Senate. His fingerprints are on this crop insurance bill we are passing today.

The point of the bill is to help farmers obtain better crop insurance; that is, to help them buy up their coverage. The final structure of the premium subsidy schedule provides higher discounts at both lower and higher levels of buy-up coverage. The improvements at the highest levels, 80 and 100 and 85 and 100, will benefit Iowa farmers who typically face low risk of loss.

The bill also provides equivalent subsidies to farmers buying revenue insurance policies such as CRC, which is the crop revenue coverage, a product which is very popular with Iowa farmers. This change spurred development of new insurance policies and products.

In addition, the bill will offer reimbursement to private developers of new plans of insurance. Again, that will be good for our farmers.

Another major provision maintained was the elimination of the area loss

trigger for the program for noninsured crops, such as hay and forage crops or horticulture fruits and vegetables.

This change is important to Members in the West and Northeast, one which we fought very hard to maintain in conference.

The bill will also protect farmers by allowing them to maintain their insurable yields, despite significant crop loss, by limiting how much of a loss affects future insurance coverage.

This feature could be very helpful to Iowa farmers, especially those facing potential drought this summer. At some point today we will be talking a little bit more about that drought. But this will also be very helpful, again, to other farmers, too, in the Dakotas and other places where they have had some very severe losses for 1 or 2 years in a row, which, if not balanced out, could unduly affect their rates and their coverage in future years. So we protected those farmers in those areas in those circumstances.

I also want to note some other positive provisions in this bill, in the economic assistance package.

First, there is $50 million for conservation, $10 million for the Farmland Protection Act, and $40 million for EQIP.

I am disappointed, however, that an amendment that I had offered in the Senate, and which was adopted by the Senate, that would have linked conservation compliance to the provisions of crop insurance, was rejected by the House conferees.

In every other Government farm programs, there is a provision that mandates that a farmer has to follow conservation compliance to be eligible for those programs. We had it for crop insurance until 1996. It was taken out. I and others desired to put that back in this crop insurance bill.

As I said, it was adopted on the Senate side, but the House conferees refused to go along with that. And in the interests of getting the crop insurance bill through, we acceded to the unanimous consent request to go ahead and remove that provision. I am hopeful to come back with that again at some point in the future on some other piece of agricultural legislation.

But other than that, there is $50 million for conservation. That is good.

Secondly, there is $15 million in this bill to assist farmer-owned cooperatives, and other farmer-owned ventures, to help develop the value-added crops and processing for our farmers.

Third, there is $7 million in this bill to further fund vaccines for pseudorabbies eradication program for hogs. It is very important in our area of the country.

Fourth, in the nutrition assistance programs, there is $110 million for school lunch commodity purchases. Again, we have a lot of surplus crops out there, a lot of surplus commodities. I think it is beneficial, both for the health of our children, and the school lunch program, the school breakfast program, and the summer feeding program, that we purchase these commodities and get them out to our young kids.

Also, we have reformed the Child and Adult Care Food Program to guard more against fraud which has come up repeatedly.

Also, there is a provision in this bill—that is also a small provision—but I think it is going to be very important, which is going to permit us to get more children into health insurance for low-income families.

Right now, under the provisions in this bill, if you qualify for reduced-price school lunches, or free school lunches, a provision in the bill will then say the people in the school have to inform your families that since you qualify for free or reduced lunches, you will probably qualify for things such as the CHIP program, to make sure, through Medicaid, your children are in a health insurance program. That is another way of reaching low-income families to make sure that their children are indeed covered by health care. That is another good provision in this bill.

Lastly, there is a biomass research and development title in this bill that Senator LUGAR has worked on for a long time. He is a real champion of it. I have been a cosponsor of it, but it is Senator LUGAR who has pushed this bill to help make more fuel and industrial raw materials from biomass. And this bill is part of this. Again, another good provision of this bill is the biomass research and development bill that has been championed by Senator LUGAR.

So there is much that is good in this bill. That is why I will support it. That is why I was reluctant in the conference committee to take any more time than we did yesterday, in just a few hours, to get this bill through.

But I am compelled to speak for a little bit about what is in this bill that I think is detrimental to our family farm structure in America and to ensuring that we have a diversified and widely spread system of agriculture.

The $7.1 billion in emergency assistance that is included in this report, I believe, is misapplied, misdirected, and in many cases will be misspent.

It is clear that our farmers are going to need aid. There is no doubt about that. But how this final package looks, I think, does not really meet those needs. This is the third year in a row that we have had additional AMTA payments—payments to farmers based on emergency help in the farm economy. The farm economy is still in shambles. For 3 years in a row, it has been in shambles. Every year, we come back and do the same thing year, after year after year, after year. Someone once defined ''insanity'' as doing the same thing over and over and expecting a different result. Every year we keep doing the same thing over and over, and we expect some different result; and we do not get a different result. The only result we get is fewer and fewer family farmers, more stress in rural areas, and more and more of our money going to the larger concerns who are driving out our family farms.

But I want to recite for the RECORD where this money is going, these billions of dollars that we are taking from taxpayers and putting out there.

During the first 3 years of our Freedom to Farm bill—1996 to 1998—the top 10 percent of payment recipients, or about 150,000 individuals, got 61 percent of the payments. Ten percent of the recipients got 61 percent of the money. Their annual payments from AMTA, the supplemental AMTAs, we passed every year, and the loan deficiency payments averaged $95,000. That is for the top 10 percent.

The other 90 percent averaged only $7,000 in payments.

I have a chart that illustrates this. It shows the average Government payments by farm size in 1997. The average was $7,378 for all farms. But those farms that had sales greater than $1 million averaged $33,699. For those farms that had sales of $250,000 to $500,000, they averaged $16,524—and on down.

As you can see, the bigger you are, the more you got. And I daresay, it is usually those bigger farmers that were better able to protect themselves with insurance and other methods, who may not have needed that kind of assistance.

It is the farmers down here in the lower end that needed the assistance and the help. But they were left stranded.

On a State-by-State basis, the lopsided nature is even more striking. I will talk about Iowa, too, but the top 10 percent of recipients in Mississippi received 83 percent of the payments. In Alabama, the top 10 percent received 81 percent of the payments. In my own State of Iowa, lest anyone think that I am singling out other States other than my own, the top 12 percent, in terms of income, received 50 percent of the payments in my State of Iowa.

I do not think that is fair. The inequities of the current system have been exacerbated during the current economic crisis in agriculture.

The last 2 years have shown that when prices are low, regular AMTA payments do nothing to keep an ad hoc disaster package under control. More importantly, they are not an effective mechanism in targeting aid to those who need it.

We have had the AMTA payments. We come along every year, and we have a disaster program. They are a very poor method of response to our current farm crisis.

While it is important to get needed aid out to producers, it is imperative that we get it out to help mostly family farmers who are really hurting, not to help the bigger farms bury the smaller ones.

The data indicates just the opposite is happening. The lion's share of this additional aid will go to the largest

producers, while small producers receive almost nothing. Under the current scheme, a recipient at the high end of the spectrum may qualify for as much as $240,000 in AMTA payments this fiscal year. Under the current law, a person ''may be eligible'' to receive the payment maximum of $40,000 for each round of AMTA payments, the original payment plus the supplemental payment we have in this bill. That adds up, of course. Then they already received the supplemental payment that is in the fiscal year 2000 appropriations bill. So that is $120,000. If they structure their operations to fit under the three-entity rule, each person can receive payments from three entities. That, in effect, doubles that $120,000 up to $240,000. And that is not the end of it. As much as $300,000 in loan deficiency payments and marketing loan gains can go to that farmer. One farmer in this country this year can get up to $540,000 of taxpayers' money. I don't believe that is right; I don't believe that is fair.

I was going to offer a provision in the conference committee. I didn't. The reason I didn't is that I thought it was important to get the crop insurance bill through. As I said in the conference committee yesterday, we should have a crop insurance bill before us.

The budget resolution that was passed here, that allowed us to have additional spending this year for supplemental payments to farmers, provided for the authorizing committee to authorize it by June 29, which means we had until the end of June to have a debate in our committee to talk about the policy implications of what we have been doing the last couple years and whether or not we want this policy structure to continue.

Do we want to really continue to put our AMTA payments out like this?

Well, we did not have that debate, so here we are confronted with this on a crop insurance bill, which should not be. This should be a separate bill from the Agriculture Committee on the floor where we could debate this.

Maybe it would be the will of the majority of the Senate to continue to give large payments to large farmers, to continue the three-entity rule to allow some farmers to get hundreds of thousands of dollars. That could have been the outcome. But at least we should have been debating it. It should be here in a manner in which it would be debatable and amendable. We don't have that.

I was going to offer an amendment to limit to $100,000 the most anyone could get through the AMTA system. I heard all kinds of talk from different people saying this would be terrible. That would have affected five-tenths of 1 percent of all the recipients; 6,700 farmers would have been affected by that if we would have capped it at $100,000.

I have always thought I was here to fight for the vast majority of the family farmers who are out there, not just the top one-half of 1 percent who, by and large, have the economic wherewithal to protect themselves. Many of our smaller farmers simply don't. Again, the data indicates that it is those at the top of the spectrum who are getting the most money.

I have another chart. This chart illustrates how we are going in the wrong direction. As we continue down this pathway of AMTA payments, supplemental AMTA payments, loan deficiency payments built on each other year after year, without addressing the underlying provisions of the Freedom to Farm bill, what is happening is we are creating a bigger gap between the big farmers and the smaller farmers in our country. This chart illustrates that.

As one can see by Government payments here on the left side, $20,000, $40,000, $60,000, $80,000, $100,000, and producers who receive those payments, if they look at this block, they will see that those producers who received about $50,000 or more in payments in the last 3 years almost doubled the amount of money they were getting from the Government—almost doubled it.

Look here at our smaller, family-sized farmers, who only got maybe $2,000 or $3,000 in payments. They just went up a very small amount. These doubled in size, doubled in payment; these hardly went up at all. What kind of policy are we pursuing here?

I am not talking about farmers just getting big on their own and making more money. If these big farmers are more efficient and can do a better job and get this money in the marketplace, God bless them. We are talking about taxpayers' money going from here to these farmers. The big ones almost doubled in the amount of money they are getting from the Government; the smaller ones barely got any increase at all. I wish someone would explain to me how this is sound public policy.

I have the figures right here. Recipients who averaged $50,000 or more in Government payments from 1996 to 1998 received $42,337 more in 1998 than in 1996. In contrast, if you were at the bottom of the payment spectrum, these little ones down here at the bottom, you averaged between $5,000 and $10,000 per year, which is the bulk of the farmers in my State; you received a mere $740 more in 1998 than you did in 1997.

I will repeat that. In my State—just talking about my State; I don't want to pick on anybody else's State—in my own State of Iowa, if you received an average of $50,000 or more in Government agricultural payments from 1996 to 1998, in 1 year you got more than a $28,000 increase, from 1997 to 1998. You got $42,000 more over the 2 years. That is if you were at the top of the heap. If you were at the bottom and you only got $5,000 to $10,000 in Government payments, you got $740 more.

Someone please tell me how this is good public policy, that we give Government money out like this to the biggest, those who can protect themselves. Do you know what they are doing with that money? They are buying more land. They are getting bigger, because our smaller farmers are going out of production and the bigger farmers are buying their land.

Again, if this were a free market approach, I would say fine, but it is Government payments going out to large farmers who are providing for the extinction of our family farmers—Government policies, right now, allowing these bigger farmers to get these massive Government payments, squeezing the smaller producers, and the bigger producers are buying up the land and getting bigger and bigger and bigger. It isn't because of any free market approach, it is because of governmental policies. Again, the disparities are not just size related, they are based on planting history.

When I opened my remarks earlier today, I said someone please explain to me how it is good public policy that we pay farmers AMTA payments, Government payments, this year based on what they did 20 years ago. That is right. I try to explain this to people, and I get blank stares. It is a fact. If you have two farmers out there, one who has a 20-year history of planting and the other who maybe only has a 5-year history of planting, the one who has the 20-year history of planting may be planting nothing this year, but guess what, you are going to get money.

Yet if you were a farmer out there planting for the last 3, 4, or 5 years, you don't have that 20-year history, you won't get anything. Again, please explain to me how this is good policy. It is not tied to what farmers are producing today. It is tied to what they produced 20 years ago.

Two farmers in Iowa, with half their production in corn and half their production in soybeans, can be paid markedly different levels because of past planting history. When you figure the AMTA payment level, the farmer with a 50-percent corn base and a 50-percent soybean base will be paid half as much in AMTA payments as the farmer who has a 100-percent corn base. What sense does this make? It makes no sense. Farmers all over my State recognize that.

Now, as if all I have said isn't bad enough, the prospects for drought this year will even cause this program to be worse than it is. If a drought of the proportions that is predicted actually occurs, the disparity between the haves and the have-nots will grow even more. Why is that? Because let's say we have a drought—and it looks as if we are going to have pretty severe droughts in some parts of the country and other parts of the country will not—that means that the price, say, of corn is going to go up. But you, who are in a drought area, may only get a certain portion—you may get an AMTA payment, but you won't get anything out of the market because you won't have

a crop. If, however, you are in an area where you haven't had a drought, you are going to get high prices for your crop and an AMTA payment. Those who have no crop to sell will have their incomes plummet; they will get no adjustment in their AMTA payment to address those losses. They will get absolutely no more than the farmer who has a huge crop because they were not in the drought area. Again, these payments will exacerbate again this disparity between the large farmers and the small farmers in America. Again, I think that is bad public policy.

Now, maybe if we have a big drought, we will come rushing in here with some kind of a disaster package. But, again, I wonder who is going to get the benefits of that. So throughout all of this, the mantra has been that there is no other viable mechanism, that AMTA payments are our best means of getting aid to our producers. Well, if this is the best we can do, I would hate to see what the worst is.

There is a better way. I believe both sides should come together to figure out a better way of getting payments out to farmers. This idea of giving more and more to the biggest is not right, not good for our country; it is not good public policy. I have urged the Senate to have a frank and open discussion about the failures of the current system and on ways to improve it. We have not been afforded that opportunity in a meaningful way.

As I said, this is in no way disparaging of my friend and the chairman of the Agriculture Committee. I know he was more than willing to have this discussion and this debate. But the powers that be insisted that we have this AMTA payment provision on the crop insurance bill. So here we are with it, without any provision for our authorizing committee to discuss and debate, and perhaps modify. As I said, I don't know if the will of the majority would have been there to do that, but at least we could have had an open and frank discussion about whether or not we wanted to go in that direction. Hopefully, we will have that opportunity in the future.

So, again, I hope we will have this type of debate. I think our farmers and our taxpayers deserve that type of debate. In the meantime, I have no problems with the underlying bill. It is a good bill. The crop insurance bill is a good bill. It is going to go a long way toward helping our farmers manage the risk. As I said, there are other good provisions attached onto it. I am just sorry we had to attach on the payment provisions to this bill without having the committee do its job.

Mr. President, I yield the floor.

Mr. GRAMS. Mr. President, I want to briefly express my support for the crop insurance reform package that is being considered today, and the additional emergency assistance that was appended to the bill.

This crop insurance reform is critically needed in the heartland of America. As the sponsor of the first crop insurance reform legislation introduced in the 105th and 106th Congress, I have worked hard on crop insurance reform and on keeping this issue at the forefront of congressional priorities, so it is gratifying to finally see this measure completed by conferees and the Congress.

I worked with a committee of Minnesotans representing producers, lenders, agriculture economists, and other stakeholders to build a consensus on solutions to the current discontentment in rural America with the federal crop insurance program. I am pleased that the final bill contains the expansion of pilot programs I worked for, expansion of the dairy options pilot program that I cosponsored, and higher premium subsidies at the higher levels of coverage that was the critical portion of my original legislation.

The premium subsidies will be crucial to help farmers manage their risk, and possibly reduce the need for ad hoc disaster assistance. Many producers believe that the current crop insurance program is too costly to take part in, and this reform measure should increase participation and thus spread risk more widely.

I am also pleased that the crop insurance package includes an additional $7.1 billion in emergency aid to producers, which includes AMTA payments and oilseed producer assistance payments. This will hopefully give rural economies and farm families the financial boost they need until commodity prices start to rise again. While I have concerns about AMTA, this is the best way to quickly distribute these funds to farmers. I agree AMTA should be revisited in the next farm bill.

Mr. LEAHY. Mr. President, this report is a good example of how the Senate—when we sit down and work together—can craft sound legislation.

New England and Mid-Atlantic farmers who do not usually participate in crop insurance will greatly benefit from this effort. There is funding to help preserve farmland, protect the environment and to give farmers better tools to manage risk.

In addition, farmers who have suffered through two years of low prices will get some relief as USDA purchases $200 million worth of apples, cranberries, potatoes, melons, and the like. There will also be major purchases of specialty crops for the school lunch program—this will benefit farmers and school lunch programs.

In the beginning, there were a lot of strong differences of opinion on how to reform crop insurance and provide assistance to farmers. In fact, we had a 10–8 split in the Agriculture Committee on how to structure this reform.

But Republicans and Democrats worked together and got the job done. Sure, it's more work but that is why we are here.

I was very upset yesterday when I learned—after we ended our conference negotiations and worked out all the final deals, and after we terminated the conference and had signed the conference report—that the unfinished bankruptcy bill was going to be thrown into the crop insurance conference report.

That is an example of how the Senate should not operate. It would be hard to imagine a more serious breach of trust.

I was prepared to discuss the world history of crop insurance from 1860 through the year 2000, which could have put me to sleep while I was talking. In the end, it appears that cooler heads prevailed and decided they would rather pass crop insurance than listen to me speak.

I appreciate the role of Senators LUGAR and ROBERTS to get us back on track on crop insurance.

For my part, I will continue to work with Senators GRASSLEY, SESSIONS, DASCHLE, HATCH, TORRICELLI, and others on both sides of the aisle to craft a fair balanced and bipartisan bankruptcy bill. If we could do this for crop insurance, we can do it in bankruptcy—if there is the will to get it done.

While there are aspects of the crop insurance compromise that I do not like, there clearly was a significant attempt to design a package that benefits all areas of the nation and a wide range of commodities—including specialty crops. This is a very good bill.

I appreciate this national focus because a narrowly focused crop insurance bill would not have been helpful to New England and the Mid-Atlantic States. I was pleased to work with many of my colleagues from that region—both Democrats and Republicans—to formulate a package that would also benefit our regions.

I appreciate the leadership of Chairman LUGAR and his ranking member Senator HARKIN in working out a good compromise. Also, Senators ROBERTS and KERREY deserve a great deal of thanks for all their work on this issue.

I want to point out one general concern.

Because of the simultaneous work on Agriculture appropriations some provisions critical to New England and the Mid-Atlantic States, and to many other states, have been omitted from this package—because the plan is to include them in appropriations.

It is crucial to me—and Republicans and Democrats in both Houses—that dairy farmers not be left out of Agriculture appropriations bill since this report does not provide them with direct financial assistance. I am counting on some assurances I have received to keep the dairy funding in the appropriations bill. I will be working closely with my appropriations colleagues Senator COCHRAN and his ranking member, Senator KOHL, on this matter.

Also, I understand that the House appropriations bill includes $100 million for apple farmers who have been hardhit by low yields or low quality after two years of unavoidable weather extremes, from floods to drought. Helping

these farmers is extremely important to New England, Mid-Atlantic States, Washington State, California, and other areas.

As I pointed out during the conference, farmland protection programs work very well to help preserve farmland as farmland. There is so much need for funding, that our modest program in Vermont could instantly use the full $10 million since there is such a need and desire for this program.

Indeed, I had a major role in getting section 388 included in the 1996 farm bill. Similarly, in the 1990 farm bill contained a related farmland preservation program which I drafted called ''Farms for the Future.''

I was pleased that the conference would accept this latest farmland protection proposal found at section 211, the ''Conservation Assistance,'' provision. This provision will be of great help to the Vermont Housing and Conservation Board which has done a tremendous job helping preserve Vermont farms and the farming way of life by buying development easements on farmland property.

I was proud to fight to include funding for such a great agency—the Vermont Housing and Conservation Board of Vermont. Providing funding to them as soon as possible will enable them to free up money which could be used to preserve additional farmland in Vermont.

I appreciate the willingness of the other Members to include this provision and am anxious to allow the Board to greatly enhance its service to farm families in Vermont.

Section 211(b) is also a very important provision for many regions of the country. It allows the Secretary through the CCC to provide financial assistance to farmers for a very wide range of activities such as addressing threats to soil, or water, or related natural resources.

In the alternative, it permits funds to be used to help farmers comply with environmental laws or to be used for ''beneficial, cost-effective changes'' to a variety of different efforts or uses needed to conserve or improve soil, or water, or related natural resources.

This gives the Secretary a broad range of land preservation and conservation alternatives for funding under that subsection.

There is language in this report for a temporary suspension of authority to combine USDA field offices. I am concerned that in small-population states, such as Vermont, cuts in federal staff have been so significant that the offices do not function effectively. During this temporary suspension the Secretary should also suspend staffing cuts.

These staff cuts, particularly in the Farm Services Agency, should be halted in very small states so we can figure out what minimal numbers we need to properly run these offices. Indeed, in a small state like Vermont it only makes sense to allow them to hire the staff they need such that USDA can, during the suspension, properly determine which offices should be closed.

I want to briefly mention a special crop provision, section 203, which provides $200 million to the Secretary to purchase specialty crops ''that have experienced low prices during the 1998 and 1999 crop years . . .'' We expect the Secretary to very aggressively use this authority to purchase apples, cranberries, potatoes, and the other commodities listed. This provision is very important to New England, Mid-Atlantic states and to other areas.

I want to thank my colleagues on the crop insurance conference for all their efforts to craft a strong compromise report. I appreciate all the hard work of Chairman LUGAR and his great sense of fairness. As usual, his staff did an excellent job. Keith Luse, his chief of staff, helped carefully balance many competing interests.

His chief counsel, Dave Johnson, was extremely helpful and provided outstanding guidance throughout this complicated process. Andy Morton, the chief economist, and Michael Knipe, the lead counsel, provided sound analysis and helpful assistance.

Senators KERREY and ROBERTS played a very major role in this effort and I appreciate their contributions. Mike Seyfert of Senator ROBERTS' staff demonstrated great expertise on these complicated issues. Hunt Shipman, with Senator COCHRAN, and Scott Carlson, with Senator CONRAD, were very instrumental during this effort.

Bev Paul, with Senator KERREY, was creative and energetic throughout the staff negotiations and of great help in crafting the final compromises. While not a conferee, the Democratic leader, Senator DASCHLE, and his staff, Zabrae Valentine, were very helpful regarding this effort.

As always, the ranking member of the committee, Senator HARKIN, was a strong spokesman for farmers and ranchers. His staff, Mark Halverson and Stephanie Mercier, provided help to all of us.

The House staff also did a great job and I salute them. The chairman, Mr. COMBEST, as have past chairmen, was very ably represented by his Chief of Staff, Bill O'Conner. Jeff Harrison, the majority legal counsel, did a terrific job drafting and explaining very complex legal language.

It is always a pleasure to work with Congressman STENHOLM, the ranking member on the House Agriculture Committee. His staff, including Vernie Hubert, Chip Conley, and John Riley, displayed a thorough understanding of the issues and are a great resource for the Members.

My own staffer on these matters, Ed Barron, as usual did a tremendous job, put in endless hours and helped me work out a good package. Also, Melody Burkins, who joined my staff recently, did a terrific job.

I have praised the work of Gary Endicott, of Senate Legislative Counsel, many times and do so again today. David Grahn with the Office of General Counsel of USDA has once again greatly assisted the Congress in providing expert technical drafting advice.

Ken Ackerman, head of the Risk Management Agency, also provided expert technical advice to the Congress on this bill.

Let me bring your attention to another aspect of this report, the Plant Protection Act that has been incorporated into this legislation. This modernization of existing laws provides tools and resources for animal and plant health inspection services for the Animal and Plant Health Inspection Service of USDA so that they can better do their job.

This legislation will not only help protect agricultural plants in the United States from pests and disease but will also assist APHIS in dealing with invasive species. The Plant Protection Board has indicated that passage of this Act is their number one recommendation for safeguarding American plants. I want to thank Under Secretary Mike Dunn for his leadership on this important matter.

Mr. GRAHAM. Mr. President, Members of the Senate. I come before you today to speak in support of the conference report of the Agriculture Risk Protection Act of 2000 which we are voting on today.

First, I believe that this conference report is the beginning of a new era of cooperation between traditional row crop states and speciality crop states. During our development of this legislation, I have worked closely with my colleagues Senators MACK, LUGAR, KERREY, and ROBERTS to address the unique needs of speciality crop producers. This new cooperation speaks well of our ability in the next Congress to cooperatively review the impacts of the 1996 farm bill on American agriculture. I believe that, based on this cooperative effort, we will be successful in ensuring that all American agriculture, not just row crop producers or speciality crop producers, but all of agriculture reaps the benefits from those reforms.

Let me say a few words about agriculture in the state of Florida. The image that many of us hold of the state is one of white sand beaches, coral reefs alive with hundreds of tropical fish, or Disney World. While accurate, this image is not complete.

Florida has 40,000 commercial farmers. In 1997, Florida farmers utilized a little more than 10 million of the state's nearly 35 million acres to produce more than 25 billion pounds of food and more than 2 million tons of livestock feed. Florida ranks number nine nationally in the value of its farm products and number two in the value of its vegetable crops.

Florida agriculture is not only valuable, but diverse. We rank number two nationally in horticulture production with annual sales of over $1 billion. Florida grows 77 percent of U.S. grapefruits and 47 percent of world supply of

grapefruit. The state produces 75 percent of the nation's oranges and 20 percent worldwide.

In 1997, Florida's farmers led the nation in the production of 18 major agriculture commodities including: oranges and grapefruits, sugarcane, fresh tomatoes, bell peppers, sweet corn, ferns, fresh cucumbers, fresh snap beans, tangerines, tropical fish, temple oranges, fresh squash, radishes, gladioli, tangelos, eggplant, and houseplants.

Florida livestock and product sales were $1.1 billion in 1997. We are the largest milk-producing state in the southeast. We rank 14th nationally in the production of eggs. Florida's horse industry has produced 39 national thoroughbred champions and 47 equine millionaires. Florida also has active peanut, cotton, potato, rice, sweet corn, and soybean industries.

As these facts demonstrate, agriculture in Florida means many things to many people. However, all Floridians recognize that agriculture is a critical part of our economy. Each year, Florida agriculture ranges from the second to the third largest industry in the state on an income basis. It is this diverse industry that the Agriculture Risk Protection Act of 2000 will assist.

On July 20, 1999, I joined my colleagues Senators MACK, FEINSTEIN, and BOXER in introducing S. 1401, the Specialty Crop Insurance Act of 1999. This legislation sought to reduce the dependence of the specialty crop industry an emergency spending and catastrophic loss insurance coverage by improving its access to quality crop insurance policies.

Currently, crop insurance policies available for specialty crops do not cover the unique characteristics associated with the planting, growing, and harvesting of specialty crops. According to a GAO report on USDA's progress in expanding crop insurance coverage for specialty crops, even after an expansion in policies available to specialty corps planned through 2001, the existing crop insurance program will fail to cover approximately 300 specialty crops that make up 15 percent of the market share. In some cases, although crop insurance may exist for a specialty crop, it may not be available in all areas where the crop is grown. For example, the GAO report indicates that crop insurance for grapes is available in selected counties in Arkansas, California, Michigan, Missouri, New York, Ohio, Oregon, Pennsylvania, and Washington but not in other growing areas located in Arizona, Georgia, North Carolina, and South Carolina.

In an effort to increase producer participation in buy-up coverage, the Risk Management Agency last year undertook a pilot program to increase the premium subsidies at a total cost of $400 million. In 1999, the Congress enacted this same program which was deemed a success on an emergency basis.

This program was not a success for specialty crops. Of the 125,772 producers who bought additional buy-up coverage after this subsidy was offered, 81 percent were producers of program crops. The highest increase in a single commodity was 31,191 additional policies sold to corn producers while the lowest increase was an additional 3 policies sold to pepper producers. Even when corrective action is taken to work on increasing buy-up coverage for all crops, the program that is designed does not have a dramatic effect on specialty crop participation. We need a different approach for this unique sector of U.S. agriculture.

The original legislation that I introduced sought to promote the development and use of affordable crop insurance policies designed to meet the specific needs of producers of specialty crops. The Agricultural Risk Protection Act of 2000 will increase specialty crop producer participation in the Federal Crop Insurance Program, encourage higher levels of coverage than provided by catastrophic insurance, and enable better planning and marketing decisions to be made.

I am pleased to say, Mr. President, that the crop insurance conference report we are considering today enacts the major provisions of my original bill. With the key support of Senators KERREY and ROBERTS, who have focused their attention on the needs of speciality crop producers, we have forged a bi-partisan piece of legislation that addresses the needs of multiple regions of the country.

In addressing speciality crops, the Agriculture Risk Protection Act of 2000 takes the following actions:

First, to ensure that the Risk Management Agency utilizes private sector expertise in developing new crop insurance policies, it requires that portions of research and development funds in this bill and research and development funds for new crop insurance policies appropriated to RMA each year be focused on specialty crop product development. The legislation specifically authorizes $20–25 million per year for RMA to enter into public and private partnerships to develop specialty crop insurance policies.

Second, it also establishes a process to review new product development and ensure that crop insurance products are available to all agricultural commodities, including specialty crops.

Third, the Agriculture Protection Act of 2000 expands the authorization for the Risk Management Agency to conduct pilot programs to increase its flexibility in developing better products for specialty crop producers. Today, we are voting on legislation that will allow pilots to be conducted on a state, regional, and national basis for a period of four years or longer if desired by RMA. This legislation also specifies authority for the Risk Management Agency to conduct a pilot program for timber, a provision I originally introduced on April 22 of 1999 in S. 868, the Forestry Initiative to Restore the Environment.

Fourth, to encourage specialty crop producers to buy up to 50/100 coverage once these new policies are developed, the report before us today increases the rate for 50/100 coverage, the initial buy-up level after catastrophic coverage to 67 percent. This will create an incentive for growers to purchase buy-up coverage and bring us closer to meeting our goal of reducing dependence on the CAT program.

Fifth, to ensure that aid for farmers who have no crop insurance policies available to them actually receive aid in times of natural disasters, this report modifies the Non-insured Assistance Program (NAP) to eliminate the area trigger, making any grower whose crop is uninsurable and experiences a federally-declared disaster, eligible for these funds.

I will not enumerate each of the provisions of this legislation, as almost each page contains a specific remedy for problems faced by specialty crop producers. I commend my colleagues for their efforts to ensure that crop insurance reform passed by the 106th Congress will take into account the needs of all agriculture producers. In particular, I thank Senators MACK, KERREY, and ROBERTS for joining me in my efforts to ensure that the needs of production agriculture in Florida are met.

I believe that the provisions in the Agriculture Risk Protection Act of 2000 will ensure that specialty crop producers have access to high quality insurance products designed to meet their needs.

Turning away from crop insurance for a moment, I would like to mention a few key times in this package that are just as critical for specialty crop producers.

First, this legislation includes $25 million for compensation to growers who have experienced losses due to plum pox virus, Pierce's disease, and citrus canker. To date, citrus canker has spread to over 1600 acres of commercial citrus groves in Florida and is threatening the existence of the industry. The entire lime industry is on the verge of being eliminated. Already, over half of the 3000 acres in lime production have been destroyed or marked for destruction. Once an infected tree is discovered, federal regulation, designed to eradicate this disease, requires the destruction of all trees, healthy or diseased, within a 1,900-foot radius. Literally thousands of citrus trees, which require three to four years to reach maturity, have been burned to the ground during this year's growing season. These funds are a critical first step in the ability of our grower to recover from the devastation that this disease has caused in Florida.

Second, this legislation includes a streamlined version of the Plant Protection Act. In 1988, I commissioned a study by the U.S. Department of Agriculture and the Animal and Plant

Health Inspection Service (APHIS) to evaluate the viability of our nation's system of safeguarding America's plant resources from invasive plant pests. In today's global marketplace where international travel is commonplace, the importance of APHIS' role in ensuring that invasive pests and plants do not enter our borders in paramount. The passage of the Plant Protection Act was the number one recommendation of this report which included almost 300 individual recommended actions. Today, we are taking our first step toward a serious commitment to protecting American agriculture from the ravages of diseases like citrus canker or the Mediterranean fruit fly.

Third, conference report includes over $70 million for key infrastructure improvements to the fruit and vegetable inspection system that was recently embroiled in controversy when eighty USDA inspectors were arrested for taking bribes to reduce the value of produce and allow receivers to negotiate lower prices with shippers. These funds will restore the integrity of this system.

Again, I commend my colleagues for their fine work and perseverance in bringing this conference report to completion and before the Senate for a final vote. Today's action will enact long-term change in our crop insurance program that will provide specialty crop producers with access to affordable crop insurance policies which are designed to meet their specific needs.

Mr. JOHNSON. Mr. President, I am pleased to address the Senate today in support of a conference report (H.R. 2559) that improves and expands the crop insurance and risk management tools available to farmers in the United States. I am equally pleased to support economic and disaster assistance attached to H.R. 2259 not because I believe the assistance will always be targeted to those that need it most, but rather because Congress cannot afford to ignore the opportunity to act now in order to provide timely relief to our nation's family farmers and ranchers.

Collapsed crop and livestock prices, weak export demand, and agribusiness concentration continue to threaten the viability of our independent family farmers and ranchers. Crop insurance provides many agricultural producers with a risk management tool, and with the reforms made in the legislation before us today, crop insurance will prove even more effective.

Nonetheless, I must caution that no matter how well crop insurance is improved, it is not a substitute for a sound farm policy or a safety net. Instead, crop insurance is an important part of that farm safety net. Moreover, the economic and disaster farm aid attached to this legislation will help in the near-term, but for the third year in a row this Congress has failed to address the underlying shortcomings of the current farm bill.

Crop insurance is critical to the farmers of South Dakota. Nearly twenty South Dakota grown crops are currently eligible for crop insurance, and among our major commodities, participation in the crop insurance program is high. Ninety-five percent of our corn acreage is enrolled in crop insurance while ninety two percent of our soybean acres are in this program. Wheat producers in South Dakota place seventy-six percent of their acreage in crop insurance. After the reforms made to the program in 1994—when I chaired the House Agriculture Subcommittee dealing with this issue—over 10 million acres of farmland in my state were enrolled in crop insurance.

I was pleased to co-sponsor a bipartisan reform bill that is a modification of S. 1580, the Kerrey-Roberts Crop Insurance for the 21st Century Act. The conference report before the Senate today closely mirrors the Kerrey/Roberts legislation and addresses some of the most serious concerns of the current crop insurance program; affordability, dependability, and flexibility.

Nearly every agricultural producer wants the opportunity to purchase higher levels of crop insurance coverage, but most have found that buy-up coverage becomes cost prohibitive. This bill makes coverage more affordability by providing higher subsidies for higher levels of coverage. South Dakota farmers support this provision of our bill because affordability seems to be the most pressing issue facing crop insurance today.

In recent years, the issue of coverage dependability has come into serious question. Farmers in South Dakota and elsewhere have suffered under multiple years of weather related disasters. The bill before us today ensures greater coverage dependability by providing relief for producers suffering from insurance coverage decreases and premium increases due to multi-year crop losses resulting from natural disasters.

The conference report authorizes USDA to conduct a series of pilot programs to provide risk management protection to livestock producers, I am hopeful livestock producers can stand to benefit from this action because to date they have been specifically excluded from this protection.

Yet, I am disappointed the crop insurance conference committee members dropped a provision that sought to maintain conservation compliance as a part of crop insurance coverage.

As a member of the Senate Budget Committee, I helped secure $6 billion last year (over a four year period) in order to improve the overall crop insurance program. This year, funds were added to this level to bring a total of $8.2 billion over five years to crop insurance improvements. As a member of the Senate Agriculture Committee, I am pleased the legislation I cosponsored and supported closely mirrors the conference report before us today; therefore, I am pleased to vote for H.R. 2259.

Nonetheless, I want to discuss some items in the economic and disaster assistance package included in the conference report. I am concerned that the conference committee ignored the inequity inherent with the current farm bill, and instead, chose to make economic aid payments to farmers based on AMTA payments.

Even though South Dakota producers stand to receive—in a timely fashion—about $158 million in additional AMTA payments within the economic aid package, these payments are unfair to many of the family farmers in my state for a number of reasons.

First, AMTA payments are made regardless of whether crop prices are high or low. I would prefer an approach (in overall farm policy and in the context of disaster aid) that provides targeted, counter-cyclical benefits to family-sized farmers because it would be more market-oriented and provide a more reliable safety net.

Second, since AMTA payments are based on outdated crop yields and base acres from 1985, they are unfair to many South Dakota farmers. In the mid-1980s, farmers in my state planted more grain sorghum and oats in combination with the staple crops like wheat, corn, and soybeans. But, all of these crops make up their ''base acres'' upon which an AMTA payment is made. As such, farmers in South Dakota may receive AMTA payments on low-value crops like oats and grain sorghum that they don't even plant today.

Moreover, crop yields in the mid-1980s were much lower than crop yields today, yet, AMTA payments are based on these outdated crop yields. For example, the 1985 corn yield assigned to AMTA payments is set at 64 bushels per acre. Yet today, most farmers raise around 100 bushels of corn or better. Once again, the AMTA payments fail to recognize modern day farming conditions.

Finally, there still exist situations where landlords and not farm operators receive the AMTA payments.

Last week I sent a letter to Conference Committee Chairmen LUGAR and COMBEST insisting that Congress must not alter statutory payment limitations so large farming entities can't swallow up the majority of government assistance. Last year, an amendment to the fiscal year 2000 Agriculture appropriations bill increased payment limits on loan deficiency payments and marketing loans from $75,000 to $150,000 for 1999. As a result of this specific change last year, only the largest of the large farms stood to benefit. My letter urged the conference committee members to not extend this special treatment of the payment limits beyond 1999. I am very pleased the conference committee agreed to reinstate the more responsible, lower, payment limits for this year. Family farmers are the backbone of rural America. If we have a limited amount of taxpayer funds in which to provide a safety net for farmers, it is simply common sense that we target the benefits to those who need the assistance.

I also want to mention that there are several items within the economic and disaster aid package that I support, and as such, I will vote in favor of this legislation.

First, sheep producers in South Dakota have suffered under near all-time low wool prices. To add insult to injury, many of these same producers must try to compete in lamb meat production with unfair and surging imports from other countries. I am especially pleased the conference committee agreed to provide $11 million in fiscal year 2001 to provide direct payments to sheep producers based on poor wool prices.

Second, as a strong advocate of farmer-owned value-added cooperatives, I am extremely satisfied to support the inclusion of $15 million worth of competitive grants in fiscal year 2001 to assist producers in establishing these types of business ventures.

Because flooding remains an obstacle to crop production in many parts of South Dakota, I am pleased to support the $24 million in the conference report for the Flooded Lands Compensation Program.

I am also pleased this legislation offers honey producers in South Dakota and across the nation a recourse loan program to help provide a safety net and price support in order to market their product.

Finally, I am pleased the conference committee included provisions from my legislation—S. 2056, The Emergency Commodity Distribution Act of 2000—which restores funding to USDA in order to procure commodities for the School Lunch Program over a nine year period.

Last year, Congress enacted the Ticket to Work and Work Incentives Improvement Act. A provision of this legislation amended the School Lunch Act to require USDA to count the value of ''bonus'' commodities when it determines the total amount of commodity assistance provided to schools. This change will result in a $500 million budget cut for the School Lunch Program over a nine-year period without congressional action this year. While not large in overall budget terms, this cut will have an immediate impact that is especially severe in school districts more dependent on the program.

My legislation would ensure that schools receive the full value of entitlement commodity assistance, and allow the School Lunch Program to continue to meet its dual purpose of supporting American agriculture while providing nutritious food to children across the country. While the provision included in today's legislation provides $34 million in fiscal year 2000 and $76 million in fiscal year 2001, it does not restore the entire $500 million over the nine-year period. However, I am greatly pleased the conferees agreed to include part of my legislation in the conference report as this represents a step in the right direction.

I also encouraged the conference committee to consider inclusion of my bills to forbid packer ownership of livestock and to label meat for its country-of-origin.

My legislation enjoys broad support all across the nation because it will restore confidence and freedom in livestock markets. I am disappointed the committee failed to include either of these items as it will once again become clear that Congress largely ignored the independent livestock producer trying to compete in an unfair marketplace.

Mr. TORRICELLI. Mr. President, first, I would like to thank Senators KERREY, DASCHLE, and ROBERTS who have worked to craft a national crop insurance reform bill. I rise in support of the Conference Report because it represents a fundamental shift in farm policy in its recognition of the importance of agriculture in the Northeast.

Historically, New Jersey farmers have been at a disadvantage when it comes to crop insurance for two principle reasons. First, many of the specialty crops they grow are not eligible for insurance. And second, because our region has a history of non-participation, many farmers fail to investigate what options they may be eligible for. They simply assume that they are not eligible or that the programs are not economically worthwhile.

Without crop insurance, farmers in my region will not be able to continue farming, they will be forced out of a way of life, they will be forced to sell their land. New Jersey may be the best example of what can happen when we do not protect our farmers. In 1959, New Jersey had 15,800 farms. Today we have 9,400. In 1959, New Jersey had 1,460,000 acres of farmland. Today we have but 800,000.

The current Federal Crop Insurance program has failed to curb the losses which farmers have experienced and has forced them to sell their land and their livelihood. It has facilitated the end of a way of life in New Jersey.

When the Senate passed its version of the crop insurance reform bill, it adopted the so-called ''Northeast Amendment'' drafted by myself, Senator SCHUMER, LEAHY, REED, ROCKEFELLER and others. The amendment has been almost entirely preserved in the Conference Report. The amendment is targeted at increasing participation in states in which there is traditionally, and continues to be, a low level of crop insurance participation and availability.

The conference report provides $50 million over five years for research to create new crop insurance policies. The goal is to develop new programs tailored to the crops in our region so that our farmers will find it economically worthwhile.

An additional $25 million over five years for education programs designed to inform farmers of the current crop insurance options available to them. This would include hiring more agents to sell insurance and more USDA officials to help farmers craft a strategy for their farm. This money will put in place the necessary human infrastructure.

The final provision of the Northeast amendment is $50 million over five years for payments to farmers who adopt certain conservation practices. The effect of this amendment will be to increase participation, by making it more attractive, more affordable, and more accessible to farmers who grow specialty crops and have low rates of participation in crop insurance.

But the Conference Report also vastly improves the situation for farmers who grow non-insurable crops by improving the Non-insured Crop Disaster Assistance Program (NAP). Because farmers who grow the majority of crops in my state do not qualify for crop insurance, the NAP program is the only assistance my farmers can rely on when their crops are decimated, as during last summer's drought. Under current law, losses in the region where a farmer grows must be extensive before a single farmer is eligible for NAP relief. The Conference Report removes this ''area trigger'' and ensures that farmers not eligible for crop insurance receive protection in times of hardship, regardless of whether they are the only farmer who suffered.

The Conference Report also addresses the needs of states like New Jersey by including additional provisions to develop broad specialty crop policies. These policies are designed to protect farmers who grow ''specialty crops'', fruits and vegetables which constitute many of the crops grown in the Northeast. By focusing on specialty crop product development, the bill truly addresses the needs of farmers in all regions throughout the country. Because of these provisions, I will support the bill and will urge my other Northeast colleagues to do the same.

However, I am extremely concerned that the $7.1 billion in emergency farm aid included in this bill essentially provides no relief to our region. The majority of this funding will be distributed in AMTA payments to farmers in the Midwest and South who grow commodity crops such as corn, soybeans, and wheat. It will not help the specialty crop farmers in New Jersey or anywhere else in the Northeast. This is unfortunate, considering that the farmers in my state are still suffering from last summer's drought.

The Senate will soon have another opportunity to provide this desperately needed relief when it considers the Agriculture Appropriations bill after Memorial Day. As written, this bill includes additional aid for dairy farmers, livestock and peanut farmers. But it still fails to address the situation faced by small family farmers throughout the Northeast. During consideration of that bill, I plan on offering an amendment with my colleagues from the Northeast that will provide some relief for the specialty crop farmers in our

region. I hope at the time we will enjoy the support of the other regions of the country who so generously are benefitting from the emergency aid included in this crop insurance bill.

Again, I want to thank Senators KERREY, ROBERTS, DASCHLE, HARKIN and LEAHY for their willingness to work with us during this process.

Mr. GRASSLEY. Mr. President, I rise today to commend many of my colleagues who were instrumental in the development of this legislation. The conference report before us today represents new opportunities for family farmers through a reformed crop insurance program and short term assistance in the form of an additional economic relief payment equivalent to the levels established last year.

The conference report before us today provides Congress with an opportunity to assist farmers during this time of need. My friends and neighbors just came off a year in which they lost tremendous amounts of equity due to commodity prices hitting twenty year lows. If we would not have provided an economic relief payment last year we would have lost many more family farmers.

What does a strong agricultural economy mean for my home state of Iowa? The agricultural industry contributes a total of around $70 billion and 446,000 jobs in Iowa. Therefore, when things are in bad shape down on the farm, all Iowans feel the negative economic effects.

While commodity prices have improved slightly from last year, margins are still tight. We promised our constituents a smooth transition from the failed, government-dominated farm policies of the last 63 year period prior to 1996. We must follow through on that promise, and this legislation helps us fulfill that goal.

This bill provides tremendous opportunities for farmers. The Crop Insurance title helps farmers utilize additional risk management activities. Farmers can increase their individual coverage levels thanks to better premium subsidies. And for the first time, pilot programs will be available to determine how livestock producers can be included as an insurable commodity.

I also want to thank the members of the Senate Budget Committee in supporting my efforts earlier this year in crafting a budget resolution which set aside over $15 billion to help farmers. The bill before us today would not have been possible otherwise. The Budget Committee's work and cooperation allowed the Agriculture Committee to supply farmers with the funds necessary for the smooth transition farmers deserve by providing what is viewed as an additional AMTA payment at 1999 levels.

The package also includes $500 million for oilseeds, $7 million to cover pseudorabies vaccination costs incurred by pork producers, and $15 million for what I have termed the Agricultural Marketing Equity Capital Fund.

The Agriculture Marketing Equity Capital Fund will provide $10 million to establish grants for developing new value-added agricultural markets for independent producers. This fund will assist agricultural producers by providing grants for ventures to capture a greater share of the consumer food dollar.

It is my hope that the fund will help independent grain and livestock producers find real solutions to address the loss of competition in agricultural markets, to combat concentration in food production and processing, and create new value-added business opportunities for groups like:

The Iowa Cattlemen, who are developing a regional ''grid'' of producers to supply cattle to a proposed harvest facility being developed with the cooperation of one of the nation's largest processors;

Heartland Grain Fuels, a group of grain producers who have banded together in Huron, South Dakota to develop an ethanol facility;

Iowa Premium Pork, a group of 1,400 pork producers across my home state which have joined together in a cooperative venture to market their hogs;

Sunrise Energy, an ethanol plant in Blairstown, Iowa;

The 21st Century Group, independent dairy producers from Kansas;

Pork America, a national cooperative of independent pork producers; and

The New Jersey Farm Bureau, which recently commissioned a study to determine the feasibility of ethanol production and held a meeting at which 300 New Jersey farmers attended due to their interest in value-added opportunities.

An informal poll by my office found hundreds of millions of dollars in possible requests for this type of program. The reason for this is that family farmers cannot compete with an industry that has billions of dollars in equity and capital resources and which seems to be willing to use this advantage to kill any producer driven competition.

Industry's aggressive stance toward competition from farmers made it impossible for me to provide more money for independent producers. In fact, the American Meat Institute, which is the political muscle behind 70 percent of the packers and processors in the US, fought against this provision tooth and nail.

When I found out that AMI was opposing my efforts to help farmers I knew that I must be doing something right. I just want the leadership of AMI to know that I was very aware of his efforts and I hope that AMI's successful opposition to my request for $35 million to help America's family farmers was worth it to them.

I plan to publish AMI's membership in the record and I hope that every independent producer in the nation takes a good look at who is trying to limit value-added opportunities for family farmers. I'm not saying that every processor or packer knew exactly what AMI's Washington lobbyists were doing, but I sure hope to inform every member, through one medium or another, what happened and why independent producers won't have the funds to reach out to processors in joint ventures and receive working capital to help everyone survive and thrive.

One last point, if you thought I was pushing hard for my agri-industry concentration legislation before, hold on to your seat.

Regardless of my disappointment in industry's effort to kill my provision, on the whole, this bill includes a bold new approach that will help create a brighter future for family farmers and their rural communities.

Mr. President, in summation I want to thank my colleagues on the Ag Committee who worked hard to develop this package. This bill is good for Iowa and good for agriculture and the family farmer nationwide. I look forward to sending it to the President and for the President to sign it quickly so that we may provide family farmers with the tools they need to be successful in today's marketplace.

Mrs. LINCOLN. Mr. President, today we are considering the conference report on the crop insurance reform bill. I believe this bill makes fundamental changes to the existing Federal Crop Insurance Program that are necessary to make crop insurance more workable and affordable for producers across the country and I urge its passage.

Congress has been attempting to eliminate the ad hoc disaster program for years because it is not the most efficient way of helping our farmers who suffer yield losses. Due to the Ag economic crisis, there has been much discussion lately on the issue of the ''safety net'' for our nation's producers. On that point I would like to be perfectly clear. Crop insurance is a risk management tool to help producers guard against yield loss. It was not created and was never intended to be the end-all be-all solution for the income needs of our nation's producers.

Last year, Senator COCHRAN and I introduced a comprehensive bill that addressed what we saw as the various reform needs of the crop insurance program.

I am pleased that many of these provisions are included in the conference report that we are considering here today. This bill establishes a process for re-evaluating crop insurance rates for all crops and for lowering those rates if warranted. After pressure from Congress and the National Cotton Council last year, RMA reduced rates by as much as 50 percent for cotton in Arkansas and the Mid-South. The provision included in today's bill will require further review of all Southern commodities.

By making the crop insurance program more affordable, additional producers will be encouraged to participate in the program and protect themselves against the unforeseeable factors that will be working against them once they put a crop into the ground.

The bill also provides for an enhanced subsidy structure so that producers are encouraged to buy-up from their current level of coverage. The structure included in this bill will make the step from catastrophic coverage to buy-up easier for producers and will make obtaining the highest level of coverage easier for those who are already participating in the crop insurance program.

In an attempt to improve the record keeping process within USDA, this legislation requires that FSA and RMA coordinate their record keeping activities. Current USDA record keeping, split between FSA and RMA, is redundant and insufficient. By including both crop insurance program participants and non-program participants in the process, we hope to enhance the agricultural data held by the agency and make acreage and yield reporting less of a hassle for already overburdened producers.

In addition, this bill establishes a role for consultation with state FSA committees in the introduction of new coverage to a state. The need for this provision was made abundantly clear to Arkansas' rice producers this spring. A private insurance policy was offered to farmers at one rate, only to have the company reduce the rate once the amount of potential exposure was realized.

In my discussions with various executives from the company on this issue it became apparent that their knowledge of the rice industry was fairly minimal. Had they consulted with local FSA committees who had a working knowledge of the rice industry before introduction of the policy, the train wreck that occurred might have been stopped in its tracks.

I am pleased that another reform measure that I worked on has been included to help rice producers suffering losses caused by drought. Recent droughts have left many Arkansas farmers with low reservoirs and depleting aquifers. If rains do not replenish them, an adequate irrigation supply may not exist by summer.

In addition, drought conditions in Louisiana have caused salt to intrude into the water supply used for irrigation on many farms. Current law states that rice is excluded from drought policies because it is irrigated. This is not equitable since rice producers do suffer losses due to drought.

I have worked with Senators BREAUX and LANDRIEU to provide these policies for our rice producers who are experiencing reduced irrigation opportunities due to the severe drought conditions that have plagued the South for the last two years. I am pleased that this provision has been included in the bill.

Many of the problems associated with the crop insurance program have been addressed in previous reform measures. However, fraud and abuses are still present to some degree.

This bill strengthens the monitoring of agents and adjusters to combat fraud and enhances the penalties available to USDA for companies, agents and producers who engage in fraudulent activities.

There is simply no room for bad actors that recklessly cost the taxpayers money.

Mr. President, I was prepared during our Committee markup earlier this year to offer an amendment related to a cooperative's role in the delivery of crop insurance.

I held off at that time due to concerns from the Committee related to possible ''rebating'' ramifications and preemption of state law, but in working with RMA and Senators KERREY and GRASSLEY, we were able to craft an amendment that clarifies the role of cooperatives in the crop insurance program.

I am pleased that the conferees included this amendment in the final version of the bill.

This amendment does nothing to preempt state law or even change current federal law. It simply provides that current approved business practices be maintained. With the inclusion of my amendment Congress is recognizing the valuable role cooperatives play in the crop insurance program, specifically, encouraging producer participation in the crop insurance program, improving the delivery system for crop insurance, and helping to develop new and improved insurance products.

My amendment requires the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the crop insurance program and to do so within 180 days of enactment of this Act.

If farmer owned entities are not allowed to sell crop insurance, then anyone can sell crop insurance in America except an American farmer. Such a legal result would give the appearance that crop insurance is designed for a closed club to exploit farmers.

That appearance would inhibit broader use of crop insurance. I do not believe that such a result is the intent of those who have put so much effort into improving the crop insurance program.

Mr. President, I would personally like to thank all staff members of the Committee and industry representatives that have helped with this effort. I would particularly like to thank Louie Perry of the National Cotton Council for his tireless efforts to make crop insurance more effective for cotton and other southern commodities.

Mr. President, Arkansas farmers have told me time and time again that crop insurance just isn't affordable for the amount of coverage they receive. As the program currently exists, it does not make sound business sense to purchase crop insurance in our state. Since this reform process began, I've been working to correct this inequity. I hope that the changes we make today will lead to a crop insurance program that is equitable, affordable and effective.

Crop insurance reform is not the only thing included in this legislation, however. $7.1 billion has been included to address the ongoing crisis in the agricultural community due to depressed market prices. I am pleased that Congress is acting more promptly this year to address the needs of our nation's producers. Numerous farmers in my home state of Arkansas have indicated that the additional assistance we provided over the last two years is the only reason their operations are still afloat today. While some commodities have seen a slight rebound, prices across the board are still too low to meet the increasing costs of production on our nation's farms.

Congress has to provide these ''add on'' payments to producers because the current farm bill does not provide an adequate safety net when commodity markets head south. I voted against the 1996 Farm Bill because I feared that we would find ourselves in the exact position we do today, with one bailout after another.

I introduced a bill earlier this year that would make reforms to the existing marketing loan program. An enhanced marketing loan program would provide additional assistance to our nation's producers without going through this annual ''horse trading'' over billions of dollars trying to determine who we are going to help. Farmers would be able to know at the beginning of the growing season what to expect from the government with regards to economic assistance instead of having to cross their fingers and hope Congress comes through.

We are coming near the end of the life of the ''Freedom to Farm'' bill and as we begin discussions on what the next farm bill should look like I hope my colleagues will see the importance of providing an adequate safety net to our nation's farms.

We must adequately support those who are supplying our nation, and many others, with safe, affordable food.

Do not misread my remarks, I am pleased that Congress has acted promptly to address the needs of the agricultural community this year. I simply feel that there is a better way to approach our nation's agricultural policy. I hope my colleagues will agree and work to provide a better farm bill in the future.

INSPECTION SCAM

Mr. CRAIG. Mr. Chairman, I want to briefly raise an issue that is of the utmost importance to produce growers and shippers throughout every region in the United States and of great concern to me and several other of my colleagues in both the House and Senate.

On October 27, 1999, eight Department of Agriculture (USDA) fruit and vegetable inspectors stationed at the Hunts Point Terminal Market in the Bronx, NY, were arrested and charged with accepting bribes for downgrading loads of produce so that receivers could negotiate lower prices with shippers. This week, I understand those inspectors were sentenced for their illegal

and fraudulent scam at the Hunts Point Terminal Market in the Bronx, New York.

While these guilty inspectors are being held accountable through our legal system for their actions, the economic damages to the produce industry remain unaddressed. Moreover, to my knowledge, those individuals with direct oversight responsibility within the United States Department of Agriculture (USDA) have not acknowledged to the Congress how their oversight activities failed, why the Department discounted complaints by the industry over the past several years, the number of inspections that are connected with the guilty USDA produce inspectors or even an estimate of the damages incurred by produce growers and shippers. This is unacceptable and USDA must act expeditiously to restore confidence and integrity in the federal inspection system for the produce industry.

If injured parties are not justly compensated through the legal process, we must ensure that every appropriate action is taken by the Congress to ensure the losses that occurred as a result of this scam are returned to injured parties. Based on similar cases where fines paid by guilty parties have gone directly to the federal Treasury, it is very doubtful that growers or shippers injured will see any of the funding owed to them as a result of this unfortunate scam. I am certainly committed to working with the industry on this critical issue and urge both the Senate and House Agriculture Committees to take immediate action as soon as possible to move forward with a full investigation of this matter.

Mr. LUGAR. I appreciate the remarks by my colleague from Idaho, Senator CRAIG. I agree that the Senate Agriculture Committee should review how these growers can recover their economic losses resulting from illegal actions by federal employees. The Department of Agriculture has oversight responsibility for the actions that may have resulted in millions of dollars of losses to these growers. This matter should be fully explored and resolved. As part of committee review, I will continue to receive reports from the office of the Inspector General. It is important that this industry regain confidence in the inspection system that they use.

Mr. President, two provisions of the conference agreement warrant some clarification as to how they should be carried out. Section 243(g) allows a third State to expand coverage of the Child and Adult Care Food Program to additional for-profit child care centers serving lower-income children. It should be clear to the Secretary in implementing this amendment that the additional State must meet the criteria for approval at the time of enactment and is one that exempts all of its lower-income families from child care cost-sharing requirements, while allowing fees to be charged on a sliding scale to higher-income families. Section 243(b)(2) requires that a minimum number of site visits to day care centers, homes, and sponsors be conducted. The amendment recognizes that the Secretary can strengthen this measure by requiring more than the minimum numbers called for in the amendment.

Mr. REED. Mr. President, I rise to express my support for the conference report on H.R. 2559, the Agricultural Risk Protection Act of 2000. This conference report has two major components: a crop insurance reform bill and a major farm relief package. I want to comment briefly on each of these.

I support the crop insurance reform bill because it will increase premium subsidies for farmers who buy more comprehensive coverage and support research of new crop insurance policies for currently non-insurable specialty crops that are important in Rhode Island and other states in the Northeast. It is an important step forward in a long-term bipartisan effort to encourage farmers across the country to obtain more crop insurance coverage and reduce income losses due to natural disasters. I was disappointed that the Senate bill's risk management pilot project was dropped in conference with the House. The pilot project would have allowed farmers to choose between traditional crop insurance and a direct payment for adopting new risk management practices such as farm diversification, futures contracts and options, creation of conservation buffers, soil erosion control, and irrigation management. I believe we should continue to explore ways to offer increased income to farmers for whom crop insurance has not worked well, while encouraging producers to adopt new risk management strategies that are good for the environment.

I am pleased that this crop insurance bill removes the ''area trigger'' for the Non-insured Crop Disaster Assistance Program, also known as NAP. I believe broader NAP eligibility is one of the most effective ways to assist farmers in the eastern United States who face severe production losses due to drought, floods, or other disasters.

Currently, NAP crops are eligible for assistance when: (1) expected ''Area Yield'' for the crop is reduced by more than 35 percent because of natural disaster; and (2) individual crop losses are in excess of 50 percent of the individual's approved yield, or the producer is prevented from planting more than 35 percent of the acreage intended for the eligible crop.

These criteria have proven to be unworkable in many eastern states, both in terms of program accessibility and timeliness of payments. For individual growers of specialty crops, typically grown on small acreage, a loss of as little as 20 percent can be devastating, especially given the high per-acre value of these crops. Moreover, the process of verifying area yield reductions is cumbersome and exceedingly time-consuming, resulting in waiting periods of several months or, in some cases, more than a year for payment.

Giving the Secretary of Agriculture broader discretion over delivery of NAP program funds will streamline the approval process and make direct assistance available to thousands of farmers whose substantial losses do not meet NAP criteria under the current area trigger.

I am also pleased that the bill includes $50 million for the Secretary of Agriculture to provide cost-share assistance to farmers in states with low historical participation in traditional crop insurance programs. These funds will be targeted to farmers who pursue innovative conservation and risk management techniques, including: streambank repairs and reconstruction; integrated pest management tools; construction or improvement of watershed management structures; transition to organic farming, particularly among dairy farmers; and futures, hedging or options contracts to help reduce production, price or revenue risks.

Substantial funds are also included for crop insurance education and information programs for states with low levels of federal crop insurance participation and availability. Combining expanded outreach programs like these with increased research into new policies for specialty crops is the best way to get more farmers into the program and hopefully reduce the need for farm disaster legislation.

With regard to the farm relief component of the conference report before us today, I am disappointed that the entire $5.5 billion of the package's FY2000 funds, fully 77% of the $7.1 billion provided in this farm assistance package, consists of additional AMTA or ''Freedom to Farm'' payments. Only a very small proportion of farmers in my state and in other Northeastern states will benefit from these payments. Meanwhile, additional AMTA payments will be made to many other farmers regardless of whether they have experienced substantial losses during the current crop year.

I and many of my colleagues from the Northeast and Mid-Atlantic opposed the farm disaster bill passed by the Senate last year because it did not provide adequate relief to farmers in our region who were hit by the terrible drought conditions of 1999. The National Oceanic and Atmospheric Administration (NOAA) found that four states in the Northeast, including Rhode Island, New Jersey, Maryland, and Delaware, experienced the driest growing season in their histories. From April through July, Rhode Island was the driest it has been in 105 years of record-keeping by NOAA's National Climatic Data Center.

Forecasters at the National Weather Service are predicting continued drought conditions this year, because we are starting out with a deficit of rainfall and, even with the snowstorms of January, winter precipitation was 3.5 inches below normal for our region.

Fortunately, the removal of the NAP area trigger I described earlier will help if disaster strikes again this year. In addition, the farm relief package includes $200 million for purchases of specialty crops for low prices in 1998 and 1999, including apples, cranberries, black-eyed peas, cherries, citrus, onions, melons, peaches, and potatoes. Manager language is included to direct the Secretary of Agriculture, to the extent practicable, to purchase directly from farmers or agricultural co-ops.

Another $5 million is provided by the farm relief package for apple producers that are suffering economic loss as a result of low prices. $35 million is provided for Loan Deficiency Payments for non-AMTA farms for the 2000 crop year, and $50 million is provided for the Farmland Protection Program and the Environmental Quality Incentives Program, both of which are important to my state and the Northeastern region of the country. Finally, the farm relief package requires the Department of Agriculture to purchase specialty crop farm products for the school lunch program, again with manager language included to direct the Secretary, to the extent practicable, to purchase directly from farmers or agricultural co-ops.

With the passage of this legislation we will give farmers the tools they need to manage their risk more effectively, and possibly reduce the need for Congress to pass massive farm disaster packages year after year. At the same time, I believe we are beginning to recognize the contributions and needs of farmers in every region of the country, farmers who not only feed the world but preserve a way of life that makes our Nation stronger and protects our precious open spaces from the encroachment of development and urban sprawl.

I urge my colleagues to support the conference report to accompany the Agricultural Risk Protection Act of 2000.

SUBMITTING CHANGES TO H. CON. RES. 290 PURSUANT TO SECTION 216

Mr. DOMENICI. Mr. President, section 216 of H. Con. Res. 290 (the FY2001 Budget Resolution) permits the chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Agriculture, provided certain conditions are met.

Pursuant to section 216, I hereby submit the following revisions to H. Con. Res. 290:

Current allocation to Senate Agriculture Committee	
Fiscal year:	
2000 Budget Authority	$10,843,000,000
2000 Outlays	7,940,000,000
2001 Budget Authority	14,254,000,000
2001 Outlays	10,542,000,000
2001–2005 Budget Authority	61,372,000,000
2001–2005 Outlays	43,745,000,000
Adjustments	
Fiscal year:	
2000 Budget Authority	5,500,000,000
2000 Outlays	5,500,000,000
2001 Budget Authority	1,639,000,000
2001 Outlays	1,493,000,000
2001–2005 Budget Authority	1,608,000,000
2001–2005 Outlays	1,619,000,000
Revised allocation to Senate Agriculture Committee	
2000 Budget Authority	16,343,000,000
2000 Outlays	13,440,000,000
2001 Budget Authority	15,893,000,000
2001 Outlays	12,035,000,000
2001–2005 Budget Authority	62,980,000,000
2001–2005 Outlays	45,364,000,000

Mr. DASCHLE. Mr. President, today we address two issues vital to our Nation's farmers and ranchers: the need to reform the Federal Crop Insurance Program, and the need for financial relief to help producers deal with the third year in a row of low prices.

I support this Crop Insurance conference report, and I will vote for it. But I must also express my deep concerns about the farm relief provisions of the bill.

Half of this bill represents Congress at its best.

Last year Congress was given a mandate to improve the federal crop insurance program—both by the strength of public support for reform, and by the Budget Committee's allocation of $6 billion last year and $8 billion this year expressly to implement that reform.

Half of this bill responds to that call, and offers increased benefits to farmers. Those benefits are well-conceived, and they are equitable.

The program invests public resources in a system that effectively leverages funds in the private sector, and empowers producers to use their own best judgment in managing their production risk.

I want to thank my colleagues and their staffs, who have dedicated long hours over the past year, for their excellent work in reforming this vital program.

However, I believe that the other half of this bill represents a low moment for Congress.

The other half of this bill represents, for the third year in a row, Congress' stubborn refusal to address another significant risk of farming: price risk.

Across the country, and for numerous commodities, poor prices have dogged producers for three years now.

The $7.1 billion in this bill that will go to producers as ad hoc emergency relief is critically needed in the countryside. We should be providing resources to struggling farmers and ranchers.

But I am deeply disappointed with the way the funds are distributed.

Clearly, it would have been impossible to perfectly match resources to need—particularly under the time constraints we face.

But we could have done better than this.

This year could have been different than the past two years. Producers pleaded with Congress to make it different, and it should have been different.

First, by including the relief allocation in the Budget resolution, the Budget Committee allowed Congress to avoid the rancorous fight over emergency spending authorization that has plagued us in the past two years.

Second, in contrast to the previous two years, this year the Agriculture Committee was made the arbiter of how the funding would be allocated.

This should have resulted in hearings and the kind of substantive, constructive debate that yields good policy.

Third, Congress was given a deadline of June 29 by which to determine how to spend this money, which provided more than adequate time for such a debate to occur.

Despite all of these advantages, here we are, a month early, with a bill produced in the very same way as the two emergency relief bills that preceded it—behind closed doors, without the free and open exchange of ideas, and without the opportunity for amendments by members on behalf of their constituents.

So, we are left with farm relief that I and many of my colleagues believe is deeply flawed. Once again, our assistance fails to target family farmers.

Once again, it wastes public dollars on the biggest operators, who have little or no need for emergency relief.

Once again, it wastes public dollars on some people who do not farm at all.

Most importantly—once again—it fails to meet critical needs in farm country.

With over $7 billion at our disposal, Agriculture Committee jurisdiction, and time for debate, not one hearing has been held to assess the scope of need.

A flawed process has produced a flawed bill. But because farmers and ranchers are in need of relief, I intend to vote for the conference report.

For the third year in a row, I urge my colleagues to acknowledge the failures of current farm policy, and come together to change it.

We need policies that better address the interests of family farmers and ranchers.

In addition to crop insurance, fair trade, and competitive opportunities for all producers, farmers and ranchers must have an income safety-net that can offset severe price fluctuations, and that can help manage uncertainties in the marketplace.

Such policies are critical to long-term survival in an industry in which the majority of producers operate on margins of less than 5 percent.

I believe there is a lot we can agree on.

And by working together, in the spirit of the crop insurance portion of this bill, I am certain that there is a lot we can accomplish.

Mr. KOHL. Mr. President, I rise today in support of the conference report on the Agricultural Risk Protection Act of 2000. Farmers in Wisconsin and all across the country need improved risk management products to

help them guard against adverse weather and market conditions. I also want to express my thanks to Chairman LUGAR, Senator HARKIN, and other members of the Agriculture Committee for including in this conference report expansion of a dairy options pilot program that will help dairy farmers achieve similar levels of protection afforded other agricultural producers.

I also want to mention the fact that this conference report includes $7.1 billion in additional assistance to farmers and ranchers this year and in 2001. This level of spending was made possible due to a budget reserve included in the fiscal year 2001 budget resolution which provided an additional $5.5 billion in mandatory spending to the Agriculture Committee in fiscal year 2000 and an additional $1.6 billion in fiscal year 2001. The budget resolution specified that these funds were to be made available to assistance producers of program and special crops. Senator DOMENICI, chairman of the Senate Budget Committee, made reference to the action taken by both the Budget and Agriculture Committees in providing for this budgeted approach to meeting the needs of America's farmers.

I want to take this opportunity to mention additional assistance for farmers provided in the pending Agriculture appropriations bill which includes, among other items, emergency spending for America's dairy farmers. Senators will note that within the additional $7.1 billion included in the Agricultural Risk Protection Act of 2000, no funds are provided for dairy farmers who are now suffering from the greatest price collapse in history. Dairy farmers in Wisconsin, in Vermont, in the South, in the West, in all parts of the nation are suffering terribly from this dire emergency and it is proper that the Congress take action, as we have, to meet this situation.

I mention this in order to remind my colleagues that we will shortly be considering the Agriculture appropriations bill on the Senate Floor and I ask for the support of all Senators in our efforts to help America's dairy farmers. I would also note that to those who may be confusing the funding provided in our bill with the amount provided in the budget resolution, that dairy producers were not included in the description of agricultural producers to receive assistance though the agricultural budget reserve directed to the authorizing committee. The emergency funding for dairy farmers is separate from the actions taken in the bill now before the Senate, is indeed an emergency, and the action taken by the Appropriations Committee in this regard is proper and must go forward.

Mr. LUGAR. Mr. President, our colleagues have suggested that if Senators are amenable to yielding back time, at least in this instance, we might proceed to a vote, with the understanding that provision might be made for additional time for comments by Senators on this legislation. There would appear, at least to the ranking member and myself, to be no visible opposition.

Mr. SCHUMER. Will the Senator yield?

Mr. LUGAR. Yes.

Mr. SCHUMER. I have no problem with yielding time. I have to go to my daughter's recital. If I can speak after the vote for 5 minutes, I would appreciate that.

Mr. LUGAR. We have been trying to accommodate our side. They were aware we might have another hour of debate, but in the event that the distinguished Senator from Iowa and the Senator from Minnesota are prepared to yield back all time, I would be prepared to do that.

Mr. TORRICELLI. If the Senator will yield, I would like to comment for the RECORD, also.

Mr. WELLSTONE. Mr. President, I yield back my time.

Mr. HARKIN. I yield back my time.

Mr. LUGAR. Mr. President, I yield back the time yielded to me.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Mr. MURKOWSKI), amd the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:—

[Rollcall Vote No. 115 Leg.]

YEAS—91

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

NAYS—4

Kyl	McCain
Mack	Nickles

NOT VOTING—5

Dodd	Inouye	Voinovich
Gregg	Murkowski	

The conference report was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote and I move to table that.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I want to take just 1 minute to thank the staffs who have made this event possible. From my own staff: The chief of staff Keith Luse, Dave Johnson, Terry Nintemann, Andy Morton, Michael Knipe, Carol Dubard, Bob White, Danny Spellacy, Jeff Burnam, Marcia Asquith, and Bob Sturm;

From Senator HARKIN's staff, who worked with us so well: Mark Halverson and Stephanie Mercier;

From Senator ROBERTS' staff: Mike Seyfert;

From Senator COCHRAN's staff: Hunt Shipman;

From Senator HELMS' staff: George Holding and Brian Meyers;

From Senator COVERDELL's staff: Richard Gupton and Alex Albert;

From Senator KERREY's staff: Bev Paul;

From Senator LEAHY's staff: Ed Barron and Melody Burkins;

From Senator CONRAD's staff: Scott Carlson;

From the Legislative Counsel's staff: Gary Endicott and Greg Kostka;

And from the House Agriculture staffs, who worked for 3 weeks continuously with our Senate staff: Bill O'Conner, chief of that staff; Tom Sell; Vernie Hubert; and Chip Conley.

I thank again the distinguished ranking member.

I earlier mentioned especially Senator ROBERTS and Senator KERREY as authors of an excellent crop insurance legislation bill, and Senator CRAIG who has offered titles IV and V. I thank the majority leader, Senator LOTT, and minority leader, Senator DASCHLE, for expediting our having this opportunity.

Finally, I thank all Senators for a decisive vote on what I believe is significant legislation for America's farmers.

Mr. HARKIN. Mr. President, I join with my distinguished chairman, thanking all the staff who worked so hard on this and hammered out all the agreements over a long period of time on both sides of the aisle. All the Members of our committee and their staffs did a great job. I join our distinguished chairman in thanking them.

Let me also thank our chairman, our leader, Senator LUGAR, for his persistence and doggedness in getting this bill through. I think it has been at least 1½ years, if I am not mistaken, since we started on this road. It has had a lot of twists and turns and ups and downs.

Senator LUGAR stayed in there. He knew how important this bill was to our farmers. It is a great bill. It is one that is really going to help our farmers manage their risks.

I again compliment him and thank him for his leadership but also for being so kind and generous, to always work with me and be open and aboveboard. I have never had an instance where I thought in any way that my chairman was ever keeping anything hidden, going behind the door or anything such as that. It has been a great working relationship. I thank my friend and my chairman for having that kind of good working relationship with this side of the aisle.

Mr. LUGAR. I thank the Senator.

Mr. KERREY. Mr. President, I will take a few seconds. Earlier in my statement I said very nice things, as they deserved, about the chairman, ranking member, and their staffs and every other staff member of the Agriculture Committee except for one. That was the person who wrote the statement I was reading earlier on the floor. So I want to just take a moment to thank Bev Paul for all the work she did on this piece of legislation. I appreciate very much Senator HARKIN, you and Leader DASCHLE, trusting me enough to put me on the conference committee. I appreciate Bev's contribution to it.

Mr. DOMENICI. I wonder if the distinguished manager will just yield for an observation? It will not take long.

Mr. LUGAR. I yield.

Mr. DOMENICI. Mr. President, I want to say hearty thanks to the U.S. Senate for passing the budget resolution that contemplated this issue and this problem and this solution. Normally, in years past on agriculture emergencies, we have waited until the end of the year and gotten into an enormous argument as to how much emergency relief is enough emergency relief. This year we decided, in the budget resolution, with the help of some experts and the committee, to decide that we would modify the resolution that applies to this year and provide $5.5 billion in this year's budget to be spent by the authorizing committee from a reserve fund set up by the Budget Committee and $1.6 billion for next year, all of which could be used for emergency purposes by the authorizing committee if they chose.

They have chosen to follow that to the letter: $5.5 billion this year and $1.6 billion next year. We have provided in advance a pretty good package, as my colleagues have said, on emergency relief.

I am not the expert. I am not here vouching for every item in the bill, but I am suggesting it is good to recognize that we had the foresight this time in advance to devise a prescription for the solution of what I think is most of the emergency relief that is going to be sought for farmers. There may be others in other bills. I thank everyone for living under that resolution and under that format. I thank the experts who told us this is a pretty good package, and we provided for it in advance. It turned out to be a pretty good dollar number that provides a rather substantial amount of relief.

In addition, we have had budgeted for quite sometime money for crop insurance. It has been languishing until now. It is high time a solution to that has been tailored, and now they are together. There is $7.1 billion of emergency assistance, and it is prescribed by the budgets we have voted for heretofore.

I commend those who have lived within those margins. I do hope the farmers of America understand that we have prescribed a very large package here, in addition to the regular appropriations bill that comes through, and we may have additional arguments on how much additional emergency money might be provided, if any.

I do believe this is a good example of doing it right for a change. We did it right from the very start, and now we are seeing the fruits of some good thinking in advance to avoid conflict at the end of the year.

Mr. President, while the spending in this conference report does not violate the budget, and again I congratulate the authors for following those spending guidelines, I must be honest in saying that some provisions in Title II of this conference report concern me. When the Budget Committee established the $7.1 billion funding to assist producers of program crops and specialty crops, I can assure you that at least this Senator did not envision some of the types of indirect assistance to producers this bill provides. Nonetheless the bulk of assistance will go directly to producers and provide some relief to those now suffering depressed farm incomes.

Finally, it must be said, that once this $5.5 billion in Agriculture Marketing Transition Act, AMTA, payments are made this year, total Commodity Credit Corporation, CCC, outlays for FY 2000 may exceed $30 billion—a historic record level of spending. Just for the calendar year 2000, direct payments to producers will exceed $21.6 billion—another record. It is also understood that when we return from the Memorial Day recess, the FY 2001 Agriculture Appropriations bill may be before the Senate, and it to may contain additional emergency spending for the current fiscal year.

At a time when the U.S. Congress and the European Parliament are focused on agriculture trade issues, and the level of subsidies being provided on both sides of the Atlantic, I think it is important to take a step back and make sure we all understand what assistance is being provided in this bill to agriculture.

I will support this conference agreement today. But I hope that another bill the Senate may consider after the recess—the PNTR China bill—will provide expanded markets for our agriculture sector and thereby lessen the need for future agriculture subsidies. Most farmers and ranchers I know want to and will produce for the market given a chance. They do not want and should not want to ''farm'' government subsidies.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Chair. Mr. President, I thank Senator LUGAR, Senator HARKIN, and all the conferees for their hard work in producing a fair final crop insurance package that will provide $100 million in targeted programs for Northeastern farmers who have struggled in recent years, facing low prices and severe damage by drought, flooding, and freezing.

Speaking on behalf of the farmers of New York State, I especially thank my esteemed colleague, Senator PAT LEAHY, and his hardworking staff—Ed Barron, J.P. Dowd, and Melody Burkins—for their creativity and persistence in defending the interests of our region which have all too often been neglected in agricultural debates.

Back in March, I joined Senators PAT LEAHY, BOB TORRICELLI, and JACK REED in a spirited and successful effort to amend this bill to include, for the first time in the history of crop insurance, funds targeted specifically to help our region.

Northeastern farmers have historically low participation in crop insurance for several reasons. Many grow speciality crops that are not eligible for Federal crop insurance, or find that, while they are eligible, the Federal crop insurance programs do not fit their needs. Many are simply not aware of available crop insurance options or have no agents located nearby to sell them policies.

The results have often been catastrophic. When a disaster such as last summer's drought strikes, our farmers have no safety net to fall back on, unlike so many of their Midwestern and Southern counterparts.

As such, these provisions—a $50 million program to promote risk management practices tailored to Northeastern farmers, $25 million for crop insurance education and recruitment targeted at areas traditionally underserved by crop insurance, and $25 million for research into better crop insurance programs for the Northeast—will go a long way to helping the farmers of New England and the Mid-Atlantic region.

Our farmers will especially benefit from the removal of the area trigger for crop insurance policies. This will benefit farmers located in areas isolated by valleys or mountains by allowing them to collect crop insurance for their localized disasters.

Further, specialty crop farmers, as so many of the fruit and vegetables growers in New York State, will benefit from the $200 million USDA purchase of speciality crops as directed in the emergency agriculture package attached to this bill.

I also echo Senator LEAHY's remarks on our understanding of the Agriculture appropriations bill, which we have been assured will contain several additional critical provisions, particularly the assistance for our Nation's dairy farmers who have suffered terribly from low prices, and for apple farmers who have been hard hit by low yields and low quality after 2 years of unavoidable weather extremes, from hurricanes to drought.

I have visited regularly with dairy and apple farmers in my own State and can say they desperately need our help.

I thank, once again, the conferees for crafting a bill that for the first time truly takes into account the unique needs of Northeastern farmers. I voted for the package, and I am glad so many of my fellow Senators voted for it as well.

TRIBUTE TO PAT ROONEY

Mr. LOTT. Mr. President, today, I rise to pay tribute to a businessman who has witnessed the transformation of a company from a single plant operation into a multinational corporation. The businessman I am referring to is Pat Rooney, who is retiring on June 3rd after almost 45 years of service to Cooper Tire and Rubber Company. Mr. Rooney began his career with Cooper Tire in 1956 as a sales trainee. In 1994, Pat Rooney was elected CEO and Chairman of the Board of Cooper Tire. That hierarchical progression is astounding. In this day and time with the ever changing economy, it is almost hard to fathom someone working for one employer for four and a half decades. Pat Rooney saw Cooper Tire and Rubber grow from 1,000 total employees to now 25,000 worldwide. During his tenure at Cooper Tire, Mr. Rooney spent time working in Clarksdale, Mississippi at the rubber products operation in the Mississippi Delta. Cooper has built a significant presence in my state, employing numerous Mississippians at locations in Clarksdale and Tupelo. Pat Rooney lives in Findlay, Ohio and has been very active in the community. He is a Rotarian, active in the Findlay/Hancock County Chamber of Commerce, and the County Community Development Foundation and served on the advisory council of the Arts Partnership of Hancock County. Again, I want to commend Pat Rooney today for his service to his company and his community. Cooper Tire has been fortunate to have such a dedicated employee, leader, and visionary. Mr. Rooney I hope you will enjoy your well deserved retirement.

SCHOOL SAFETY

Mr. LEVIN. Mr. President, earlier this month, the Senate began consideration of the Elementary and Secondary Education Act, a reauthorization bill that would determine our national education policy. We spent a few days on that bill, offering and debating amendments, to reduce class size and reward teachers who improve student achievement, among other things.

On May 9, 2000, the Majority Leader withdrew the education bill from consideration, and the Senate moved on to other business. At the time, the Majority Leader indicated his intent to come back to the education bill, either later in that same week, or the week after.

It is now more than three weeks later and Congress is preparing to adjourn for the Memorial Day recess without addressing a critical component of our national education policy: school safety.

The education bill was likely withdrawn from the Senate because of the possibility of a school safety amendment aimed at curbing gun violence. Unfortunately, education and gun violence are now inseparable issues. The wave of school shootings—in Jonesboro, Arkansas, Littleton, Colorado, and recently, in Mt. Morris Township, Michigan—has changed America's perception of safety in school.

Over the last few years, we have made some gains. Over the four year period, from 1993 to 1997, the percentage of high school students who carried a weapon to school declined from 12% to 9%; the rate of crime against students ages 12 to 18 fell one-third; and 90 percent of schools reported no incidents of serious violent crime in 1996–1997.

Despite these gains, students feel less safe at school, and access to guns is a primary reason why. School violence, or even the threat of school violence, instills fear in our students, and limits their ability to learn. School violence also threatens and intimidates teachers—making instruction more difficult.

The learning environment is in jeopardy, and unless we address the vulnerabilities of our schools, many of our other efforts to improve the education system will be undermined.

I'm sure all of us agree that any act of violence—whether it's as common as a fist fight in the locker room or as extreme as a shoot out in the cafeteria—interferes with the educational process. Ron Astor, an assistant professor of social work and education at the University of Michigan in Ann Arbor, has said: ''Violence in schools . . . interferes with children's physical well being, academic functioning, social relations, and emotional and cognitive development.''

School violence has always posed a threat to students and teachers, but the advent of gun violence in schools has escalated the problem. Gun violence, not only affects students at a particular school, it has a rippling effect on students at schools in the same county, state, and in some cases, the entire country.

I have a letter from Professor Astor, who wrote to me earlier this month, when the Senate was debating education policy. Professor Astor has been researching the topic of school violence for over 17 years, and has produced 23 publications on the topic. His research gives us a clear understanding of how gun violence, and the fear of gun violence, impacts schools in Michigan, and in the United States.

Professor Astor writes:

Dear Senator LEVIN,

I am pleased that the Senate is debating the topic of education in our nation. As a professor of education, I hope that you will include in your discussions the issue of school safety. As you know, the general public is seriously concerned with the safety of our schools. Polls taken over the past seven years indicated that the public considers school violence to be the top problem facing U.S. schools. Hopefully, the Senate's efforts will result in policy and legislation that make our schools safer for our children.

He continues:

Clearly, teachers, students, and school staff are most concerned about the presence of firearms and weapons in our schools. In the context of a discussion on guns and mass shootings, consider the fear described by this middle school teacher who participated in one of our studies: ''A lot of us are afraid. You come in the morning and you're just afraid to even go to work. You're just so stressed out, because you're all tensed up, you can't feel happy and teach like you want to because you've got to spend all of your time trying to discipline. You're scared somebody's going to walk in. We keep our doors locked. We have to keep our doors locked.'' Middle school teacher. (Meyer, Astor & Behre, 2000).

Professor Astor goes on:

In our studies, students and school staff often mention fear from the threat of guns and other lethal weapons. Without a doubt, the knowledge or rumor of a gun in a school instills fear in the school community. Teachers and students are well aware that the shocking mass murders recently perpetrated in schools are exclusively associated with firearms. Our country has a long history of lethal acts in schools (see Kachur et al, 1996 in the Journal of the American Medical Association), however, the use of guns as a weapon of choice, has made multiple murders a more common occurrence. This, in turn, has promoted a high level of fear within schools. Obviously, the fear of death or potential catastrophe is not conducive with a positive learning environment. Consequently, I urge you and your colleagues to take a strong stance on the issue of firearms.

Professor Astor quotes a middle school teacher frightened by the thought of a school shooting, and she is not alone. Teachers and students across this nation fear what may happen to them in the classroom. Those of us who feel strongly about education and school safety must do something to ease their fears. Congress must curb young people's access to guns. We must pass legislation designed to reduce the level of gun violence, and the fear of such violence, in our communities.

Gun violence is certainly not the only cause of fear in school. Professor Astor explains, that in addition to concerns about firearms, teachers and students fear more common forms of violence, such as fist fights, sexual harassment, teasing and bullying. All violence in school is unacceptable and we should continue to work toward curbing any and all student harm. But gun

violence is a dominant cause of fear among teachers and students in our schools

We have the opportunity to take the first step toward establishing a safer and more secure school environment, by among other things, passing the juvenile justice bill which would ban juvenile possession of assault weapons and close the gun show loophole. But if we can not pass the juvenile justice bill, we will use other means to prevent the gun violence that has plagued too many American schools and communities.

I hope this Senate will continue its debate on this country's long-term education needs and at the same time, work toward finding a long-term solution for reducing the shootings in American schools. Students around the country may be off for the summer, but Congress will have to keep working until we can make the grade on school safety.

I ask unanimous consent to submit the full text of Professor Astor's letter in the RECORD.

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

UNIVERSITY OF MICHIGAN,
Ann Arbor, MI, May 2, 2000.

Senator LEVIN,
Russell Building,
Washington, DC.

DEAR SENATOR LEVIN, I am pleased that the Senate is debating the topic of education in our nation. As a professor of education, I hope that you will include in your discussions the issue of school safety. As you know, the general public is seriously concerned with the safety of our schools. Polls taken over the past seven years indicated that the public considers school violence to be the top problem facing U.S. schools. Hopefully, the Senate's efforts will result in policy and legislation that make our schools safer for our children.

I have been researching school violence for over 17 years. I have 23 publications on the topic of school violence in the U.S.A. and abroad. In addition, I teach courses on school violence to teachers, psychologists and social workers who will be creating and administering school violence programs in U.S. schools. Consequently, I have a perspective on this issue that spans both research and practice.

Based on my research, I would like to encourage you and your colleagues to pass legislation that addresses children's perceptions of safety in school. Our research shows that both children and teachers (in elementary, middle, and high school) are reluctant to categorize their entire setting as unsafe. However, when students and their teachers are asked to identify specific locations in their school (e.g., the bathrooms, playgrounds, hallways, areas immediately surrounding the school), most identify dangerous areas that they fear or avoid. Therefore feelings of danger are far more common experiences for students than the data in federal studies suggest. For example, in recent studies (enclosed Astor, Meyer & Behre, 1999; Astor, Meyer & Pitner, in press), we mapped violence-prone school locations within schools and then conducted in-depth interviews with students, teachers, and principals in Michigan elementary, middle and high schools. In these studies we found students and teachers very reluctant to categorize their entire school as being unsafe even though the vast majority of students identified areas that they avoid due to school safety issues. Furthermore, girls consistently identify more areas than boys that they feared or avoided. One study found that over a third of school territory was considered unsafe by girls.

The teachers are also aware of danger in their work-settings (e.g., enclosed Meyer, Astor, & Behre, 2000). For example, 75% of the teachers in our sample, identified at least one area in or around their school that they considered unsafe or dangerous. Female middle and high school teachers identified more areas than their male colleagues that they perceived to be unsafe (e.g., 58% vs. 87% of males and females respectively). Teachers are very brave. Although they sense danger in specific school locations the vast majority of teachers claimed they would intervene even though they may be placing themselves in harms way. Teachers continually mentioned the need for protection against physical harm, legal issues, and policies that support their actions to make school safer. Contrary, to the current trend in zero tolerance policies, most of the students and teachers in our studies advocate for a relationship oriented approach that focuses on building a caring school community. Neither students nor teachers feel that security oriented measures (video cameras, security guards, police officers, alarm systems, expulsions) are conducive to a healthy learning environment. Furthermore, the findings in our studies show that interventions designed to encourage teacher/student relationships are perceived to be the most effective and consistent with the educational goals of our nation's schools.

Clearly, teachers, students, and school staff are most concerned about the presence of firearms and weapons in our schools. In the context of a discussion on guns and mass shootings, consider the fear described by this middle school teacher who participated in one of our studies:

''But I'm telling you, there's so much violence and in different areas and in different districts and different states where teachers are being killed every day. And don't look to me as a teacher to solve the violence in the school. It was there before I got there. It is getting worse. I'm here to tell you. I will—a lot of us are afraid. You come in the morning and you're just afraid to even go to work. You're just so stressed out, because you're all tensed up, you can't feel happy and teach like you want to because you've got to spend all of your time trying to discipline. You're scared somebody's going to walk in. We keep our doors locked. We have to keep our doors locked.'' Middle school teacher. (Meyer, Astor & Behre, 2000).

In our studies, students and school staff often mention fear from the threat of guns and other lethal weapons. Without a doubt, the knowledge or rumor of a gun in a school instills fear in the school community. Teachers and students are well aware that the shocking mass murders recently perpetrated in schools are exclusively associated with firearms. Our country has a long history of lethal acts in schools (see Kachur et al, 1996 in the Journal of the American Medical Association), however, the use of guns as a weapon of choice, has made multiple murders a more common occurrence. This, in turn, has promoted a high level of fear within school. Obviously, the fear of death or potential catastrophe is no conducive with a positive learning environment. Consequently, I urge you and your colleagues to take a strong stance on the issue of firearms.

Our findings demonstrate that in addition a focus on weapons in schools, national legislation should be focusing on most common forms of student harm such as school beatings, sexual harassment, relentless humiliation/teasing, bullying, and other forms of victimization. These kinds of events have a very large impact on students overall sense of school safety. We just conducted a large scale (16,000 students) international study that shows these more common forms of violence account for many students nonattendance of school due to fear/humiliation. Creating on overall climate of safety in the school is essential. Draconian security measures used in the name of school safety (expulsion, police, metal detectors), may actually increase students fear of school violence and interfere with their learning.

Finally, the Columbine shootings have qualitatively changed our countries perceptions of school violence. Based on my contacts with hundreds of teachers, school principals, and school district superintendents in Michigan and across the country, I can confidently say that school districts are now more punitive, frightened, and authoritarian, surrounding issues of school violence. Consequently, it appears that schools harsh responses (usually suspension and expulsions) are now extended to innuendo's, nasty stares, verbal threats, and rude behaviors. Rather than creating a safer school climate, students, teachers, and principals claim that these security measures are fostering an oppressive environment which may be equally detrimental to learning. From a public policy perspective, expelling our most aggressive children is a social disaster because it increases the likelihood that these children will commit serious violent acts in the community. Being banished from school at a young age increased the chances of a ''dead end'' life, prison, welfare, being at the periphery of our economy, and a life of crime. Positive relationshps created in schools may actually serve as a protective factor for many of our most aggressive children. Therefore, I'd like to encourage you and your esteemed colleagues to carefully consider policies that mirror a democratic, caring, community-oriented, and relationship-oriented school environment. These empirically supported virtues would accomplish the dual goals of fostering academic excellence within the context of safe feeling environments. Students, teachers, principals and parents do not want their schools turned into prison-like environments. This would not benefit our children's education or our democracy. Finally, they do not increase children's sense of safety. The facts suggested that the opposite is true.

I have enclosed a series of articles published or in press (in scientific peer reviewed journals). Please feel free to contact me if you have any questions.

With respect,
Sincerely,

RON AVI ASTOR, Ph.D.,
Associate Professor of Education and Social Work.

THE NECESSITY FOR THE NATIONAL DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 2001

Mr. WARNER. Mr. President, I rise this afternoon to discuss the importance—the critical need—for early Senate consideration of the defense authorization bill for fiscal year 2001. This bill, which we reported out of the Senate Armed Services Committee on May 12th with bipartisan support, is a good bill which will have a positive impact on our nation's security, and on the welfare of the men and women of

the Armed Forces and their families. It is a fair bill. It provides a $4.5 billion increase in defense spending—consistent with the congressional budget resolution. But, the real beneficiaries of this legislation are our servicemen and women who will not only have better tools and equipment to do their jobs, but an enhanced quality of life for themselves and their families. We must show our support for these brave men and women—many of whom are in harm's way on a daily basis—by passing this important legislation.

I am privileged to have been associated with the Senate Armed Services Committee and the development of a defense authorization bill every year of my modest career here in the Senate—a career quickly approaching 22 years. During those years, the committee has used the annual defense authorization bills to address the most fundamental national security issues facing the nation, including: the revitalization of the Armed Forces under President Reagan; the Goldwater-Nichols reorganization of the Department of Defense; the restructuring and reduction of the Armed Forces following the end of the cold war; investigating the tragedies in Beirut, Somalia, and Saudi Arabia (Khobar Towers); and the review and implementation of the lessons learned from military operations in Grenada, Panama, the Persian Gulf, and, most recently, the lessons learned from the operations in the Balkans and, in particular, Kosovo.

This year's legislation follows in this fine tradition. The importance of this bill is without question.

While this legislation is not the only bill on defense spending, it occupies a very unique and critical role in the congressional defense funding process. Both it's timing and function in the congressional budget process are intended to achieve important goals: fully explore public concerns and fulfill statutory requirements.

The venerable soldier-statesman, General George Marshall once stated, ''In a democracy such as ours, military policy is dependent on public opinion.''

The crucial step of ensuring that public opinion on national security policy issues has a forum begins in the Armed Services Committee. Since the beginning of the 106th Congress, the Senate Committee on Armed Services has conducted almost 170 hearings, briefings, and meetings, to fully explore, examine and deliberate matters of concern to the public on national security policy and funding issues. This year, in particular, a sample of the issues addressed in our hearings include: healthcare for military personnel, their families and retirees; the future of the U.S. strategic nuclear arsenal; U.S. military involvement in the Balkans; Defense Department efforts to counter the threat of a terrorist attack; security clearance procedures for defense personnel; immunizing our personnel against anthrax; and ensuring Russia safely secures and disposes of its nuclear arsenal.

Mr. President, the discussion on these important issues does not end with consideration in the Armed Services Committee. In fact, in the last twenty years, our Chamber's collective interest in continuing the public debate on pressing national security matters presented in the defense authorization bill has significantly increased. In 1979, the first opportunity I had to be a part of the defense authorization bill process, there were only 11 amendments to the bill during Senate floor debate. Last year, during our debate on the national defense authorization bill for fiscal year 2000, there were over 160 amendments.

But we know our responsibility to consider and pass the defense authorization bill goes beyond statutory requirements and historical precedent. We must also be aware of the importance of this measure to our men and women in uniform around the world.

U.S. military forces are involved in overseas deployments at an unprecedented rate. Currently, our troops are involved in over 10 contingency operations around the globe. Over the past decade, our active duty manpower has been reduced by nearly a third, active Army divisions have been reduced by almost 50 percent, and the number of Navy ships has been reduced from 567 to 316. During this same period, our troops have been involved in 50 military operations worldwide. By comparison, from the end of the Vietnam war in 1975 until 1989, U.S. military forces were engaged in only 20 such military deployments.

In an all-volunteer force, where increasing deployments and operations challenge the capabilities of our military to effectively meet those commitments, as well as challenge the efforts of our military to recruit and retain quality military personnel, we must embrace every opportunity to demonstrate our commitment to our military personnel. The National Defense Authorization Bill for Fiscal Year 2001 sends this important message.

Mr. President, I noted previously in these remarks the important role of the defense authorization bill as a means by which the Armed Services Committee and the Senate address many of the today's important military policy matters. I would like to take a moment to highlight the impact of not passing the National Defense Authorization Bill for Fiscal Year 2001.

With respect to personnel policy, the committee included leglsiation in the defense authorization bill for fiscal year 2001 to continue to support initiatives to address critical recruiting and retention shortfalls. In this regard, the committee increased compensation benefits and focused on improving military health care for our active duty and retired personnel and their families.

Without this bill, there will be:

No 3.7 percent pay raise for military personnel;

No pharmacy benefit for medicare eligible military retirees;

No extension of TRICARE benefits to active duty family members in remote locations;

No elimination of health care co-pays for active duty family members in TRICARE Prime;

No Thrift Savings Plan for military personnel;

No five year pilot program to permit the Army to test several innovative approaches to recruiting; and

No transit pass benefit for Defense Department commuters in the Washington area.

And, without this bill, the current Department of Defense Medicare subvention demonstration program will not be expanded, as we envisioned, but instead terminated. Currently, the Medicare Subvention demonstration program provides medical services to approximately 28,000 military retirees in Mississippi, Texas, Oklahoma, Colorado, Washington, and Delaware. Expanding the program would provide medical services to military retirees living in the District of Columbia, Virginia, Ohio, Georgia, Hawaii, and Maryland.

Without this bill, almost every bonus and special pay incentive designed to recruit and retain service members will expire December 31, 2000, including: special pay for health professionals in critically short wartime specialities; special pay for nuclear-qualified officers who extend their service commitment; aviation officer retention bonus; nuclear accession bonus; nuclear career annual incentive bonus; Selected Reserve enlistment bonus; Selected Reserve re-enlistment bonus; special pay for service members assigned to high priority reserve units; Selected Reserve affiliation bonus; Ready Reserve enlistment and re-enlistment bonuses; loan repayment program for health professionals who serve in the Selected Reserve; nurse officer candidate accession program; accession bonus for registered nurses; incentive pay for nurse anesthetists; re-enlistment bonus for active duty personnel; enlistment bonus for critical active duty specialities; and Army enlistment bonuses and the extension of this bonus to the other services.

The committee has carefully studied the recruiting and retention problems in our military. We have worked hard to develop this package to increase compensation and benefits. We believe it will go a long way to recruit new servicemenbers and to provide the necessary incentives to retain mid-career personnel who are critical to the force.

Mr. President, on many occasions I have shared my concerns about the threats posed to our military personnel and our citizens, both at home and abroad, by weapons of mass destruction: chemical, biological, radiological and cyber warfare. Whether these weapons are used on the battlefield or by a terrorist within the United States, we, as a nation, must be prepared.

Without this bill, efforts by the committee to continue to ensure that the

DOD is adequately funded and structured to deter and defeat the efforts of those intent on using weapons of mass destruction would not be implemented. Efforts that would not go forward without this bill include: establishing a single point of contact for overall policy and budgeting oversight of the DOD activities for combating terrorism; fully deploying 32 WMD–CST (formerly RAID) teams by the end of fiscal year 2001; the establishment of an Information Security Scholarship Program to encourage the recruitment and retention of Department of Defense personnel with computer and network security skills; and the creation of an Institute for Defense Computer Security and Information Protection to conduct research and critical technology development and to facilitate the exchange of information between the government and the private sector.

Mr. President, I would like to briefly highlight some of the other major initiatives in this bill that would be at risk without Senate floor consideration of the defense authorization bill:

Without this bill, multi-year, cost-saving spending authority for the Bradley Fighting Vehicle and UH–60 ''Blackhawk'' helicopter would cease.

Without this bill, there would not be a block buy for Virginia Class submarines. Without the block buy, there would be fewer opportunities to save taxpayer dollars by buying components—in a cost-effective manner—for the submarines.

All military construction projects require both authorizations as well as appropriations. Without this bill, over 360 military construction projects and 25 housing projects involving hundreds of critical family housing units would not be started.

The Military Housing Privatization Initiative would expire in February 2001. Without this bill, the program would not be extended for an additional three years, as planned. The military services would not be able to privatize thousands of housing units and correct a serious housing shortage within the Department of Defense.

Mr. President, it has been said that, ''Example is the best General Order.'' The Senate needs to take charge, move out, consider and pass the National Defense Authorization Bill for Fiscal Year 2001. This legislation is important to the nation and to demonstrating to the men and women in uniform, their families and those who have gone before them, our current and continuing support and commitment to them on behalf of a grateful nation.

CONTINUING PROBLEMS FOR FEDERAL LAW ENFORCEMENT DUE TO McDADE LAW

Mr. LEAHY. Mr. President, I rise to talk about a pressing criminal justice problem. The problem stems from a provision slipped into the omnibus appropriations law during the last Congress, without the benefit of any hearings or debate by the Senate. Although some of us from both sides of the aisle objected to the provision at the time, our objections were ignored and the provision became law. It is having devastating effects on federal criminal prosecutions and, as I describe in some detail below, it is no exaggeration to say that this provision is costing lives.

In the last Congress, the omnibus appropriations measure for FY 1999 included a provision originally sponsored by former Representative Joseph McDade that was opposed by most members of the Senate Judiciary Committee, both Democrats and Republicans. Indeed, we sent a joint letter to the leadership of the Appropriations Committee urging that this provision be removed from any conference report because, in our view, the McDade law ''would seriously impair the effectiveness of federal prosecutors in their efforts to enforce federal criminal laws and protect our communities.''

Nevertheless, the McDade provision was enacted as part of that appropriations measure and went into effect on April 19, 1999. This law, now codified at 28 U.S.C. §530B, subjects federal prosecutors to the state bar rules, and discipline, of ''each State where such attorney engages in that attorney's duties.'' There has been enormous tension over what ethical standards apply to federal prosecutors and who has the authority to set those standards.

This debate over the ethical rules that apply to federal prosecutors was resolved with the McDade law at a time of heightened public concern over the high-profile investigations and prosecutions conducted by independent counsels. Special prosecutors Kenneth Starr and Donald Smaltz were the ''Poster boys'' for unaccountable federal prosecutors. By law, those special prosecutors were subject to the ethical guidelines and policies of the Department of Justice. They defended their controversial tactics by claiming to have conducted their investigations and prosecutions in conformity with Departmental policies.

The actions of these special prosecutors provided all the necessary fodder to fuel passage of the McDade law. For example, one of the core complaints the Department had against the McDade law is that federal prosecutors would be subject to restrictive state ethics rules regarding contacts with represented persons. A letter to the Washington Post from the former Chairman of the ABA ethics committee pointed out:

> [Anti-contact rules are] designed to protect individuals like Monica Lewinsky, who have hired counsel and are entitled to have all contacts with law enforcement officials go through their counsel. As Ms. Lewinsky learned, dealing directly with law enforcement officials can be intimidating and scary, despite the fact that those inquisitors later claimed it was okay for her to leave at any time.

I have outlined before my concerns about the tactics of these special prosecutors, such as requiring a mother to testify about her daughter's intimate relationships, requiring a bookstore to disclose all the books a person may have purchased, and breaching the longstanding understanding of the relationship of trust between the Secret Service and those it protects. I was appalled to hear a federal prosecutor excuse a flimsy prosecution by announcing after the defendant's acquittal that just getting the indictment was a great deterrent. Trophy watches and television talk show puffery should not be the trappings of prosecutors.

Yet, I opposed the McDade law and continue to believe that this law is not the answer. I firmly support improvements in the disciplinary process for federal prosecutors but this important task may be accomplished without hindering legitimate law enforcement investigative techniques and practices—which is what the McDade law is doing. While subjecting federal attorneys to state bar rules sounds like good policy at first blush, the McDade law has ceded to the vagaries of fifty state bar associations control of how federal prosecutions are to be conducted. I am concerned that Federal prosecutors are being hamstrung because the McDade law makes them answerable to multiple masters.

The Department of Justice has been surprisingly quiet, both before and after the McDade law went into effect, about seeking a legislative modification to address the most devastating consequences of this new law for federal law enforcement. Unfortunately, we are fast approaching the end of this Congress without making any progress on addressing the problems created by the McDade law.

I have asked the Department of Justice for an update on how the McDade law is working, and whether any of my fears were warranted. The results are in: This law has resulted in significant delays in important criminal prosecutions, chilled the use of federally-authorized investigative techniques and posed multiple hurdles for federal prosecutors.

The Justice Department's November, 1999, response to my prior questions on this issue stated that the McDade law ''has caused tremendous uncertainty,'' ''delayed investigations,'' ''creat[ed] a rift between agents and prosecutors,'' ''prevented attorneys and agents from taking legitimate, traditionally accepted investigative steps, to the detriment of pending cases,'' and served as the basis of litigation ''to interfere with legitimate federal prosecutions.'' Yet, these generalities do not fully demonstrate the significant adverse impact this law is continuing to have to slow down or bring to a standstill federal investigations of serious criminal wrongdoing. Let me describe some recent examples.

AIRLINE WHISTLE BLOWER

In one recent case, an airline mechanic whistleblower claimed that his airline was falsely claiming to the FAA that required maintenance procedures

had been performed on the airline's planes when in fact they had not been done. The FBI executed a search warrant for documents at the maintenance facility and began simultaneous interviews of the maintenance personnel to determine the validity of the allegations. The airline's attorney immediately interceded, claimed to represent all airline personnel, and halted the interviews. Because of the McDade law, the prosecutor was forced to tell the agents that they could not continue to interview the employees.

Rather than having several agents out interviewing witnesses simultaneously to avoid culpable witnesses from trying to get their stories ''straight,'' the prosecutor then had to resort to an alternative strategy to obtain information from the employees. The prosecutor subpoenaed the witnesses to the grand jury. Unfortunately, the risk of this strategy is that it may play right into the hands of those who are willing to cover up. With the grand jury route, one witness at a time testifies and is then debriefed immediately after by an attorney, who in turn briefs all future witnesses about what questions will be asked and what answers have already been given.

Indeed, the attorney for the airline again claimed to represent everyone who was subpoenaed to testify before the grand jury. The office advised the attorney that he had a conflict doing so, and the attorney then obtained a separate attorney for each witness.

The impact on this investigation was severe. Because the attorney for each witness insisted on a grant of immunity, and because of scheduling conflicts with the various attorneys, the investigation was stalled for many months. When the witnesses finally appeared before the grand jury, they had trouble remembering significant information to the investigation.

After about a year of investigation, one of the airline's planes crashed, with calamitous loss of life.

Immediately after the crash, the FBI received information that the plane had problems on the first leg of its trip. The agents could not go out and interview the airline's employees because of questions raised by the McDade law. Does the corporation have a right to be notified before interviews and to have its counsel present? Are these people represented by the corporate attorney? Thus, those interviews that are most often successful—simultaneous interviews of numerous employees—could not be conducted simply because of fear that an ethical rule—not the law—might result in proceedings against the prosecutor.

CHILD-MURDER INVESTIGATION

A 12-year-old girl was abducted while riding her bicycle near her family home in a Midwestern city in 1989. An exhaustive investigation led by the FBI turned up nothing. In 1996, an apparent eyewitness confessed on his deathbed to the abduction and stated that he had been told by an accomplice that an individual known as ''T,'' who was then in the custody of the state Department of Corrections, had buried the little girl's body in a deep freeze on T's property near a small mid-western city. T admitted to former inmates, to prison nurses and to his grandmother that he was involved in the case. When interviewed by the police, he on one occasion denied any involvement, but later admitted being present when the young girl was killed.

A federal prosecutor and two FBI agents attempted to meet with T at the county jail. The prosecutor explained that the purpose of the meeting was to obtain T's cooperation; T stated that he wanted to speak to his attorney, and was allowed to speak with his federal public defender from a prior closed case. The federal public defender informed T that he did not represent him, but T then spoke in confidence to the federal defender, who informed the prosecutor that T had no information and did not wish to continue the conversion.

Agents have located an individual who believes that T would confide in him and that he would be willing to assist in attempting to find out from T what had happened to the girl's body. This individual has agreed to a consensually monitored meeting with T.

Because of T's prior representation by the state and federal public defenders, the U.S. Attorney's office contacted the state bar disciplinary counsel concerning whether it could conduct the consensual monitoring. A staff attorney in the bar disciplinary office stated that T was a represented person and that the prosecutors could not make the contact until the public defenders informed T that they no longer represented him and the U.S. Attorney's Office gave T adequate opportunity to retain other counsel.

This advice was given by the State Bar Disciplinary Counsel despite the relevant U.S. Supreme Court and federal appellate case law to the contrary. See *Griffith* v. *Kentucky*, 479 U.S. 314, 321 n. 6. (1987) (a conviction becomes final when ''a judgment of conviction has been rendered, the availability of appeal exhausted, and the time for a petition for certiorari elapsed or a petition for certiorari finally denied''); *United States* v. *Fitterer*, 710 F.2d 1328 (8th Cir. 1983); *United States* v. *Dobbs*, 711 F.2d 84 (8th Cir. 1983) (contact with represented persons permitted in the course of pre-indictment criminal investigations).

The Chief Disciplinary Counsel for the State Bar made it clear that he was not bound by judicial determinations, including federal court decisions, other than those made by the State Supreme Court in which he was located. The investigation is currently at a standstill. The prosecutor is considering giving T immunity for his testimony, as a last resort.

OIL SPILL

After leaving the port of a major city, a ship on its way to a foreign country dumped thousands of gallons of fuel oil into the United States coastal waters near the major city. The spill killed wildlife and caused millions of dollars of damage to the coast. The Coast Guard pursued the ship and boarded it in international waters. While the Coast Guard was boarding the ship, the lawyers for the ship's owners were on the telephone to the ship's captain and to the Coast Guard. They claimed to represent all crew members and prohibited further interviews. The attorneys also told the Captain to direct the crew not to speak to the Coast Guard.

Because of the state ethical rules and the claim that those rules not only prevent AUSA's, but also federal investigative agents from speaking to corporate employees, the prosecutors directed the Coast Guard not to seek further interviews. The ship's crew as then spirited out of the foreign country and were not ever available to testify before the grand jury. No eyewitness to the spill ever materialized.

CLEAN WATER ACT INVESTIGATION

A United States Attorney's office is conducting an ongoing grand jury investigation into allegations that a large corporation violated the Clean Water Act. Certain former employees of this corporation have indicated that they have relevant information and are willing to speak with federal investigators about that information. Nothwithstanding their desire to speak to federal investigators, a state case has interpreted the relevant state's ethics rule as prohibiting contact with former as well as current employees of a represented corporation. A federal case has interpreted the same state's ethics rule as permitting contact with former employees.

The state's disciplinary counsel has conveyed his view that only state court decisions construing that state's ethics rule are controlling and that federal case law cannot be relied upon to govern proceedings that are brought solely in federal court.

As a consequence, federal prosecutors may be stymied by a State ethical rule and State court interpretation of that rule from gathering material evidence of a federal crime from willing witnesses.

KICKBACKS AND CONTRACT FRAUD

In *United States* v. *Talao*, 1998 WL 1114043 (N.D. Cal.), vacated in part by 1998 WL 1114044 (N.D. Cal.), a company's bookkeeper was subpoenaed to testify before the grand jury. Her employers were the subjects of the criminal investigation because they were believed to have failed to pay the prevailing wage on federally funded contracts, falsified payroll records, and demanded illegal kickbacks. The bookkeeper came to the U.S. Attorney's Office the day before the scheduled grand jury appearance and asked to speak to the prosecutor, but the prosecutor was not in.

The next day, when the bookkeeper arrived for her grand jury appearance, she encountered the prosecutor in the

hall outside the grand jury room. The bookkeeper agreed to meet with the prosecutor and the case agent, and in a ten minute conversation in a nearby witness room, the bookkeeper told the prosecutor that her employers (the subjects of the investigation) had pressed her to lie before the grand jury, she was afraid of them, and she did not want the company's lawyer to be in the same room as her or know what she had said in the grand jury, for fear that the attorney would report everything back to the employer.

During this interview, the corporate attorney banged on the witness room door and demanded to be present during the interview; he also asserted the right to be present in the grand jury. The prosecutor asked the bookkeeper whether she wished to speak to the attorney. She said that she did not. The grand jury later indicted the employers for conspiracy, false statements, and illegal kickbacks.

The district judge first ruled that the prosecutor violated the contacts with represented persons rule because there was a pre-existing Department of Labor administrative proceeding and qui tam action (the government had not intervened) and, therefore, the corporation had a right to have its attorney present during any interview of any employee, regardless of the employee's wishes, the status of the corporate managers, or the possibility that the attorney may have a conflict of interest in representing the bookkeeper. The judge referred the AUSA for disciplinary review by the State of California.

Upon rehearing, the judge held that, though the ethical rule violation was intentional, he would withdraw the referral to the state bar. He held that he would instruct the jury to consider the prosecutor's ethical violation in assessing the credibility of the bookkeeper. The government sought a writ of mandamus and that was argued before the Ninth Circuit Court of Appeals on March 15, 2000. The prosecutor has also sought to appeal the district court's misconduct finding.

MONITORED CONVERSATIONS

A common tool of law enforcement authorities who are investigating allegations of criminal and civil violations is to have either a law enforcement agent or a confidential informant (under the direction of a law enforcement agent) act in an undercover capacity. Often, during the course of these undercover investigations, undercover agents and confidential informants engage in a monitored conversation with individuals suspected of illegal conduct. When engaging in such monitored conversations, the law enforcement agent or confidential informant working for the government hides his true identity.

ABA Model Rule 8.4(c) provides that it is misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. In one jurisdiction—Oregon—bar disciplinary counsel has interpreted the relevant version of this rule to prohibit attorneys not only from authorizing or conducting such consensual recordings but also from supervising or overseeing undercover investigations themselves, since the very nature of the undercover operation conduct involves deception. Thus, in Oregon, government attorneys may risk violating the ethics rules when they supervise legitimate criminal and civil law enforcement investigations that use investigative methods recognized by courts as lawful.

GRAND JURY INVESTIGATIONS

In a series of existing grand jury investigations, an attorney for a corporation under investigation prevented interviews of corporate employees by federal agents because of the rule governing contacts with represented persons. The following examples took place after the McDade law was passed.

a. In John Doe Corp. #1, as federal agents began to execute a search warrant at a company, the attorney for the corporation announced over the loudspeaker that he represented all of the employees and that no interviews could take place.

b. In John Doe Corp. #2, agents of the U.S. Customs Service executed a search warrant at a computer component manufacturer in a major U.S. city. While executing the warrant at Company A, a lawyer called the prosecutor and claimed to represent all employees at Company A and its subsidiaries. During the search the manager of Company B, a subsidiary of Company A, approached the agents and asked to cooperate, offering to tape conversations with those managers above him who had committed crimes. Because Company B was controlled by Company A, the prosecutor directed the agents not to conduct any undercover meetings or interview the potential witness.

Virtually every investigation involving a corporation is now subject to interference where none existed before.

WHISTLE BLOWER ACTIONS

Increasingly, the government uses its civil enforcement powers under federal statutes to crack down on corporations that engage in health care fraud, defense contractor fraud, and other frauds that cost the government—and the taxpayers—substantial sums of money. One method of pursuing such fraud claims is through qui tam suits, which often are initiated by corporate employees seeking to ''blow the whistle'' on offending companies.

Many states' ethics rules forbid government attorneys from obtaining relevant information from concerned whistle blowers and corporate ''good citizens'' without the consent of the counsel that represents the corporation whose conduct is under investigation. This prohibition, which affects criminal investigations as well, presents a particularly acute problem in civil enforcement investigations. Unlike criminal investigations, which sometimes can be conducted in the first instance by law enforcement officers, without the involvement of government attorneys (and the restrictions that attorneys' involvement brings), civil enforcement actions often are investigated directly by the government attorneys themselves, as the resources of federal law enforcement authorities typically are not available for civil enforcement matters.

WE NEED TO FIX THE MCDADE LAW

Due to my serious concerns about the adverse effects of the McDade law on federal law enforcement efforts, I introduced S. 855, the Professional Standards for Government Attorneys Act, on April 21, 1999. The Justice Department states that ''S. 855 is a good approach that addresses the two most significant problems caused by the McDade Amendment—confusion about what rule applies and the issue of contacts with represented parties.'' (Justice Department Response, dated November 17, 1999, to Written Questions of Senator LEAHY).

Since that time, I have conferred with the Chairman of the Judiciary Committee about crafting an alternative to the McDade law. This alternative would adhere to a basic concern of proponents of the McDade provision: the Department of Justice would not have the authority it has long claimed to write its own ethics rules. The legislation would establish that the Department may not unilaterally exempt federal trial lawyers from the rules of ethics adopted by the federal courts. Federal—not state—courts are the more appropriate body to establish rules of professional responsibility for federal prosecutors, not only because federal courts have traditional authority to establish such rules for federal practitioners generally, but because the Department lacks the requisite objectivity.

The measure would reflect the traditional understanding that when lawyers handle cases before a federal court, they should be subject to the federal court's rules of professional responsibility, and not to the possibly inconsistent rules of other jurisdictions. But incorporating this ordinary choice-of-law principle, the measure would preserve the federal courts' traditional authority to oversee the professional conduct of federal trial lawyers, including federal prosecutors. It thus would avoid the uncertainties presented by the McDade provision, which subjects federal prosecutors to state laws, rules of criminal procedure, and judicial decisions that differ from existing federal law.

The measure would also address the most pressing contemporary question of government attorney ethics—namely, the question of which rule should govern government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to

govern other areas in which the proliferation of local rules may interfere with effective federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the federal judiciary traditionally is responsible for overseeing the conduct of lawyers in federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

The problems posed to federal law enforcement investigations and prosecutions by the current McDade law are real with real consequences for the health and safety of Americans. I urge the Chairmen of the House and Senate Judiciary Committees, and my other colleagues, to work with me to resolve those problems in a constructive and fair manner.

REMEMBERING THOSE WHO DIED ON D-DAY

Mr. ROBB. Mr. President, as we approach the 56th Anniversary of D-Day, June 6th, 1944, we should pause to reflect on the valor and sacrifice of the men who died on the beaches of Normandy. In the vanguard of the force that landed on that June morning, was the 116th Infantry Regiment, 29th Infantry Division. In 1944 the 116th Infantry Regiment, as it is today, was a National Guard unit mustering at the armory in Bedford, Virginia. They drew their members from a town of only 3,200 people and the rich country in central Virginia nestled in the cool shadows of the Blue Ridge Mountains.

On the morning of June 6th, 1944, Company A led the 116th Infantry Regiment and the 29th Infantry Division ashore, landing on Omaha Beach in the face of withering enemy fire. Within minutes, the company suffered ninety-six percent casualties, to include twenty-one killed in action. Before nightfall, two more sons of Bedford from Companies C and F perished in the desperate fighting to gain a foothold on the blood-soaked beachhead. On D-Day, the town of Bedford, Virginia gave more of her sons to the defense of freedom and the defeat of dictatorship, than any other community (per capita) in the nation. It is fitting that Bedford is home to the national D-Day Memorial. But we must remember that this memorial represents not just a day or a battle—it is a marker that represents individual soldiers like the men of the 116th Infantry Regiment—every one a father, son, or brother. Each sacrifice has a name, held dear in the hearts of a patriotic Virginia town—Bedford.

Mr. President, in memory of the men from Bedford, Virginia who died on June 6th, 1944, I ask unanimous consent that their names be printed in the RECORD at the end of my statement as a tribute to the town of Bedford, and every soldier, sailor, airman, and Marine who has made the supreme sacrifice in the service of our country.

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

COMPANY A

Leslie C. Abbott, Jr., Wallace R. Carter, John D. Clifton, Andrew J. Coleman, Frank P. Draper, Jr., Taylor N. Fellers, Charles W. Fizer, Nick N. Gillaspie, Bedford T. Hoback, Raymond S. Hoback, Clifton G. Lee, Earl L. Parker, Jack G. Powers, John F. Reynolds, Weldon A. Rosazza, John B. Schenk, Ray O. Stevens, Gordon H. White, Jr., John L. Wilkes, Elmere P. Wright, Grant C. Yopp.

COMPANY C

Joseph E. Parker, Jr.

COMPANY F

John W. Dean.

10TH ANNIVERSARY OF THE FREE AND FAIR ELECTIONS IN BURMA

Mrs. FEINSTEIN. Mr. President, as an original co-sponsor of Senator MOYNIHAN's resolution commemorating the 10th anniversary of the free and fair elections in Burma which were overturned by a military junta, I rise today to mark that event and to discuss the repressive conditions that have dominated the lives of the Burmese people for the past 37 years and that continue to define the terms of their existence to this very day.

For the past 12 years, a brutal authoritarian regime has denied the Burmese people the most basic human freedoms, including the rights of free speech, press, assembly, and the right to determine their own political destiny through free and competitive elections.

In 1988, the government led by General Ne Win—who overthrew the popularly elected government of Burma in 1962—brutally suppressed popular prodemocracy demonstrations. In September of that same year, the Government, in a futile public relations gambit to deflect international censure, reorganized itself into a junta of senior military officers and renamed itself the State Law and Order Restoration Council (SLORC).

The SLORC seemed to bow to international opinion in 1990, when it permitted a relatively free election for a national parliament, announcing before the election that it would peacefully transfer power to the elected assembly.

Burmese voters overwhelmingly supported anti-government parties, one of which, the National League for Democracy (NLD)—the party of Aung-San Suu-Kyi—won more than 60 percent of the popular vote and 80 percent of the parliamentary seats.

SLORC's public promises were a fiction. The military junta nullified the results of the elections and thwarted efforts by NLD representatives and others elected in 1990 to convene the rightfully elected parliament.

Instead, SLORC convened a government-controlled body, the National Convention, with the goal of approving a constitution to ensure that the armed forces would have a dominant role in the nation's future political structure. The NLD has declined to participate in the National Convention since 1995, perceiving it to be nothing more than a tool of the ruling military elite.

SLORC reorganized itself again in 1997, changing its name to the State Peace and Development Council (SPDC). But an oppressive regime by any other name remains an oppressive regime. Burma continues to be ruled by a non-elected military clique, this time headed by General Than Shwe. And, even though Ne Win ostensibly relinquished power after the 1988 pro-democracy demonstrations, in reality, he continues to wield informal, if declining, influence.

To this day, Burma continues to be ruled by fiat, denied both a valid constitution and a legislature representing the people.

To solidify its hold on power and suppress Burma's widespread grassroots democracy movement, the military junta—whether it be named SLORC or the SPDC—has engaged in a campaign of systematic human rights abuses throughout the 1990s. It has been aided in this effort by the armed forces—whose ranks have swelled from 175,000 to 400,000 soldiers—and the Directorate of Defense Services Intelligence (DDSI), a military and security apparatus that pervades almost every aspect of a Burmese citizen's life.

For many in Burma, the prospect for life has become nasty, brutish, and short. Citizens continue to live a tenuous life, subject at any time and without appeal to the arbitrary and too often brutal dictates of a military regime. There continue to be numerous credible reports, particularly in areas populated mostly by ethnic minority, of extrajudicial killings and rape. Disappearances happen with sickening regularity. Security forces torture, beat, and otherwise abuse detainees. Prison conditions are harsh and life threatening. Arbitrary arrest and detention for holding dissenting political views remains a fact of life. Since 1962, thousands of people have been arrested, detained, and imprisoned for political reasons, or they have ''disappeared''. Reportedly, more than 1,300 political prisoners languished in Burmese prisons at the end of 1998.

The Burmese judiciary is an SPDC tool. Security forces still systematically monitor citizens' movements and communications, search homes without warrants, relocate persons forcibly without just compensation or due process, use excessive force, and violate international humanitarian law in internal conflicts against ethnic insurgencies.

The SPDC severely restricts freedom of speech and of the press, and restricts academic freedom: since 1996, government fear of political dissent has meant the closing of most Burmese institutions of higher learning. And even verbal criticism of the government is an offense carrying a 20-year sentence.

And while the SPDC claims it recognizes the NLD as a legal entity, it refuses to recognize the legal political status of key NLD party leaders, particularly General-Secretary and 1991 Nobel Laureate Aung San Suu Kyi and her two co-chairs. The SPDC constrains their activities severely through security measures and threats.

The SPDC restricts freedom of religion. It exercises institutionalized control over Buddhist clergy and promotes discrimination against non-Buddhist religions. It forbids the existence of domestic human rights organizations and remains hostile to outside scrutiny of its human rights record. Violence and societal discrimination against women remain problems, as does severe child neglect, the forced labor of children, and lack of funding and facilities for education.

In sum, as the latest biannual State Department report on:

Conditions in Burma and U.S. Policy Towards Burma notes, over the last six months the SPDC has made no progress toward greater democratization, nor has it made any progress toward fundamental improvement in the quality of life of the people of Burma. The regime continues to repress the National League for Democracy . . . and attack its leader, Aung San Suu Kyi, in the state-controlled press.

Burma's political repressiveness is matched only by its poverty. Burma's population is thought to be about 48 million—we can only rely on estimates because government restrictions make accurate counts impossible. The average per capita income was estimated to be about $300 in 1998, about $800 if considered on the basis of purchasing power parity.

Things do not have to be this way. Burma has rich agricultural, fishing, and timber resources. It has abundant mineral resources—gas, oil, and gemstones. The world's finest jade comes from Burma. But the economic deck is stacked against Burma.

Three decades of military rule and economic mismanagement have created widespread waste, loss, and suffering. Economic policy is suddenly reversed for political reasons. Development is killed by overt and covert state involvement in economic activity, state monopolization of leading exports, a bloated bureaucracy, arbitrary and opaque governance, institutionalized corruption, and poor human and physical infrastructure. Smuggling is rampant; the destruction of the environment goes on unabated. Decades of disproportionately large military budgets have meant scant spending on social development and economic infrastructure.

There is no price stability. The Burmese currency, the Kyat, is worthless. There is a telling anecdote about this: one year, Burma asked the U.K., then its primary foreign aid donor, to give it paper so that it could print more Kyat because the Kyat was so devalued that Burma could not afford to buy the paper needed to print it. Imagine, the paper was worth more as paper than as money. I don't know if the story is true or not. The point is that in Burma's case, it easily could have been. In 1998–1999, the official exchange rate was 6 Kyat to one dollar; the black market rate was 341 Kyat to the dollar. This says it all.

I could go on and on. But I don't need to. We all know that Burma's economy is a basket case. We all know that, for the Burmese people, mere existence, not life, is the norm. We all know that Burma cannot expect to begin the road to recovery, prosperity, and long term economic stability as long as the basic human rights and political will of the Burmese people are denied.

The questions before us now are: what tools do we have for stopping this government's inhumanity toward its own citizens and for giving hope to the Burmese people? Are the tools we are now using the correct ones?

The debate over unilateral sanctions represents a fundamental question in the conduct of U.S. foreign policy: Are U.S. interests advanced best by deepening relations or diminishing relations with a country that is not acting as we would like?

I do not endorse sanctions as a panacea. Each case must be considered on its own merits.

In Burma, I believe the United States government had a responsibility to respond to a situation in which the democratically-elected leaders had been summarily thrown out of office, assaulted, and imprisoned by renegade militarists.

Consequently, in 1996, then-Senator Cohen and I coauthored the current sanctions legislation on Burma. The Cohen-Feinstein amendment required the President to ban new investment by U.S. firms in Burma if he determined that the Government of Burma has physically harmed, rearrested for political acts, or exiled Aung San Suu Kyi or committed large-scale repression or violence against the Democratic opposition.

Shortly after Congress passed the Cohen-Feinstein Amendment, President Clinton implemented sanctions against Burma.

Unfortunately, since Cohen-Feinstein went into effect on October 1, 1996 there appears to be little improvement in human rights conditions in Burma: The SPDC continues to implement its repressive policies.

Nevertheless, until the SPDC shows a willingness to make progress towards democracy and improved human rights, the Cohen-Feinstein sanctions must remain in place.

The sanctions make us a leader on Burma and in forging a common international position. I believe, for example, that the European Union would have a much softer line on Burma if not for U.S. policy. The EU has no economic sanctions in place, but has taken some other measures, such as a visa ban for members of the SPDC government and support of the U.S. in introducing the annual United Nations Human Rights Committee resolution on Burma. The United States must continue trying to develop a multilateral approach, particularly with the ASEAN nations, to bring additional pressure to bear on the SLORC.

There is some indication that the sanctions are causing some hardships for the SPDC. For example, last year the SPDC let the International Committee of the Red Cross back into Burma under conditions the ICRC found acceptable, including access to prisons and prisoners. Although there was no clear link to the impact of sanctions in getting the ICRC back in, some analysts contend that the SPDC is heeding international pressure. This may indicate that the SPDC could be willing to make some positive changes, even though it is still an open question if they will change the ''core behavior'' that triggered the sanctions to begin with.

The bottom line is that the current sanctions should not be lifted without some major concession by the SPDC. To lift any sanctions without a concession would send the wrong signal and give the SPDC the message that they could continue to stifle democracy.

We should make it clear that the United States stands on the side of democracy, human rights, and the rule of law in Burma. We should make it clear that the United States stands on the side of Aung San Suu Kyi and the National League of Democracy and that we support their efforts to return Burma and its government to the people.

I am pleased to co-sponsor Senator MOYNIHAN's resolution which commemorates the 10th anniversary of the free and fair elections in Burma, and calls on the SPDC to: guarantee basic freedoms to the people of Burma; accept political dialogue with the National League for Democracy; comply with UN human rights agreements; and reaffirms U.S. sanctions as appropriate to secure the restoration of democracy.

I look forward to the day when the United States has cause to lift the Cohen-Feinstein sanctions and welcome Burma into the community of free nations. In the interim, I urge my colleagues to support the Moynihan resolution.

CONFIRMATION OF NICHOLAS G. GARAUFIS, OF NEW YORK

Mr. MOYNIHAN. Mr. President, I rise to express great appreciation for the confirmation of Nicholas G. Garaufis to be United States District Court Judge for the Eastern District of New York. I want to thank my colleague from New York, Senator SCHUMER, and Senator LEAHY, Chairman HATCH, Senator LOTT, Senator DASCHLE, and all Senators for confirming the nomination of Judge Garaufis. Hailing from Bayside, New York, he is a graduate of both Columbia College and Columbia School of Law and for the last five years has served as Chief Counsel for the Federal

Aviation Administration. He is superbly qualified and I have every confidence he will make an excellent addition to the Eastern District Court.

ARMED FORCES APPRECIATION DAY STATEMENT

Ms. LANDRIEU. Mr. President, each year, on the third Saturday in May, the nation expresses appreciation and gratitude to our military. In Louisiana, we are proud of our men and women in uniform and have a long-standing tradition of honoring them every year. We are proud of the military in times of war, and we are proud of the military in times of peace. We know that without our fighting men and women ''life, liberty and the pursuit of happiness'' would be just hollow words. Since the birth of our Nation, America's Armed Forces has served the United States with honor, courage, and distinction, both at home and abroad. America's patriots have assumed a sacred duty, understanding that our history, our heritage, and our honor, require us to bear the burdens of sacrifice. We acknowledge and applaud their selfless service, courage, and dedication to duty.

Today, thousands of troops are deployed throughout the world, operating in every time zone, and in every climate defending our freedom. Our sailors and Marines are aboard ships and submarines in the Adriatic. Our Air Force and Navy pilots fly the perilous skies over Iraq. Our soldiers keep the vigil and preserve the peace in the former Yugoslavia. They do it to promote American values: democracy and freedom from the oppression of demagogues, tyrants and totalitarian governments. The peace and freedom so longed for by people throughout the world often starts over here, on American soil. When our Armed Forces go overseas, they take with them our national values: a tradition of democracy and a love of individual liberty. Our service members are truly freedom's ambassadors.

So on behalf of the state of Louisiana and a grateful nation, we thank you. We thank you for all that you give to us every day of your lives. We thank those serving on active duty, those standing by in the Reserves and National Guard, and we thank all family members for their patience and their sacrifices. Thank you for your devotion to duty, for your loyalty, for your courage and for your patriotic and profound love of country.

NATIONAL MISSING CHILDREN DAY

Mr. GRAMS. Mr. President, I rise today to promote awareness of missing children and honor those who work to search and rescue the thousands of children who disappear each year. As my colleagues may know, today is recognized as National Missing Children Day.

In proclaiming the first National Missing Children Day in 1983, President Ronald Reagan noted, ''Our children are the Nation's most valuable and most vulnerable asset. They are our link to the future, our hope for a better life. Their protection and safety must be one of our highest priorities.'' Since that time, National Missing Children Day has been a reminder that we must strengthen our resolve to keep children safe.

I believe that the Federal Government can help state and local law enforcement agencies reunite missing and runaway children with their families. In particular, the Missing, Exploited, and Runaway Children Protection Act enacted by Congress last year is an example of an effective federal and state partnership that reduces crime and prevents missing children cases. This law reauthorized the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Program through fiscal year 2003 and provides local communities with the resources to find missing children and prevent child victimization.

In my home state, the Jacob Wetterling Foundation and Missing Children Minnesota have worked effectively to locate missing children and raise public awareness about ways to prevent child abduction and sexual exploitation. Additionally, the Minnesota Association of Runaway Youth Services, comprising eighteen nonprofit agencies in Minnesota, has been instrumental in providing services to runaway and homeless youth and their families. Their efforts have been guided by the Runaway and Homeless Youth Program, which provides resources to community-based organizations to provide outreach, temporary shelter, and counseling each year to thousands of Minnesota's homeless young people.

I am also working to secure federal funding to support the State of Minnesota's development of a statewide criminal justice information sharing system that would allow police, judges, and other criminal justice professionals to communicate quickly about the criminal histories of violent offenders. My proposal will help to provide local communities with the technology to identify criminals and protect our communities from sexual predators and violent offenders.

As chairman of the Minnesota House Crime Prevention Committee, Representative Rich Stanek recently led the effort to pass ''Katie's Law''—legislation that will provide state funding for an integrated criminal justice system. I greatly appreciate Representative Stanek's dedication to improving the Minnesota criminal justice system and the opportunity to work with him on this very important public safety initiative.

Mr. President, I again commend the numerous volunteers, organizations, businesses, state legislators, and government agencies who all work on a daily basis to find missing children. I look forward to our continued work together.

Ms. LANDRIEU. Mr. President, I rise to commemorate this very special day, National Missing Children's Day. Proclaimed by President Ronald Reagan in 1983 and honored by every administration since, May 25th is the day 6 year old Ethan Patz disappeared from a New York City street corner on his way to school in 1979. His case remains unsolved and is an annual reminder to the nation to renew efforts to reunite missing children with their families and make child protection a national priority. As a mother of two beautiful children, I cannot imagine what I would do if my children were missing. All of us with children know that this a parent's greatest nightmare. Yet every 18 seconds a child disappears, and so each day over three thousand parents go through the terror of losing their child.

The Theme of this year's National Missing Children's Day is ''Picture them Home.'' This national public awareness campaign is aimed at encouraging the public at large to be aware of their important role in the recovery of these children. One in six children featured in the National Center for Missing and Exploited Children's photo-distribution program is recovered as a direct result of someone in the public recognizing the child in the picture and notifying the authorities. Unlike so many of our national tragedies, we can do something to help return a missing child to their families. I urge the American public to really look closely at pictures of missing children they see. The small gesture can be the key to reuniting a mother or father with their missing child.

In closing, I would like to commend those individuals who were honored this morning by the National Center for Missing and Exploited Children (NCMEC), the Fraternal Order of Police and the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice Fifth Annual National Missing and Exploited Children's Awards Ceremony.

Sergeant Investigator Awilda Cartagena, Texas Dept. of Public Safety—For the recovery of Johnny Tello, a family abduction victim from Dallas, Texas, after a six-year search. Special Agent K. Jill Hill, Federal Bureau of Investigation, Little Rock, Arkansas—For the location and recovery of non-family abduction victim, three-year-old Destiny Leann Richards, who was kidnapped from her home in Mabelvale, Arkansas, on June 11, 1999, and located in a wooded area the next evening following extensive ground searches. Detective Captain David W. Bailey, accepting for the Lancaster (Ohio) Police Department—for the successful local location and recovery of three-year-old Ashley Taggart, abducted in April 1999 and found three days later in the home of a twice-convicted sexual predator. Senior Resident Agent Scott Wilson, Federal Bureau of Investigation,

Painesville, Ohio, Township Division—for the recovery of Nicole Nsour, an international child abduction victim, whose non-custodial father abducted her and held her in Jordan for over two months. Postal Inspector Paul Groza, Jr., U.S. Postal Inspection Service-Northwest Portland, Oregon—for the investigation resulting in the conviction of Jonathon and Sarah Aragorn for their construction of a Web Site to procure children for sexual relations with themselves and their children. Officer James E. Lee, Lake Bluff, Illinois, Police Department—For the investigation and arrest of Donald C. Moore, a local child mentor who was victimizing area youth entrusted to his care. Detective Michael Schirling, Burlington, Vermont, Police Department—For the investigation and apprehension of a 19-year-old fraternity president, summer camp counselor and student at the University of Vermont at Burlington, for possession of child pornography and child sexual abuse.

RUSSIA AS A RESPONSIBLE PARTNER

• Mr. HELMS. Mr. President, one of the myths dear to President Clinton's heart these days is that the government of Russia has been ''a supportive and reliable partner in the effort to bring peace and stability to the Balkans.'' That myth was shattered once again earlier this month when a war criminal indicted by the International Criminal Tribunal for the Former Yugoslavia, ICTY, was hosted in Moscow—not by Russia's criminal underworld—but by the Kremlin itself.

General Dragolub Ojdanic, Minister of Defense of the Federal Republic of Yugoslavia, visited Moscow for nearly a week earlier this month—from May 7–12, 2000. He was there as a guest of the government of the Russian Federation and enjoyed the privilege of attending President Vladimir Putin's inauguration ceremonies.

As Slobodan Milosevic's military Chief of Staff during the Kosovo war, General Ojdanic was directly responsible for the Serbian military's ethnic cleansing campaign in Kosovo. For this, the General was indicted by the ICTY for crimes against humanity and violations of the laws and customs of war for alleged atrocities against Albanians in Kosovo.

Mr. President, the ICTY has issued international warrants for General Ojdanic's arrest and extradition to The Hague. The Russian Federation, a permanent member of the United Nations Security Council which established the ICTY, has an obligation to arrest General Ojdanic and extradite him to The Hague if and when they have the opportunity.

But what did President Putin and his regime do when Ojdanic was in Moscow? Instead of arresting and sending him to The Hague, they provided a week of fine food and camaraderie and a privileged seat at the Putin inauguration!

What truly disturbs me, Mr. President, is that General Ojdanic's visit was not just for fun. He was there to work—to reestablish the links between the Milosevic regime and the Kremlin. While in Moscow, he held official talks with Defense Minister Sergeyev, Army Chief of Staff Anatoly Kvashnin, and Foreign Minister Ivanov.

On May 16, four days after General Ojdanic's visit to Moscow, Russia announced that it has provided the Serbian regime of Slobodan Milosevic with $102 million of a $150 million loan. The Russian government also announced that it will facilitate the sale to Serbia of $32 million worth of oil, despite the fact that the international community has imposed economic sanctions against the Milosevic regime.

I confess that I am impressed by the audacity of Russian President Putin. Here he is, providing the Milosevic regime with over $150 million in economic support while seeking debt relief from the international community and loans from the International Monetary Fund. He is doing this while his country seeks and receives food aid from the United States.

What should we conclude from all this?

First, President Putin seems comfortable ignoring the requirement to arrest and transfer indicted war criminals to The Hague. I suppose we can just add this to the long list of international obligations Mr. Putin sees fit to disregard.

Second, Russia does not share NATO's goals and objectives in bringing peace and stability to the Balkans. If it did, its leaders would not be so brazenly and warmly supporting senior officials of the Milosevic regime.

Third, the Kremlin must regard Western, and particularly, U.S. economic assistance and aid to be unconditional. He has evidently concluded that he can conduct his foreign policy with impunity and still count on the West's economic largesse. The fact that the hospitality and support provided to these Serbian war criminals occurs just one month before President Clinton's visit to Moscow shows how little respect Putin has for the policies of the United States.

Mr. President, what concerns me most about the relationship between the Kremlin and the Milosevic regime is the threat it poses to our men and women in uniform serving in the Balkans—and those of our allies. The political support the Kremlin provides Slobodan Milosevic directly jeopardizes the safety and security of American and allied forces deployed in the Balkans. This outreach by Putin to the Milosevic regime only encourages that brutal dictator to continue his policies of destruction in the Balkans.

While we are trying to force the Milosevic regime to step down and to turn power over to Serbia's democratic opposition, Russia is signaling to Milosevic that he can survive and even outlast the Alliance—and that Russia will help him prevail.

It is for these reasons, that I plan to introduce an amendment to the foreign operations appropriations bill that will restrict material and economic assistance the United States provides to the Russian Federation. There is no reason why the United States should be providing Russia loan forgiveness and economic assistance when the Kremlin continues to support a regime in Serbia whose forces directly threaten our troops and those of our allies trying to bring peace to the Balkans.

This amendment does four things:

First, it reduces assistance obligated to the Russian Federation by an amount equal in value to the loans, financial assistance, and energy sales the Government of the Russian Federation has provided and intends to provide to the Milosevic regime.

Second, it ensures U.S. opposition to the extension of financial assistance to Russia from the International Monetary Fund, the World Bank and other international financial institutions.

Third, it suspends existing programs to Russia provided by the Export-Import Bank and the Overseas Private Investment Corporation.

Fourth, it ensures the United States will oppose proposals to provide Russia further forgiveness, restructuring, and rescheduling of its international debt.

Mr. President, I sincerely believe that a partnership with Russia is possible and indeed, would serve the interests of both countries. A strategy of engagement, however, cannot and must not ignore reality. Partnership cannot occur when Russia blatantly supports a regime that continues to threaten stability in the Balkans, whose calling cards are ethnic cleansing and political repression, and that continues to threaten U.S. soldiers in the field.

I will be pleased to treat Russia as a responsible partner when it behaves as one.•

BIRTHDAY OF KATHERINE ''KITTY'' WILKA

Mr. DASCHLE. Mr. President, ''Mother's Day''—that special day when children the world over celebrate and honor their mothers—falls during the month of May. Appropriately, the month of May is also the month when one of the most selfless and dedicated mothers I know celebrates her birthday. Today, I would like to share the story of that remarkable woman from my home state of South Dakota.

I have known and admired Katherine ''Kitty'' Wilka for more than two decades. Today, as she celebrates her 70th birthday, she will be surrounded by numerous family members and friends. Kitty Wilka is the mother of 12, the grandmother of 29 and, as of last week, the great-grandmother of 3. But it is not just the size of the Wilka family that is noteworthy. It is also the quality of their character and the diversity of their accomplishments.

Kitty Wilka and her late husband, Bill, led by example and instilled admirable values in all their children. Widowed for over a decade, Kitty is the

heart and soul of her extended family. She is a role model for her children and grandchildren. Her life example epitomizes both the love of family and commitment to community.

Kitty has raised public servants, community and church leaders and business owners. After working for 18 years at McKennan Hospital in Sioux Falls, she continues to contribute to her community, volunteering at St. Lambert's Catholic Church and its school.

I must confess that I have personally benefitted from the Wilka family's belief in public service. Kitty's son, Jeff, has volunteered in my Sioux Falls office since my first election to the U.S. House of Representatives in 1978.

Born with cerebral palsy, Jeff grew up with a positive attitude and a determination to be involved in his community. He has been a loyal, dedicated and valued member of my Sioux Falls staff for over two decades. In fact, Jeff has become a fixture of sorts, having the second longest running tenure on my staff.

With the help of his loving mother and close-knit family, Jeff has overcome many obstacles in his life, including physical ailments that required surgery and therapy, and a dependency on alcohol. He has been sober for 11 years and is an ardent worker on behalf of many civic causes, including the Children's Care Hospital and School, the March of Dimes and Easter Seals. He also has a deeply held faith in our electoral process, working in the political trenches for many years for a variety of local, state and federal candidates in whose philosophy he believes.

I am proud of what Jeff has accomplished and the significant challenges he has overcome. I think he would be the first to tell you that his successes have been based upon the solid Midwestern values that Kitty and Bill Wilka instilled in him and his siblings. They taught their children to work hard, to never give up and to do their part to improve the communities in which they live. It is clear that Jeff has taken those lessons to heart.

Kitty Wilka has much to be proud of in her life. And I know that her loving family is extremely proud of her. I want to join her 12 children, 29 grandchildren and 3 great-grandchildren in wishing Kitty the very best on her birthday. She deserves it.

Happy 70th birthday, Kitty!

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 24, 2000, the Federal debt stood at $5,676,761,996,112.82 (Five trillion, six hundred seventy-six billion, seven hundred sixty-one million, nine hundred ninety-six thousand, one hundred twelve dollars and eighty-two cents).

One year ago, May 24, 1999, the Federal debt stood at $5,597,943,000,000 (Five trillion, five hundred ninety-seven billion, nine hundred forty-three million).

Five years ago, May 24, 1995, the Federal debt stood at $4,887,785,000,000 (Four trillion, eight hundred eighty-seven billion, seven hundred eighty-five million).

Ten years ago, May 24, 1990, the Federal debt stood at $3,094,795,000,000 (Three trillion, ninety-four billion, seven hundred ninety-five million).

Fifteen years ago, May 24, 1985, the Federal debt stood at $1,751,794,000,000 (One trillion, seven hundred fifty-one billion, seven hundred ninety-four million) which reflects a debt increase of almost $4 trillion—$3,924,967,996,112.82 (Three trillion, nine hundred twenty-four billion, nine hundred sixty-seven million, nine hundred ninety-six thousand, one hundred twelve dollars and eighty-two cents) during the past 15 years.

LEBANON

Mr. BROWNBACK. Mr. President, earlier this week, the Senate passed Concurrent Resolution 116, commending Israel's withdrawal from Lebanon. The resolution notes the original reason Israel was forced to occupy a narrow security strip in southern Lebanon—constant attacks on Israeli civilians from Lebanon-based terror groups. Israel had no designs on Lebanese territory; the Jerusalem government was forced to do the job that the central Lebanese authorities were unable or unwilling to perform.

Lebanon is in a sad situation. It is a nation torn by sectarian strife, occupied by tens of thousands of Syrian troops, and overrun with terrorists. In the final analysis, however, the government of Lebanon must be called to account. For more than two decades, the international community has bemoaned Lebanon's fate without demanding responsible leadership. That era is now over.

There are Christians and Muslins in southern Lebanon whose fate hangs in the balance. They have been under the protection of Israel for more than two decades. What will happen to them? Will they be subject to the whims of yet another Lebanese militia, a Hezbollah state within a state? Will Christians be forced to flee, as they have from the West Bank and from so many other states? Or will the Lebanese central government and the Lebanese Army, as required under United Nations Security Council resolutions, take control of southern Lebanon and ensure safety and security for all?

Will the Lebanese government allow the United Nations and UNIFIL to do its job and deployment throughout the South? Or will Lebanon remain a pawn in the hands of terrorists, a puppet state in the hands of Syria and Iran? This is the test. The President and the Congress have demanded that Lebanon secure its southern border and reintegrate southern Lebanese into the country. Hezbollah must be disarmed. The Syrian military must be evicted. The world is watching and the time is now.

The citizens of northern Israel—indeed all Israelis—deserve to live within secure borders in peace. If they cannot, it is the solemn obligation of the Israeli government to secure those borders and to hunt down those who violate it and eliminate them. For my part as a United States Senator, I intend to do all that I can to support Israel in that aim, and to ensure that the means and the political, diplomatic and material support are at hand for the Israeli government to do just that.

This month could be a turning point for Lebanon, for Syria and for Israel. Or it could be the beginning of a new cycle of conflict. I pray that the Lebanese and the Syrians will be smart enough to seize the opportunity for real peace in the Middle East.

COMMEMORATING FREE ELECTIONS IN CROATIA

Mr. GORTON. Mr. President, today I rise with my colleagues, Senators FEINGOLD, HUTCHINSON, ABRAHAM, and LIEBERMAN, to introduce a resolution congratulating the people of Croatia on their successful parliamentary and presidential elections, the peaceful transition of power, and new initiatives for reform. In addition to congratulating the people of Croatia, the resolution solidifies U.S. support for their progress and encourages Croatian participation in the NATO Partnership for Peace program. One day, I hope that we will be expressing our support for Croatia, and other nations with similar democratic inclination, in NATO itself.

Mr. President, the Balkan nations that are embracing democracy must be supported at every opportunity available because the government could so easily have taken the other path. The leaders of Croatia could have chosen to repress popular involvement and other fundamental rights of democracy, but instead they have chosen the harder but correct path of working through discourse, debate, and democracy. Because we have also been through these trials as a nation, it is my hope that the American people will watch closely the progress of the Croatian people and will support their path to freedom, stability, and peace.

The most important benefit to come out of this election will hopefully be the resolution of Croatia's domestic difficulties. Through the successful election, the Croatian people have taken the reins of control. In addition to the power instilled by this self-determination, the Croatian people are hopefully now spurred to take up the mission of reform that might further improve their government. Among the stated goals of President Mesic are the reintroduction of Serbian refugees to the homes they left behind, reform of the privatization system that has faced serious corruption allegations, and support for the International Criminal

Tribunal for the Former Yugoslavia. These improvements would certainly go far to legitimize the new Administration in the view of the international community but more importantly, in the eyes of the Croatian people. President Mesic's continued efforts on these fronts will show its people that their new government takes seriously the need for honesty and accountability.

As the government wins the support of its people, I am also encouraged by the efforts of the new Administration to get involved with the European community. In such a volatile region, a nation uniting the many groups will be the key to fostering a stable political and economic atmosphere. Part of the victory of democracy in Croatia has been the new spirit of regional harmony that I hope will spread to its neighbors. Peace in the Balkan nations will only come with honest attempts to live with difference, and Croatia will be a leader in the efforts for peace there.

In addition to better conditions in the Balkans, democracy will encourage the involvement of other foreign nations. Just two weeks ago, Croatian President Stipe Mesic met with French President Jacques Chirac to discuss an agreement on stabilization and association, as well as the Croatian entrance to the NATO Partnership for Peace program. The resolution I am supporting today suggests U.S. support for the addition of Croatia in the partnership, and I am happy to inform my colleagues that the nations of NATO have announced that Croatia will become a full member of the Partnership for Peace program today. This is truly a great accomplishment, and it affirms the commitment of all NATO allies to help Croatia in its chosen path.

In addition to my appreciation for the democratic and international progress of the Croatian people, I would also like to take this opportunity to thank the work of the Croatian American Association in bringing this subject to my attention and to the attention of the American people. The Croatian American community has worked tirelessly to create bonds of friendship between our two nations, and I hope that as Croatia becomes more democratic and involved in worldwide political affairs that we, as Americans, will continue to support them.

Mr. President, I hope that this resolution will be an additional bond between two nations that democratic tenets have already joined.

ROLLING THUNDER'S 13TH ANNUAL RIDE FOR FREEDOM

Mr. CAMPBELL. Mr. President, today I want to recognize the 13th Annual Rolling Thunder ''Ride for Freedom'' and highlight the important role Rolling Thunder plays in making sure that our nation's POW/MIAs are honored and never forgotten.

The first time that Rolling Thunder's Ride for Freedom roared and rumbled its way to the Vietnam Memorial on Memorial Day 1988, 2,400 motorcycles banded together for the ride. Some 5,000 Veterans, their wives, children, and other citizens of all backgrounds gathered near the Vietnam Memorial Wall to honor and remember our nation's POW/MIAs. Since then, Rolling Thunder has grown into an international event that garners national attention and focuses it on remembering our POW/MIAs. In fact, Rolling Thunder has become such a large presence that anyone who happens to be anywhere near our nation's Capital cannot help but notice it. For example, last year's Rolling Thunder run included over 250,000 motorcycles and 400,000 participants. There were people at last year's run from every state in the nation, and many foreign countries including Canada, England, Germany, France, Austria, Holland, South Korea, Australia and New Zealand. Made up of over 40 Chapters throughout the United States, Rolling Thunder is a volunteer, non-profit organization.

I would like to thank the several organizations whose support and efforts have helped make Rolling Thunder possible here in Washington D.C. for the past twelve years: the Virginia Police, Virginia State Police, Maryland Police, D.C. Metropolitan Police, Park Police, Park Services and the Pentagon.

I also want to take this opportunity to highlight some legislation I sponsored and Rolling Thunder supports. Rolling Thunder's input and support has been invaluable to the legislative process.

The first bill I want to mention is S. 484, the Bring Them Home Alive Act of 1999. This legislation would grant asylum in the United States to foreign nationals from key countries who personally deliver a living American POW/MIA from either the Vietnam War or the Korean War to the United States.

A key section of this bill would help spread news of the Bring Them Home Alive Act around the world. This is needed to help make sure that the key foreign nationals who need to hear about this act, hear about it. The bill calls on the International Broadcasting Bureau to use its assets, including WORLDNET Television and its Internet sites, to spread the news. The bill also calls on Voice of America, Radio Free Europe and Radio Free Asia to participate.

If this bill leads to even one long-held POW/MIA being returned home to America alive this effort will be well worth it—10,000 times over. Even though it has been decades since these two wars ended, they have not ended for any Americans who may have been left behind and are still alive or their families and friends. As long as there remains even the slightest possibility that there may be surviving POWs in these regions, we owe it to our Soldiers, Sailors, Airmen and Marines to do everything possible to bring them home alive. This is the least we can do after all they have sacrificed.

Today, I am especially pleased to announce that S. 484 passed the Senate last Wednesday, May 24th. Now we need to get it passed in the House of Representatives and enacted into law.

Rolling Thunder was also helpful in getting another important bill enacted into law, the National POW-MIA Recognition Act, legislation I sponsored in the 105th Congress.

This law requires that the POW-MIA flag be displayed on important national buildings—all across America—on six important days. These days include: Memorial Day, Veterans Day, Independence Day, Armed Forces Day, Flag Day and National POW-MIA Recognition Day.

Rolling Thunder captures the American people's attention—and those elected to represent them—and then brightly focuses our attention on remembrance of, and continuing duty to, our nation's POWs and MIAs.

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

H.R. 4489 IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Ms. COLLINS. Mr. President, I rise today to express my strong support for H.R. 4489, the ''Immigration and Naturalization Service Data Management Improvement Act of 2000.'' Passage of this legislation will repeal Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and prevent it from ever being implemented.

Section 110 of the 1996 Immigration law was intended to track individuals who overstay their legally permissible visit in the U.S. However, to accomplish that well-intentioned goal, this law required all foreign travelers or U.S. permanent residents to be individually recorded at ports of entry. In practical effect, the provisions would bring traffic to a halt on the Canadian border for miles.

Those of us who represent states along the Canadian border are well-aware of the close bonds between the U.S. and Canada. The U.S.-Canadian border is the longest continuous open border in the free world and Canadians come into our country freely and easily under current U.S. policy. In Maine, our ties with Canada are particularly deep because many Mainers' extended families live across the border in Canada. Our current border-crossing policy allows these family members to quickly and easily cross the border every day in order to be with a husband, wife, a brother, a sister, cousin or even in-laws as the case may be.

Canada is not only our friend and ally, but our largest trading partner—it is important to maintain and foster our relationship with our neighbor to the North by promoting U.S.-Canadian friendship and trade. The ill-thought out provisions passed as part of the 1996 immigration law would grossly delay

all those crossing the Northern border from Canada, and injure the Northern economy as critical trade and travel routes are slowed. In my State of Maine, this new border policy would have the most immediate impact on border communities such as Calais, Houlton, Madawaska, Fort Kent, and Jackman. Businesses in these communities rely on Canadians to cross the border each and every day in order to buy their goods and services. In addition, the impact on critical Maine trade, including lumber and tourism, would extend beyond these communities and reverberate across my State.

The bill we consider today, H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act of 2000, repeals Section 110 of the Immigration law. In its place, the bill directs the Immigration and Naturalization Service to amass data already collected at entrance and departure points in an electronically searchable manner. The legislation explicitly states no new documentary requirements or data collection can be directed as a result of the passage of this bill, ensuring that INS new database will rely on already available data.

Those of us who represent the northern regions of our country have been working for over four years now to repeal Section 110. With the support of Senate colleagues, the deadline for implementation of the entry/exit control system for land and sea points of entry has been postponed until March 31, 2001. But until now, we have been unable to break the impasse that left Section 110 in place. I salute all the efforts which have yielded this ground breaking agreement today, particularly the hard work of Senator ABRAHAM who has worked tirelessly on this issue. I look forward to passage of H.R. 4489, and a final end to the threat to the economy posed by Section 110 of the 1996 Immigration law.

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

DASCHLE AMENDMENT NO. 3148

Mr. WARNER. Mr. President, on May 16, 2000, the United States Senate took a procedural vote on Senator DASCHLE's amendment to S. 2521, the Military Construction Appropriations Bill. Senator DASCHLE lost this procedural vote by a vote of 42–54.

I did not support the Daschle amendment at that time because it was a procedural amendment to an unrelated bill. This unrelated Daschle amendment kept the Senate away all day from the important business of the Military Construction Appropriations Bill. In addition, it appeared that the Daschle amendment might indefinitely delay consideration of this important bill. As Chairman of the Senate Armed Services Committee, I have a responsibility to secure passage of the important Military Construction Appropriations Bill. This bill provides critically needed funding for military construction projects, improves the quality of life for the men and women who are serving our country in the armed forces, and sustains the readiness of our armed forces. These areas are traditionally underfunded, and this bill provides the necessary funds to help make up for this shortfall. For these reasons, I did not support the Daschle amendment when it came before me on a procedural vote on May 16, 2000.

Subsequent to the procedural vote on the Daschle amendment on May 16, 2000, Senators LOTT and DASCHLE reached an agreement to have two up or down votes—one on the aforementioned Daschle amendment and another on an amendment to be offered by Senator LOTT. Under the agreement, debate on the amendments was limited by a time agreement.

Once this leadership agreement was reached, it became apparent that the Daschle amendment would no longer indefinitely delay the Military Construction Appropriations Bill. Therefore, my previous objections to this amendment were no longer relevant.

The Daschle amendment is a ''Sense of the Senate'' amendment. After stating a number of findings, the amendment states, among other things, that it is the Sense of the Senate that ''Congress should immediately pass a conference report to accompany'' the Juvenile Justice Bill that includes the Senate passed gun-related provisions.

During the Senate's debate of the Juvenile Justice Bill in May of 1999, I supported the Lautenberg amendment, and other amendments to close the gun show loophole in the Brady Act. I also supported an amendment to require licensed firearm dealers to provide a secure gun storage or safety device when a handgun is sold, delivered or transferred. Unfortunately, the Juvenile Justice Bill has been locked in a House and Senate Conference Committee.

I remain firm in my stance on these issues. I certainly hope that House and Senate conferees can reach an agreement in conference on the Juvenile Justice Bill. And, I will continue to support the common-sense gun provisions that passed the Senate during the Juvenile Justice debate. I believe the Senate passed gun-related amendments to the Juvenile Justice Bill will help keep guns out of the hands of convicted felons and increase public safety without infringing on the rights of law-abiding citizens. Therefore, when it became clear that the Daschle amendment would not indefinitely delay consideration of the Military Construction Appropriations Bill, I supported this amendment and voted for it on May 17, 2000.

ADDITIONAL STATEMENTS

SENATOR LANDRIEU WELCOMES HIS EXCELLENCY, MUGUR ISARESCU

● Ms. LANDRIEU. Mr. President, I would like to take this opportunity to extend a warm welcome to His Excellency, Mugur Isarescu, the Prime Minister of Romania. Prime Minister Isarescu's visit is very well-timed. United States' policy in the Balkans is at a decisive point. We took an extremely important vote in the Senate last week that served as a litmus test for our commitment to the region. I am relieved at the results. Ultimately, the United States did not sent the wrong signal to Serbia about our intentions. However, the amendment by the Senior Senators from Virginia and West Virginia, gave the Senate the opportunity to reevaluate our role in the Balkans. The debate of that amendment highlighted the need to establish a more coherent rationale for our leadership in the region.

Mr. President, that is why the Prime Minister's visit is so opportune. The United States has rarely had an ally that has suffered so much for the reward of serving a just cause. However, that is precisely what Romania has done. Romania enjoys good relations with all of its neighbors, but the historical links with Yugoslavia were particularly strong. Yugoslavia, under Tito, was a role-model for how Romania could find a middle path between the superpowers and allow western influence without provoking the Soviets. As you might expect, they shared strong commercial and economic ties. Furthermore, the Danube, the critical life-line for intra-European trade, runs through both countries.

Because of Romania's stalwart support of the NATO mission in Kosovo, we have compelled them to forgo these ties. It has come at great economic cost, and I believe that is incumbent upon the United States, and all of NATO to recognize this sacrifice. However, beyond calling attention to the steadfastness of Romania and other Partnership for Peace nations in our Kosovo mission, the Prime Minister's visit also represents a true opportunity. Romania has had to cope with instability and shifting power-struggles throughout its history. We are fortunate to have an ally who can provide wise counsel as we navigate our way through this region. Furthermore, Romania's help comes from a faultless motivation. Romania would like to be embraced by the institutions of the West. They earnestly desire to participate in NATO and the European Union. Rather than play a game of horse-trading, Romania has tried living up to the ideals of NATO membership before entering the alliance.

Mr. President, I would again like to welcome the Prime Minister, thank the Romanian people for their sacrifice in the Kosovo conflict, and wish the Romanian government well as it seeks to further the excellent working-relationship that we have established since the end of Communism.●

CONGRATULATING CENTRAL FALLS HIGH SCHOOL

• Mr. L. CHAFEE. Mr. President, on May 6th, twenty-five outstanding students from Central Falls High School in Rhode Island visited Washington to compete in the national finals of the ''We The People . . . The Citizen And The Constitution'' program. This is the third time that the Central Falls High School team has won the statewide competition, and I would like to commend their achievement.

The ''We The People . . . The Citizen And the Constitution'' program focuses on teaching our nation's students about the history, philosophy, and meaning of the Constitution and the Bill of Rights, as well as increasing civic participation. The national finals competition simulates a congressional hearing in which students testify as constitutional experts before a panel of judges.

I am very proud of Francisco Araujo, Sean Brislin, Andrzej Budzyna, Delia Buffington, Eloisa Dellagiovanna, Rachel Dittell, Renee Dittell, Matthew Doucett, Ricky Ferreira, Hipolito Fontes, Michelle Fontes, Sonia Gaitan, Jennifer Golenia, Joshua Lapan, Celia Marques, Edward Pare, Kassandra Reveron, Helen Reyes, Kathleen Roach, Amy Rodrigues, Anthony Rodrigues, Jennifer Savard, Cassie Tripp, Monica Vicente, and Leslie Viera for making it to the national finals. I applaud this terrific group of young men and women for their hard work and perseverance. Also, Mr. President, I want to congratulate Jeffry Schanck, a fine teacher who deserves so much credit for guiding the Central Falls High School team to the national finals.

Mr. President, it is encouraging to see young Rhode Islanders participating in the ''We The People . . . The Citizen And the Constitution'' program. They have learned that the Constitution is not just a piece of paper, but a living document that all Americans should cherish. It gives me great hope for the future of Rhode Island and our nation.•

IN HONOR OF MR. RICHARD BUNKER

• Mr. REID. Mr. President, I rise today to honor a distinguished Nevadan, a good man, and a good friend, Mr. Richard Bunker. Richard will be receiving the National Jewish Medical and Research Center's Humanitarian Award on June 3, 2000. The Humanitarian Award recognizes individuals who have made significant civic and charitable contributions, and whose concern is not personal, but for the greater community. There is no one more deserving of this honor than Richard Bunker.

Richard's legacy of service to the state of Nevada is long and remarkable. He has served as Assistant City Manager of Las Vegas and Clark County Manager, before being appointed Chairman of the prestigious State Gaming Control Board. He is currently a member of the Colorado River Commission and a member of the Board of Trustee for the Hotel Employees and Restaurant Employees International Union Welfare/Pension Funds.

As Chairman of the Colorado River Commission of Nevada, Richard is Nevada's ambassador on the Colorado River. With shrewdness and finesse, he has developed positive relations with officials of the Colorado River basin states. His political skill has firmly reestablished Nevada as a player on the important issues of the Colorado River community. He also made the critically needed expansion of Southern Nevada water facilities a reality when he brokered a financial plan with the business, developer, and gaming communities.

Over the years, Richard Bunker has also been recognized by a variety of distinguished organizations. In 1993, he received the prestigious Nevadan of the Year award from the University of Nevada, Las Vegas. The Anti-Defamation League honored Richard with the Distinguished Community Service Award in 1996. In June 1999, he was presented with the Lifetime Achievement Award by the Nevada Gaming Attorneys and the Clark County Bar Association.

For those of us who have had the pleasure to work closely with Richard, as I have, the above awards pale in comparison to his true grit. He is knowledgeable of the system of government and totally aware of the magic of our system of free enterprise. For the growth and development of southern Nevada, no one for the past twenty-five years has played a more key role than Richard Bunker.

On a more personal note, Richard has played an important part in my political endeavors. He has been an advisor, counselor, and sounding board. Above all else, he is a god listener, for this Richard, I am grateful.

I extend to you my congratulations and the appreciation of all Nevadans for your good work on their behalf.•

TRIBUTE TO PORTER HOSPITAL AND THE HELEN PORTER NURSING HOME

• Mr. JEFFORDS. Mr. President, it is a great honor for me to represent the people of the state of Vermont. On this occasion, I rise to pay tribute to two health care institutions in Vermont that add so much to their communities and make ''the Green Mountain State'' such a wonderful place to live.

This year Porter Hospital is celebrating its 75th anniversary and Helen Porter Nursing Home is celebrating its 30th anniversary of providing quality health care to the people of Addison County, Vermont. Together these two institutions have played a vital role in delivering a continuum of care to thousands of people. They have demonstrated their commitment to serving as catalysts in the development of health services for the people of this region.

Porter Hospital has been caring for its community since 1925 and is a full service, community hospital, providing emergency services and comprehensive medical care. Helen Porter Nursing Home provides skilled and intermediate care to residents in a homelike environment where privacy is honored and individuality respected.

The devoted and professional staff of both institutions provide the full range of health care from outpatient services and rehabilitation, to long-term care and Wellness programs. Additionally, Porter Hospital and Helen Porter Nursing Home have contributed significantly to the economic vitality of the region as major employers and active members of the Addison County business community.

In a rural state such as Vermont, we count our successes one community at a time. We hold our institutions dear and we thank the men and women who devote their lives to improving the health status of our state.

Porter Hospital and Helen Porter Nursing Home have displayed a steadfast commitment to improving the quality of life for the people of Addison County. The citizens of Vermont are tremendously grateful for that commitment, and I join them in sharing gratitude. Thank you.•

TRIBUTE TO NAVY REAR ADMIRAL JOHN D. HUTSON, USN

• Mr. LEVIN. Mr. President, I rise today to recognize and pay tribute to Rear Admiral John D. Hutson, USN, the Judge Advocate General of the Navy. Admiral Hutson will retire from the Navy on August 1, 2000, having completed a distinguished 27-year career of service to our Nation.

Admiral Hutson was born in North Muskegon, Michigan, and is a graduate of Michigan State University and the University of Minnesota Law School. He also earned a Master of Laws degree in labor law from Georgetown University Law Center.

During his military career, Admiral Hutson excelled at all facets of his chosen professions of law and naval service. He served as a trial and defense counsel at the Law Center, Corpus Christi, Texas, faithfully preserving military justice at its very foundations. As a staff judge advocate, he provided legal counsel to Commanding Officers at Naval Air Station, Point Mugu, California, and Portsmouth Naval Shipyard, Kittery, Maine. He served as an instructor and later as the Commanding Officer of Naval Justice School, Newport, Rhode Island, playing a critical role in preparing and mentoring future generations of judge advocates.

As the Executive Officer of the Naval Legal Service Office, Newport, Rhode Island, and later the Commanding Officer, Naval Legal Service Office, Europe and Southwest Asia, Naples, Italy, Admiral Hutson proved to be an inspiring leader. He guided young judge advocates in the understanding, appreciation and dedication of their roles as both judge advocates and naval officers, exemplifying the Navy's core values of honor, courage, and commitment.

During his career Admiral Hutson also provided counsel and support to senior leaders while serving as the Staff Judge Advocate and Executive Assistant to the Commander, Naval Investigative Command and as Executive Assistant to the Judge Advocate General of the Navy.

I am sure many of my colleagues remember and appreciate Admiral Hutson's service as a legislative counsel and later as the Director of Legislation in the Navy's Office of Legislative Affairs. During these assignments, he directly contributed to clear and thorough communication with Congress on the interests of the Navy in a broad range of legislative matters.

Admiral Hutson's dedication to service and superior performance in all assignments appropriately culminated in his appointment as the 36th Judge Advocate General of the Navy. In this role, he provided invaluable legal service to both the Secretary of the Navy and the Chief of Naval Operations, and the Judge Advocate General's Corps. He fulfilled these duties with great distinction, leaving the Judge Advocate General's Corps strong and well-prepared for the challenges of the 21st century.

It is fitting that following his retirement Admiral Hutson will become the Dean of the Franklin Pierce Law Center in Concord, New Hampshire, where he will continue to lead and mentor future servants of the law.

Mr. President, the Nation, the United States Navy, and the Judge Advocate General's Corps have been made better through the talent and dedication of Rear Admiral John D. Hutson. I know all of my colleagues join me in wishing him and his wife, Paula, fair winds and following seas.●

TRIBUTE TO MANUAL HIGH SCHOOL

● Mr. MCCONNELL. Mr. President, I rise today to congratulate students at my alma mater, duPont Manual High School, for their victory in the U.S. Department of Energy's National Science Bowl.

I am proud to share with my colleagues that a team of five students from duPont Manual High School in Louisville, Kentucky, are the champions of the 2000 National Science Bowl. These young scholars worked diligently to reach the competition and through their academic excellence and teamwork, prevailed at the end of a tough, four-day challenge held in Chevy Chase, Maryland.

First, and most importantly, I recognize the students on this year's Manual High School team and commend them for their hard work and determination: Mariah Cummins, Marty Mudd, Matthew Reece, Gabe Wood, and Yan Xuan.

I also applaud and thank their teacher, Skip Zwanzig, who taught these students and provided the leadership which brought them to this year's competition.

The National Science Bowl is a rigorous academic competition among teams of high school students. This year is the 10th anniversary of the program, which has brought more than 60,000 high school mathematics and science students from across the country together in competition since its inception in 1991. The program is designed to encourage students and their teachers to achieve educational excellence in science and math. Competing teams are quizzed on topics in biology, chemistry, physics, astronomy, earth science, computer science, and mathematics.

Congratulations, Manual High, on your win and thank you for continuing Louisville's and the State of Kentucky's tradition of excellence in education.●

COMMENDING THE UNITED STATES POSTAL SERVICE ''CELEBRATE THE CENTURY EXPRESS''

● Mr. CLELAND. Mr. President, I rise today to commend the United States Postal Service for receiving two distinguished awards for its Celebrate the Century Express Educational Train Tour. I would like to thank Mr. Gary A. Thuro, Jr., Manager, Promotions, and Mr. Ernest Cascino, Jr., Project Manager, for bringing the awards to my attention. The United States Postal Service deserves special recognition for receiving the Department of Transportation's Design for Transportation National Award of Merit and the Transportation Marketing & Communications Association's 2000 Award of Excellence.

Both awards were presented in recognition of the United States Postal Service's Celebrate the Century Express Train which is a specially outfitted four-car Amtrak train and traveling postal history exhibition that serves as the ''iron ambassador'' of the Celebrate the Century commemorative stamp and education program. The train is a rolling history museum, presenting the story of how the mails and rails helped develop our country and, highlighting some of the most significant people, places and events of the 20th century.

Over its 18-month tour from March 1999 to fall 2000, the Celebrate the Century Express will visit dozens of communities across the nation, from the biggest cities to the smallest towns. In 1999, the train traveled over nearly 13,000 miles of track, visiting 36 cities in 18 states and being viewed by more than 150,000 people, including thousands of schoolchildren. The train is expected to make at least 36 stops this year before concluding its two-year run in November 2000.

The Design for Transportation National Awards 2000 honor those facilities and activities that exemplify the highest standards of design and have made an outstanding contribution to the nation's transportation systems and the people they serve. The United States Postal Service received a Merit Award (which is only given every 5 years) for achieving a high level of design quality for its Celebrate the Century Express. The Postal Service is among 30 winners out of more than 300 entries and is the only recipient to receive an award for any type of vehicle.

The Transportation Marketing & Communications Association's Transportation Communicators Award program, also known as the ''Tranny'' Awards, recognizes excellence in communications programs in the transportation and logistics industries. The program recognizes individual practitioners who apply solid communications principles and creativity to effectively promote the goals of their organizations. The United States Postal Service received an Award of Excellence in the category of ''best practices in special events'' and was one of 18 winners out of more than 150 entries.●

NATIONAL LAW ENFORCEMENT MEMORIAL DAY—THANK YOU ISN'T ENOUGH

● Mr. CARPO. Mr. President, I rise to discuss an innovative program in my home State of Idaho that honors our Nation's law enforcement officers.

As you know, May 15, 2000, was National Law Enforcement Memorial Day. This important day was established to commemorate the brave men and women of law enforcement who lost their lives in the line of duty. Law enforcement personnel risk their lives every day to protect and serve this Nation. According to statistics released by the U.S. Department of Justice, the incidents of violent crime are steadily declining. Their is no doubt that this is a direct result of the hard-work and dedication of law enforcement officers across the Nation.

This year, I was pleased to be able to join the Idaho Education Association in sponsoring a state-wide poster contest in conjunction with National Law Enforcement Memorial Day. Using the theme ''Thank You Isn't Enough,'' creative and talented public school students from communities throughout Idaho submitted posters honoring the service and sacrifices of law enforcement. The winning posters, chosen from four different grade ranges, were announced on May 15. The winning entries, which I will have the honor of displaying in my office here in Washington, D.C., were submitted by the following Idaho public school students:

Kindergarten through Second Grade: Jenefer Kramer from Westside Elementary in Idaho Falls.

Third through Fifty Grade: Mirella Toncheva from Washington Elementary in Pocatello.

Sixth through Eighth Grade: Jenni Henscheid from Sandcreek Middle School in Idaho Falls.

Ninth through Twelfth Grade: Cassey Newbold from Alameda Junior High School in Pocatello.

I congratulate these winners and all the students who submitted entries. Thanks also go to the Idaho Education Association for being a partner in this important event. It provided an excellent opportunity to honor Idaho's law enforcement community and educate our students on the importance of law enforcement services. I look forward to sponsoring this contest again in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO), THE BOSNIAN SERBS, AND KOSOVO—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), as expanded to address the actions and policies of the Bosnian Serb forces and the authorities in the territory that they control within Bosnia and Herzegovina, is to continue in effect beyond May 30, 2000, and the emergency declared with respect to the situation in Kosovo is to continue in effect beyond June 9, 2000.

On December 27, 1995, I issued Presidential Determination 96–7, directing the Secretary of the Treasury, inter alia, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the ''Resolution''), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the ''Peace Agreement''). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked those funds and assets that are subject to claims and encumbrances until unblocked in accordance with applicable law.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond May 30, 2000.

On June 9, 1998, I issued Executive Order 13088, ''Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting New Investment in the Republic of Serbia in Response to the Situation in Kosovo.'' Despite months of preparatory consultations and negotiations, representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) in March 1999, completely blocked agreement on an internationally backed proposal for a political solution to the Kosovo crisis. Yugoslav forces reinforced positions in the province during the March negotiation and, as negotiations failed, intensified the ethnic cleansing of Albanians from Kosovo. Yugoslav security and paramilitary forces thereby created a humanitarian crisis in which approximately half of Kosovo's population of 2 million had been displaced from the province and an unknown but apparently large portion of the remaining population had been displaced within Kosovo by mid-April.

On April 30, 1999, I issued Executive Order 13121, ''Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting Trade Transactions Involving the Federal Republic of Yugoslavia (Serbia and Montenegro) in Response to the Situation in Kosovo.'' Executive Order 13121 revises and supplements Executive Order 13088 to expand the blocking regime by revoking an exemption for certain financial transactions provided in Executive Order 13088; to impose a general ban on all U.S. exports and reexports to and imports from the Federal Republic of Yugoslavia (Serbia and Montenegro) (the ''FRY (S&M)'') or the Governments of the FRY (S&M), the Republic of Serbia, or the Republic of Montenegro; and to prohibit any transaction or dealing by a U.S. person related to trade with or to the FRY (S&M) or the Governments of the FRY (S&M), the Republic of Serbia, or the Republic of Montenegro. In addition, Executive Order 13121 directs that special consideration be given to Montenegro and the humanitarian needs of refugees from Kosovo and other civilians within the FRY (S&M) in the implementation of the Order. Finally, Executive Order 13121 also supplements Executive Order 13088 to direct that the commercial sales of agricultural commodities and products, medicine, and medical equipment for civilian end-use in the FRY (S&M) be authorized subject to appropriate safeguards to prevent diversion to military, paramilitary, or political use by the Governments of the FRY (S&M), the Republic of Serbia, or the Republic of Montenegro.

This situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond June 9, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 25, 2000*.

REPORT ON THE NATIONAL EMERGENCIES WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) AND KOSOVO—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report

on the national emergency with respect to the Yugoslavia (Serbia and Montenegro) emergency declared in Executive Order 12808 on May 30, 1992, and with respect to the Kosovo emergency declared in Executive Order 13088 on June 9, 1998.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 25, 2000*.

MESSAGE FROM THE HOUSE

At 12:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 301 of Public Law 104–1, the Chair announces on behalf of the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the United States Senate their joint appointment of the following individuals to a 5-year term to the Board of Directors of the Office of Compliance to fill the existing vacancies thereon: Ms. Barbara L. Camens of Washington, DC, and Ms. Roberta L. Holzwarth of Rockford, Illinois.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 336. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4444. A bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

At 2:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 1692) to amend title 18, United States Code, to ban partial-birth abortion, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. HYDE, Mr. CANADY of Florida, Mr. GOODLATTE, Mr. CONYERS, and Mr. WATT of North Carolina, be the managers of the conference on the part of the House.

At 4:33 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3916. An act to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

The message also announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 331. Concurrent resolution commending Israel's redeployment from southern Lebanon.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3916. An act to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 4444. An act to authorize extension of nondiscriminatory treatment normal trade relations treatment) to the Peoples Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

H.R. 3660. an act to amend title 18, United States Code, to ban partial-birth abortions.

The following bills were read the second time and placed on the calendar:

H.R. 1291. An act to prohibit the imposition of access charges on Internet service provider.

H.R. 3591. An act to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

H.R. 4051. An act to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

H.R. 4251. An act to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and for other purposes.

The following concurrent resolution was read and placed on the calendar:

H. Con. Res. 331. Concurrent resolution commending Israel's redeployment from southern Lebanon.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2645. To provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

H.R. 3244. To combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

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–9114. A communication from the Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Worksite Enforcement Activity Record and Index (LYNX); Immigration and Naturalization Service (INS)'' (Privacy Act System of Records JUSTICE/INS–025), received May 22, 2000; to the Committee on the Judiciary.

EC–9115. A communication from the Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Attorney/Representative Complaint/Petition Files; Immigration and Naturalization Service (INS)'' (Privacy Act System of Records JUSTICE/INS–022), received May 22, 2000; to the Committee on the Judiciary.

EC–9116. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2000–27), received May 23, 2000; to the Committee on Finance.

EC–9117. A communication from the Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act; Disclosure of Records'' (RIN1505–AA76), received May 19, 2000; to the Committee on Finance.

EC–9118. A communication from the Secretary of Energy, transmitting the ''Program Update 1999'' for the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 2277: A bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China (Rept. No. 106–305).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1854: A bill to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. FEINGOLD (for himself and Mr. JEFFORDS):

S. 2630. A bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 2631. A bill to authorize a project for the renovation of the Department of Veterans

Affairs medical center in Bronx, New York; to the Committee on Veterans' Affairs.

By Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2632. A bill to authorize the President to present gold medals on behalf of the Congress to astronauts Neil A. Armstrong, Edwin E. ''Buzz'' Aldrin, Jr., and Michael Collins, the crew of Apollo 11; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER:

S. 2633. A bill to restore Federal recognition to the Indians of the Graton Rancheria of California; to the Committee on Indian Affairs.

By Mr. BOND:

S. 2634. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief to small businesses; to the Committee on Environment and Public Works.

By Mr. FRIST (for himself, Mr. HARKIN, Mr. JEFFORDS, Mrs. MURRAY, Mr. BINGAMAN, Ms. MIKULSKI, and Mr. REED):

S. 2635. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 2636. A bill to amend title 38, United States Code, to provide pay parity for dentists with physicians employed by the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

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

S. 2637. A bill to require a land conveyance, Miles City Veterans Administration Medical Complex, Miles City, Montana; to the Committee on Veterans' Affairs.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2638. A bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. KENNEDY, and Mr. WELLSTONE):

S. 2639. A bill to amend the Public Health Service Act to provide programs for the treatment of mental illness; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 2640. A bill to amend title 38, United States Code, to permit Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2641. A bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH:

S. 2642. A bill to amend the Internal Revenue Code of 1986 to provide major tax simplification; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2643. A bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control; to the Committee on Foreign Relations.

By Mr. GORTON (for himself, Mrs. MURRAY, Mr. SANTORUM, Ms. MIKULSKI, Mr. STEVENS, Mr. COCHRAN, and Mr. L. CHAFEE):

S. 2644. A bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals; to the Committee on Finance.

By Mr. THOMPSON:

S. 2645. A bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes; read the first time.

By Mr. COVERDELL:

S. 2646. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2647. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2648. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for, and clarify the classification of, machines and components used in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2649. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2650. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2651. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2652. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2653. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2654. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL : S. 2655. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2656. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2657. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2658. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2659. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2660. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2661. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2662. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2663. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2664. A bill to suspend temporarily the duty on machines used in the manufacture of digital versatile discs; to the Committee on Finance.

By Mr. KYL (for himself and Mr. DOMENICI):

S. 2665. A bill to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; to the Committee on Indian Affairs.

By Mr. REID:

S. 2666. A bill to secure the Federal voting rights of persons who have fully served their sentences, including parole and probation, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. KENNEDY, Mr. SARBANES, Mr. JEFFORDS, Mr. ROBB, and Mr. LEAHY):

S. 2667. A bill to designate the Washington Opera in Washington, D.C., as the National Opera; to the Committee on Governmental Affairs.

By Mr. GRAHAM (for himself and Mr. SMITH of Oregon):

S. 2668. A bill to amend the Immigration and Nationality Act to improve procedures for the adjustment of status of aliens, to reduce the backlog of family-sponsored aliens, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN:

S. Res. 314. A resolution expressing the sense of the Senate concerning the violence, breakdown of rule of law, and troubled per-election period in the Republic of Zimbabwe; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. BIDEN, Mr. FRIST, and Mr. FEINGOLD):

S. Res. 315. A resolution expressing the sense of the Senate regarding the crimes and abuses committed against the people of Sierra Leone by the Revolutionary United Front, and for other purposes; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Res. 316. A resolution honoring Senior Judge Daniel H. Thomas of the United States District Court for the Southern District of Alabama; considered and agreed to.

By Mr. HELMS (for himself, Ms. MIKULSKI, Mr. ROTH, and Mr. BIDEN):

S. Con. Res. 118. A concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940; to the Committee on Foreign Relations.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself and Mr. JEFFORDS):

S. 2630. A bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE QUALITY CHEESE ACT OF 2000

Mr. FEINGOLD. Mr. President, along with Senator JEFFORDS, I am pleased to introduce the Quality Cheese Act of 2000. This legislation will protect the consumer, save taxpayer dollars and provide support to America's dairy farmers, who have taken a beating in the marketplace in recent years.

When Wisconsin consumers have the choice, they will choose natural Wisconsin cheese, but the Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) may change current law, and consumers won't know whether cheese is really all natural or not.

If the federal government creates a loophole for imitation cheese ingredients to be used in U.S. cheese vats, cheese bearing the labels ''domestic'' and ''natural'' will no longer be truly accurate.

If USDA and FDA allow a change in federal rules, imitation milk proteins known as milk protein concentrate or casein, could be used to make cheese in place of the wholesome natural milk produced by cows in Wisconsin or other part of the U.S.

Mr. President, I am deeply concerned by recent efforts to change America's natural cheese standard. This effort to allow milk protein concentrate and casein into natural cheese products flies in the face of logic and could create a loophole for unlimited amounts of substandard imported milk proteins to enter U.S. cheese vats.

My legislation will close this loophole and ensure that consumers can be confident that they are buying natural cheese when they see the natural label.

Our dairy farmers have invested heavily in processes that make the best quality cheese ingredients, and I am concerned about recent efforts to change the law that would penalize them for those efforts by allowing lower quality ingredients to flood the U.S. market.

Over the past decade, cheese consumption has risen at a strong pace due to promotional and marketing efforts and investments by dairy farmers across the country. Year after year, per capita cheese consumption has risen at a steady rate.

Back in the 1980's, when I served in the Wisconsin State Senate, cheese consumption topped 20 pounds per person. During the 1990s consumption increased by over 25 percent, and passed 25 pounds per person. Last year we saw an even more dramatic increase when per capita cheese consumption rose an amazing 1.5 pounds to reach 29.8 pounds.

This one-year increase amounts to the largest expansion since 1982! I am proud to say that my home state of Wisconsin, America's dairyland, was one of the main engines behind this growth. After all, when consumers see the label ''Wisconsin Cheese,'' they know that it is synonymous with quality.

Over the past two decades consumers have increased their cheese consumption due to their understanding, and taste for the quality natural cheese produced by America's dairy industry.

Recent proposals to change to our natural cheese standard could decrease consumption of natural cheese. These declines could result from concerns about the origin of casein and other forms of dry UF milk.

The vast majority of dry ultra filtered milk originates from countries with State Trading Enterprises. Many of these countries subsidize their dairy exports through these trading mechanisms, and have quality standards that are well below those of the United States.

While it is difficult to obtain specific numbers about the amount of dry UF milk produced in foreign countries, I have heard disturbing stories about the conditions under which the casein and milk proteins are sometimes produced.

For the most part, dry UF milk is not produced in the US. In fact, it is, for the most part, produced in countries where sanitary standards are well below those of the United States.

These products are sold on the international market, and under the proposed rule they could be labeled as natural cheese. This cheap, low quality dry UF milk tends to leave cheese greasy and increases separation problems.

The addition of this kind of milk will certainly leave the wholesome reputation of ''natural cheese'' significantly tarnished in the eyes of the consumer.

This change would seriously compromise decades of work by America's dairy farmers to build up domestic cheese consumption levels. It is simply not fair to America's farmers!

Mr. President, consumers have a right to know if the cheese they buy is unnatural. And by allowing unnatural dry UF milk into cheese, we are denying consumers the entire picture.

The Feingold-Jeffords legislation will paint the entire picture for the consumer, and allow them enough information to select cheese made from truly natural ingredients.

Allowing dry Ultra-Filtered milk into cheeses will have a significant adverse impact on dairy producers throughout the United States. Some estimate that the annual effect of the change on the dairy farm sector of the economy could be more than $100 million.

The proposed change to our natural cheese standard would also harm the American taxpayer.

If we allow dry UF milk to be used in cheese we will effectively permit unrestricted importation of these ingredients into the United States. Because there are no tariffs and quotas on these ingredients, these heavily subsidized products will displace natural domestic dairy ingredients.

These unnatural domestic dairy products will enter our domestic cheese market and may further depress dairy prices paid to American dairy producers.

Low dairy prices result in increased costs to the dairy price support program. So, at the same time that U.S. dairy farmers are receiving lower prices, the U.S. taxpayer will be paying more for the dairy price support program.

Mr. President, this change does not benefit the dairy farmer, consumer or taxpayer. Who then is it good for?

The obvious answer is nobody.

America's farmers have invested a tremendous amount of time and effort create the best cheese industry in the world. They should not be penalized for their efforts.

This legislation takes a two pronged approach to address these concerns. First, it prohibits dry ultra-filtered milk from being included in America's natural cheese standard.

Second, it requires the Food and Drug administration to conduct a study into the impact of allowing wet ultra-filtered milk into the natural cheese standard.

Let me be clear, currently, neither of these products are allowed in America's natural cheese standard. Under current regulations, wet ultra-filtered milk may only be used in natural cheese products if—and only if—both the wet UF milk and the cheese are produced at the same plant.

I have heard a number of concerns from dairy farmers, but the most immediate concern is the importation of milk protein concentrate and casein. This legislation is the first step in addressing their concerns, and ensuring that any future changes incorporate the concerns of America's dairy farmers.

Congress must shut the door on any backdoor efforts to stack the deck against America's dairy farmers. And we must pass my legislation that prevents a loophole that would allow changes that hurt the consumer, taxpayer and dairy farmer.

Thank you Mr. President. I yield the floor.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 2631. A bill to authorize a project for the renovation of the Department of Veterans Affairs medical center in Bronx, New York; to the Committee on Veterans' Affairs.

BRONX VA MEDICAL CENTER'S RESEARCH FACILITY LEGISLATION

• Mr. SCHUMER. Mr. President, I rise today with Senator DANIEL PATRICK MOYNIHAN to introduce legislation that would authorize renovations to the Bronx VA Medical Center's research facility.

This facility, when renovations are completed, will serve as a center of excellence for VA research on neurodegenerative diseases that are more prevalent in our veterans population than in any other group of Americans. Specifically, the research would focus on Alzheimer's and Parkinson's Disease, Multiple Sclerosis, Amyotrophic Lateral Sclerosis (ALS) and brain and spinal cord injury.

Major neurodegenerative diseases like Alzheimer's and Parkinson's tend to occur later in life and are progressive lifelong afflictions. Some 20 million Americans have been diagnosed with one of these diseases and the costs of their treatment have reached over $100 billion annually. US Census Bureau statistics indicate that because of our aging population, the incidence of neurodegenerative diseases and the associated human and economic costs will increase four-fold by 2040. Veterans, an aging population are disproportionately affected. Traumatic brain and spinal cord injury are also highly represented in the veterans population. Over 200,000 individuals in the US are living with spinal cord injury today, and another 2 million suffer traumatic brain injury annually.

The bill I introduce today would authorize $12.3 million for renovations to an aging facility on the campus of the Bronx VAMC. Department of Veterans Affairs researchers there, are in desperate need of modern, state-of-the-art laboratories to continue efforts to understand, treat and develop new methods of care for all Americans afflicted with these horrible diseases. This legislation represents an important step in ensuring that the quality of care provided to veterans in New York and across the country reflects our highest esteem for those who answered their country's call. We owe our veterans no less than the best medical care anywhere—and the research and treatments that come from this renovated facility will help ensure that happens. I urge my colleagues to join me in supporting and enacting this critical legislation.

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

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

S. 2631

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

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs may carry out a major medical facility project for the renovation of the Department of Veterans Affairs medical center in Bronx, New York, in an amount not to exceed $12,300,000.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2001 for the Construction, Major Projects, account $12,300,000 for the project authorized in section 1.

(b) LIMITATION.—The project authorized in section 1 may only be carried out using—

(1) funds appropriated for fiscal year 2001 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for the Construction, Major Projects, account for a fiscal year before fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for the Construction, Major Projects, account for fiscal year 2001 for a category of activity not specific to a project.●

By Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2632. A bill to authorize the President to present gold medals on behalf of the Congress to astronauts Neil A. Armstrong, Edwin E. ''Buzz'' Aldrin, Jr., and Michael Collins, the crew of Apollo 11; to the Committee on Banking Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDALS TO THE CREW OF THE APOLLO 11

Mr. DEWINE. Mr. President, today I am introducing legislation, along with my colleagues, Senators VOINOVICH, LAUTENBERG, and TORRICELLI, to authorize the President to present gold medals on behalf of Congress to astronauts Neil A. Armstrong, Edwin ''Buzz'' Aldrin, and Michael Collins—the heroic crew of the *Apollo 11*.

For thousands of years, man has gazed at the moon with awe, dreaming of the day when that celestial body would no longer be out of man's grasp. On July 20, 1969, thanks to the crew of the *Apollo 11*, the heavens became part of man's world.

The mission to the moon was a long and treacherous endeavor. It started with President Kennedy's vision to put a man on the moon before the end of the decade and concluded with a simple step and the immortal words: ''One small step for man and one giant leap for mankind.'' We owe a great deal of gratitude to the men and women of America's space program. And, I believe that presenting Congressional gold medals to the crew of *Apollo 11* is a fitting tribute to them and the mission.

The primary objective of *Apollo 11* was simple and straightforward: ''Perform a manned lunar landing and return.'' The mission, though, was anything but simple. The historic journey began with the *Eagle's* fiery lift-off at Cape Kennedy at 9:32 a.m. on July 19, 1969. The world watched as astronauts Armstrong, Aldrin, and Collins blasted toward outer space. While the millions who witnessed the event were excited and exhilarated, I do not think any of us truly appreciated the complexity and magnitude of the crew's responsibilities. One mistakenly pulled lever, one power failure could have rendered *Apollo 11* a disaster. When asked to recall his thoughts on the mission's outcome, Astronaut Michael Collins said: ''I am far from certain that we will be able to fly the mission as planned. I think we will escape with our skins, or at least I will escape with mine, but I wouldn't give better than even odds on a successful landing and return.''

On July 20, 1969, Armstrong and Aldrin began their descent to the lunar surface. The *Eagle* landed with less than 45 seconds worth of fuel and the buzz of several warning alarms. It was shortly after that landing when Neil Armstrong emerged from the craft and set foot on the moon's surface. Never before in the history of mankind had a human being set foot on another celestial body. The crew of *Apollo 11* embodied the spirit of discovery that is so prevalent in our space program. It is this same spirit that we need to communicate to our next generation.

Neil Armstrong, the commander of *Apollo 11*, was born on August 5, 1930, in my home state of Ohio. He developed an interest in flying at an early age. In fact, he obtained his student pilot's license before he got his driver's license. After high school, he received a scholarship from the U.S. Navy and studied aeronautical engineering. He later became an aviator in the Navy and was chosen for the space program with the second group of astronauts in 1962. He made seven flights in the X–15 program, reaching an altitude of 207,500 feet. He was the command pilot for *Gemini 8* and *Apollo 11*. After *Apollo 11*, he was Deputy Associate Administrator for Aeronautics at NASA from July 1970 until August 1971, when he left to become Professor of Aeronautical Engineering at the University of Cincinnati. He served on the National Commission on Space from 1985 to 1986 and on the Presidential Commission on the Space Shuttle Challenger Accident in 1986.

Edwin ''Buzz'' Aldrin was born in New Jersey on January 20, 1930. He attended the U.S. Military Academy at West Point, and later entered the U.S. Air Force, where he received pilot training. He was chosen with the third group of astronauts in 1963. He was a pilot on *Gemini 12*, where he was one of the key figures working to improve in-space docking and was the lunar module pilot for *Apollo 11*. After leaving NASA in 1971, he became Commandant of the Aerospace Research Pilot's School at Edwards Air Force Base in California. He retired from the Air Force in 1972 and became a consultant for the Comprehensive Care Corporation, Newport Beach, California. He has authored two books, ''Return to Earth'' and ''Men From Earth.''

Michael Collins was born on October 30, 1930, in Rome, Italy and later moved to Washington, DC. Upon finishing high school, he attended the U.S. Military Academy at West Point. Prior to joining NASA, he was a test pilot at the Air Force Flight Center, Edwards Air Force Base. He was chosen in the third group of astronauts in 1963. He served as a pilot for *Gemini 10*, where he set a world altitude record; became the nation's third spacewalker; and served as the command module pilot for *Apollo 11*. He left NASA in 1970 and was appointed Assistant Secretary of State

for Public Affairs. He became Director of the National Air and Space Museum at the Smithsonian Institution in April 1971 and was promoted to Under Secretary of the Smithsonian in April 1978. He retired from the Air Force with the rank of Major General. He has written numerous articles and two books, ''Carrying the Fire and Liftoff,'' as well as a children's book, ''Flying to the Moon and Other Strange Places.''

Mr. President, presenting Congressional Gold Medals to the crew of the *Apollo 11* is as much about the future as it is about the past. These medals will be a reminder of the great accomplishment of *Apollo 11* and her crew. Moreover, the presentation of the medals will help inspire future generations of Americans to continue striving to accomplish tasks that may seem out of reach, like putting a man on the moon. I am convinced that somewhere in our schools today are the next Neil Armstrong, Buzz Aldrin, and Michael Collins. Before long, our children will be talking about where they were when the first man or woman set foot on Mars. Let's honor the immense achievement of the crew of *Apollo 11*. I urge my colleagues to support presenting Congressional Gold Medals to Neil Armstrong, Edwin E. ''Buzz'' Aldrin, Jr., and Michael Collins.

By Mrs. BOXER:

S. 2633. A bill to restore Federal recognition to the Indians of the Graton Rancheria of California; to the Committee on Indian Affairs.

GRATON RANCHERIA RESTORATION ACT

Mrs. BOXER. Mr. President. I am delighted today to introduce legislation to restore federal recognition to the Graton Rancheria, which is composed of Coastal Miwok and Southern Pomo tribal members. This bill is identical to legislation that has been introduced in the House of Representatives by Congresswoman LYNN WOOLSEY. It is my great pleasure to carry this legislation in the Senate and to correct an injustice committed against these original inhabitants of the region some 34 years ago.

The Coastal Miwok and Southern Pomo Indians flourished in Marin and southern Sonoma counties for many hundreds of years. At the time of European settlement, there were as many as 5,000 of these tribal members. By the end of the 19th Century, however, disease and enforced labor had killed off most of them. And the federal government formally terminated the tribe's identity in 1966 under the California Rancheria Act, after concluding, incorrectly, that virtually all of the members were deceased.

The descendants of 12 Graton Rancheria survivors now number over 300, and they refer to themselves as the ''Federated Indians of Graton Rancheria''—after the town in southern Sonoma County where an acre-sized piece of their original reservation is still owned by a Miwok descendant.

This legislation not only restores dignity and a sense of identity to the Graton Rancheria, it will restore all federal rights and privileges to the tribal members including health, education, and housing services. It will also permit the Graton Rancheria to maintain an existing cemetery and place of worship. Finally, this bill is unique in that it contains a clause whereby the tribe permanently waives any right to casino-style gambling on their land.

Mr. President, the tribes of the Graton Rancheria are an integral and important part of the Bay Area's cultural heritage and history. It was wrong to terminate their status in 1966, and it is only right to restore their formal recognition now.

By Mr. BOND:

S. 2634. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief to small businesses; to the Committee on Environmental and Public Works.

SMALL BUSINESS RELIEF ACT OF 2000

Mr. BOND. Mr. President, it is a pleasure for me to introduce the Small Business Relief Act of 2000. This bill will provide a lifeline for the thousands of small business owners threatened by lawsuits and litigation under the broken Superfund liability system.

This bill is simple. All this bill does is relieve innocent small business owners from superfund liability unless it is demonstrated that the small business is guilty of gross negligence or did contribute significantly to the toxic waste at the superfund site.

My bill will not let polluters off the hook. This common-sense proposal will make the Superfund program a little more reasonable and workable. With this legislation, we can begin to provide some relief to small business owners who are held hostage by potential Superfund liability.

For years now, members from both sides of the aisle have said that the Superfund program is broken, it doesn't work, it must be reformed. Unfortunately we haven't gotten past the rhetoric to fix the problem. Instead of making changes that will produce results that are better for the taxpayers, better for the environment, and more efficient for everyone involved—government agencies, federal bureaucrats, and Congress has protected this troubled and inefficient program from meaningful reform.

As Washington has played politics with the Superfund program, innocent Main Street small business owners across the nation, the engine of our economy, continue to be unfairly pulled into Superfund's legal quagmire. Even the EPA has stated its support for protecting restaurant owners, mom-and-pop convenience store operators, and other small business owners who have legally disposed of their trash and cannot afford the tab that comes with Superfund legal bills.

Let's put a human face on this: last year, just across the Missouri border—in Quincy, Illinois—160 small business owners were asked to pay the EPA more than $3 million for garbage legally hauled to a dump more than 20 years ago. The situation in Quincy is just one example of the very real, ongoing Superfund legal threat to small business owners across the nation.

Mr. President, we all know that Superfund was created to clean up the nation's most-hazardous waste sites. Superfund was not created to have small business owners sued for simply throwing out their trash! These small business owners are faced with so many challenges already, that the thousands of dollars in penalties and lawsuits leave them with no choice but to mortgage their businesses, their employees and their future to pay for the bills of a broken government program.

How many times will we tell ourselves that this unacceptable situation must be fixed before we act? Small business owners literally cannot afford to wait around while we delay action on the common-sense fixes required to protect them and our environment.

In recognition of our small businesses around the country and Small Business Week, I introduce this bill and look forward to leading the fight to ensure timely adoption of this long-overdue legislation.

By Mr. FRIST (for himself, Mr. HARKIN, Mr. JEFFORDS, Mrs. MURRAY, Mr. BINGAMAN, Ms. MIKULSKI, and Mr. REED):

S. 2635. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Health, Education, Labor, and Pensions.

THE WISEWOMAN EXPANSION ACT OF 2000

• Mr. FRIST. Mr. President, many of us associate cardiovascular disease with men, but the American Heart Association estimates that nearly one in two women will die of heart disease or stroke. Unfortunately, most women do not realize that they are at such high risk for cardiovascular disease because of its historically male stereotype. In fact, cardiovascular diseases kill nearly 50,000 more women each year than men. Even more alarming is a recent survey reported by the Society for Women's Health Research which revealed that not all physicians know that cardiovascular diseases are the leading cause of death among American women.

Each year nearly half a million women lose their lives as a result of heart disease and stroke. Since 1984, fortunately, men have experienced a decline in deaths due to cardiovascular diseases, while, unfortunately, women have not. Tragically, many of these deaths could have been prevented. Had these women known they were at risk

for cardiovascular disease, they could have taken preventive measures by not smoking, lowering their cholesterol or blood pressure, or by eating more nutritiously, and perhaps prevented becoming a victim of heart disease or stroke. For many women, prevention is truly the only cure, since it has been reported that as many as two-thirds of women who die from heart attacks have no warning symptoms of any kind.

Cardiovascular diseases kill more American females each year than the next 14 causes of death combined, including all forms of cancers. Over half of all cardiovascular deaths each year are women, and in 1997 alone heart diseases claimed the lives of 502,938 women. My home state of Tennessee has the second highest death rate from heart disease, stroke, and other cardiovascular diseases in the nation and the 13th highest ranking state in women's heart deaths. In 1997, 10,884 Tennessee women died from these two cardiovascular diseases alone. According to the CDC, women in the rural South are more likely to die of heart disease than those in other parts of the country. An even more disturbing disparity is that the age adjusted death from coronary heart disease for African-American women is nearly 72 percent higher than that of white women.

Fortunately, some preventive measures, such as physical activity and better nutrition, can be taken by women to reduce their risk for cardiovascular diseases, as well as other preventable diseases, such as osteoporosis. Osteoporosis, affecting one out of every two over 50, is also a preventable disease that American women are facing. Furthermore, osteoporosis is a health threat for roughly 28 million Americans, 80 percent of whom are women.

In an effort to continue to draw attention and greater awareness to health issues among American women, particularly cardiovascular diseases, I am very pleased to introduce today the ''WISEWOMAN Expansion Act of 2000,'' with Senator HARKIN. Our goal in expanding this program is to reduce the risk of cardiovascular diseases, and other preventable diseases, and to increase access to screening and other preventive measures for low-income and underinsured women. In addition to making cardiovascular diseases screening accessible to underserved women, this program will also educate them about their risk for cardiovascular diseases and how to make lifestyle changes thus giving them the power to prevent these diseases.

The National Breast and Cervical Cancer Early Detection Program (NBCCEDP), run by the Centers for Disease Control and Prevention (CDC), is an example of a successful program that has provided critical services to help prevent major diseases affecting American women. The NBCCEDP has done an outstanding job of bringing in low-income underinsured women and providing them with preventive screenings for breast and cervical cancers. The women who benefit from this program are generally too young for Medicare, unable to qualify for Medicaid or other state programs, and would otherwise fall through the cracks in our health system.

Our bill provides for the expansion of the WISEWOMAN (Well-Integrated Screening and Evaluation for Women in Massachusetts, Arizona, and North Carolina) demonstration project, which is run by the CDC in conjunction with the NBCCEDP, to additional states. The WISEWOMAN program capitalizes on the highly successful infrastructure of the NBCCEDP to offer ''one-stop shopping'' screening and preventive services for uninsured and low-income women. In addition to these very important breast and cervical cancer screenings, WISEWOMAN screens for cardiovascular disease risk factors and provides health counseling and lifestyle interventions to help women reduce behavioral risk factors. The program addresses risk factors such as elevated cholesterol, high blood pressure, obesity and smoking and provides important additional intervention and educational services to women who would not otherwise have access to cardiovascular disease screening or prevention. This bill also adds flexibility to the program language that would allow screenings and other preventive measures for diseases in addition to cardiovascular diseases, such as osteoporosis, as more preventive technology is developed.

Mr. President, I would like to thank Judy Womack and Dr. Joy Cox of the Tennessee Department of Health for their counsel and assistance on this legislation and for their efforts in helping Tennesseans.

This bipartisan bill is supported by the Susan G. Komen Breast Cancer Foundation, the Society for Women's Health Research, the American Cancer Society, the National Osteoporosis Foundation, and the American Heart Association. Mr. President, I ask unanimous consent to place the following letters of support in the RECORD.

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

SOCIETY FOR
WOMEN'S HEALTH RESEARCH,
Washington, DC, May 24, 2000.

Hon. BILL FRIST,
Chair, Subcommittee on Public Health, Committee on Health, Education, Labor, and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS FRIST AND HARKINS: On behalf of the Society for Women's Health Research, we express our appreciation for your leadership on the introduction of the ''WISEWOMAN Expansion Act of 2000.'' In addition to a strong national research program, disease prevention is vital to our nation's health. Chronic diseases, such as heart disease, cancer, diabetes, and ostoeoporosis are among the most prevalent, costly and preventable of all health problems.

As you know, women tend to live longer but not necessarily better than men. They have more chronic health conditions and are more economically insecure. Safety net programs often are the difference between life and death. The WISEWOMAN Expansion Act is building on a foundation that has provided positive feedback and will allow additional states to provide prevention services to those women in need. We applaud the flexibility of the legislation. With the passage of time, as new technologies develop, as disease burdens shift, and a lifestyle change, the program can address women's most critical health needs.

We thank you for your commitment to improving the nation's health through prevention. By focusing on the health of women, you ultimately will be improving the health of the nation's families.

Sincerely,

PHYLLIS GREENBERGER,
Executive Director.
ROBERTA BIEGEL,
Director of Government Relations.

THE SUSAN G. KOMEN
BREAST CANCER FOUNDATION,
Dallas, TX, May 19, 2000.

Hon. WILLIAM FRIST,
U.S. Senate, Russell Senate Building, Washington, DC.

Hon. TOM HARKIN,
U.S. Senate, Hart Senate Building, Washington, DC.

DEAR SENATORS FRIST AND HARKIN: On behalf of the Susan G. Komen Breast Cancer Foundation, I would like to express our support for The WISEWOMAN Expansion Act of 2000. Your leadership has made the expansion effort a reality and we intend to activate our Komen affiliates grassroots to help gather more Senatorial support. We understand that the expansion would allow flexibility for the WISEWOMAN program to grow and adapt with the needs of the individual states and will ensure full collaboration of the WISEWOMAN program with the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) on which it is piggybacked.

Further, our discussions with your staff have reiterated the importance of being certain that the programs are funded separately and that the WISEWOMAN expansion is accomplished as a complement to the existing NBCCEDP effort.

We applaud your efforts to provide greater screening coverage for women as a means of detecting problems sooner and strongly believe that this program will save many lives as it expands nationwide.

The mission of the Susan G. Komen Breast Cancer Foundation is to eradicate breast cancer as a life-threatening disease by advancing research, education, screening and treatment. The Komen Foundation is comprised of 115 affiliates in 45 states and the District of Columbia, with over 40,000 volunteers and 4 international affiliates. Komen has raised well over $200 million in furtherance of its mission. But we cannot do it alone. It takes dedicated Members of Congress like you.

Again, thank you for your efforts to advance WISEWOMAN as a separate program and we look forward to working with you to make this legislation a reality for all.

With best regards,

DIANE L. BALMA,
Senior Counsel and Director of Public Policy.

NATIONAL OSTEOPOROSIS FOUNDATION,
Washington, DC, May 24, 2000.

Hon. TOM HARKIN,
Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND FRIST: On behalf of the National Osteoporosis Foundation

(NOF), I commend you on the introduction of the bipartisan WISEWOMEN Expansion Act of 2000 that supports your effort to provide additional preventive health services, including osteoporosis screening, to low-income and uninsured women.

As you know, osteoporosis is a major health threat for more than 28 million Americans, 80 percent of whom are women. In the United States today, 10 million individuals already have the disease and 18 million more have low bone mass, placing them at increased risk for osteoporosis. Also, one out of every two women over 50 will have an osteoporosis-related fracture in their lifetime. It is estimated that the direct hospital and nursing home costs of osteoporosis are over $13.8 billion annually, with much of that attributed to the more than 1.5 million osteoporosis-related fractures that occur annually.

The health care services included in the WISEWOMEN program have provided positive results for many women who have participated and ultimately cost-savings for the states that have participated. Expansion of teh WISEWOMEN model to additional states and for additional preventive services, such as screening for osteoporosis, should enhance positive results for both the women and states participating in the program.

The National Osteoporosis Foundation is most appreciative of your efforts to promote improved bone health and endorses the WISEWOMEN Expansion Act of 2000.

Sincerely,

SANDRA C. RAYMOND,
Executive Director.●

● Mr. HARKIN. Mr. President, I am pleased to join Senator FRIST today to introduce the ''WISEWOMAN Expansion Act.'' This bill will help thousands of women have access to basic preventive health care they may otherwise not receive. The legislation builds on a successful demonstration program and expands screening services and preventive care for uninsured and low-income women across the nation.

Beginning in 1990, I worked as Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee to provide the funding for the National Breast and Cervical Cancer Early Detection Program (NBCCEDP), run through the Centers for Disease Control and Prevention. In Iowa alone, the program has successfully served 8694 women through 618 provider-based breast and cervical cancer screening sites.

Today, the Centers for Disease Control and Prevention currently run the WISEWOMAN (Well-Integrated Screening and Evaluation for Women in Massachusetts, Arizona and North Carolina) program through the NBCCEDP as a demonstration project. The program has successfully built upon the framework of the NBCCEDP to target other chronic diseases among women, including heart disease, the leading cause of death among women, and osteoporosis. The programs address risk factors such as elevated cholesterol, high blood pressure, obesity and smoking and provide important additional intervention services.

This demonstration project has been successful. It is now time to expand the program to additional states, and eventually make it nationwide. As the brother of two sisters lost to breast cancer and the father of two daughters, I know first hand the importance of making women's health initiatives a top priority. The first step to fighting a chronic disease like cancer, heart disease or osteoporosis is early detection. All woman deserve to benefit from the early detection and prevention made possible by the latest advances in medicine. This bill ensures a place for lower-income woman at the health care table.

Mr. President, the majority of Americans associate cardiovascular disease with men, but the American Heart Association estimates that nearly one in two women will die of heart disease or stroke. In fact, cardiovascular diseases kills nearly 50,000 more women each year than men. In my own state of Iowa, cardiovascular disease accounts for 44 percent of all dealths in Iowa. Close to 7,000 women die annually in Iowa from cardiovascular disease. Each year, nearly half a million women lose their lives as a result of heart disease and stroke. Sadly, with appropriate screening and interventions, many of these deaths could have been prevented.

Osteoporosis is also a preventable disease and affects 1 out of every 2 women over the age of 50. Fortunately, some of the preventive measures women can take to reduce their risk for cardiovascular diseases, such as eating more nutritious foods and exercising, can also reduce their risk for osteoporosis.

Mr. President, our bill would do the following:

Expand the current WISEWOMAN demonstration project to additional states;

Add flexibility to program language that would allow screenings and other preventive measures for diseases in addition to cardiovascular diseases;

Allow flexibility for the WISEWOMAN program to grow and adapt with the changing needs of individual states and our better understanding of new preventive strategies; and

Ensures continued full collaboration of the WISEWOMAN program with the NBCCEDP;

Authorizes the CDC to make competitive grants to states to carry out additional preventive health services to the breast and cervical cancer screenings at NBCCEDP programs, such as: screenings for blood pressure, cholesterol, and osteoporosis; health education and counseling; lifestyle interventions to change behavioral risk factors such as smoking, lack of exercise, poor nutrition, and sedentary lifestyle; and appropriate referrals for medical treatment and follow-up services.

In order to be eligible for this program, states are required to already participate in the NBCCEDP and to agree to operate their WISEWOMAN program in collaboration with the NBCCEDP.

Mr. President, this bipartisan legislation has the support of the National Osteoporosis Foundation, the American Cancer Society and the Komen Foundation, among others. I urge my colleagues to join us in supporting this critical legislation.●

By Mr. DEWINE:

S. 2636. A bill to amend title 38, United States Code, to provide pay parity for dentists with physicians employed by the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

THE DEPARTMENT OF VETERANS AFFAIRS DENTISTS APPRECIATION ACT

● Mr. DEWINE. Mr. President, as my colleagues know, there has been a great deal of attention given to the sizeable problems both in recruiting and in retaining the men and women in our military services. In response, Congress last year passed a 4.8 percent across the board pay raise, reformed the pay scales, and corrected a retirement system for our soliders, sailors, airmen, and marines in the service of our country. This year, Congress is considering ways to reform and improve the strength of our military health care system.

Mr. President, these measures are the least we can do to recognize the men and women of our military services for the important part they play in maintaining our nation's security and our influence around the globe.

But, Mr. President, there are other members of our civilian workforce that also face recruiting and retention problems, and deserve congressional attention. Last year, Congressman STEVE LATOURETTE and I introduced the Department of Veterans Affairs (VA) Nurse Appreciation Act, which is designed to correct a provision in the law that has been used in recent years to deny VA nurses the annual cost of living pay adjustments given to federal employees. In some cases, the law was used to cut the pay of some VA nurses. The law needs to be changed.

Today, I am introducing legislation to address another field of critical importance to the VA—dental care, which is also facing serious personnel retention problems. Over the past five years, the Department of Veterans Affairs has experienced a decline from 830 full-time dentists to only 630, and the numbers are still declining. In addition, the turnover rate during the past 2 years have been more than 11 percent. An increasing number of young and mid-career dentists are leaving the VA. There are fewer highly qualified applicants applying to fill vacant positions, and most vacancies take several months to fill. An additional concern is the aging of the current VA dental workforce. Within 2 years, almost 50 percent of all VA dentist will be eligible for regular or early-out retirement.

The legislation I am introducing today would attempt to address these challenges and ensure the availability of quality dental health care for our veterans.

One of the major reasons for the decline in the numbers of VA dentists is the availability of higher paying jobs in the civilian sector. The type of work done at the VA is more challenging than that of the average hometown dentist. VA dentists frequently provide their services to homeless veterans whose dental needs are much more demanding.

An additional reason is that even with the ''special pay'' and the ''responsibility pay'' that is available under current law, VA dentists' salaries still are not competitive with fellow non-VA dentists. In addition, all full-tme VA physicians receive a ''special pay'' incentive of $9,000 annually, while VA dentists receive only $3,500. The ''responsibility pay'' depends on the additional responsibilities the physician or dentist is performing.

The reason for the difference is that when current law was passed nearly a decade ago, there was a shortfall of physicians, and a ready supply of dentists.

The legislation I am introducing today, would correct this disparity and bring ''special pay'' for dentists to $9,000 annually and would increase the ''responsibility pay'' for dentists in management positions, so that they would be in the same responsibility pay range as physicians. This bill is similar to legislation introduced by Congressman BOB FILNER of California

The National Association of VA Physicians and Dentists have offered their full support for this initiative and so has the American Dental Association. As a matter of fact, a very dear longtime friend of my family, Doctor Dwight Pemberton, a friend of my parents and gransparents, was the one who brought this issue to my attention and encouraged me to introduce this legislation. I thank him for his support and advocacy for this legislation, and look forward to working toward a positive solution to this problem.

I urge my colleagues to support this bill for the continued reliable dental coverage for our veterans.

Mr. President, I ask unanimous consent that the text of the Department of Veterans Affairs Dentists Appreciation Act be printed in the RECORD.

S. 2636

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 Dentists Appreciation Act''.

SEC. 2. PAY PARITY FOR DENTISTS.

(a) IN GENERAL.—Section 7435(b) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking ''$3,500'' and inserting ''$9,000'';

(2) in paragraph (2)(A), by amending the table to read as follows:

''Length of Service	Rate	
	Minimum	Maximum
2 years but less than 4 years	$4,000	$6,000
4 years but less than 8 years	6,000	12,000
8 years but less than 12 years	12,000	18,000
12 years or more	12,000	25,000'';

(3) in paragraph (3)(A), by striking ''$20,000'' and inserting ''$40,000'';

(4) in paragraph (4)(A), by amending the table to read as follows:

''Position	Rate	
	Minimum	Maximum
Service Chief (or in a comparable position as determined by the Secretary)	$4,500	$15,000
Chief of Staff or in an Executive Grade	14,500	25,000
Director Grade	0	25,000'';

(5) in paragraph (4)(B), by amending the table to read as follows:

''Position	Rate
Deputy Service Director	$20,000
Service Director	25,000
Deputy Assistant Under Secretary for Health	27,500
Assistant Under Secretary for Health (or in a comparable position as determined by the Secretary)	30,000'';

(6) in paragraph (6), by striking ''$5,000'' and inserting ''$17,000''; and

(7) in paragraph (7)(A), by striking ''$5,000'' and inserting ''$15,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any contract entered into under chapter 74 of title 38, United States Code, after the date of the enactment of this Act.●

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

S. 2637. A bill to require a land conveyance, Miles City Veterans Administration Medical Complex, Miles City, Montana; to the Committee on Veterans' Affairs.

MILES CITY VETERANS ADMINISTRATION MEDICAL COMPLEX LAND CONVEYANCE LEGISLATION

Mr. BURNS. Mr. President, I rise to express my support for legislation introduced today by my colleague, Senator BAUCUS, that will transfer ownership of the Miles City, Montana Veterans Hospital from the Veterans Administration to Custer County, Montana. Indeed, I am co-sponsor of this bill for the reason that within the Veterans Administration there are unused properties that have become liabilities that detract from the mission of the VA, which is to take care of our veteran population. At the same time, these resources could be assets to the communities where they exist.

This is exactly the situation we have in Miles City, Montana. Maintaining a facility that is no longer needed costs the VA approximately $500,000 that would otherwise be dedicated to improving access and quality of care for Montana's veterans. At the same time, the community of Miles City has need of additional space for use by the community college and other entities designed to enhance the quality of life and economic development opportunities for all the people of southeast Montana.

This legislation represents a creative solution that serves the best interest of all involved. The situation is not unique to Montana but we are willing to address the issue and take the first step towards a more efficient Veterans Administration. We need to dedicate the limited resources of this agency to the essential task of maintaining our commitment to America's veterans with adequate health care rather than to excessive administration and maintenance costs.

At the same time, what is a liability for the VA will be an asset to a community that has an inadequate tax base to support the development of infrastructure that will have a significant and long-lasting impact on jobs creation, educational opportunity, and will ultimately enhance the tax base as well.

The concept that is inherent in this bill is a win-win situation for all the affected parties and I encourage positive consideration by my colleagues.

By Mr. DOMENICI (for himself, Mr. KENNEDY, and Mr. WELLSTONE):

S. 2639. A bill to amend the Public Health Service Act to provide programs for the treatment of mental illness; to the Committee on Health, Education, Labor, and Pensions.

THE MENTAL HEALTH EARLY INTERVENTION, TREATMENT, AND PREVENTION ACT OF 2000

● Mr. DOMENICI. Mr. President, I rise today to introduce the Mental Health Early Intervention, Treatment, and Prevention Act of 2000 with my friend Senator KENNEDY.

Today we do not even question whether mental illness is treatable. But, today we recoil in shock and disbelief at the consequences of individuals not being diagnosed or following their treatment plans. The results are tragedies we could have prevented.

Just look at the tragic incidents at the Baptist Church in Dallas/Fort Worth, the Jewish Day Care Center in Los Angeles, and the United States Capitol to see the common link: a severe mental illness. Or the fact that there are 30,000 suicides every year, including 2,000 children and adolescents.

It was not too long ago that our nation decided we did not want to keep people chained in institutions. Simply put, it was inhumane to simply lock these individuals up without even using science to consider other alternatives. In fact, one of the first awards I received as a Senator was a Freedom Bell made from these very chains.

Make no mistake, our nation still has these same individuals with mental illness, we just do not have a very good way to deal with these individuals. Many of these individuals formerly locked up are now our neighbors taking the proper medication to control their illness.

However, our nation simply does not have an understanding of what happens when individuals stop taking their medications.

I believe the American people are ready for a direct assault on their consciences about a comprehensive approach to prevent the tragic incidents

mentioned. Many people just do not take notice because America is known for her freedom, but sadly many of these highly publicized incidents of mass violence all too often involve an individual with a mental illness.

When these incidents occur, my wife and I watch with horror on television and we often turn to each other and say that person was a schizophrenic or that individual was a manic depressive.

Sadly, society often does not want to take the extra step to help these individuals because they are either scared or simply do not know how to help. Unfortunately, there is no place that a community can take these individuals for help. The police can do very little and likewise for hospitals.

I believe we must come together as a nation to find a community based solution so when someone sees an individual in obvious need of help they will know exactly what to do.

Some of you may have seen the recent 4 part series of articles in the New York Times reviewing the cases of 100 rampage killers. Most notably the review found that 48 killers had some kind of formal diagnosis for a mental illness, often schizophrenia.

Twenty-five of the killers had received a diagnosis of mental illness before committing their crimes. Fourteen of 24 individuals prescribed psychiatric drugs had stopped taking their medication prior to committing their crimes.

In particular I would point to a couple of passages from the series: ''They give lots of warning and even tell people explicitly what they plan to do.'' . . . ''a closer look shows that these cases may have more to do with society's lack of knowledge of mental health issues . . . In case after case, family members, teachers and mental health professionals missed or dismissed signs of deterioration.''

It is for these reasons that I am so pleased that Senator KENNEDY has joined me to introduce this comprehensive piece of legislation. The legislation attempts to prevent these incidents and the other tragic results of mental illness before they happen.

The bill we are introducing today will provide for: A mental Illness Anti-Stigma and Suicide Prevention Campaign; Emergency Mental Health Centers to serve as the central receiving point in communities for families, friends, emergency medical personnel, and law enforcement to take an individual in need of emergency mental health services; Mental Health Awareness Training for Teachers and Medical Personnel to identify and respond to individuals with a mental illness; Mental Health Courts that will maintain separate dockets and handle only cases involving individuals with a mental illness; A Blue Ribbon Panel to make recommendations on issues relating to mental illness with a focus on the diagnosis and treatment of mental illness; and Increased Funding for Innovative Treatment and Research.

I really believe we have a historic opportunity to become preventers of serious, serious acts of violence before they happen. Thank you very much and I look forward to working with Senator KENNEDY and my colleagues on this legislative initiative.

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

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

S. 2639

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 ''Mental Health Early Intervention, Treatment, and Prevention Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Almost 3 percent of the adult population or 5 million individuals in the United States suffer from a severe and persistent mental illness.

(2) Twenty-five to 40 percent of the individuals who suffer from a mental illness in the United States will come into contact with the criminal justice system each year.

(3) Sixteen percent of all individuals incarcerated in State and local jails suffer from a mental illness.

(4) Suicide is currently a national public health crisis, with approximately 30,000 Americans committing suicide every year, including 2,000 children and adolescents.

(5) The stigma associated with mental disorders often discourages individuals from seeking treatment, decreases such individuals' access to housing and employment, and interferes with such individuals' full participation in society.

(6) In industrialized countries, mental illness constitutes 4 of the 10 leading causes of disability for individuals who are 5 years of age or older. Such illnesses are, in the order of prevalence, depression, schizophrenia, bipolar disorder, and obsessive compulsive disorder.

(7) Presently, nearly 7,500,000 children and adolescents, or 12 percent of such population, suffer from 1 or more types of mental disorders.

(8) Of the almost 850,000 individuals who are homeless in the United States, approximately ⅓ or about 300,000 of such individuals suffer from a serious mental illness.

(9) The majority of individuals with a mental illness can now be successfully treated.

(10) The primary care setting provides an important opportunity for the recognition of mental disorders, especially in children, adolescents, and seniors.

(11) The first Surgeon General's Report on Mental Health, released in December 1999, describes a vision for the future that includes 8 areas, being—

(A) continuing to build the science base;

(B) overcoming stigma;

(C) improving public awareness of effective treatment;

(D) ensuring the supply of mental health services and providers;

(E) ensuring delivery of state-of-the-art treatments;

(F) tailoring treatment to age, gender, race, and culture;

(G) facilitating entry into treatment; and

(H) reducing financial barriers to treatment.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—PROGRAMS FOR TREATMENT OF MENTAL ILLNESS

''SEC. 581. ANTI-STIGMA AND SUICIDE PREVENTION CAMPAIGN.

''(a) IN GENERAL.—The Secretary shall carry out a national anti-stigma and suicide prevention campaign to reduce the stigma often associated with mental illness.

''(b) USE OF FUNDS.—The Secretary shall use funds authorized for the campaign described in subsection (a)—

''(1) to make public service announcements to reduce any stigma associated with mental illness;

''(2) to provide education regarding mental illness, including education regarding the biology of mental illness, the effectiveness of treatment, and the resources that are available for individuals afflicted with a mental illness and for families of such individuals;

''(3) to provide science-based education regarding suicide and suicide prevention, including education regarding recognition of the symptoms that indicate that thoughts of suicide are being considered;

''(4) to provide education for parents regarding youth suicide and prevention;

''(5) to purchase media time and space;

''(6) to pay for out-of-pocket advertising production costs;

''(7) to test and evaluate advertising and educational materials for effectiveness; and

''(8) to carry out other activities that the Secretary determines will reduce the stigma associated with mental illness.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

''(1) $50,000,000 to carry out paragraphs (1), (2), (4), (5), (6), and (7) of subsection (b) for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005; and

''(2) $25,000,000 to carry out paragraph (3) of subsection (b) for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005.

''SEC. 582. MENTAL ILLNESS AWARENESS TRAINING GRANTS FOR TEACHERS AND EMERGENCY SERVICES PERSONNEL.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, and tribal organizations to train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders, to refer family members to the appropriate mental health services if necessary, to train emergency services personnel to identify and appropriately respond to persons with a mental illness, and to provide education to such teachers and personnel regarding resources that are available in the community for individuals with a mental illness.

''(b) EMERGENCY SERVICES PERSONNEL.—In this section, the term 'emergency services personnel' includes paramedics, firefighters, and emergency medical technicians.

''(c) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(d) APPLICATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the

rigorous evaluation of activities that are carried out with funds received under a grant under this section.

''(e) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) shall use funds from such grant to—

''(1) train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders and appropriately respond;

''(2) train emergency services personnel to identify and appropriately respond to persons with a mental illness; and

''(3) provide education to such teachers and personnel regarding resources that are available in the community for individuals with a mental illness.

''(f) EVALUATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under this section shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including an evaluation of activities carried out with funds received under the grant under this section and a process and outcome evaluation.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.

''SEC. 583. GRANTS FOR EMERGENCY MENTAL HEALTH CENTERS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, and tribal organizations to support the designation of hospitals and health centers as Emergency Mental Health Centers.

''(b) HEALTH CENTER.—In this section, the term 'health center' has the meaning given such term in section 330, and includes community health centers and community mental health centers.

''(c) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States, between urban and rural populations, and between different settings of care including health centers, mental health centers, hospitals, and other psychiatric units or facilities.

''(d) APPLICATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with funds received under this section.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—A State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) shall use funds from such grant to establish or designate hospitals and health centers as Emergency Mental Health Centers.

''(2) EMERGENCY MENTAL HEALTH CENTERS.—Such Emergency Mental Health Centers described in paragraph (1)—

''(A) shall—

''(i) serve as a central receiving point in the community for individuals who may be in need of emergency mental health services;

''(ii) purchase, if needed, any equipment necessary to evaluate, diagnose and stabilize an individual with a mental illness;

''(iii) provide training, if needed, to the medical personnel staffing the Emergency Mental Health Center to evaluate, diagnose, stabilize, and treat an individual with a mental illness; and

''(iv) provide any treatment that is necessary for an individual with a mental illness or a referral for such individual to another facility where such treatment may be received; and

''(B) may establish and train a mobile crisis intervention team to respond to mental health emergencies within the community.

''(f) EVALUATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including an evaluation of activities carried out with funds received under this section and a process and outcomes evaluation.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 through 2005.

''SEC. 584. GRANTS FOR JAIL DIVERSION PROGRAMS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall make up to 125 grants to States, political subdivisions of States, Indian tribes, and tribal organizations, acting directly or through agreements with other public or nonprofit entities, to develop and implement programs to divert individuals with a mental illness from the criminal justice system to community-based services.

''(b) ADMINISTRATION.—

''(1) CONSULTATION.—The Secretary shall consult with the Attorney General and any other appropriate officials in carrying out this section.

''(2) REGULATORY AUTHORITY.—The Secretary shall issue regulations and guidelines necessary to carry out this section, including methodologies and outcome measures for evaluating programs carried out by States, political subdivisions of States, Indian tribes, and tribal organizations receiving grants under subsection (a).

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To receive a grant under subsection (a), the chief executive of a State, chief executive of a subdivision of a State, Indian tribe or tribal organization shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall reasonably require.

''(2) CONTENT.—Such application shall—

''(A) contain an assurance that—

''(i) community-based mental health services will be available for the individuals who are diverted from the criminal justice system, and that such services are based on the best known practices, reflect current research findings, include case management, assertive community treatment, medication management and access, integrated mental health and co-occurring substance abuse treatment, and psychiatric rehabilitation, and will be coordinated with social services, including life skills training, housing placement, vocational training, education job placement, and health care;

''(ii) there has been relevant interagency collaboration between the appropriate criminal justice, mental health, and substance abuse systems; and

''(iii) the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available;

''(B) demonstrate that the diversion program will be integrated with an existing system of care for those with mental illness;

''(C) explain the applicant's inability to fund the program adequately without Federal assistance;

''(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

''(E) describe methodology and outcome measures that will be used in evaluating the program.

''(d) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) may use funds received under such grant to—

''(1) integrate the diversion program into the existing system of care;

''(2) create or expand community-based mental health and co-occurring mental illness and substance abuse services to accommodate the diversion program;

''(3) train professionals involved in the system of care, and law enforcement officers, attorneys, and judges; and

''(4) provide community outreach and crisis intervention.

''(e) FEDERAL SHARE.—

''(1) IN GENERAL.—The Secretary shall pay to a State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) the Federal share of the cost of activities described in the application.

''(2) FEDERAL SHARE.—The Federal share of a grant made under this section shall not exceed 75 percent of the total cost of the program carried out by the State, political subdivision of a State, Indian tribe, or tribal organization. Such share shall be used for new expenses of the program carried out by such State, political subdivision of a State, Indian tribe, or tribal organization.

''(3) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in kind fairly evaluated, including planned equipment or services. The Secretary may waive the requirement of matching contributions.

''(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(g) TRAINING AND TECHNICAL ASSISTANCE.—Training and technical assistance may be provided by the Secretary to assist a State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) in establishing and operating a diversion program.

''(h) EVALUATIONS.—The programs described in subsection (a) shall be evaluated not less than 1 time in every 12-month period using the methodology and outcome measures identified in the grant application.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005.

''SEC. 585. SUICIDE PREVENTION ACROSS THE LIFE SPECTRUM.

''(a) IN GENERAL.—The Secretary shall award grants, cooperative agreements, or contracts to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations to establish programs to reduce suicide deaths in the United States.

''(b) DURATION.—With respect to a grant, contract, or cooperative agreement awarded under subsection (a), the period during which payments under such award may be made to the recipient may not exceed 5 years.

''(c) SPECIAL POPULATIONS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall ensure that a portion of such awards are made in a manner that will focus on the needs of populations who experience high or rapidly rising rates of suicide.

''(d) COLLABORATION.—In carrying out subsection (a), the Secretary shall ensure that

activities under this section are coordinated with activities carried out by the relevant institutes at the National Institutes of Health, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Administration on Children and Families, and the Administration on Aging.

''(e) REQUIREMENTS.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization desiring a grant, contract, or cooperative agreement under subsection (a) shall demonstrate that the program such entity proposes will—

''(1) provide for the timely assessment and treatment of individuals at risk for suicide;

''(2) use evidence-based strategies;

''(3) be based on best practices that are adapted to the local community;

''(4) integrate its program into the existing health care system in the community, including primary health care, mental health services, and substance abuse services;

''(5) be integrated into other systems in the community that address the needs of individuals, including the educational system, juvenile justice system, prisons, welfare and child protection systems, and community youth support organizations;

''(6) use primary prevention methods to educate and raise awareness in the local community by disseminating information about suicide prevention;

''(7) include services for the families and friends of individuals who completed suicide;

''(8) provide linguistically appropriate and culturally competent services;

''(9) provide a plan for the evaluation of outcomes and activities at the local level and agree to participate in a National evaluation;

''(10) provide or ensure adequate provision of mental health and substance abuse services, either through provision of direct services or referral; and

''(11) ensure that staff used in the program are trained in suicide prevention and that professionals involved in the system of care are given training in identifying persons at risk of suicide.

''(f) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization receiving a grant, cooperative agreement, or contract under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include a plan for the rigorous evaluation of activities funded under the grant, cooperative agreement, or contract, including a process and outcomes evaluation.

''(g) DISTRIBUTION OF AWARDS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall ensure that such awards are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(h) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization receiving a grant, cooperative agreement, or contract under subsection (a) shall prepare and submit to the Secretary at the end of the program period, an evaluation of all activities funded under this section.

''(i) DISSEMINATION AND EDUCATION.—The Secretary shall ensure that findings derived from activities carried out under this section are disseminated to State, county, and local governmental agencies and nonprofit organizations active in promoting suicide prevention and family support activities.

''(j) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section $75,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005.

''SEC. 586. MENTAL ILLNESS OUTREACH SCREENING PROGRAMS.

''(a) IN GENERAL.—The Secretary shall award grants, cooperative agreements, or contracts to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations to conduct outreach screening programs to identify children, adolescents, and adults with a mental illness or a mental illness and co-occurring substance abuse disorder and to provide referrals for such children, adolescents, and adults.

''(b) DURATION.—The Secretary shall award grants, cooperative agreements, or contracts under subsection (a) for a period of not more than 5 years.

''(c) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization desiring a grant, cooperative agreement, or contract under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a plan for the rigorous evaluation of activities funded under the grant, including a process and outcomes evaluation; and

''(2) provide or ensure adequate provision of mental health and substance abuse services, either through provision of direct services or referral.

''(d) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization receiving a grant, cooperative agreement, or contract under subsection (a) shall use funds received under such grant—

''(1) to provide screening and referrals for children, adolescents, and adults with a mental illness, especially for underserved populations and groups historically less likely to seek mental health and substance abuse services;

''(2) to ensure that appropriate referrals are provided for children, adolescents, and adults in need of mental health services or in need of integrated services relating to a co-occurring mental illness and substance abuse disorder;

''(3) to utilize evidence-based and cost-effective screening tools; and

''(4) to utilize existing, or to develop if necessary, linguistically appropriate and culturally competent screening tools.

''(e) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants, cooperative agreements, and contracts awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(f) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, cooperative agreement, or contract under subsection (a) shall prepare and submit to the Secretary an evaluation at the end of the program period regarding activities funded under the grant.

''(g) PUBLIC INFORMATION.—The Secretary shall ensure that the evaluations submitted under subsection (f) are available and disseminated to State, county and local governmental agencies, and to private providers of mental health and substance abuse services.

''(h) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005.

''SEC. 587. GRANTS FOR MENTAL ILLNESS TREATMENT SERVICES.

''(a) GRANTS FOR THE EXPANSION OF MENTAL HEALTH SERVICES.—

''(1) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations for the purpose of expanding community-based mental health services to meet emerging or urgent mental health service needs in local communities.

''(2) PRIORITY.—The Secretary shall give priority in making awards under paragraph (1) to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations that—

''(A) have an integrated system of care or are committed to developing such system of care;

''(B) have a significant need for mental health services as shown by a needs assessment and a lack of funds for providing the needed services; and

''(C) will work with—

''(i) adults who have a history of repeated psychiatric hospitalizations, have a history of interactions with law enforcement or the criminal justice system, or are homeless; or

''(ii) children or adolescents who are at risk for suicide, parental relinquishment of custody, encounters with the juvenile justice system, behavior dangerous to themselves or others, or being homeless.

''(3) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization receiving a grant, contract, or cooperative agreement under paragraph (1) may use the funds received under such grant, contract, or cooperative agreement to—

''(A) develop an integrated system of care for the provision of services for children with a serious emotional disturbance or adults with a serious mental illness;

''(B) expand community-based mental health services, which may include assertive community treatment, intensive case management, psychiatric rehabilitation, peer support services, comprehensive wraparound services, and day treatment programs;

''(C) ensure continuity of care for children, adolescents, and adults discharged from the hospital and returning to the community; and

''(D) provide outreach to children, adolescents, and adults in the community in need of mental health services, including individuals who are homeless.

''(b) GRANTS FOR THE INTEGRATED TREATMENT OF SERIOUS MENTAL ILLNESS AND CO-OCCURRING SUBSTANCE ABUSE.—

''(1) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations for the development or expansion of programs to provide integrated treatment services for individuals with a serious mental illness and a co-occurring substance abuse disorder.

''(2) PRIORITY.—In awarding grants, contracts, and cooperative agreements under paragraph (1), the Secretary shall give priority to applicants that emphasize the provision of services for individuals with a serious mental illness and a co-occurring substance abuse disorder who—

''(A) have a history of interactions with law enforcement or the criminal justice system;

''(B) have recently been released from incarceration;

''(C) have a history of unsuccessful treatment in either an inpatient or outpatient setting;

''(D) have never followed through with outpatient services despite repeated referrals; or

''(E) are homeless.

''(3) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under paragraph (1) shall use funds received under such grant—

''(A) to provide fully integrated services rather than serial or parallel services;

''(B) to employ staff that are cross-trained in the diagnosis and treatment of both serious mental illness and substance abuse;

''(C) to provide integrated mental health and substance abuse services at the same location;

''(D) to provide services that are linguistically appropriate and culturally competent;

''(E) to provide at least 10 programs for integrated treatment of both mental illness and substance abuse at sites that previously provided only mental health services or only substance abuse services; and

''(F) to provide services in coordination with other existing public and private community programs.

''(4) CONDITION.—The Secretary shall ensure that a State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under paragraph (1) maintains the level of effort necessary to sustain existing mental health and substance abuse programs for other populations served by mental health systems in the community.

''(5) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, or cooperative agreements awarded under paragraph (1) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(c) DURATION.—The Secretary shall award grants, contract, or cooperative agreements under subsections (a) and (b) for a period of not more than 5 years.

''(d) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that desires a grant, contract, or cooperative agreement under subsection (a) or (b) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include a plan for the rigorous evaluation of activities funded with an award under such subsections, including a process and outcomes evaluation.

''(e) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under subsections (a)(1) and (b)(1) shall prepare and submit a plan for the rigorous evaluation of the program funded under such grant, contract, or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(f) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section—

''(1) $50,000,000 for subsection (a) for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005; and

''(2) $50,000,000 for subsection (b) for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005.

''SEC. 588. CENTERS OF EXCELLENCE FOR POST TRAUMATIC STRESS AND RELATED DISORDERS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public and nonprofit private entities for the purpose of establishing national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to evidence-based practices for treating psychiatric disorders resulting from witnessing or experiencing a traumatic event.

''(b) PRIORITIES.—In awarding grants, contracts, or cooperative agreements under subsection (a) related to the development of knowledge on evidence-based practices for treating disorders associated with psychological trauma, the Secretary shall give priority to entities proposing programs that work with children, adolescents, adults, and families who are survivors and witnesses of domestic, school, and community violence and terrorism.

''(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

''(d) APPLICATION.—A public or nonprofit private entity desiring a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(e) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract, or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract, or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(f) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement awarded under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years. Such grants, contracts, or agreements may be renewed.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.

''SEC. 589. MENTAL ILLNESS TREATMENT COMPLIANCE INITIATIVE.

''(a) IN GENERAL.—The Secretary, acting through the Director of the National Institute of Mental Health, shall establish a research program to determine factors contributing to noncompliance with outpatient treatment plans, and to design innovative, community-based programs that use non-coercive methods to enhance compliance.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 590. CENTERS OF EXCELLENCE FOR TRANSLATIONAL RESEARCH.

''(a) IN GENERAL.—The Director of the National Institute of Mental Health shall establish Centers for Excellence in Translational Research to speed knowledge from basic scientific findings to clinical application.

''(b) PURPOSE.—Such centers shall—

''(1) engage in basic and clinical research and training of clinicians in the neuroscience of mental health; and

''(2) develop model curricula for the teaching of basic neuroscience to medical students, residents, and post doctoral fellows in clinical psychiatry and psychology.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 591. INCENTIVES TO INCREASE THE SUPPLY OF BASIC AND CLINICAL MENTAL HEALTH RESEARCHERS.

''(a) IN GENERAL.—The Secretary, acting through the Director of National Institute of Mental Health, shall develop and implement a program to increase the supply of basic researchers and clinical researchers in the mental health field. Such program may include loan forgiveness, scholarships, and fellowships with both stipends and funds for laboratory investigation. Such program, in part, shall be designed to attract both female and under-represented minority psychiatrists and psychologists into laboratory research in the neuroscience of mental health and mental illness.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

''SEC. 592. IMPROVING OUTCOMES FOR CHILDREN AND ADOLESCENTS THROUGH SERVICES INTEGRATION BETWEEN CHILD WELFARE AND MENTAL HEALTH SERVICES.

''(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to States, political subdivisions of States, Indian tribes, and tribal organizations to provide integrated child welfare and mental health services for children and adolescents under 19 years of age in the child welfare system or at risk for becoming part of the system, and parents or caregivers with a mental illness or a mental illness and a co-occurring substance abuse disorder.

''(b) DURATION.—With respect to a grant, contract or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

''(c) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive an award under subsection (a), a State, political subdivision of a State, Indian tribe, or tribal organization shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) CONTENT.—An application submitted under paragraph (1) shall—

''(A) describe the program to be funded under the grant, contract or cooperative agreement;

''(B) explain how such program reflects best practices in the provision of child welfare and mental health services; and

''(C) provide assurances that—

''(i) persons providing services under the grant, contract or cooperative agreement are adequately trained to provide such services; and

''(ii) the services will be provided in accordance with subsection (d).

''(d) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant, contract, or cooperative agreement under subsection (a) shall use amounts made available through such grant, contract or cooperative agreement to—

''(1) provide family-centered, comprehensive, and coordinated child welfare and mental health services, including prevention, early intervention and treatment services for children and adolescents, and for their parents or caregivers;

''(2) ensure a single point of access for such coordinated services;

''(3) provide integrated mental health and substance abuse treatment for children, adolescents, and parents or caregivers with a mental illness and a co-occurring substance abuse disorder;

''(4) provide training for the child welfare, mental health and substance abuse professionals who will participate in the program carried out under this section;

''(5) provide technical assistance to child welfare and mental health agencies;

''(6) develop cooperative efforts with other service entities in the community, including

education, social services, juvenile justice, and primary health care agencies;

''(7) coordinate services with services provided under the medicaid program and the State Children's Health Insurance Program under titles XIX and XXI of the Social Security Act;

''(8) provide linguistically appropriate and culturally competent services; and

''(9) evaluate the effectiveness and cost-efficiency of the integrated services that measure the level of coordination, outcome measures for parents or caregivers with a mental illness or a mental illness and a co-occurring substance abuse disorder, and outcome measures for children.

''(e) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(f) EVALUATION.—The Secretary shall evaluate each program carried out by a State, political subdivision of a State, Indian tribe, or tribal organization under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2005.''.

''SEC. 593. PRIMARY CARE RESIDENCY TRAINING GRANTS.

''(a) IN GENERAL.—The Secretary shall award grants to institutions with accredited residency training programs that provide residency training in primary care to provide training to identify individuals with a mental illness and to refer such individuals for treatment to mental health professionals when appropriate.

''(b) PRIMARY CARE.—In this section, the term 'primary care' includes family practice, internal medicine, pediatrics, obstetrics and gynecology, geriatrics, and emergency medicine.

''(c) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(d) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an institution with a residency training program shall require residents to demonstrate core competencies in the diagnosis, treatment options, and referral for treatment for individuals with a mental illness.

''(e) APPLICATION.—An institution with a residency training program desiring a grant under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) USE OF FUNDS.—An institution with a residency training program that receives a grant under subsection (a) shall use funds received under such grant to—

''(1) provide training for the diagnosis and treatment of mental illness, and for appropriate referrals to mental health professionals; and

''(2) develop model curricula or expand existing model curricula to teach primary care residents the relationship between physical illness and the mind and to effectively diagnose and treat mental illnesses and make appropriate referrals to mental health professionals which shall include—

''(A) the development of core competencies in the diagnosis, treatment options, and referral of individuals with a mental illness;

''(B) a testing component to ensure that residents demonstrate a proficiency in such core competencies; and

''(C) model curricula regarding neuroscience and behavior to enhance the understanding of mental illness.

''(g) EVALUATION.—An institution with a residency training program that receives a grant under subsection (a) shall prepare and submit to the Secretary an evaluation of the activities carried out with funds received under this section, including a process and outcomes evaluation.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.

''SEC. 594. TRAINING AND CONTINUING EDUCATION GRANTS FOR PRIMARY HEALTH CARE PROVIDERS.

''(a) IN GENERAL.—The Secretary shall award grants to academic health centers, community hospitals, and out-patient clinics, including community health centers and community mental health centers, for the continuing education of appropriate primary care providers in the diagnosis, treatment, and referrals of children, adolescents, and adults with a mental illness to mental health professionals, and for the education of primary care providers in the delivery of effective medical care to such children, adolescents, and adults.

''(b) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(c) APPLICATION.—An academic health center, community hospital, or out-patient clinic, including a community health center and a community mental health center, desiring a grant under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with funds received under this section, including a process and outcomes evaluation.

''(d) USE OF FUNDS.—An academic health center, community hospital, or out-patient clinic, including a community health center and a community mental health center, that receives a grant under this section shall use funds received under such grant for the continuing education of primary care providers in the diagnosis, treatment options, and appropriate referrals of children, adolescents, and adults with a mental illness to mental health professionals, and for the education of primary care providers in the delivery of effective medical care to such children, adolescents, and adults.

''(e) EVALUATION.—An academic health center, community hospital, or out-patient clinic, including a community health center and a community mental health center, that receives a grant under this section shall prepare and submit an evaluation to the Secretary that describes activities carried out with funds received under this section.

''(f) DEFINITIONS.—In this section:

''(1) HEALTH CENTER.—The term 'health center' has the meaning given such term in section 330, and includes community mental health centers.

''(2) PRIMARY CARE.—The term 'primary care' includes family practice, internal medicine, pediatrics, obstetrics and gynecology, geriatrics, and emergency medicine.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.

''SEC. 595. COMMISSION.

''(a) COMMISSION.—There is established a Commission that shall study issues regarding the diagnosis, treatment, rehabilitation, and hospitalization of individuals with a mental illness, make recommendations regarding the findings of such research, and develop model State legislation based on the results of such research if appropriate.

''(b) DUTIES.—The Commission established under subsection (a) shall—

''(1) study issues regarding the screening, diagnosis, and treatment of individuals with a mental illness in both an outpatient and inpatient setting;

''(2) study the effectiveness and results of outpatient and inpatient involuntary treatment of individuals with a mental illness, review existing laws governing outpatient involuntary treatment of individuals with a mental illness, and if appropriate, propose model State legislation to regulate such involuntary treatment;

''(3) study the effectiveness and results of promoting the inclusion of individuals with a mental illness in their treatment decisions and the use of psychiatric advance directives, and if appropriate, propose model State legislation;

''(4) review the report 'Mental Health: A Report of the Surgeon General' and develop policy recommendations for Federal, State, and local governments to guide the development of public policy, implement the findings of the Surgeon General;

''(5) develop mental health proposals, based on the supplemental report of the Surgeon General on mental health and race, culture, and ethnicity, to improve the diagnosis, treatment, rehabilitation, and hospitalization of individuals with a mental illness, and the utilization of services for such individuals among diverse populations;

''(6) study the coordination of services between the health care system, social services system, and the criminal justice system for individuals with a mental illness;

''(7) study the adequacy of current treatment services for mental illness; and

''(8) study issues regarding the mental illness of incarcerated individuals in the criminal justice system and develop recommendations for programs to identify, diagnose, and treat such individuals.

''(c) MEMBERS OF THE COMMISSION.—

''(1) IN GENERAL.—The Commission established under subsection (a) shall be composed of—

''(A) the Director of the National Institute of Mental Health;

''(B) the Director of the Center for Mental Health Services; and

''(C) a representative from a State or local mental health agency;

''(D) a judge;

''(E) a prosecutor;

''(F) a criminal defense attorney;

''(G) a constitutional law scholar;

''(H) a law enforcement official;

''(I) a county corrections official.

''(J) a board certified psychiatrist;

''(K) a psychologist;

''(L) a medical ethicist;

''(M) 2 mental health advocates, 1 of which shall be a consumer of mental health servvices; and

''(N) a family member of an individual with a mental illness.

''(2) SELECTION.—Members of the Commission established under subsection (a) shall be selected in the following manner:

''(A) The Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, shall select 5 members of the Commission, with not more than 3 of such members being of the same political party.

''(B) The Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, shall select 5 members of the Commission, with not more than 3 of such members being of the same political party.

''(C) The President shall select 5 members of the Commission, 2 of which shall be the Director of the National Institute of Mental Health and the Director of the Center for Mental Health Services.

''(d) REPORT.—

''(1) INTERIM REPORT.—Not later than 10 months after the date of enactment of this section, the Commission shall prepare and submit to Congress a report that describes the progress of the Commission regarding issues described in paragraphs (2) and (3) of subsection (b) and recommends the value of developing model State legislation.

''(2) FINAL REPORT.—Not later than 18 months after the date of enactment of this section, the Commission shall prepare and submit to the President and Congress a report that describes the findings of the Commission, and the recommendations and model legislation created by such Commission.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $1,500,000.''.

SEC. 4. LAW ENFORCEMENT MENTAL HEALTH GRANT PROGRAMS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part U (42 U.S.C. 3796hh et seq.) the following:

''PART V—MENTAL HEALTH GRANT PROGRAMS

''Subpart 1—Mental Health Court Grant Program

''SEC. 2201. GRANT AUTHORITY.

''(a) PROGRAM AUTHORIZED.—The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for up to 125 Mental Health Court grant programs.

''(b) PURPOSE.—Such Mental Health Court grant programs described in subsection (a) shall involve—

''(1) the specialized training of law enforcement and judicial personnel, including prosecutors and public defenders, to identify and address the unique needs of individuals with a mental illness who come in contact with the criminal justice system; and

''(2) the coordination of criminal adjudication, continuing judicial supervision, and the delivery of mental health treatment and related services for preliminarily qualified individuals, including—

''(A) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment; and

''(B) centralized case management involving the consolidation of cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including substance abuse treatment where co-occurring disorders are present, life skills training, housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services.

''(c) CONSTRUCTION.—Nothing in this subpart shall preclude States from implementing a system to divert preliminarily qualified individuals in law enforcement custody for nonviolent or misdemeanor offenses out of the criminal justice system and into appropriate treatment programs.

''SEC. 2202. DEFINITION.

''In this subpart, subject to the requirements of section 2204(b)(8), the term, 'preliminarily qualified individual' means a person in law enforcement custody who—

''(1)(A) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or a co-occurring mental illness and substance abuse disorder; or

''(B) manifests obvious signs of having a mental illness, mental retardation, or a co-occurring mental illness and substance abuse disorder during arrest or confinement or before any court; and

''(2) is deemed eligible by a designated judge.

''SEC. 2203. ADMINISTRATION.

''(a) CONSULTATION.—The Attorney General shall consult with the Secretary and any other appropriate officials in carrying out this subpart.

''(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this subpart.

''(c) REGULATORY AUTHORITY.—The Attorney General shall issue regulations and guidelines necessary to carry out this subpart which shall include the methodologies and outcome measures proposed for evaluating each applicant program.

''SEC. 2204. APPLICATIONS.

''(a) IN GENERAL.—To request funds under this subpart, the chief executive of a State, a unit of local government, or an Indian tribal government shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

''(b) CONTENTS.—In addition to any other requirement the Attorney General may specify under subsection (a), an application for a grant under this subpart shall—

''(1) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

''(2) include a plan for the coordination of mental health treatment and social service programs for individuals needing such services, including life skills training, such as housing placement, vocational training, education, job placement, health care, relapse prevention, and substance abuse treatment where co-occurring disorders are present;

''(3) contain an assurance that—

''(A) there has been appropriate consultation with all affected mental health and social service agencies and programs in the development of the plan and that there will be sufficient ongoing coordination with the affected agencies and programs during implementation to ensure that they will have adequate capacity to provide the services;

''(B) the Mental Health Court program will provide continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and continuity of psychiatric care at the end of the supervised period;

''(C) individuals referred to a Mental Health Court will receive a full mental health evaluation by a qualified professional;

''(D) the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available; and

''(E) the program will be evaluated no less than once every 12 months using the methodology and outcome measures identified in the grant application;

''(4) include a long-term strategy and detailed implementation plan;

''(5) explain the applicant's inability to fund the program adequately without Federal assistance;

''(6) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;

''(7) describe the methodology and outcome measures that will be used in evaluating the program; and

''(8) identify plans to ensure that individuals charged with serious violent felonies, including murder, rape, crimes involving the use of a firearm or explosive device, and any other crimes identified by the applicant, will not be referred to the Mental Health Court.

''SEC. 2205. FEDERAL SHARE.

''The Federal share of a grant made under this subpart may not exceed 75 percent of the total costs of the program described in the application submitted under section 2204 for the fiscal year for which the program receives assistance under this subpart, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. The use of the Federal share of a grant made under this subpart shall be limited to new expenses necessitated by the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.

''SEC. 2206. GEOGRAPHIC DISTRIBUTION.

''The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.

''SEC. 2207. REPORT.

''A State, State court, local court, unit of local government, or Indian tribal government that receives funds under this subpart during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this subpart.

''Subpart 2—Mental Health Screening and Treatment Grant Program in Jails and Prisons

''SEC. 2221. GRANT AUTHORITY.

''The Attorney General shall carry out a pilot program under which the Attorney General shall make a grant to 10 States selected by the Attorney General for use in accordance with this subpart.

''SEC. 2222. USE OF GRANT AMOUNTS.

''Amounts made available under a grant awarded under this subpart—

''(1) shall be used for mental health screening, evaluation, and treatment of individuals detained or incarcerated in State and local correctional institutions; and

''(2) may be used to incorporate mental health screening and treatment into the State and local probation and parole systems.

''SEC. 2223. MINIMUM GRANT AMOUNT.

''The amount of a grant awarded to a State under this subpart for any fiscal year shall not be less than 2.5 percent of the total amount made available to carry out this subpart for that fiscal year.

''SEC. 2224. STATE AND LOCAL ALLOCATION.

''Of the amount made available under a grant awarded to a State under this subpart—

''(1) 25 percent shall be used by the State in accordance with section 2222; and

''(2) 75 percent shall be distributed to units of local government within the State for use in accordance with section 2222.

''SEC. 2225. REPORT.

''A State that receives funds under this subpart during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this subpart.

Subpart 3—Law Enforcement Mental Health Training Grant Program

"SEC. 2231. GRANT AUTHORITY.

''The Attorney General shall make grants to States, which shall be used to train State and local law enforcement officers—

''(1) to identify and respond effectively to individuals with a mental illness who come into contact with the criminal justice system; and

''(2) regarding the mental health treatment resources available in the community for individuals with a mental illness who come into contact with the criminal justice system.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after the item relating to part U the following:

''PART V—MENTAL HEALTH COURTS

''SUBPART 1—MENTAL HEALTH COURT GRANT PROGRAM

''Sec. 2201. Grant authority.
''Sec. 2202. Definition.
''Sec. 2203. Administration.
''Sec. 2204. Applications.

''SUBPART 2—MENTAL HEALTH SCREENING AND TREATMENT GRANT PROGRAM IN JAILS AND PRISONS

''Sec. 2221. Grant authority.
''Sec. 2222. Use of grant amounts.
''Sec. 2223. Minimum grant amount.
''Sec. 2224. State and local allocation.

''SUBPART 3—LAW ENFORCEMENT MENTAL HEALTH TRAINING GRANT PROGRAM

''Sec. 2231. Grant authority.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:

''(20) There are authorized to be appropriated—

''(A) to carry out subpart 1 of part V, $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005;

''(B) to carry out subpart 2 of part V, $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005; and

''(C) to carry out subpart 3 of part V, $50,000,000 for fiscal year 2001 and such sums as may be necessary for each fiscal years 2002 through 2005.''.

THE MENTAL HEALTH EARLY INTERVENTION, TREATMENT, AND PREVENTION ACT OF 2000—SUMMARY

Twenty-five to forty percent of individuals in the United States with a mental illness come into contact with the criminal justice system each year. Sixteen percent of individuals incarcerated in state and local jails suffer from a mental illness. About 30,000 Americans, including 2,000 children and adolescents, commit suicide each year.

The bill seeks to prevent the often tragic results of mental illness, such as acts of violence and suicide, before they occur. It provides a series of programs to raise awareness about mental illness; to increase resources for the screening, diagnosis, and treatment of mental illness; and to increase resources to enable the criminal justice system to respond more effectively to persons with mental illness.

ANTI-STIGMA CAMPAIGN AND SUICIDE PREVENTION CAMPAIGN

The bill proposes an anti-stigma campaign using media and public education, aimed at reducing the stigma often associated with mental illness.

TRAINING FOR TEACHERS, EMERGENCY SERVICES PERSONNEL, AND PRIMARY CARE PROFESSIONALS

The bill proposes a program to provide training to teachers and emergency services personnel to identify and respond to individuals with mental illness, and to raise awareness about available mental health resources. A separate program will provide continuing education of primary care professionals in the delivery of mental health care.

EMERGENCY MENTAL HEALTH CENTERS

The Centers will serve as a specific site in communities for individuals in need of emergency mental health services, and will also provide mobile crisis intervention teams.

JAIL DIVERSION DEMONSTRATION

A demonstration initiative will create 125 programs to divert individuals with mental illness from the criminal justice system to community-based services.

SUICIDE PREVENTION ACROSS THE LIFE SPECTRUM

A program to provide timely assessment and referral for treatment for children, adolescents, and adults at risk for suicide, with priority given to groups experiencing high or increasing rates of suicide.

MENTAL ILLNESS TREATMENT GRANTS

A grant program will be available to develop or expand treatment services for mental illness in communities with urgent or emerging need for such services. Grants will also be available to provide integrated treatment for individuals with a serious mental illness and a co-occurring substance abuse disorder; the emphasis will be on individuals with a history of involvement with law enforcement or a history of unsuccessful treatment.

MENTAL ILLNESS OUTREACH SCREENING

A grant program will be established to conduct outreach screening to identify individuals with a mental illness or with a mental illness and a co-occurring substance abuse disorder, and provide appropriate referrals for treatment.

CENTERS OF EXCELLENCE FOR POST-TRAUMATIC STRESS AND RELATED DISORDERS

A grant program will be established to support national and regional centers of excellence to respond to psychological trauma, and to psychiatric disorders resulting from witnessing or experiencing a traumatic event.

EXPANDED ROLE OF THE NATIONAL INSTITUTE OF MENTAL HEALTH

The National Institute of Mental Health will study the factors that contribute to noncompliance with outpatient treatment plans. It will also establish centers of excellence for research, and increase the number of basic and clinical researchers.

INCREASED COORDINATION OF CHILDREN'S SERVICES

A program will be established to improve outcomes among at-risk children by integrating child welfare and mental health services.

BLUE RIBBON COMMISSION

The Commission will make recommendations on issues relating to mental illness. It will focus on diagnosis and treatment, and the interaction between mental illness and the criminal justice system.

MENTAL HEALTH COURTS

This demonstration program will create 125 Mental Health Courts with separate dockets to handle cases involving individuals with a mental illness. These individuals will be voluntarily assigned to out-patient or in-patient mental health treatment as an alternative sentence.

MENTAL HEALTH SCREENING AND TREATMENT IN JAILS AND PRISONS

A pilot program will be created to provide states and local governments with funds to screen, evaluate, and treat individuals with mental illness in local jails or state prisons.

LAWS ENFORCEMENT MENTAL HEALTH TRAINING

This program will train law enforcement officers to identify and effectively respond to individuals with a mental illness and to educate police officers about available mental health resources.●

● Mr. KENNEDY. Mr. President, I welcome this opportunity to work with Senator DOMENICI on this important issue of mental health care, and I commend him for his leadership. In American medicine today, patients with biochemical problems in their liver are treated with compassion, but those with biochemical problems in their brain are treated harshly. That discrepancy is unacceptable. The stigma against the mentally ill is a blatant form of discrimination. The legislation that Senator DOMENICI and I are introducing is intended to correct this inequity and to assure that those with mental illness will get the treatment they need.

The first-ever Surgeon General's Report on Mental Health was released last December. It provides a solid foundation on which to build. It is a powerful statement that treating the problems of mental illness more effectively must be one of our Nation's highest priorities. The Surgeon General's Report makes two basic points. Mental illness is a national crisis—and our treatment of the mentally ill is a national disgrace.

One in five Americans will experience some form of mental illness this year. Mental illnesses are our second leading cause of disability. Yet success rates for treating mental illnesses are as high as 80 percent. Effective drugs with limited side effects have become available in recent years. Note that the success rates for treatment of other chronic diseases, such as hypertension and diabetes, are not quite as high. But people with high blood pressure or diabetes still seek treatment. Unfortunately, fear, stigma and lack of available treatment combine to prevent individuals with mental illness from seeking treatment.

There are several reasons for this. First is stigma. People are afraid to admit mental illness to their doctors, or even to themselves. In fact, two-thirds of those with diagnosable mental illnesses do not seek treatment. Second, there is a very low public understanding of mental disorders and of the fact that they are treatable. Third, individuals with mental illness may not be correctly diagnosed or appropriately referred for treatment. Fourth, people who do seek treatment for mental illness find that it is not available or that their insurance plans will not cover it.

One result of the lack of treatment is suicide. Fifty percent more Americans die by their own hand each year than

are killed by other; 29,264 suicides occurred in 1998 compared with 17,350 homicides. Suicide is the third leading killer of the Nation's youth.

What is happening to many of those who suffer from mental illness? Jails and prisons represent the largest residential center for those suffering from mental illnesses, but few prisoners receive treatment there.

The bill that Senator DOMENICI and I are introducing today, ''The Mental Health Early Intervention, Treatment, and Prevention Act of 2000,'' is a giant step toward giving mental health the priority it deserves. But we cannot promote mental health without eradicating the stigma surrounding mental illness. Since fear and ignorance compound the problem, a campaign to improve public understanding about mental illness will combat the ignorance and decrease the fear.

Increased public understanding is not sufficient, however. Successful treatment of those suffering from mental illness requires effective care by skilled professionals. Many individuals with mental illness do not realize the nature of scope of their problem, and those whom they might encounter in daily life are unable to assist them. Our bill will enable us to reach out to find persons with mental illness. It will train teachers, police and others to provide front-line help.

Our legislation provides for the establishment of suicide prevention programs. It will also develop screening programs to identify and reach out to those with mental illnesses so that they seek effective treatment. We will also establish response teams and designate centers to provide patients with such treatment.

Patients suffering from mental illness are more likely to experience a greater number of physical ailments as well. Their primary care physicians are often not equipped to recognize mental illness or to make the appropriate referral to a mental health professional. Our bill will develop programs to train primary care health providers to treat the physical symptoms of those who suffer from mental illness, while making sure that they obtain care for their mental well-being too.

In addition, ignorance of the biology of the brain and the mind has often prevented the development of cures for many forms of mental illness. Our bill will develop educational programs to increase the numbers of researchers investigating the science of mental illness. Special emphasis will be given to training psychiatrists and psychologists in effective ways to bring the discoveries of the laboratory more quickly to the bedside of the patient.

Our bill will develop new strategies to assist individuals with mental illness in the criminal justice system and to strengthen the understanding of mental illness by law enforcement officials. It is likely, as a result, that many who suffer from mental illness will receive treatment rather than punishment, so that they contribute to society instead of being incarcerated by society.

Mental illness is a serious national problem that all of us must deal with more effectively. Our goal in this legislation is to give mental health the high priority it deserves. The enactment of this bill will help those millions of our fellow citizens who, at this moment, are suffering in silence.●

By Mrs. BOXER:

S. 2640. A bill to amend title 38, United States Code, to permit Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS PRESCRIPTIONS LEGISLATION

Mrs. BOXER. Mr. President, as the country enters this Memorial Day weekend to pay tribute to those who gave their lives to protect and defend the United States, I come before the Senate to introduce legislation aimed at making it easier for veterans to receive medications through the VA health care system.

Right now, VA pharmacies are prohibited from dispensing medications that are prescribed by non-VA practitioners. This means that veterans can not have their prescriptions filled at a VA facility if it is written by their private doctor. Under current law, veterans only have to pay $2 for each 30-day supply of medication supplied by the VA. Therefore, if a veteran needs to have a prescription filled by a non-VA practitioner, it can mean great out-of-pocket expenses. My legislation would change the current system to allow the VA to fill prescriptions that are written by non-VA practitioners.

This bill has been endorsed by The American Legion, the National Association of Uniformed Services and the Non-Commissioned Officers Association. I believe it is a common sense approach, and I think we owe it to veterans to make health care as affordable and accessible as possible.

Earlier today, I had the pleasure of speaking at the Veterans Washington Rally which was sponsored by the Vietnam Veterans of America, Rolling Thunder, the Jewish War Veterans and other veteran supporters. These veterans were asking for full funding for the VA health care system as spelled out in the Independent Budget, a comprehensive analysis of the VA budget which is prepared each year with the support of several veteran organizations.

Veterans are rightly concerned that current budget plans are barely enough to keep up with health care inflation and is nowhere near enough to provide quality emergency and long-term care or begin a serious fight against hepatitis C. I was proud to see these veterans fighting for the benefits and services that are rightly theirs, and I hope we can address their concerns when the Senate considers the VA–HUD appropriations bill later this year.

Thank you, Mr. President. And, may God bless all of America's veterans this Memorial Day.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2641. A bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

TO AUTHORIZE THE PRESIDENT TO PRESENT THE GOLD MEDAL ON BEHALF OF CONGRESS TO FORMER PRESIDENT JIMMY CARTER AND FORMER FIRST LADY ROSALYNN CARTER

Mr. CLELAND. Mr. President, I rise today to introduce a bill that would authorize the President to present a Gold Medal on behalf of Congress to former President Jimmy Carter and former First Lady Rosalynn Carter in recognition of their service to the Nation. I would like to thank Senator COVERDELL for co-sponsoring this bill and extend an invitation to all our other colleagues to join us in supporting this legislation to award these two great Americans with Congress' highest honor.

It is widely agreed that President Jimmy Carter and his wife Rosalynn Carter have distinguished records of public service to the American people and the international community. Internationally, the Carters have been involved in a number of public service initiatives ranging from combating famine in Sub-Sahara Africa and encouraging better health care in Third World nations to serving as mediators in an effort to end civil wars in half a dozen countries. President Carter has monitored numerous foreign elections in an effort to spread democracy throughout the world.

A Congressional Gold Medal awarded by Congress will show the appreciation of the American public for the many contributions that President and Mrs. Carter have made, including service in public office from the state legislature to the White House. Jimmy and Rosalynn continue to promote human rights worldwide due to their active involvement in the nonprofit Carter Center in Atlanta that has initiated projects in more than 65 countries to resolve conflicts, promote human rights, build democracy, improve health care worldwide, and revitalize urban areas. In addition, the Carters serve as volunteers for Habitat for Humanity, which helps low income families build their own homes.

I hope that other members of Congress will join me and Senator COVERDELL in recognizing President and Mrs. Carter for their distinguished records of public service by awarding them the Congressional Gold Medal.

By Mr. HATCH:

S. 2642. A bill to amend the Internal Revenue Code of 1986 to provide major tax simplification; to the Committee on Finance.

THE TAX EASE AND MODERNIZATION ACT—PART I

Mr. HATCH. Mr. President, I rise today to introduce legislation intended to start us on the path to a simpler, more rational, and fairer federal tax system. The bill I am introducing in the Senate today, the Tax Ease and Modernization Act—Part I (TEAM–I), is designed to be the first of several installments to incrementally transform the Internal Revenue Code into a revenue collection device that is more efficient, more responsive to the needs of taxpayers, more able to help this nation compete in a global marketplace, and most importantly, much easier to understand, comply with, and administer.

I realize that this is a tall order. I also believe that such a transformation cannot occur overnight. This is why my plan calls for incremental action through a multi-year plan—a plan that we can start implementing this year rather than waiting for consensus to develop around a fundamental tax reform approach that centers on a flat tax, a national consumption tax, or some hybrid system.

As I said on this floor on April 4, 2000, when I announced this plan, I recognize the need for a new paradigm in taxation for this country. I believe our Internal Revenue Code is fundamentally flawed and needs to be replaced with a new system. But such a new tax code will require years of presidential leadership, public education, and an intelligent transition from the current system.

In the meantime, we should not wait for an elusive tax Utopia to come along and remove the immediate need for improvements to the Internal Revenue Code. We should begin to act now, and do what we can to make our current system better in the short run. This is what my plan is all about.

Mr. President, the bill I introduce today begins this transformation process by repealing or repairing some of the most complex and unfair provisions in the Internal Revenue Code. Moreover, it does so in a balanced way, with relief from complexity for every classification of taxpayer—low-income and high income individuals, school teachers and chief executive officers, members of neighborhood investment clubs and high rollers, small businesses and sprawling multinationals, people with IRS problems and families with foster children. The goals are to simplify the tax code and make it more fair for everyone.

Because the Internal Revenue Code is so riddled with complexity at every level, attempting to eliminate it all at once would be difficult at best. Therefore, this bill focuses on solving several of the largest problems affecting millions of taxpayers, then supplements these features with a number of smaller provisions that may appear relatively minor, but as a whole add a tremendous amount of complexity, unfairness, or hassle for many taxpayers, as well as for the Internal Revenue Service.

ALTERNATIVE MINIMUM TAX REPEAL

Mr. President, the Tax Ease and Modernization Act—Part I starts with repealing what is likely to be the largest source of tax compliance headaches for middle- and upper-income families over the next decade—the alternative minimum tax. The alternative minimum tax, or AMT for short, remains unknown to many Americans, and is not well understood even by those nearly 1 million taxpayers it already affects.

The AMT was originally designed to ensure that taxpayers with economic income who take advantage of the tax code's many incentive deductions and credits still pay some tax. However, because of basic design flaws, the AMT's reach now goes far beyond what was intended in 1969 when it was conceived or even in 1986 when it was expanded. In fact, the Treasury Department estimates that at least 17 million taxpayers will be subject to the nightmare-like complexity of the alternative minimum tax by 2010. Even the Clinton administration, traditionally a strong supporter of the AMT, now admits it has grown out of control and advocates changes to tame it.

This bill goes one better and repeals the alternative minimum tax altogether, Mr. President. It is time to rid the code of the kind of super-complexity brought by the AMT, which, in my view, has failed to achieve its objectives of bringing greater fairness to our tax system.

CAPITAL GAINS TAX SIMPLIFICATION

A second major provision of this bill would greatly simplify the taxation of capital gains. Many of my constituents were pleased in 1997 when Congress lowered the capital gains tax rates from 28 percent to 20 percent. However, many were not as excited when they found out what the new law meant come tax return filing time—a 54-line Schedule D accompanied by two worksheets and seven pages of instructions. This is compared to a 39-line form and just two pages of instructions prior to the change.

TEAM–I would simplify capital gains by repealing the current maximum rate approach and instituting a 50 percent exclusion, as was the case before the 1986 Tax Reform Act repealed the capital gains preference. In other words, taxpayers would be allowed to exclude 50 percent of the long-term capital gain from gross income. The remaining 50 percent would be taxed at ordinary income rates. This would do away with the need for a special computation on the tax forms. It would also result in a lower capital gains rate for every tax bracket, with those in the lowest tax brackets getting the largest rate decreases. This bill thus both simplifies capital gains and cuts the effective capital gains tax rate for all individuals.

We should not underestimate the importance of this change. Mr. President. Over the past few years the number of Americans who are invested in capital assets has skyrocketed. The Joint Economic Committee reported last month that the percentage of American families directly and indirectly holding stocks climbed from 31.6 percent in 1989 to 48.8 percent in 1998. Moreover, a recent Federal Reserve study shows that stockholdings made up a record 31.7 percent of household wealth in 1999. And this does not include other capital assets, such as bonds, real estate, and partnership interests. No longer can even the most hardened opponent of capital gains rate reductions argue that it is a tax break only for the wealthy.

In addition, there is abounding evidence that lowering the capital gains tax rate has had a very salutary effect on the economy over the years, particularly since the 1997 change. A 1999 study by Standard and Poor's DRI concluded that the 1997 capital gains tax reduction from a top rate of 28 percent to 20 percent was responsible for about 25 percent of he increase in stock prices from 1997 to 1999. Also, the cost of capital for new investment fell by about 3 percent as a result of the 1997 change. Clearly, when it comes to capital gains, simplicity is needed as well as lower rates. TEAM–I delivers both.

The bill I am introducing today also features a smaller but important provision relating to capital gains from the sale of a principal residence. In 1997, Congress passed a provision that allows homeowners to exclude up to $250,000 of capital gains from the sale of their principal residence. The number is $500,000 for married couples filing a joint return. This has been or will be a tremendous benefit for millions of American families. The provision was flawed in one respect, however, in that it was not indexed for inflation. My bill would index the exclusion for future inflation, in increments of $1,000.

EARNED INCOME TAX CREDIT SIMPLIFICATION

Mr. President, millions of lower-income taxpayers face one of the most complex tax provisions in the entire Internal Revenue Code—the Earned Income Tax Credit (EITC). Taxpayers trying to figure out if they can claim this credit and how to compute it face a daunting challenge—instructions and tables in the Form 1040 instructions that take up ten full pages, including a nine-step flowchart and two worksheets. Even all of this is not enough to provide all the needed information in every case.

Taxpayers, many if not most of whom are surely aggravated and confused by these rules, are referred to IRS Publication 596, a 54-page booklet, to even more detailed information.

Practically every professional tax group that has studied tax complexity recommends major simplification to the EITC. TEAM–I would provide major simplicity, while expanding the credit.

The bill would simplify the EITC rules in two ways, Mr. President. First it modifies the definition of earned income to include only taxable employee

compensation and business income readily available on Form 1040. Current law requires the consideration of nontaxable compensation, such as meals and lodging provided for the convenience of the employer and employer-provided educational assistance benefits. Many times these amounts are not readily available to the employee, who is likely to be uncertain whether such nontaxable compensation is provided or not.

Second, TEAM–I simplifies the definition of a dependent child. The source of one of the greatest complexities in the EITC is the definition of a qualifying child. Current law is confusing in part because the definition of a qualifying child is very similar, but not identical, to the definition of a dependent child for purposes of the dependency exemption. In some cases, a child can qualify a taxpayer for the EITC but not for the dependency exemption. The bill simplifies both the dependency exemption and the EITC by moving the definition of a dependent child closer to that of a qualifying child for purposes of the EITC. Thus, with this new definition, taxpayers who are able to claim a dependent child for the exemption should be able to also claim the child for purposes of the earned income tax credit. This solution is based on a concept proposed by the Clinton Administration in the budget for fiscal year 2001.

Mr. President, the bill also expands in three ways the earned income tax credit, which is a program that has proven vital in assisting millions of families at the margin of poverty. The first expansion provides a new category for taxpayers with three or more qualifying children, which offers a higher percentage credit. Current law provides different levels of the credit for taxpayers with no children, taxpayers with one qualifying child, and those with two or more. Secondly, the bill provides a larger maximum credit for all qualifying taxpayer with children by increasing the phaseout amount, which is the level of the taxpayer's earnings at which the credit begins to be phased out, from the current law level of $12,690 to $15,000.

Perhaps even more significantly, the bill takes a major step toward relieving the onerous marriage penalty inherent in the current Earned Income Tax Credit. This is accomplished by increasing the amount at which the credit begins to be phased out by an extra $5,000 for taxpayers who are married filing a joint return. While this will not eliminate the marriage penalty problem of the EITC, which is among the largest marriage penalties in the tax code, it does take an important step toward reducing it.

REPEAL OF LIMITATIONS ON ITEMIZED DEDUCTIONS AND PERSONAL EXEMPTIONS

Mr. President, two of the most unfair and complex provisions of the current tax law are aimed squarely at upper-middle and higher-income taxpayers. After the 1986 Tax Reform Act lowered the top tax rate to 28 percent, the Democratically led Congress decided that this was too low a tax rate for successful Americans who were considered wealthy. Rather than a straightforward increase in the top tax bracket, however, Congress decided to be sneaky about it and raised the marginal tax rates on certain taxpayers by limiting their itemized deductions and personal exemptions. The effects of these provisions are twofold. First, they obscure the true rate of tax being levied on taxpayers subject to these provisions. Second, and probably most damaging, they add a great deal of unwarranted complexity. My bill solves both problems by simply repealing these provisions.

BUSINESS TAX SIMPLIFICATION

While the Tax Ease and Modernization Act—Part I focuses mostly on the complexity problems of individual taxpayers, it does not ignore businesses, who often face complexity in the extreme. The second and third installments of this effort will feature many more simplification provisions to help ensure that American businesses stay competitive in the global marketplace and are not forced to waste resources on unnecessary tax compliance costs.

Part I features three relatively small but important provisions that will simplify taxes for practically all business taxpayers in America. The first provision would change the law to provide that corporate taxpayers no longer have to pay a higher rate of interest to the Internal Revenue Service on underpayments of tax than the rate the government pays to them for overpayments. Currently, individual taxpayers enjoy an equal interest rate for overpayments and underpayments. Corporations, however, must pay as much as a 4.5 percentage points more in interest on underpayments than they receive on overpayments. The bill would equalize these amounts at a rate of the short-term Applicable Federal Rate plus three percentage points.

The second business provision would clean up a complex inequity that was only partially addressed by the Internal Revenue Service Restructuring and Reform Act of 1998. That Act established a net interest rate of zero where interest is payable and allowable on equivalent amounts of overpayment and underpayment that exist for any tax period. However, that provision fell short of providing the simplicity and fairness needed by taxpayers. Therefore, my bill would extend the concept of global interest netting to all periods and would make the change retroactive as if enacted in the 1998 Act.

The final business provision included in TEAM–I would simplify the accounting for purchases of software by business taxpayers by allowing them to immediately expense the first $20,000 per year instead of capitalizing the cost and depreciating it over three years, as under current law. Having to depreciate relatively small software programs, which are often obsolete well before three years, is costly and complex.

MISCELLANEOUS SIMPLIFICATION PROVISIONS

Mr. President, the bill I introduce today includes a number of smaller but very important simplification provisions designed to ease the tax lives of all taxpayers. Many of these are similar or identical to provisions recently passed by the House in the Taxpayer Bill of Rights 2000 legislation. Other provisions are based on concepts recently suggested to Congress by Mr. Val Oveson, the National Taxpayer Advocate. One of the National Taxpayer Advocate's duties is to recommend to Congress what legislative changes are needed to improve the tax code and make it simpler and easier to administer. Last year, Mr. Oveson presented 53 separate recommendations for legislative improvement in the tax area. My bill incorporates more than a dozen of the most critical of these recommendations.

Also included in the bill are several other tax simplification measures, suggested by a variety of sources. One of these is S. 1952, a bill introduced last year by Senator ABRAHAM that would simplify the taxation of investors who participate in small investment clubs. Also included is the text of S. 670, a bill introduced last year by Senators JEFFORDS and DODD that would simplify the tax rules for foster care payments. This provision was also included in last year's large tax bill that was vetoed by President Clinton.

Another provision in the bill would help taxpayers who are former foster parents by providing that if those parent provide over one-half of the support of a foster child beyond the age where the state pays the expenses, they can claim the former foster child as a dependent, just as they could for their own child.

Mr. President, I have also included in TEAM–I another simplification provision, suggested by the Clinton Administration in its fiscal year 2001 budget, which would both simplify the law and remove a disincentive to young people working and saving for their future. Under current law, young people who can be claimed as dependents on their parents tax returns must file a return and pay income tax if they have over $250 of income from savings if their earnings from working plus that income from savings exceeds $700. My bill would increase the allowed amount of earnings from savings from $250 to $1,000 before a return or tax is required.

The bill I am introducing today also includes a provision added as a floor amendment to S. 1134, The Affordable Education Act, by Senator COLLINS, myself, and several others. This provision would allow elementary and secondary school teachers to deduct the cost of their professional development expenses without regard to the current-law 2-percent of adjusted gross income floor. This adds a small measure of both simplicity and fairness to the tax code.

Mr. President, the bill I am introducing is far from perfect. It represents

only a relatively small down payment on tax simplification in just a few areas of the Internal Revenue Code. However, I hope that its introduction will lay down a marker for tax simplification that will evoke further discussion and suggestions from interested groups and action toward simplification by my colleagues on the Finance Committee. I welcome comments on how this bill can be improved and what other tax simplification items should be considered in the future of this effort.

One thing I have learned in my study about the problems of our current tax system and ways to improve it is that simplification is far from simple. Some of the most complex portions of the Internal Revenue Code can be easily and reasonably be simplified by their repeal. Others parts, such as the Earned Income Tax Credit, should not be repealed but improved. Doing so, however, can be most difficult.

Moreover, Mr. President, simplification often comes at a cost of lost revenue. While I have not yet received an estimate of the revenue effect of this bill from the Joint Committee on Taxation, it seems clear that the numbers will be high. However, I have concluded that one of the best ways we can spend the projected surplus is on tax simplification. I like to think of it as tax relief for all taxpayers through simplification. Additionally, I believe that simplification should not create winners and losers. To the extent possible in my bill, I have tried to leave all taxpayers at least as well off as under current law. This, however, is also costly in terms of lost revenue.

While it is unclear whether Congress can pass, or whether the President will sign, major tax simplification legislation in this election year, I believe these issues are of such importance that we should not wait to embark on a major debate about them. I hope my colleagues in the Senate and House will join in the discussion, as well as taxpayer advocacy groups, businesses, and other stakeholders throughout the nation.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2643. A bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control; to the Committee on Foreign Relations.

STOP TB NOW ACT OF 2000

Mr. STEVENS. Mr. President, today my friend the senior Senator from Hawaii, Senator INOUYE, and I are introducing the Stop TB Now Act.

This bill would amend the Foreign Assistance Act of 1961 to authorize one hundred million dollars in each of fiscal years 2001 and 2002 to fight tuberculosis. Each year, eight million people develop active tuberculosis. One and one-half million of those that develop active tuberculosis will die from that disease alone. One person can infect 10 to 15 people in a year.

The global economy and its mobile work force makes the world a smaller place. No country is immune from the reach of this highly contagious disease. In 1999, the United States had almost 18,000 active TB cases. That comes to 6.4 per 100,000 people. According to the Centers for Disease Control, Alaska was ranked fourth in per capita cases of active tuberculosis in 1999. Hawaii has been number one since at least 1997.

This bill has two components. A treatment strategy and the goal of arresting the rise of more dangerous strains of tuberculosis. The World Health Organization has developed directly observed treatment, short-course, referred to by its acronym DOTS. DOTS is a community-based treatment strategy. It uses standardized short course chemotherapy for 6 to 8 months, with direct observation of TB patients. Strict adherence to a drug regime is really the only way to successfully treat TB. Participation at the local level can perpetuate a culture of vigilance against this and other public health threats. Ineffective treatment strategies in the past have led to the emergency of multi-drug resistant tuberculosis, known as MDR–TB.

MDR–TB are strains that are resistant to one or both of the two most effective existing TB drugs. Drugs to treat MDR–TB are at least 100 times more expensive than traditional TB drugs.

This is a staggering cost. Even in our country where the medical community can readily identify and treat MDR–TB, half the patients still die. These are patients using MDR–TB drugs. According to the World Health Organization, in another 3 to 5 years, without a comprehensive prevention and treatment strategy, drug resistant strains of TB will be the dominant form of the disease. Time is of the essence.

In my own State of Alaska, we are concerned about the dramatic increase in MDR–TB in the Russian Far East. That region has enormous trade potential for the State. Our native peoples also travel there on cultural exchanges. Tuberculosis has been called the poor man's disease. Perhaps from our perspective it was once considered a poor country's disease. This is not the case and we cannot ignore the global reach of this disease and its new variants.

I know many of my colleagues on both sides of the aisle are concerned about tuberculosis, as well as its association with the AIDS epidemic. I urge my colleagues to join Senator INOUYE and myself in sponsoring this legislation. It is my hope Congress will act to address this threat this year.

By Mr. GORTON (for himself, Mrs. MURRAY, Mr. SANTORUM, Ms. MIKULSKI, Mr. STEVENS, Mr. COCHRAN, and Mr. L. CHAFEE):

S. 2644. A bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals; to the Committee on Finance.

THE ACCESS TO INNOVATION FOR MEDICARE PATIENTS ACT OF 2000

Mr. GORTON. Mr. President, we know the Medicare program has not kept pace with advances in medical care and changing technology, whether through access to new medical devices or to prescription drugs. Sometimes seniors do not have access to the most advanced care. That needs to change. Some issues, like adding a prescription drug benefit, required broad reform of the program and an influx of new money to pay for the changes. But there are some common sense changes that can be made today could enhance access to life-saving therapies for seniors, particularly those living in rural areas, and potentially save Medicare dollars.

Medicare covers drugs that are administered in the hospital or in a physician's office but will not cover self-injectable drugs or biologics to treat the same disease, notwithstanding the fact that the latter may be superior in terms of efficacy and safety and less expensive. This outdated policy creates a perverse incentive for drug companies to develop drugs that can only be administered by I.V. in a hospital or other acute setting. Those companies that ignore Medicare's coverage policy and develop their products so that they are patient-friendly are penalized, as are the patients who need these products. The end result is often higher costs to the Medicare program, lack of beneficiary access to the best therapies, and treatment delivery problems for beneficiaries in rural areas who may not be in a position to travel to a hospital to receive regular treatments.

Patients suffering from rheumatoid arthritis (RA) are particularly victimized by this coverage policy. RA is a devastating chronic disease. As the disease progresses, sufferers move from self-sufficiency to total disability. The pain in most cases is excruciating. Like all patients with a chronic disease, RA patients face extraordinary out of pocket costs. However, Medicare beneficiaries with RA face a unique set of costs.

One of the most promising breakthroughs for the treatment of RA is a self-injected biologic developed through recombinant DNA technology. It already has been proven to prevent and reverse disability caused by RA, as well as dramatically reduce pain and avoid costly surgery. For many RA sufferers with private insurance or on Medicaid, it has meant the difference between being confined to a wheelchair and walking—and even returning to the workforce!

Since it is self-injected, it is not covered by Medicare. Yet, Medicare will cover another therapy which happens to be delivered intravenously, simply because it is administered (via I.V.) in a hospital. In doing so, Medicare ends

up spending more money when one factors in the costs of services and ancillary drugs associated with administration of this covered therapy. Just as important, the current policy denies beneficiaries access to a therapy that has been proven to be more effective, less toxic, and much easier to administer. This anomaly in Medicare's existing drug coverage policy is rooted in 1960's medicine, before the advent of biotechnology and the development of patient-friendly therapies.

Fortunately, there is a simple, budget-neutral way to help seniors who are dependent on Medicare. The Access to Innovation for Medicare Patients Act of 2000, which I will introduce today, along with Senators MURRAY, MIKULSKI, SANTORUM, CHAFEE, and COCHRAN would change Medicare's current drug coverage policy to allow coverage for self-injected biologics that are prescribed in lieu of an intravenous or physician-administered therapy. It would provide individuals suffering from rheumatoid arthritis, multiple sclerosis, hepatitis C, and deep vein thrombosis access to the latest, most promising biotechnology therapies.

This is a modest, common sense change that can and should be accomplished this year regardless of what may happen on comprehensive Medicare reform. If we do enact a Medicare drug benefit this year, this bill should be a part of that. Failure to do so would institutionalize a coverage gap that denies seniors access to breakthrough technology and the best care our medical system provides to everyone else with private health coverage.

According to a budget impact analysis by the Lewin Group, this legislation would not cost the Medicare program money and actually could save approximately $2 million per year. This is a compassionate, common-sense improvement we can make this year to improve the Medicare program for seniors. I hope my colleagues will join me in cosponsoring this bill.

Mrs. MURRAY. Mr. President, I rise today in support of the Access to Innovation for Medicare Patients Act of 2000 and to thank my fellow colleague from Washington state, Senator GORTON, for his work on this important legislation. The Access to Innovation for Medicare Patients Act is critical for Medicare beneficiaries who suffer from chronic and debilitating diseases such as rheumatoid arthritis and multiple sclerosis.

As many of you know, rheumatoid arthritis and multiple sclerosis most often affect women. Until recently, few treatments existed. But advances in biotechnology products have given hope to thousands of individuals. Self-injectable biologic therapies have proven highly effective in reducing the daily, chronic pain that accompanies these devastating diseases. Patients have reported amazing results from self-injectable biologic therapies such as Enbrel in clinical trials.

However, before the Access to Innovation for Medicare Patients Act, no legislation existed that addressed adequate Medicare coverage of these therapies. Currently, Medicare only covers physician-administered therapies and most Medicare prescription drug coverage proposals do not address this issue at all or they place restrictive coverage caps on the use of self-injectable biologic therapies. Beneficiaries should not be denied access to the most effective and convenient therapies for their condition. Ultimately, coverage of self-injectable biologic therapies could save Medicare money in reducing costly, prolonged hospital stays and reducing the number of care provider visits. Most importantly, this legislation will improve the lives of Medicare beneficiaries who suffer from these diseases. Congress must ensure that seniors and the disabled receive the best possible medical treatment and therapies through the Medicare program.

Finally, on a more personal note, my family has had first-hand experience with the constant pain and frustration caused by multiple sclerosis. My father suffered from this devastating disease, and I witnessed his daily fight to overcome the pain that accompanied it. I know that self-injectable biologic therapy may have made his fight much easier. We cannot allow Medicare beneficiaries to suffer from preventable, overwhelming pain.

In the past, we worked to eliminate barriers to care and research. Today, we seek to tear down Medicare's barriers to self-injectable biologic therapies. Seniors and the disabled should not be denied these life-saving, treatments simply because they are self-injected.

Therefore, I rise today to join my colleagues, Senators GORTON, MIKULSKI, COCHRAN, STEVENS, and CHAFEE in introducing the Access to Innovation for Medicare Patients Act. This legislation would: provide access to innovative therapies that are now on the market and making enormous improvements in the life and care of Medicare beneficiaries; allow physicians to prescribe the most appropriate therapy for their patients; make a common-sense, responsible change in Medicare; and eliminate the current bias against biotechnology therapies inherent in the Medicare program and many of the prescription drug proposals.

I urge all of my colleagues to join me in supporting this legislation.

By Mr. KYL (for himself and Mr. DOMENICI):

S. 2665. A bill to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; to the Committee on Indian Affairs.

NAVAJO NATION TRUST LAND LEASING ACT OF 2000

Mr. KYL. Mr. President, I rise today with my colleague, Senator DOMENICI, to introduce the Navajo Nation Trust Land Leasing Act of 2000, a bill to establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior. This new authority would apply to individual leases, except leases for exploration, development, or extraction of any mineral resources.

Mr. President, the current leasing process simply does not work very well. It can be cumbersome, and, because of the need to obtain approval from both the Nation and the Interior Department, the process can be lengthy. That can discourage many businesses from even considering locating the Navajo Reservation.

The fact is, there is no longer a need for the Secretary to be involved in routine leasing decisions that can and should be made by the Nation itself.

The changes proposed in this bill are intended to speed up the process for issuing leases by at least 50 percent, create predictable procedures for leasing trust land, and create incentives for businesses to open and operate in the Navajo Nation. It would help improve the management of tribal property, and promote economic development within the 100 Chapters of the Navajo Nation.

The need to create jobs and diversify the Reservation economy are clear. A December 1998 report by the Navajo Nation Division of Economic Development reported that the unemployment rate for the Nation was 43.3 percent, up 15.5 percent from 1990. An estimated 56 percent of Navajo families live below the poverty level, with a per capita annual income of just $5,759.

The lack of employment opportunities, low industrialization, slow development, insufficient infrastructure, weak economy, and difficulty in obtaining homesites and housing are causing many Navajo people to relocate to urban areas.

The Navajo Nation is looking for ways to reform its regulations to make it easier to attract and retain new businesses, and to create jobs that will improve the standard of living of Navajo people. The reforms in the Navajo National Trust Land Leasing Act will give the Nation some of the tools it needs to succeed in that regard.

Mr. President, the bill incorporates suggestions made by both the Navajo Nation and the Department of the Interior. There is one provision, though, that I will ask the Nation and the Department to review and provide further input. That is paragraph three of the proposed new Section 415(e) of title 25 of the U.S. Code.

As introduced, the bill gives the Secretary of the Interior the authority to approve or disapprove the Navajo Nation regulations under which the tribe will subsequently consider and approve leases of trust land. The Nation understandably wants to ensure that the Secretary acts promptly on the regulations once they are submitted. We do

not intend that the Secretary should be able to veto the regulations through inaction.

One way to address that concern is through the imposition of some time limit for Secretarial review—maybe 30 days. Another way might be to establish criteria in the law for the Secretary to use in reviewing the Nation's regulations. That approach would give the Secretary some guidance as to how the regulations should be assessed. It would also give the Navajo Nation some assurance that objective criteria will guide the Secretary's action. If the regulations meet the criteria, the Secretary's ability to disapprove them would be limited.

As I said, I will be asking both the Interior Department and the Nation for their further recommendations about these various approaches. The bill language on Secretarial approval or disapproval should, therefore, be considered open to change.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks, and I look forward to early action on the legislation:

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

S. 2665

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 ''Navajo Nation Trust Land Leasing Act of 2000''.

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that ''The Congress shall have Power...to regulate Commerce...with Indian tribes'', and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior of the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(c) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) NAVAJO NATION.—The term ''Navajo Nation'' means the Navajo Nation government that is in existence on the date of enactment of this Act.

(3) TRIBAL REGULATIONS.—The term ''tribal regulations'' means the Navajo Nation regulations as enacted by the Navajo Nation Council or its standing committees and approved by the Secretary.

SEC. 3. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

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

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the term 'individually owned Navajo Indian allotted lands' means Navajo Indian allotted land that is owned by 1 or more individuals located within the Navajo Nation;

''(4) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act;

''(5) the term 'Secretary' means the Secretary of the Interior; and

''(6) the term 'tribal regulations' means the Navajo Nation regulations as enacted by the Navajo Nation Council or its standing committees and approved by the Secretary.''; and

(2) by adding at the end the following:

''(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the term of the lease does not exceed 75 years (including options to renew), and the lease is executed under tribal regulations that are approved by the Secretary under this subsection.

''(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land located within the Navajo Nation.

''(3) The Secretary shall have the authority to approve or disapprove tribal regulations required under paragraph (1). The Secretary shall not have approval authority over individual leases of Navajo trust lands, except for the exploration, development, or extraction of any mineral resources. The Secretary shall perform the duties of the Secretary under this subsection in the best interest of the Navajo Nation.

''(4) If the Navajo Nation has executed a lease pursuant to tribal regulations required under paragraph (1), the United states shall not be liable for losses sustained by any party to such lease, including the Navajo Nation, except that—

''(A) the Secretary shall continue to have a trust obligation to ensure that the rights of the Navajo Nation are protected in the event of a violation of the terms of any lease by any other party to such lease, including the right to cancel the lease if requested by the Navajo Nation; and

''(B) nothing in this subsection shall be construed to absolve the United States from any responsibility to the Navajo Nation, including responsibilities that derive from the trust relationship and from any treaties, Executive Orders, or agreements between the United States and the Navajo Nation, except as otherwise specifically provided in this subsection.''.

Mr. DOMENICI. Mr. President, I am pleased to join Senator KYL today in introducing a bill to remove a major impediment to business development on the Navajo Nation. Our bill will accelerate the long and arduous process now in place for obtaining a business site lease on the Navajo Nation. For years I have heard case after case of large and small businesses waiting from two years to four years, and longer, for such a lease. Delays occur in both the tribal and the Bureau of Indian Affairs (BIA) lease approval processes.

This dual process exists as a direct result of the U.S. Government's trust responsibility for Indian reservation lands. In study after study for the past three decades, the tediously slow and cumbersome land leasing process on the Navajo Nation has been identified as a major obstacle to attracting new private business ventures.

In our search for ways to encourage more private enterprise for Navajos, I encouraged and sponsored the Navajo Economic Summit in Tohatchi, New Mexico in 1987. Again, many of our key speakers from the business world reminded us that the Navajo Nation itself, and its protective federal agency, the BIA, needed to find a better way to make land available for private enterprises.

Along another avenue of encouraging businesses to go to, or expand on the Navajo Nation, I cosponsored legislation by Senators INOUYE and MCCAIN that was incorporated into the Omnibus Budget Reconciliation Act of 1993. In Sections 13321 and 13322 of that Act, we were able to enact generous wage tax credits and accelerated depreciation for businesses that chose to locate or expand on America's Indian reservations. Despite the availability of a wage tax credit for every eligible Indian hired, many businesses still viewed the complexity of Indian courts and land allocation methods as comparable third world nations.

Business has not flocked to the Navajo Nation, although many tribes around the country have taken advantage of this wage tax credit. Our incentives allow a direct credit off-taxes

owed at the rate of 20 percent of the first $20,000 paid in wages and health insurance for every Indian hired. In addition, all investments from infrastructure to computers were given accelerated depreciation rates, about one-third faster than non-reservation investments.

The Navajo Nation is our Nation's largest Indian reservation in both area and population. About 200,000 Navajos live on a reservation that straddles four States and is slightly larger than the entire state of West Virginia. Unfortunately, the poverty rate is high, unemployment hovers around 40 percent year after year, and private sector jobs are all too rare. Sadly, the time lag for obtaining a new land lease also remains painstakingly slow.

I commend Navajo President Kelsey Begaye for his interest in encouraging a better system for making land available for businesses and other purposes. Although other incentives like access to State and Federal courts will still be needed, a faster land lease will go a long way to encourage more business activity.

Our bill will establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Interior for individual leases. The exception is exploration, development, or extraction of any mineral resources. These types of leases will still require Secretarial approval.

The Secretary of Interior would be required to approve the regulations adopted by the Navajo Nation to implement this new leasing authority. Once approved, the Navajo Nation would have regulatory authority to finalize land leases that do not exceed 75 years. They will be able to do this without having to be second guessed by the BIA in a follow-up process that always adds months, and sometimes years, to the process.

The trust obligation of the Secretary of Interior would remain in place. The Navajo Nation, would, in effect, be acting as an agent of the Secretary. By eliminating the need for Secretarial (BIA) review of its land leasing decisions, however, our legislation will allow a more efficient land leasing system to be put in place.

I am confident that President Begaye's Administration will work hard to reduce the time the Navajo Nation itself now takes to issue a lease. Without the follow-up review by the BIA, the potential business applicant will be able to open up months sooner.

Rather than getting caught in a blame game, a new lease applicant will be able to focus on a single process for obtaining a land lease, and the Navajo Nation will be the responsible party for delays. Again, I admire the courage of President Begaye's Administration for its willingness to accept this responsibility and to encourage more private sector business activity on the largest Indian reservation in our country.

I believe this initiative will encourage the Navajo Nation to be more business friendly. I urge my colleagues to join us in allowing the Navajo Nation to fully accept the responsibility for creating a single track land leasing system in place of the dual system now required.

By Mr. REID:

S. 2666. A bill to secure the Federal voting rights of persons who have fully served their sentences, including parole and probation, and for other purposes; to the Committee on the Judiciary.

CIVIC PARTICIPATION ACT OF 2000

Mr. REID. Mr. President. I rise today to introduce the Civic Participation Act of 2000. This legislation would guarantee that individuals who have fully served their sentences have the right to vote in Federal elections.

The right to vote in a democracy is the most basic act of citizenship. It is a right that may not be abridged or denied by the United States, or any State, on account of race, color, gender or previous condition of servitude. This fundamental right is truly the most glaring example of a free society.

I can't help but think of Nelson Mandela's perspective on the right to vote. One would think that the most significant day in Mr. Mandela's life would have been the day he walked out of a South African prison after more than 27 years behind bars. Or perhaps, it might be the day he assumed the Presidency of post-apartheid South Africa. In fact, Mr. Mandela has said that the most important day in his life was the day he voted for the first time.

Mr. President, I am troubled that many people in this country are denied the right to vote, even when any sentence of imprisonment, parole or probation has been fully completed. Additionally, many individuals who have fully served their sentences and wish to regain their right to vote, must petition a pardon board, their State Governors, or even, in some States, must obtain a Presidential pardon. Few people have the financial or political resources needed to succeed in such efforts.

Furthermore, the denial of suffrage disproportionately affects ethnic minorities. Recent studies have indicated that an estimated thirteen percent of adult African-American males are unable to vote as a result of varying state disenfranchisement laws. This is even more troubling when we consider that voter turnout, especially among America's youth, is at a record low. As elected officials who have been given the privilege to serve by our fellow Americans, we need to recognize that the strength of a democracy depends upon the voluntary participation of its citizens.

Mr. President, let me be clear. Criminal activity must be punished. Stiff and appropriate sentences should be imposed upon those who violate our laws. However, we should not be disenfranchising those citizens who have fully completed their prescribed sentences, especially when those citizens should be reintegrated into society and our citizen-dependent democracy.

I want to make it perfectly clear that this legislation, in no way, extends voting rights to prisoners. In fact, my colleagues in the Senate know that I have led the fight in this body against frivolous lawsuits filed by prisoners. Furthermore, this legislation does not extend voting rights to persons on parole or probation. This legislation simply states that anyone who has successfully, and completely, served their entire sentence, including any parole and probation, may not be denied the right to vote.

Finally, this legislation would apply only to Federal elections, thereby protecting the rights of individual States to establish voting procedures for State elections.

In conclusion, Mr. President, I want to reiterate that this legislation is narrowly drafted to guarantee one of the most fundamental rights of citizens of our democracy, and I urge my colleagues to support this worthy endeavor.

By Mr. WARNER (for himself, Mr. KENNEDY, Mr. SARBANES, Mr. JEFFORDS, Mr. ROBB, and Mr. LEAHY):

S. 2667. A bill to designate the Washington Opera in Washington, D.C., as the National Opera; to the Committee on Governmental Affairs.

DESIGNATING THE WASHINGTON OPERA IN WASHINGTON, D.C., AS THE NATIONAL OPERA

Mr. WARNER. Mr. President, I am pleased to introduce legislation today with Senator KENNEDY, Senator SARBANES, Senator JEFFORDS, and Senator ROBB to designate the Washington Opera as the National Opera.

The Washington Opera has been an innovative leader in bringing to the metropolitan Washington area exceptional performances since 1956. The company has enjoyed tremendous success in the community over the years. Since 1980, the company has grown from 16 performances of four operas to 80 performances of eight operas for the 2000 season.

Mr. President, the purpose of this legislation is to recognize in our nation's capital an opera of national significance. Let me be clear to my colleagues that this legislation does not extend any Federal responsibilities or obligation for funding to the Washington Opera. It would not become part of any Federal activity. Today, the Washington Opera enjoys a contractual relationship with the Kennedy Center for the Performing Arts for use of its facilities. It is not affiliated with the Kennedy Center in any way other than being named as the resident opera company. This is an honorary designation, but there is no financial support for the opera from the Kennedy Center.

The legislation is only intended as a means of recognition of opera in our Nation's capital and its mission to bring to the nation a forum to highlight our musical heritage. Under its

new name, the National Opera will bring contained performances of American opera to the stage.

The history of the Washington Opera and its commitment to bringing opera as an art form to the Washington area community is to be commended. The Washington Opera's Education and Community Programs are dedicated to educating future audiences and making the experience of opera more available to residents of the region. Since 1992, over 150,000 students have participated in these programs. Today, there are over 22 programs that provide performance experiences, curriculum activities, in-school artist visits, professional development opportunities for teachers and young artists, and other activities that bring opera into our schools and communities.

Mr. President, with this national recognition comes the obligation for the Washington Opera to undertake additional programs to serve a larger national audience, expand community outreach for underprivileged youth, and other missions that embody a larger national presence. I am confident that the opera will enthusiastically accept this challenge.

I ask unanimous consent that the text of my legislation appear in the RECORD following my statement.

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

S. 2667

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

SECTION 1. DESIGNATION.

The Washington Opera, organized under the laws of the District of Columbia, is designated as the ''National Opera''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Washington Opera referred to in section 1 shall be deemed to be a reference to the ''National Opera''.

By Mr. GRAHAM (for himself and Mr. SMITH of Oregon):

S. 2668. A bill to amend the Immigration and Nationality Act to improve procedures for the adjustment of status of aliens, to reduce the backlog of family-sponsored aliens, and for other purposes; to the Committee on the Judiciary.

FAMILY, WORK AND IMMIGRANT INTEGRATION AMENDMENTS OF 2000

● Mr. GRAHAM. Mr. President, I rise today to introduce bipartisan immigration legislation that will have a tremendous impact on thousands of families in the United States.

I am very pleased to be working with my colleague, GORDON SMITH of Oregon, on this effort.

There are several reasons for the introduction of this legislation.

1. It corrects past injustices.

Many of the immigrants helped by this legislation have been active, productive, hard-working members of our community for many years.

For example, the majority of Central Americans helped by this legislation have been in the United States since the early 1980s, when they fled tyranny and turmoil in their home countries.

The were welcomed into our nation by President Ronald Reagan.

These Central American nationals were made retroactively deportable by the 1996 immigration bill.

This legislation provides a state option to help legal immigrant children get needed health care.

The 1996 welfare bill deprived vulnerable, legal children from benefits.

This change is good public policy, from a health care perspective, an immigration perspective and a humanitarian perspective.

2. It is pro-family.

This legislation will speed the process that reunites family members.

It has been over ten years since the limits on family immigration were adjusted. This has resulted in waiting periods that could last years to bring immediate family members together.

Spouses and children would have an easier time in obtaining visas to visit their loved ones through this legislation.

In current practice, it is often very difficult to travel to visit legal residents in the United States while their immigration documents are pending—our legislation would ease the bureaucracy to allow families to be together for the events that shape their lives.

3. It is pro-business.

Congress has focused this session on increasing the number of high-tech workers for U.S. companies. I have long been supportive of that proposal.

Protections are in place for U.S. workers, and American business has the resources needed to keep our economy booming.

This legislation is pro-business in two ways.

It builds the pool of legal workers available by swifter family reunification.

And it offers an avenue for those workers who are already here and working to remain here.

They can stay here, and increase the productivity of our nation's businesses, or they can leave and work for foreign competitors.

I want them to stay.

Alan Greenspan agrees.

He has said during a House Banking and Financial Services Committee meeting in July of last year:

Aggregated demand is putting very significant pressures on an ever-decreasing supply of unemployed labor. The one obvious means that we can use to offset that is expanding the number of people we allow in. . . . I think in reviewing our immigration laws in the context of the type of economy which we will be enjoying in the decade ahead is clearly on the table. . . .

4. Its omnibus nature allows groups to work together toward a common goal

All sides win in this equation.

Families. Children. Business. Our economy

By combining forces, groups that care about these issues can work together toward a comprehensive, prudent, rational immigration policy.

These coalitions are already being built.

I would like to submit a letter from May 16, 2000 from Jack Kemp, Henry Cisneros, and a wide range of business, religious, labor and immigrant advocacy groups endorsing components of this legislation.

This is a wonderful example of groups at the national and local level coalescing together around pro-family, pro-business, pro-justice ideals.

Our current immigration debates have had the negative effect of pitting one segment of our society against another, and pitting one nationality against another.

In the past . . . the debate has been if businesses get more workers, family reunification will suffer.

Nicaraguans and Cubans receive a swifter and more generous immigration status than similarly situated Central American and Caribbean nationals.

No one wins if these divides remain.

All of us win if we can work together and strengthen our nation by correcting past injustices, reuniting families and providing American businesses with the workers they desperately need.

I urge my colleagues to support this measure.

Since the bill covers many issues, I would like to submit a summary of the legislation for the RECORD along with the test and a supporting letter.

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

S. 2668

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 ''Family, Work and Immigrant Integration Amendments of 2000''.

TITLE I—CENTRAL AMERICAN AND HAITIAN PARITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Central American and Haitian Parity Act of 2000''.

SEC. 102. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking ''NICARAGUANS AND CUBANS'' and inserting ''NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS'';

(2) in subsection (a)(1)(A), by striking ''2000'' and inserting ''2003'';

(3) in subsection (b)(1), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti''; and

(4) in subsection (d)—

(A) in subparagraph (A), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and

(B) in subparagraph (E), by striking ''2000'' and inserting ''2003''.

SEC. 103. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under

the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 402 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. 104. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General, in the unreviewable discretion of the Attorney General, to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 402 of this Act.

SEC. 105. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) IN GENERAL.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A) to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

''(ii) in the case of''; and

(E) by adding at the end the following new paragraph:

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1) (B) and (1) (D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence''; and

(6) by adding at the end the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 106. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may waive the grounds of inadmissibility specified in section 212(a)(1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the

application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A), to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

''(ii) in the case of'';

(E) by adding at the end of paragraph (1) the following new subparagraph:

''(E) the alien applies for such adjustment before April 3, 2003.''; and

(F) by adding at the end the following new paragraph:

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence'';

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 107. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

TITLE II—FILING DEADLINES FOR ADJUSTMENT OF STATUS OF CERTAIN CUBAN, NICARAGUAN, AND HAITIAN NATIONALS

SEC. 201. EXTENSION OF FILING DEADLINES FOR APPLICATIONS FOR ADJUSTMENT OF STATUS OF CERTAIN CUBAN, NICARAGUAN, AND HAITIAN NATIONALS.

(a) NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.—Notwithstanding the expiration of the application filing deadline in section 202(a)(1) of the Nicaraguan Adjustment and Central American Relief Act (as contained in Public Law 105–100; 8 U.S.C. 1255 note), a Cuban or Nicaraguan national who is otherwise eligible for adjustment of status under that section may apply for that status through the date that is one year after the date of promulgation by the Attorney General of final regulations for the implementation of that section.

(b) HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT.—Notwithstanding the expiration of the application filing deadline in section 902(a) of the Haitian Refugee Immigration Fairness Act of 1998 (as added by section 101(h) of division A of Public Law 105–277), a Haitian national who is otherwise eligible for adjustment of status under that section may apply for that status through the date that is one year after the date of promulgation by the Attorney General of final regulations for the implementation of that section.

TITLE III—LIBERIAN REFUGEE IMMIGRATION FAIRNESS

SEC. 301. SHORT TITLE.

This title may be referred to as the ''Liberian Refugee Immigration Fairness Act of 2000''.

SEC. 302. ADJUSTMENT OF STATUS.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—

(A) ELIGIBILITY.—The Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for adjustment before April 1, 2004; and

(ii) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(B) INELIGIBLE ALIENS.—An alien shall not be eligible for adjustment of status under this section if the Attorney General finds that the alien has been convicted of—

(i) any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)); or

(ii) two or more crimes involving moral turpitude.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1), if otherwise qualified under that paragraph. Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided by subsection (a) shall apply to any alien—

(A) who is—

(i) a national of Liberia; and

(ii) has been continuously present in the United States from January 1, 1999, through the date of application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings

under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment, except that, if such application is pending for a period exceeding 180 days and has not been denied, the Attorney General shall authorize such employment.

(d) RECORD OF PERMANENT RESIDENCE.—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent record as of the date of the alien's arrival in the United States.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—Whenever an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

TITLE IV—INCREASED FLEXIBILITY IN EMPLOYMENT-BASED IMMIGRATION

SEC. ___401. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (5)''.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking ''the proportion of the visa numbers'' and inserting ''except as provided in subsection (a)(5), the proportion of the visa numbers''.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who—

(1) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. ___402. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

''(A) who has been lawfully admitted into the United States;

''(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

''(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. ___403. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for adjustment of status under section 245 to accord the alien status under section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under section 203(b)); or

(2) the filing of the petition under section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.''.

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

''(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.''.

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas made available under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term ''employment-based visa'' means an immigrant

visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

TITLE V—RESTORATION OF SECTION 245(i)

SEC. 501. REMOVAL OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION 245(i).

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking ''(i)(1)'' through ''The Attorney General'' and inserting the following:

''(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

''(A) entered the United States without inspection; or

''(B) is within one of the classes enumerated in subsection (c) of this section;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2440).

TITLE VI—REGISTRY DATES

SEC. 601. SHORT TITLE.

This title may be cited as the ''Date of Registry Act of 2000''.

SEC. 602. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS.

(a) IN GENERAL.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a), by striking ''January 1, 1972'' and inserting ''January 1, 1986''; and

(2) by striking ''JANUARY 1, 1972'' in the heading and inserting ''JANUARY 1, 1986''.

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) EXTENSION OF DATE OF REGISTRY.—

(A) PERIOD BEGINNING JANUARY 1, 2002.—Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking ''January 1, 1986'' each place it appears and inserting ''January 1, 1987''.

(B) PERIOD BEGINNING JANUARY 1, 2003.—Beginning on January 1, 2003, section 249 of such Act is amended by striking ''January 1, 1987'' each place it appears and inserting ''January 1, 1988''.

(C) PERIOD BEGINNING JANUARY 1, 2004.—Beginning on January 1, 2004, section 249 of such Act is amended by striking ''January 1, 1988'' each place it appears and inserting ''January 1, 1989''.

(D) PERIOD BEGINNING JANUARY 1, 2005.—Beginning on January 1, 2005, section 249 of such Act is amended by striking ''January 1, 1989'' each place it appears and inserting ''January 1, 1990''.

(E) PERIOD BEGINNING JANUARY 1, 2006.—Beginning on January 1, 2006, section 249 of such Act is amended by striking ''January 1, 1990'' each place it appears and inserting ''January 1, 1991''.

TITLE VII—BACKLOG REDUCTION FOR FAMILY-SPONSORED IMMIGRANTS

SEC. 701. FAMILY BACKLOG REDUCTION.

(a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—Notwithstanding section 201(a)(1) of the Immigration and Nationality Act, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted for permanent residence as a family-sponsored immigrant described in section 203(a) of such Act (or who are admitted under section 211(a) of such Act on the basis of a prior issuance of a visa to their accompanying parent under such section 203(a)) in any fiscal year is limited to—

(1) the number provided for in section 201(a)(1) of such Act, plus

(2) 200,000 for fiscal year 2001 and each fiscal year thereafter.

(b) PER COUNTRY LEVELS FOR FAMILY-SPONSORED IMMIGRANTS.—(1) Notwithstanding section 202(a)(2) of the Immigration and Nationality Act, the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsections (a) and (b) of section 203 of that Act in any fiscal year may not exceed the sum of—

(A) the number specified in section 202(a)(2) of that Act, plus

(B) the number computed under paragraph (2).

(2) The number computed under this paragraph is—

(A) 33 percent of the number computed under section 202(a)(2) of that Act for each of fiscal years 2001, 2002, 2003, 2004, and 2005, or

(B) 25 percent of the number computed under section 202(a)(2) for each fiscal year thereafter.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Department of Justice and the Department of State such sums as may be necessary to provide for the additional visa issuances and admissions authorized under subsection (a).

(2) There are authorized to be appropriated to the Department of Justice such sums as may be necessary to process backlog adjudications of the Immigration and Naturalization Service.

TITLE VIII—ALIEN CHILDREN PROTECTION

SEC. 801. SHORT TITLE.

This Act may be cited as the ''Alien Children Protection Act of 2000''.

SEC. 802. USE OF APPROPRIATE FACILITIES FOR THE DETENTION OF ALIEN CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), in the case of any alien under 18 years of age who is awaiting final adjudication of the alien's immigration status and who does not have a parent, guardian, or relative in the United States into whose custody the alien may be released, the Attorney General shall place such alien in a facility appropriate for children not later than 72 hours after the Attorney General has taken custody of the alien.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to any alien under 18 years of age who the Attorney General finds has engaged in delinquent behavior, is an escape risk, or has a security need greater than that provided in a facility appropriate for children.

(c) DEFINITION.—In this section, the term ''facility appropriate for children'' means a facility, such as foster care or group homes, operated by a private nonprofit organization, or by a local governmental entity, with experience and expertise in providing for the legal, psychological, educational, physical, social, nutritional, and health requirements of children. The term ''facility appropriate for children'' does not include any facility used primarily to house adults or delinquent minors.

SEC. 803. ADJUSTMENT TO PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(1)(1) The Attorney General may, in the Attorney General's discretion, adjust the status of an alien under 18 years of age who has no lawful immigration status in the United States to that of an alien lawfully admitted for permanent residence if—

''(A)(i) the alien (or a parent or legal guardian acting on the alien's behalf) has applied for the status; and

''(ii) the alien has resided in the United States for a period of 5 consecutive years; or

''(B)(i) no parent or legal guardian requests the alien's return to the country of the parent's or guardian's domicile, or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to mental or physical abuse; and

''(ii) the Attorney General determines that it is in the best interests of the alien to remain in the United States notwithstanding the fact that the alien is not eligible for asylum protection under section 208 or protection under section 101(a)(27)(J).

''(2) The Attorney General shall make a determination under paragraph (1)(B)(ii) based on input from a person or entity that is not employed by or a part of the Service and that is qualified to evaluate children and opine as to what is in their best interest in a given situation.

''(3) Upon the approval of adjustment of status of an alien under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval, and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.

''(4) Not more than 500 aliens may be granted permanent resident status under this subsection in any fiscal year.''.

SEC. 804. ASSIGNMENT OF GUARDIANS AD LITEM TO ALIEN CHILDREN.

(a) ASSIGNMENT.—Whenever a covered alien is a party to an immigration proceeding, the Attorney General shall assign such covered alien a child welfare professional or other individual who has received training in child welfare matters and who is recognized by the Attorney General as being qualified to serve as a guardian ad litem (in this section referred to as the ''guardian''). The guardian shall not be an employee of the Immigration and Naturalization Service.

(b) RESPONSIBILITIES.—The guardian shall ensure that—

(1) the covered alien's best interests are promoted while the covered alien participates in, or is subject to, the immigration proceeding; and

(2) the covered alien understands the proceeding.

(c) REQUIREMENTS ON THE ATTORNEY GENERAL.—The Attorney General shall serve notice of all matters affecting a covered alien's immigration status (including all papers filed in an immigration proceeding) on the covered alien's guardian.

(d) DEFINITION.—In this section, the term ''covered alien'' means an alien—

(1) who is under 18 years of age;

(2) who has no lawful immigration status in the United States and is not within the physical custody of a parent or legal guardian; and

(3) whom no parent or legal guardian requests the person's return to the country of the parent's or guardian's domicile or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to physical or mental abuse.

SEC. 805. SENSE OF CONGRESS.

Congress commends the Immigration and Naturalization Service for its issuance of its

''Guidelines for Children's Asylum Claims'', dated December 1998, and encourages and supports the Service's implementation of such guidelines in an effort to facilitate the handling of children's asylum claims.

SEC. 806. GENERAL ACCOUNTING OFFICE REPORT.

The Comptroller General of the United States shall prepare a report to Congress regarding whether and to what extent United States Embassy and consular officials are fulfilling their obligation to reunify, on a priority basis, children in foreign countries whose parent or parents are legally present in the United States.

TITLE IX—BENEFITS RESTORATION

SEC. 901. SHORT TITLE.

This title may be cited as the ''Immigrant Children's Health Improvement Act of 2000''.

SEC. 902. OPTIONAL ELIGIBILITY OF CERTAIN ALIEN PREGNANT WOMEN AND CHILDREN FOR MEDICAID.

(a) IN GENERAL.—Subtitle A of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611–1614) is amended by adding at the end the following:

''SEC. 405. OPTIONAL ELIGIBILITY OF CERTAIN ALIENS FOR MEDICAID.

''(a) OPTIONAL MEDICAID ELIGIBILITY FOR CERTAIN ALIENS.—A State may elect to waive (through an amendment to its State plan under title XIX of the Social Security Act) the application of sections 401(a), 402(b), 403, and 421 with respect to eligibility for medical assistance under the program defined in section 402(b)(3)(C) (relating to the medicaid program) of aliens who are lawfully residing in the United States (including battered aliens described in section 431(c)), within any or all (or any combination) of the following categories of individuals:

''(1) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(2) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).''.

(b) APPLICABILITY OF AFFIDAVITS OF SUPPORT.—Section 213A(a) of the Immigration and Nationality Act (8 U.S.C. 1183a(a)) is amended by adding at the end the following:

''(4) INAPPLICABILITY TO BENEFITS PROVIDED UNDER A STATE WAIVER.—For purposes of this section, the term 'means-tested public benefits' does not include benefits provided pursuant to a State election and waiver described in section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(a)) is amended by inserting ''and section 405'' after ''subsection (b)''.

(2) Section 402(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(1)) is amended by inserting '', section 405,'' after ''403''.

(3) Section 403(a) of such Act (8 U.S.C. 1613(a)) is amended by inserting ''section 405 and'' after ''provided in''.

(4) Section 421(a) of such Act (8 U.S.C. 1631(a)) is amended by inserting ''except as provided in section 405,'' after ''Notwithstanding any other provision of law,''.

(5) Section 1903(v)(1) of the Social Security Act (42 U.S.C. 1396b(v)(1)) is amended by inserting ''and except as permitted under a waiver described in section 405(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,'' after ''paragraph (2),''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

SEC. 903. OPTIONAL ELIGIBILITY OF IMMIGRANT CHILDREN FOR SCHIP.

(a) IN GENERAL.—Section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as added by section 102(a), is further amended—

(1) in the heading, by inserting ''**AND SCHIP**'' before the period; and

Under that section may apply for that status through the date that is one year after the date of promulgation by the Attorney General of final regulations for the implementation of that section.

TITLE X—ADMISSION OF SPOUSES AND CHILDREN OF CERTAIN NONIMMIGRANTS

SEC. 1001. ADMISSION OF CERTAIN "B" AND "F" VISA NONIMMIGRANTS WHO ARE SPOUSES OR CHILDREN OF UNITED STATES PERMANENT RESIDENT ALIENS.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end thereof the following new subsection:

''(r)(1) Notwithstanding any other provision of law, no alien—

''(A) who is—

''(i) the spouse or child of an alien lawfully admitted for permanent residence to the United States; and

''(ii) not eligible to enter the United States as an immigrant except by reason of being such a spouse or child; and

''(B) who seeks admission to the United States for purposes of visiting the permanent resident spouse or parent or for studying in the United States; and

''(C) who is otherwise qualified;

may be denied issuance of a visa, or may be denied admission to the United States, as a nonimmigrant alien described in section 101(a)(15)(B) who is coming to the United States temporarily for pleasure or as a nonimmigrant alien described in section 101(a)(15)(F).

''(2) Whenever an alien described in paragraph (1) seeks admission to the United States as a nonimmigrant alien described in section 101(a)(15)(B) who is coming temporarily for pleasure or as a nonimmigrant alien described in section 101(a)(15)(F), the fact that a petition has been filed on the alien's behalf for classification of the alien as an alien lawfully admitted for permanent residence shall not constitute evidence of the alien's intention to abandon his or her foreign residence.''.

THE FAMILY, WORK AND IMMIGRANT INTEGRATION AMENDMENTS OF 2000—SUMMARY

1. Central American and Haitian Parity: provides for adjustment of status for Salvadorans, Guatemalans, Hondurans and Haitians on the same terms as that extended to Cubans and Nicaraguans in 1997 under NACARA.

2. Extension of filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals: extends the deadline to apply for adjustment of status by one year after the date of issuance of final NACARA regulations.

3. Liberian Refugee Immigration Fairness: allows Liberian refugees who have been continuously present in the US to apply for adjustment of status.

4. Increased Flexibility in Employment-Based Immigration: eliminates per country limitation if additional visas are available, increases portability of H–1B visas, encourages swifter adjudication of petitions, and allows unused visas from one year to be used the following year.

5. Restoration of Section 245(i): restores the provision permitting those who are out of status but otherwise eligible for permanent residence to adjust their status in the United States by paying a fine.

6. 1986 Registry Date: updates the current registry date from 1972 to 1986 that allows adjustment of status to all persons of good character who have resided in the United States prior to 1986. The registry date would be moved up one year each for the next five years to 1991 in FY 2006.

7. Backlog reduction for family-sponsored immigrants: would provide additional visas for family members of citizens and permanent residents to reduce backlogs in the family-based immigration categories: 250,000 additional visas for three years, 200,000 for two years and 150,000 permanently; per country ceilings are raised proportionately.

8. Alien Child Protection Act: provides unaccompanied or orphaned children in the jurisdiction of the INS with several protections. Among other things, it states that if a child is detained, it must be in a child-appropriate facility. They can have access to a guardian ad litem or similar advocate to navigate through the immigration process.

9. Benefits Restoration: restores modest benefits for legal immigrants, including optional eligibility of certain immigrants for Medicaid and optional eligibility of immigrant children for SCHIP programs (state child health plans). States would be given the option to provide Medicaid to all children and pregnant women who are lawfully residing in the US, regardless of when they arrived. Pregnant women would remain eligible during the first 60 days after their pregnancy. If a state elects the Medicaid option, it may also provide all lawfully present children access to this CHIP (state child health plan) program. Immigrant sponsors would not be required to pay back assistance provided to children or pregnant women.

10. Admission of spouses and children of certain nonimmigrants: would allow spouses and children of permanent residents who have green card applications pending to enter the US with nonimmigrant student and/or visitor visas. Hundreds of thousands can't get nonimmigrant student and/or visitor visas now because of State Department interpretations that if you have a green card application pending you are presumed likely to overstay a temporary visa to visit the US on a limited basis.

MAY 16, 2000.

DEAR MEMBERS OF CONGRESS. Today, as throughout American history, immigrants have proven essential to the economic, political and social development of our nation. Immigrants make important contributions consistent with America's fundamental values of family, work, justice and community.

It is important that our immigration policies reflect these values and ensure that all persons enjoy equal protection and due process under the Constitution and laws of the land. Our immigration policies should also be responsive to economic needs and ensure appropriate protections and opportunities for citizens and immigrants.

Immigration reforms consistent with American values and economic needs should be a high priority on the national agenda this year.

Currently, there is wide support in Congress for immigration reforms to address the need to better educate and train citizens and lawful immigrants now here, and to increase the number of H–B visas to admit more highly-skilled immigrants so as to meet the economic needs of certain industries experiencing shortages of workers with these skills. While we may differ on specific provisions of proposed bills, we agree that appropriate skilled immigrant admissions contribute to economic growth and job creation.

The undersigned further believe that, in addition to proposals on high skilled visas, the following issues regarding persons already in the United States or awaiting family reunification also warrant congressional

action as early as possible: 1) allow Salvadorans, Guatemalans, Hondurans and Haitians to apply for adjustment of status on the same terms as already provided to Cubans and Nicaraguans in 1997; 2) allow adjustment of status to all persons of good character who have resided in the United States and established ties to American communities; 3) restore the provision permitting those who are out of status but otherwise eligible for permanent residence to adjust their status in the United States; 4) reunite families by establishing a program to provide additional visas for family members of citizens and permanent residents so as to reduce unacceptable backlogs and help stabilize the workforce.

Other immigration reforms also deserve congressional action, which will be addressed in further correspondence. We believe that there is a broad consensus now that Congress should enact the proposals noted above on a priority basis in the national interest.

Sincerely,

INDIVIDUALS

HENRY CISNEROS.
RICHARD GILDER.
BILL ONG HING.
JACK KEMP.
RICK SWARTZ.

NATIONAL ORGANIZATIONS

Americans for Tax Reform, Grover Norquist, President

Center for Equal Opportunity, Linda Chavez, President

Club for Growth, Steve Moore, President

Empower America, J.T. Taylor, President

Hotel Employees and Restaurant Employees Union, John Wilhelm, President

Service Employees International Union, Andrew Stern, President

United Farm Workers of America, AFL–CIO, Arturo Rodriguez, President

Union of Needletrades and Industrial Textile Employees (UNITE), Jay Mazur, President

American Immigration Lawyers Association, Jeanne Butterfield, Executive Director

Arab American Institute, James Zogby, President

Dominican American National Roundtable, Victor Capellan, President

Haitian American Foundation, Inc., Leonie Hermantin, Executive Director

Immigrant Support Network, Shailesh Gala, President

Lutheran Immigration and Refugee Services, Ralston Deffenbaugh, President

U.S. Catholic Conference/Migration and Refugee Services, Most Reverend Bishop Nicholas DiMarzio, Chairman, National Conference of Catholic Bishops' Committee on Migration

National Asian Pacific American Legal Consortium, Karen Narasaki, Executive Director

National Association of Latino Elected and Appointed Officials, Arturo Vargas, Executive Director

National Coalition for Haitian Rights, Jocelyn McCalla, Executive Director

National Council of La Raza, Raul Yzaguirre, President

National Farm Worker Ministry, Virginia Nesmith, Executive Director

National Immigration Forum, Frank Sharry, Executive Director

National Immigration Law Center, Susan Drake, Executive Director

National Puerto Rican Coalition, Manuel Mirabal, President/CEO

New America Alliance, Tom Castro, President

Polish American Congress, Edward Moskal, President

Salvadoran American National Network, Oscar Chacon, President

Southeast Asian Resource Action Center, Ka Ying Yang, Executive Director

William C. Velasquez Institute, Antonio Gonzalez, President

LOCAL ORGANIZATIONS

Centro Presente, M. Elena Letona, Executive Director

Centro Romero, Daisy Funes, Executive Director

Haitian American Grassroots Coalition, Jean-Robert Lafortune, Chairman

Heartland Alliance for Human Needs & Human Rights, Sid Mohn, President

Immigrant Legal Resource Center, Mark Silverman

Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties, Wayne Feinstein, Executive Vice President

Los Angeles County Federation of Labor, Miguel Contreras, Executive Secretary Treasurer

New York Association for New Americans, Mark Handelman, Executive Vice President

New York Immigration Coalition, Margie McHugh, Executive Director●

ADDITIONAL COSPONSORS

S. 662

At the request of Mr. L. CHAFEE, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 763

At the request of Mr. THURMOND, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 1145

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1145, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1364

At the request of Mr. BAYH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1364, a bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes.

S. 1419

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month''.

S. 1464

At the request of Mr. HAGEL, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1562

At the request of Mr. NICKLES, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

S. 1706

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1706, a bill to amend the Federal Water Pollution Control Act to exclude from stormwater regulation certain areas and activities, and to improve the regulation and limit the liability of local governments concerning co-permitting and the implementation of control measures.

S. 1851

At the request of Mr. CAMPBELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1851, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 1874

At the request of Mr. GRAHAM, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1940

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1940, a bill to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture.

S. 2005

At the request of Mr. BURNS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2005, a bill to repeal the modification of the installment method.

S. 2007

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2007, a bill to amend title

38, United States Code, to improve procedures relating to the scheduling of appointments for certain non-emergency medical services from the Department of Veterans Affairs, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Montana (Mr. BURNS), the Senator from Maryland (Mr. SARBANES), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2077

At the request of Mr. SANTORUM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2077, a bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2123

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2231

At the request of Mr. COVERDELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech.

S. 2260

At the request of Mr. COVERDELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2260, a bill to allow property owners to maintain existing structures designed for human habitation at Lake Sidney Lanier, Georgia.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2298

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2298, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program.

S. 2299

At the request of Mr. L. CHAFEE, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2386

At the request of Mrs. FEINSTEIN, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2403

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2403, to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing a nonrefundable marriage credit and adjustment to the earned income credit.

S. 2408

At the request of Mr. BINGAMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2476

At the request of Mr. BURNS, the name of the Senator from North Dakota (Mr. CONRAD), was added as a cosponsor of S. 2476, a bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes.

S. 2557

At the request of Mr. MURKOWSKI, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Colorado (Mr. ALLARD), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

S. 2589

At the request of Mr. JOHNSON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2610

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2610, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas.

S. 2625

At the request of Ms. COLLINS, the name of the Senator from Vermont

(Mr. JEFFORDS) was added as a cosponsor of S. 2625, a bill to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations.

S. 2629

At the request of Mr. HELMS, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2629, a bill to designate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building.''

S. CON. RES. 57

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Virginia (Mr. WARNER), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Con. Res. 57, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

S. RES. 266

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 266, a resolution designating the month of May every year for the next 5 years as ''National Military Appreciation Month.''

AMENDMENT NO. 3166

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 3166 proposed to S. 2603, an original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

SENATE CONCURRENT RESOLUTION 118—COMMEMORATING THE 60TH ANNIVERSARY OF THE EXECUTION OF POLISH CAPTIVES BY SOVIET AUTHORITIES IN APRIL AND MAY 1940

Mr. HELMS (for himself, Ms. MIKULSKI, Mr. ROTH, and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the committee on Foreign Relations:

S. CON. RES. 118

Whereas 60 years ago, between April 3 and the end of May 1940, more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians were executed by the Soviet secret police, the NKVD;

Whereas Joseph Stalin and other leaders of the Soviet Union, following meeting of the Soviet Politburo on March 5, 1940, signed the decision to execute these Polish captives;

Whereas 14,537 of these Polish victims have been documented at 3 sites, 4,406 in Katyn (now in Belarus), 6,311 in Miednoye (now in Russia), and 3,820 in Kharkiv (now in Ukraine);

Whereas the fate of approximately 7,000 other victims remains unknown and their graves together with the graves of other victims of communism, are scattered around the territory of the former Soviet Union and are now impossible to locate precisely;

Whereas on April 13, 1943, the German army announced the discovery of the massive graves in the Katyn Forest, when that area was under Nazi occupation;

Whereas on April 15, 1943, the Soviet Information Bureau disavowed the executions and attempted to cover up the Soviet Union's responsibility for these executions by declaring that these Polish captives had been engaged in construction work west of Smolensk and had fallen into the hands of the Germans, who executed them;

Whereas on April 28–30, 1943, an international commission of 12 medical experts visited Katyn at the invitation of the German government and later reported unanimously that the Polish officers had been shot three years earlier when the Smolensk area was under Soviet administration;

Whereas until 1990 the Government of the Soviet Union denied any responsibility for the massacres and claimed to possess no information about the fate of the missing Polish victims;

Whereas on April 13, 1990, Soviet President Mikhail Gorbachev acknowledged the Soviet responsibility for the Katyn executions;

Whereas this admission confirmed the 1951–52 extensive investigation by the United States House of Representatives Select Committee to Conduct an Investigation and Study of the Facts, Evidence, and Circumstances of the Katyn Forest Massacre and its Final Report (pursuant to House Resolution H.R. 390 and H.R. 539, 82d Congress);

Whereas that committee's final report of December 22, 1952, unanimously concluded that ''beyond any question of reasonable doubt, that the Soviet NKVD (People's Commissariat of Internal Affairs) committed the mass murders of the Polish officers and intellectual leaders in the Katyn Forest near Smolensk'' and that the Soviet Union ''is directly responsible for the Katyn massacre''; and

Whereas that report also concluded that ''approximately 15,000 Polish prisoners were interned in three Soviet camps: Kozielsk, Starobielsk, and Ostashkov in the winter of 1939–40'' and, ''with the exception of 400 prisoners, these men have not been heard from, seen, or found since the spring of 1940'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) remembers and honors those Polish officers, government officials, and civilians who were murdered in April and May 1940 by the NKVD;

(2) recognizes all those scholars, researchers, and writers from Poland, Russia, the United States and, elsewhere and, particularly, those who worked under Soviet and communist domination and who had the courage to tell the truth about the crimes committed at Katyn, Miednoye, and Kharkiv; and

(3) urges all people to remember and honor these and other victims of communism so that such crimes will never be repeated.

SENATE RESOLUTION 314—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE VIOLENCE, BREAKDOWN OF RULE OF LAW, AND TROUBLED PREELECTION PERIOD IN THE REPUBLIC OF ZIMBABWE

Mr. MCCAIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 314

Whereas people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

Whereas Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

Whereas the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

Whereas a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

Whereas the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

Whereas previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

Whereas recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

Whereas violence has been directed toward individuals of all races;

Whereas the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

Whereas the offices of a leading independent newspaper in Zimbabwe have been bombed;

Whereas the Government of Zimbabwe has not yet publicly condemned the recent violence;

Whereas President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

Whereas 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

Whereas the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

Whereas the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

Whereas the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

Whereas events in Zimbabwe could threaten stability and economic development in the entire region: Now, therefore, be it

Resolved, That the Senate—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

Mr. McCAIN. Mr. President, Zimbabwe is in the midst of a political crisis that threatens its future, and that is destabilizing its regional neighbors. I believe the Senate should go on record in support of Zimbabwe's democratic activists and against the authoritarian tactics of President Robert Mugabe, whose campaign of state-directed violence and intimidation against opposition party members, farmers, and farm workers are devastating the nation he leads, impoverishing his people and tarnishing his country's prospects.

As my colleagues know, in February, President Mugabe lost a referendum he had called in expectation of victory to grant himself additional constitutional powers. This historic loss, coupled with the emergence of the opposition Movement for Democratic Change, signaled that Mugabe's days as President were numbered.

But after twenty years in power, hopes that Mugabe would go quietly into the night after founding and presiding over his nation for two decades are demonstrably naive. Mugabe today is clearly doing everything in his power to avoid joining the tiny cadre of African leaders who have voluntarily transferred power following free and fair elections. On the contrary: Mugabe has incited a racial crisis over property rights and sent his army to fight a war in which Zimbabwe has no stake, all in the hopes of prolonging his hold on the power he apparently regards as his birthright. But the average Zimbabwean, who is poorer by one-third than when Mugabe came to power twenty years ago and who currently suffers the effects of 50 percent unemployment and an inflation rate of 70 percent, would likely disagree with Mugabe's assessment of the continuing benefits of his rule.

President Mugabe has shamelessly encouraged the squatter occupation of Zimbabwe's commercial farms for political purposes. In doing so, he actively abandons the rule of law in favor of mob rule, in the process destroying the nation's wealth. An internationally agreed-upon process of land redistribution funded by Britain, the United States, and other powers collapsed after it became clear that the only land redistribution Mugabe favored was that which transferred white-owned farms intact to his political cronies.

As if economic collapse and politically motivated race-baiting weren't enough, Mugabe has dispatched 12,000 troops to fight in the civil war in the Democratic Republic of Congo, at a cost of millions of dollars to his government, while an AIDS crisis and economic stagnation grow. Independent observers cannot discern any tangible Zimbabwean national interest in Congo that merits a costly troop deployment, although such observers do note that Mugabe and his military allies have profited handsomely from using the mission to exploit Congo's natural resource base.

Facing heavy domestic and international pressure, Mugabe has finally scheduled elections for next month. Based on its level of popular support, the beleaguered Movement for Democratic Change should do very well in the upcoming parliamentary elections, assuming they are not stolen by Mugabe and his ZANU–PF. The current rubber-stamp parliament, in which the ZANU–PF controls 147 of 150 seats, would likely change hands, altering the country's course and hopefully reinstating the rule of law and the democratic protections Zimbabwe's people deserve. Many observers believe, however, that only intense and sustained international pressure can prevent an electoral outcome inconsistent with the wishes of Zimbabwe's voters.

The level of election-related violence and intimidation against the opposition is made clear by a May 22, 2000, International Republican Institute report, from which I quote:

> The [Movement for Democratic Change] released on May 10 a comprehensive report documenting more than 5,000 acts of violence and intimidation throughout the country in the past 10 weeks. At least 15 black MDC members and supporters, four white farmers, and a policeman have been killed since the February constitutional referendum that marked ZANU–PF's first defeat at the ballot box since taking power in 1980. At least 300 people have been driven from rural homes that have been wrecked or burned. Hundreds have been beaten and maimed. At least eight women have been raped because of perceived allegiance to opposition parties. In 92 percent of the cases, the perpetrators of the violence were either known supporters of the ruling party or government employees. Of the victims, 41 percent were MDC supporters and 51 percent were black farm workers and suspected MDC sympathizers. Most observers agree that land reform is not the real issue, but is being used as a smokescreen to mask government efforts to crush political opposition.

The International Republican Institute, which I chair, is deeply involved in pre-election security, training, and registration and will play an important monitoring role throughout Zimbabwe's electoral process. IRI is sponsoring an audit of Zimbabwe's voter registration rolls, training 3,000 domestic poll monitors, conducting voter education and public opinion polling, providing funding to support legal challenges to electoral conditions inimical to a free and fair vote, sponsoring an election-related violence-monitoring unit, and fielding a bipartisan international election observation team to observe and report on the electoral process in Zimbabwe. Both IRI and its counterpart, the National Democratic Institute, have indicated that the conditions for credible democratic elections simply do not exist at present.

In light of these grim pre-electoral assessments, and the heavy-handedness of Mugabe's rule in the period preceding the vote, I believe the Senate should clearly state its support for free and transparent elections in Zimbabwe, the rule of law, appropriate international assistance for a peaceful process of land reform, and the political activists who brave Mugabe's wrath in the name of democratic rule. My resolution makes a series of findings concerning the violence, breakdown of rule of law, and troubled pre-election period in Zimbabwe. The resolution resolves that the Senate:

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law-abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

I hope my colleagues will join me in expressing our strong support for the democratic rights and freedoms of the

people of Zimbabwe. Their will, not President Mugabe's personal whims, should determine their country's course. Democratic rule in neighboring South Africa, Botswana, and Mozambique has served those countries well. Zimbabwe's citizens should be no less fortunate.

SENATE RESOLUTION 315—EXPRESSING THE SENSE OF THE SENATE REGARDING THE CRIMES AND ABUSES COMMITTED AGAINST THE PEOPLE OF SIERRA LEONE BY THE REVOLUTIONARY UNITED FRONT, AND FOR OTHER PURPOSES

Mr. HELMS (for himself, Mr. BIDEN, Mr. FRIST, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 315

Whereas more than 1,000,000 of Sierra Leone's 5,200,000 population are internally displaced and more than 500,000 are refugees as a direct result of the civil war in Sierra Leone, at least 50,000 people have been killed during the civil war, untold numbers of people have been mutilated and disabled largely by the Revolutionary United Front, and more than 20,000 individuals, including many children, are missing or have been kidnapped by the Revolutionary United Front;

Whereas the Revolutionary United Front continues to terrorize the population of Sierra Leone by mutilating their enemies and innocent civilians, including women and children, by chopping off their ears, noses, hands, arms, and legs;

Whereas the Revolutionary United Front continues to terrorize the population of Sierra Leone by decapitating innocent victims, including children as young as 10 months old and elderly men and women;

Whereas the Revolutionary United Front abducts women and children for use as forced laborers, sex slaves, and as human shields during skirmishes with government forces and the forces of the Economic Community of West African States;

Whereas the Revolutionary United Front has kidnapped boys as young as 6 or 7 years old and used them to kill and steal and to become soldiers, and its forces have routinely raped women and young girls as a terror tactic;

Whereas the Revolutionary United Front has abducted civilians, missionaries, humanitarian aid workers, United Nations peacekeepers, and journalists;

Whereas Charles Taylor, the President of Liberia, has provided and continues to provide significant support and direction to the Revolutionary United Front in exchange for diamonds and other natural resources and is therefore culpable for the abuses in Sierra Leone;

Whereas the Lome Peace Accords did not hold the Revolutionary United Front accountable for their abuses and, in fact, rewarded Foday Sankoh and other Revolutionary United Front leaders with high government offices and control of diamond mining throughout Sierra Leone;

Whereas the Revolutionary United Front in Sierra Leone is not a legitimate political movement, entity, or party;

Whereas all sides in the civil war in Sierra Leone are guilty of serious human rights abuses; and

Whereas the Revolutionary United Front led by Foday Sankoh is responsible for breaking the Lome Peace Accords and for the violent aftermath that has consumed Sierra Leone since May 1, 2000: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government should do all in its power to help ensure that the Revolutionary United Front and its leaders, as well as other groups committing human rights abuses in Sierra Leone, are held accountable for the crimes and abuses committed against the people of Sierra Leone;

(2) the United States Government should not condone, support, or be a party to, any agreement that provides amnesty to those responsible for the crimes and abuses in Sierra Leone; and

(3) the United States Government should not provide incentives of any kind to regional supporters of the Revolutionary United Front until all support from them to the Revolutionary United Front has ceased.

SENATE RESOLUTION 316—HONORING SENIOR JUDGE DANIEL H. THOMAS OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following resolution; which was considered and agreed to:

S. RES. 316

Whereas Daniel H. Thomas devoted his life to the dedicated and principled service of his country, his State, and his community;

Whereas Daniel H. Thomas, a native of Prattville, Alabama, was born August 25, 1906, to Judge C.E. Thomas and Augusta Pratt.

Whereas Daniel H. Thomas obtained his law degree from the University of Alabama in 1928, where his uncle, Daniel H. Pratt, served as President pro tem of the Board of Trustees of the University;

Whereas Daniel H. Thomas, having served his country with distinction for 3 years as a Navy Lieutenant during World War II, returned to Mobile, Alabama and continued in the practice of law with Mr. Joseph C. Lyons and Sam Pipes in the law firm of Lyons, Thomas and Pipes until he was elevated to the Federal bench;

Whereas Daniel H. Thomas was appointed a United States District Judge for the Southern District of Alabama by President Truman in 1951, joining in distinguished judicial service his father, C.E. Thomas, who was a probate judge of Augusta County, Alabama, his uncle, William Thomas, who served the State of Alabama as a Supreme Court Justice, and his uncle, J. Render Thomas, who served many years as the Clerk of the Supreme Court of Alabama;

Whereas 49 years of judicial service made Judge Thomas one of the longest serving Federal judges in American history;

Whereas the years of distinguished judicial service by Judge Thomas were characterized by unflinching integrity and unquestioned legal ability;

Whereas in a time of great political and social turmoil, Judge Thomas inspired continued respect for the rule of law established under the Constitution of the United States, and for the propositions that ''all men are created equal'' and deserve ''equal protection of the laws'' by faithfully adhering to the precedents of the United States Supreme Court, even when such actions were not popular;

Whereas the depth of legal scholarship exhibited by Judge Thomas led him to become one of the most respected experts in the nation in the important field of Admiralty Law;

Whereas the reach of service by Judge Thomas to his country extended beyond his courtroom to his community through his active leadership as a founding trustee of the Ashland Place Methodist Church in Mobile, Alabama, and to America's youth through his efforts in support of the Boy Scouts of America;

Whereas Judge Thomas, a man who enjoyed the outdoors, being an accomplished fisherman and quail hunter, exhibited great common sense, had a vibrant sense of humor, and was extremely friendly and thoughtful of others, thereby truly fitting the description of a true ''southern gentleman'';

Whereas Judge Thomas truly was a great judge whose life was the law, and who was loved and respected by members of the bar and community to a degree seldom reached and never surpassed;

Whereas Judge Thomas passed away at his home in Mobile, Alabama, on Thursday, April 13, 2000;

Whereas the members of the Senate extend our deepest sympathies to the wife of Judge Thomas, Catherine Miller Thomas, his 2 sons, Daniel H. Thomas, Jr. and Merrill P. Thomas, other family members, and a host of friends that he had across the country; and

Whereas in the example of Judge Daniel H. Thomas, the American people have an enduring symbol of moral courage, judicial restraint, and public service: Now, therefore, be it

Resolved, That—

(1) the Senate honors the memory of Judge Daniel H. Thomas for his exemplary service to his country; and

(2) the Secretary of the Senate is directed to transmit a copy of this resolution to the family of the deceased.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

HELMS AMENDMENT NO. 3172

Mr. HELMS submitted an amendment intended to be proposed by him to the bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. ___. SUPPORT BY THE RUSSIAN FEDERATION FOR SERBIA.

(a) FINDINGS.—Congress finds that—

(1) General Dragolub Ojdanic, Minister of Defense of the Federal Republic of Yugoslavia (Serbia and Montenegro) and an indicted war criminal, visited Moscow from May 7 through May 12, 2000, as a guest of the Government of the Russian Federation, attended the inauguration of President Vladimir Putin, and held talks with Russian Defense Minister Igor Sergeyev and Army Chief of Staff Anatoly Kvashnin;

(2) General Ojdanic was military Chief of Staff of the Federal Republic of Yugoslavia during the Kosovo war and has been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for crimes against humanity and violations of the laws

and customs of war for alleged atrocities against Albanians in Kosovo;

(3) international warrants have been issued by the International Criminal Tribunal for the Former Yugoslavia for General Ojdanic's arrest and extradition to the Hague;

(4) the Government of the Russian Federation, a permanent member of the United Nations Security Council which established the International Criminal Tribunal for the Former Yugoslavia, has an obligation to arrest General Ojdanic and extradite him to the Hague;

(5) on May 16, 2000, Russian Minister of Economics Andrei Shapovalyants announced that his government has provided the Serbian regime of Slobodan Milosevic $102,000,000 of a $150,000,000 loan it had reactivated and will sell the Government of Serbia $32,000,000 of oil despite the fact that the international community has imposed economic sanctions against the Government of the Federal Republic of Yugoslavia and the Government of Serbia;

(6) the Government of the Russian Federation is providing the Milosevic regime such assistance while it is seeking debt relief from the international community and loans from the International Monetary Fund, and while it is receiving corn and grain as food aid from the United States;

(7) the hospitality provided to General Ojdanic demonstrates that the Government of the Russian Federation rejects the indictments brought by the International Criminal Tribunal for the Former Yugoslavia against him and other officials, including Slobodan Milosevic, for alleged atrocities committed during the Kosovo war; and

(8) the relationship between the Government of the Russian Federation and the Governments of the Federal Republic of Yugoslavia and Serbia only encourages the regime of Slobodan Milosevic to foment instability in the Balkans and thereby jeopardizes the safety and security of American military and civilian personnel and raises questions about Russia's commitment to its responsibilities as a member of the North American Treaty Organization-led peacekeeping mission in Kosovo.

(b) ACTIONS.—

(1) Fifteen days after the date of enactment of this Act, the President shall submit a report to Congress detailing all loans, financial assistance, and energy sales the Government of the Russian Federation or entities acting on its behalf has provided since June 1999, and intends to provide to the Government of Serbia or the government of the Federal Republic of Yugoslavia or any entities under the control of the Governments of Serbia or the Federal Republic of Yugoslavia.

(2) If that report determines that the Government of the Russian Federation or other entities acting on its behalf has provided or intends to provide the governments of Serbia or the Federal Republic of Yugoslavia or any entity under their control any loans or economic assistance and oil sales, then the following shall apply:

(A) The Secretary of State shall reduce assistance obligated to the Russian Federation by an amount equal in value to the loans, financial assistance, and energy sales the Government of the Russian Federation has provided and intends to provide to the Governments of Serbia and the Federal Republic of Yugoslavia.

(B)(i) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of the Russian Federation except for loans and assistance that serve basic human needs.

(ii) In this subparagraph, the term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(C) The United States shall suspend existing programs to the Russia Federation provided by the Export-Import Bank and the Overseas Private Investment Corporation and any consideration of any new loans, guarantees, and other forms of assistance by the Export-Import Bank or Overseas Private Investment Corporation to Russia.

(D) The President of the United States should instruct his representatives to negotiations on Russia's international debt to oppose further forgiveness, restructuring, and rescheduling of that debt, including that being considered under the ''Comprehensive'' Paris Club negotiations.

NOTICE OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

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.

The hearing will take place on Wednesday, June 8, 2000, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on H.R. 359, an Act to clarify the intent of Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation of certain water impoundment structures that were located in the Emigrant Wilderness at the time the wilderness area was designed in that Public Law; H.R. 468, an Act to establish the Saint Helena Island National Scenic Area; H.R. 1680, an Act to provide for the conveyance of forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest; S. 1817, a Bill to validate a conveyance of certain lands located in Carlton County, Minnesota, and to provide for the compensation of certain original heirs; S. 1972, a Bill to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park; S. 2111, a Bill to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation.

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 contact Mark Rey at (202) 224–6170.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, June 14, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the National Marine Fisheries Service's draft Biological Opinion and its potential impact on the Columbia River operations.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, staff assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The propose of this hearing is to receive testimony on the United States General Accounting Office March 2000 report entitled ''Need to Address Management Problems that Plague the Concessions Program''.

The hearing will take place on Thursday, June 15, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the committee on Commerce, Science,and Transportation be authorized to meet on Thursday, May 25, 2000, at 9:30 am.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday,

May 25 at 9:30 a.m. to conduct an oversight hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, May 25, 2000, at 10:00 a.m., in SD226.

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

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, May 25, 2000, at 2:00 p.m., in SD226.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, May 25 at 2:30 p.m. to conduct an oversight hearing.

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

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions be authorized to meet during the session of the Senate on Thursday, May 25, 2000, to conduct a hearing.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICE.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on International Security, Proliferation, and Federal Services be authorized to meet during the session of the Senate on Thursday, May 25, 2000, at 10:00 a.m. for a hearing.

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

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Public Health, be authorized to meet for a hearing during the session of the Senate on Thursday, May 25, 2000, at 9:30 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. ROBERTS. Mr. President, I ask unanimous consent that Major Scott Kindsvater from Dodge City, KS, a major in the United States Air Force, an F–15 pilot, and a congressional fellow, be granted the privilege of the floor during the foreign policy dialog.

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

Mr. CLELAND. Mr. President, I ask unanimous consent my legislative fellow, Chris Grant, be given access to the floor.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Tom Lederer, a congressional fellow serving in Senator CONRAD's office, be granted floor privileges during the consideration of the crop insurance conference report.

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

MORNING BUSINESS

Mr. LUGAR. Mr. President, on behalf of our majority leader, Senator LOTT, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Ohio.

Mr. DEWINE. Seeing my colleague from Georgia on the floor, if he would like to proceed. I am going to be about 10 minutes.

Mr. COVERDELL. The Senator was recognized. It is appropriate he has his 10 minutes.

FREE TRADE IN THE AMERICAS

Mr. DEWINE. Mr. President, as you know, our colleagues in the House passed, by a vote of 237–197, legislation to establish permanent normalized trade relations with China. The vote yesterday condensed months of intense debate over economics, foreign policy, and national security concerns with regard to that relationship with China.

This is significant legislation, and I look forward to a thorough Senate debate on this matter. I will have more to say about this very important issue during that debate. There are very significant economic and trade concerns, but there are also some very significant national security issues that must be discussed.

Over the last several months, the current administration has invested considerable time, energy, and resources to achieving House approval of what is essentially a bilateral agreement with China. While this issue is a very important one, I also believe we need to place it in its proper context and consider whether our overall trade policies have been successful.

I am concerned that over the last 4 years, the administration's pursuit of a bilateral trade agreement with China has come at the expense of missed bilateral and even multilateral trade agreements and economic opportunities right here within our own hemisphere.

Regardless of what the potential economic benefits that PNTR with China could offer, the bottom line is that stability and economic opportunity within our own hemisphere always must be a top priority. To that extent, we, as a nation, stand to lose or gain, depending on the economic health and security of our own neighbors. What that means is that ultimately a strong and free and prosperous hemisphere means a strong and free and prosperous United States.

The reality is that in 1997, we had an opportunity to move forward to give the President greater authority to negotiate new trade agreements with countries in our own hemisphere. Sadly, that did not happen. Now it will be up to our next President to pursue new markets in this hemisphere. If we as a country do not lead, other nations and their businesses will take our place. No country is waiting for us to act first.

In the end, the longer we wait to pursue more trade opportunities in our own hemisphere, the more we stand to lose.

Take, for example, my home State of Ohio. The future of Ohio's economy is linked to our ability to send our products abroad. Given the chance, Ohio's businessmen and women and Ohio's farmers can and do compete effectively on the world stage. For example, in most years, one-third to one-half of Ohio's major cash crops—corn, wheat, and soybeans—are found in markets and meals outside our country. In 1998, the city of Cincinnati increased its exports by slightly more than $1 billion. It was the fourth-biggest such increase in the country. Columbus, OH, boosted its exports by $92.5 million, ranking 36th in the country and second in the State in terms of percentage growth. Open trade opportunities have allowed Ohio's and the Nation's economy to continue thriving.

This argument has been used to support granting permanent normal trade relations with China. Much of the public debate has focused on the potential of more than 1 billion Chinese consumers. Yet, we are ignoring another very sizable market—the market within our own hemisphere. Right here in our hemisphere, with a combined gross domestic product (GDP) of more than $10 trillion—a hemisphere encompassing 800 million people—trade with our hemispheric neighbors represents vast opportunities. These are opportunities that we must not ignore.

Right now, Europe, Asia, and Canada are securing their economic fortunes throughout Latin America and Central America. Take the example of Brazil—the world's eighth largest economy. In 1997, the European Union—the EU—exported to Brazil more than they did to any other country, and between 1990 and 1998, their exports grew 255 percent. Also, although United States exports to Argentina are double that of Asia's, our growth rate is less than half of Asia's incredible 1664 percent increase from 1990 to 1998.

As my colleagues can see, other nations are riding the tides of change—of free-market economics and openness—and integrating into the world economy. The region's ''Mercosur'' or common market—which includes Argentina, Brazil, Paraguay, Uruguay, and associate member Chile—is the world's

largest growing trading bloc, experiencing trade growth of 400 percent between 1990 and 1998. In 1990, they bought less than $7 billion worth of U.S. products. In 1997, their U.S. purchases had grown to $23 billion.

The Europeans aren't asleep at the wheel either. As of now, the European Union is the largest trading partner with the Mercosur countries. Trade between the EU and the Mercosur countries totaled $42.7 billion in 1996 compared to $31 billion for the United States. Additionally, between 1990 and 1998, the EU's market share of all Mercosur imports increased from 23 percent to 27 percent. It is becoming increasingly obvious that the European Union is not going to sit idly by and let the United States gain any market share in our own hemisphere, our own region. In fact, the EU recently has intensified negotiations with the Mercosur toward consolidating the two regional blocs. Moves like this represent more than just a loss of export opportunities for our Nation—they represent a lack of leadership to aggressively pursue new markets in our own hemisphere.

This is the hemisphere we live in. Those should be our markets. To lose them through neglect would be a truly shameful outcome for our country.

There is enough of a consciousness in Latin America of the benefits of economic liberalization that we will see more and more trade barriers go down—to somebody's benefit. The question that remains is: Will we in the United States be in on that market, or not?

I am optimistic, though, that our Nation can capture a larger share of markets in our hemisphere now that the Senate passed and the President signed into law the Caribbean Basin Trade Enhancement Act. This act will bring tremendous benefits to the United States and to the Caribbean Basin. It will enhance our economic security, both by opening new markets for American products and by strengthening the economies of our closest neighbors. And, it would create new hope for those left jobless by Hurricanes Mitch and Georges.

The CBI law will extend duty-free treatment to apparel assembled in the Carribean Basin—or assembled and cut in the region—using U.S. fabric made from U.S. yarn. This will help strengthen existing U.S.-CBI partnerships in the apparel industry, because the duty-free treatment will help U.S. apparel manufacturers maintain their competitiveness with the Asian market.

CBI is a good law. It is a good law that was long, long overdue. In the context of our overall trade policy, it represents a modest step forward. To do more toward further expanding market opportunities abroad will require strong leadership both in the Congress and from the President.

Despite the success of CBI, plenty of unfinished business remains with regard to our hemispheric trading partners and our hemispheric trading policies, as well as our overall trading strategy. It will be incumbent upon our next President and this Congress to deal with this unfinished business of our country. I am hopeful that several important initiatives will, in fact, be pursued. That is why I believe the next administration and the next Congress needs to approve fast track trading authority.

It is not a stretch to say that America's continued leadership in the global economy is fundamentally dependent on our ability to secure new markets abroad. By giving the President greater flexibility to negotiate trade agreements, and by giving the President the ability to set the pace and the timing of many of our most important trade negotiations, Congress would be giving the President the authority to negotiate trade deals very quickly, but also the ability to assert and protect the continued international economic supremacy of the United States. And that—that is key to our economic future.

Finally, ultimately, our Nation's ability to aggressively promote free and fair trade and enter into trade agreements with countries within our hemisphere is critical. The more we pursue economic initiatives with our neighbors, the more we, as a nation, stand to gain and in ways that go beyond economic growth. In a region that is largely Democratic, a hemispheric commitment to free and fair trade will strengthen Democratic principles and the rule of law. Such pursuits are good for the Caribbean Basin; they are good for Central America; they are good for Latin America; and they are good for agriculture and business right here at home in the United States. Overall, it just makes good sense.

I thank the Chair and yield the floor.

Mrs. BOXER. Mr. President, after long and difficult deliberation, I have decided to vote for permanent normal trade relations with China. The House of Representatives has now passed the bill and I expect the Senate to take it up next month, after the Memorial Day recess.

California is the leading state in world trade. Its location on the Pacific Rim makes our relationship with Asia extremely important.

During my congressional career, I have supported some of the trade relations proposals we have considered and opposed others. I believe that each trade proposal should be considered on its own, and I do not have an ideological bent on the issue of trade.

The decision on this bill—to grant permanent normal trade relations status to China—has been one of the hardest I have ever had to make, because the arguments on both sides have merit. I would like to review in this statement the excellent points made by both sides in the debate.

First, with respect to human rights, those opposed to PNTR cite China's continuing terrible human rights record. They argue that by not having annual review of China's trade status, we will lose our strongest leverage to force China to change its behavior. It is also argued that by granting China permanent normal trade relations, we are rewarding and legitimizing the leaders who have such a bad human rights record. Finally, the argument that increased contact with China will improve human rights conditions is undermined by the facts. According to the 1999 State Department Human Rights Report, the Chinese government's human rights record has deteriorated over the past several years, despite increased contacts between China and the United States.

But there are human rights advocates who support PNTR for China. They believe that isolating China will be bad for human rights, because the leaders will then be under no outside pressure to change their behavior. They also argue that, over time, people to people contacts through the media, internet and travel will expose the Chinese people to international standards and values and will continue to gradually loosen rigid, authoritarian structures. This is why such esteemed human rights leaders as the Dalai Lama and Wang Dan, on of the Tiananmen Square leaders, support PNTR for China.

The human rights concerns are why inclusion of the Levin amendment in the House bill is so important to me. This regime to monitor human rights and worker rights in China will put these issues in sharp focus and will significantly increase our knowledge about whether the Chinese people are making progress in these areas. I commend Congressman LEVIN for his leadership in attaching this important safeguard to the legislation.

Second, with respect to the impact of PNTR on American jobs, there are arguments on both sides. Opponents say that bringing China into the World Trade Organization and granting it permanent normal trade status will result in the loss of more than 800,000 jobs in the United States. They believe it will allow multinational corporations to move many operations into China, where worker wages and benefits are much lower, wages being as low as 13 cents an hour.

The principal argument in favor of PNTR is that we must pass it in order to get the benefits of the trade agreement negotiated by the Clinton administration last year, which requires China to lower trade barriers and open up the Chinese market to all kinds of American products and services, including many from my State of California. Supporters estimate that implementation of this agreement will increase exports of U.S. goods to China by more than $13 billion per year by 2005. Supporters also argue that granting PNTR to China will give the U.S. the ability to force Chinese compliance with all terms of the trade agreement,

including with WTO-authorized sanctions if necessary. If PNTR is not granted, the U.S. could not avail itself of WTO enforcement procedures.

So it is clear that there are strong arguments on both sides of the human rights and workforce/labor issues.

But the reason I have decided to vote in favor of permanent normal trade relations status for China is because, first and foremost, I believe that it is my responsibility as a United States Senator to put the national security of the United States above all other considerations. And on the national security question, in my opinion, there is only one rational view.

I believe that through engagement with China we have the best opportunity to avoid a cold war type atmosphere, which hung like a cloud over this nation—indeed, the world—for 45 years after World War II.

A vote against PNTR would suggest that the U.S. views China as an adversary and would make it much more difficult to engage China to work with us constructively in key strategic areas. Of particular concern to me is China's role in efforts to bring peace and stability to the Korean Peninsula. China encouraged North Korea's compliance with the U.S.–DPRK (North Korea) framework which halted the North's nuclear weapons program, and China will undoubtedly have to be part of any solution that integrates North Korea into the international community.

China also plays a key role in the international community's response to the continuing conflict between India and Pakistan. China has in fact condemned both nations for conducting nuclear tests, and has urged them both to conduct no more tests, to avoid deploying or testing missiles, and to work to resolve their differences over Kashmir through dialogue, rather than military action.

Finally, China is playing an increasingly active and constructive role in Asian security and stability. U.S. isolation of China would seriously undermine our ability to influence China's future orientation, and would set us on a dangerous path of confrontation.

I am under no illusions that granting PNTR to China will make it our new best friend. But failure to do so could well make it an adversary of the sort that we lived with for almost half a century until the fall of the Berlin Wall and the disintegration of the Soviet Union. That is a risk we should not take.

The PRESIDING OFFICER. The Senator from Georgia.

THE RUNOFF ELECTION IN PERU

Mr. COVERDELL. Mr. President, it is fortuitous that the Senator from Ohio would make his remarks before mine. I share and agree with most of what he has said with regard to trade.

I rise on a point that could be a troubling cloud that, even if the next President and even if the next Congress were to take the suggestions of the Senator from Ohio, and if certain events that are unfolding this very minute were to take a wrong turn, could dramatically and negatively affect these trade opportunities.

The Andean region—Colombia, Peru, Ecuador, Bolivia, Panama, and Venezuela—is experiencing difficult times. I rise specifically today about events that are under advisement this minute in Peru.

As those who follow events there know, very aggressive behavior by President Fujimori led to a constitutional override of a two-term limitation on his Presidency, and he is seeking a third term. The elections on April 9 were viewed as flawed by the international community. Severe questions occurred as to whether or not a fair election had occurred. The OAS, the Carter Center, NDI, and other international observers have argued that the runoff election which will occur this Sunday, unless postponed, is in severe doubt and question. The Organization of American States, along with others, has said that the computer system—which is crucial to the vote count and crucial to monitoring the election—is not in a condition for which a fair election can occur and as a result they would not be able to accredit the election. If an election occurs this Sunday, for which all national and international interests have said you cannot appropriately observe the election, you can't tell whether it has been fair or not, if the government proceeds with that, it will be a serious blow to the democratic countries that the Senator from Ohio alluded to and to constitutional law and to the growth of democracy in our hemisphere.

Very recently, Senator LEAHY from Vermont and I authored a joint resolution on this matter which reads: Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled that it is the sense of the Congress that the President of the United States should promptly convey to the President of Peru, if the April 9, 2000, elections are deemed by the international community not to have been free and fair, the United States will review and modify as appropriate its political and economic and military relations with Peru and will work with other democracies in the hemisphere and elsewhere towards restoration of democracy in Peru. This is passed by the House. This is passed by the Senate. This is signed by the President of the United States and, therefore, this is the policy of the United States with regard to these elections.

The situation has not improved. As I said, we have a computer system that is flawed. We have the opposition candidate who has withdrawn from the election. We have the Organization of American States saying we will withdraw all observers. We are hours away from a very serious turnback and reversal in our hemisphere in the country of Peru. Constitutional law, the hemisphere of new democracies, will have suffered a blow.

Supposedly, in the next 2 or 3 hours, their electoral commission will make a statement as to whether they will listen to the world, listen to the OAS, listen to the United States Congress, the President of the United States, and delay these elections or not.

I rise only for the purpose of saying that it will be an acknowledged blemish on so much progress that had been made in this last decade. It will have dire and long-reaching consequences if the Government of Peru does not hear a world talking to it.

I can only pray that in the next hour or two, the government will recognize that it must have an environment under which elections will be fair and observers will have the ability to adjudicate this was a fair election or this was not. To my colleagues, I say, there are events unfolding in this hemisphere to which we must pay far more attention. As the Senator from Ohio said, the vast majority of our trade now is in this hemisphere. It exceeds Europe and it exceeds the Pacific. It had better be a healthy place because it means a great deal to us and our fellow citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

MEASURE READ FOR THE FIRST TIME—S. 2645

Mr. THOMPSON. Mr. President, I rise to introduce a bill, the China Nonproliferation Act, which I now send to the desk on behalf of myself and Senator TORRICELLI, as well as the following original cosponsors: Senators COLLINS, DEWINE, INHOFE, KYL, SANTORUM, and SPECTER.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. THOMAS. Mr. President, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2645) to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

Mr. THOMPSON. I now ask for the bill's second reading.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be held at the desk.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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 apologize to the Senator from Tennessee for my objection. I was engaged in a discussion and did not hear what he was asking for. I understand it had been worked out and was ready to go. We were not clear on exactly what was happening.

The Senator from Tennessee wishes to reclaim the floor, and I yield.

Mr. THOMPSON. I didn't hear the majority leader.

Mr. LOTT. I was explaining why I objected.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask for the bill's second reading.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

Mr. THOMPSON. I yield the floor.

MEASURES PLACED ON THE CALENDAR—H.R. 1291, H.R. 3591, H.R. 4051, AND H.R. 4251

Mr. LOTT. Mr. President, I understand there are four bills at the desk due for their second reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1291) to prohibit the imposition of access charges on Internet service providers, and for other purposes.

A bill (H.R. 3591) to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

A bill (H.R. 4051) to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearm offenses, and for other purposes.

A bill (H.R. 4251) to amend the North Korea Threat Reduction Act of 1999 to enhance Congressional oversight of nuclear transfers to North Korea, and for other purposes.

Mr. LOTT. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

PROVIDING FOR THE ADJOURNMENT OF BOTH HOUSES OF CONGRESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the adjournment resolution just received from the House, that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, all without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 336) was agreed to, as follows:

H. CON. RES. 336

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 25, 2000, or Friday, May 26, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10:30 a.m. on Tuesday, June 6, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, May 25, 2000, Friday, May 26, 2000, Saturday, May 27, 2000, or Sunday, May 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 5, 2000, or Tuesday, June 6, 2000, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

UNANIMOUS-CONSENT REQUESTS

Mr. LOTT. Mr. President, we had talked over the period of, I guess, 2 or 3 weeks about trying to come to an agreement so we could go back to the very important bill, S. 2, the Education Opportunities Act of 2000. We still have pending on that bill, I believe, two amendments for debate, and I don't know if we have the time agreement for a final vote. We do not, but we have Senators JEFFORDS, STEVENS, DOMENICI, and others—and maybe Senator KENNEDY is on that amendment—plus a second Kennedy amendment. What we have been trying to do is agree to another grouping of amendments after that but preferably to go ahead and get agreement on a list of very important amendments on both sides of the aisle that are related to elementary and secondary education and have votes on those amendments and then come to a conclusion.

I wanted to see if we could make any progress in that regard and, hopefully, we can get agreement on this. If not, we will keep working to see if we can find a way to reach an agreement.

I ask unanimous consent that when the Senate resumes consideration of S. 2, the Educational Opportunities Act of 2000, the Stevens amendment No. 3139 remain the pending amendment, and that the education-related amendments which follow be the only first-degree amendments in order to be offered; that they be subject to relevant second-degree amendments; that debate on all amendments, whether first or second degree, be limited to 1 hour equally divided; and following the conclusion of debate on or in relation to the first-degree amendments listed, the bill be read the third time, and the Senate proceed to a vote on final passage.

I also ask consent that when the Senate receives the House companion measure, it proceed immediately to its consideration; that all after the enacting clause be stricken, the text of the Senate bill be inserted, the bill advanced to third reading and passed; that the Senate then insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, all without any intervening action or debate, and that S. 2 be indefinitely postponed.

The remaining first-degree amendments in order to be offered to S. 2—and I note again these will be 1 hour each equally divided—are:

An amendment by Senator JEFFORDS relating to high schools; an amendment by Senator STEVENS involving physical education programs; an amendment by Senator BINGAMAN regarding accountability; an amendment by Senator SANTORUM which calls for full funding for IDEA; the Kennedy amendment regarding teacher quality; a Hutchison amendment regarding single-sex schools; an amendment by Senator DODD involving 21st century schools; an amendment by Senator GREGG involving 21st century schools; an amendment by Senators HARKIN and BINGAMAN concerning school construction grant programs; an amendment by Senator VOINOVICH regarding IDEA funding options; an amendment by Senator WELLSTONE regarding fairness and accuracy in testing; an amendment by Senator GRAMS involving alternative testing; an amendment by Senator REED involving parental involvement; an amendment by Senator KYL which would deal with parental opt-out for bilingual education; an amendment by Senator MIKULSKI involving community technology centers; an amendment by Senator ASHCROFT involving IDEA discipline—an amendment, I might add, he has been trying to get in the order for several weeks now, and we have not been able to get it agreed to in the order, and I must say that at one point he could have insisted on it but was agreeable to setting it aside with the understanding he would get a shot at it later on—a relevant amendment by Senator LOTT; a relevant amendment by Senator DASCHLE; a relevant managers' amendment by Senator JEFFORDS; and a relevant managers' amendment by Senator KENNEDY.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, let me simply respond to the distinguished majority leader.

As he knows, in past debates on ESEA, there have been an average of 22 Republican amendments that have been considered, an average. In some cases, that number has exceeded 30 amendments. The average number of

amendments in total considered during the ESEA debate has been 37 amendments.

I have no objection at all to the amendment suggested by the distinguished majority leader.

I note with interest that the school safety amendment offered by Senator LAUTENBERG was not on his list.

I would ask that the Senate resume consideration of the ESEA bill, and following the two amendments previously ordered, the Senate consider the following first-degree amendments subject to relevant second-degree amendments, and they be considered in alternating fashion as the sponsors become available: Senator SANTORUM, Senator BINGAMAN, Senator HUTCHISON, Senator DODD, Senator GREGG, Senator HARKIN, Senator VOINOVICH, Senator MIKULSKI, Senator STEVENS, Senator WELLSTONE, Senator GRAMS, Senator REED, Senator KYL, and Senator LAUTENBERG.

Mr. LOTT. Mr. President, reserving the right to object, are all those amendments on this list that I read, plus Senator LAUTENBERG? Is there an additional Wellstone amendment in that list?

Mr. DASCHLE. I guess I would have to consult with the majority leader in greater detail to know whether each of these amendments is exactly referenced in his unanimous consent list. As I understand it, this is the list that our two sides have been building upon in reaching some agreement on proceeding to the next block of amendments. Obviously, there are other amendments we would want to consider. But this is a block of amendments for which there would be no opposition to addressing as the next block on this side.

Mr. LOTT. Mr. President, further reserving the right to object, would that list include the other language I had in my unanimous consent request that would take us to a conclusion? I believe I understood the minority leader was saying that it would not. Is that accurate?

Mr. DASCHLE. The majority leader is correct. We will be in a position—and could be in a position in the not too distant future—to agree ultimately to a finite list of amendments. I was not aware that the distinguished leader would be interested in pursuing this this afternoon. This is the first I heard of it. But we would be prepared at some point certainly during the time these amendments are being considered to offer perhaps a final list that would bring us to closure on the bill. I would be happy to work with the majority leader over the recess in an effort to finalize that list, and proceed with that goal in mind.

Mr. LOTT. Mr. President, I would object to the request at this time. But I am encouraged that we could get together and work to try to find a way to develop a list that would complete this very important education bill and bring it to final passage.

I think we should pursue this to see if we can develop the list. I don't know how long it would be.

Mr. KENNEDY. Mr. President, will the leader yield for a question?

Mr. LOTT. I will in just a moment.

It sounded as if we had around 20 amendments, and it sounded as if the minority leader added three or four that were not on our list. We are talking about as many as 24 amendments. We have taken up six. That would put us at 30. I don't think that is necessarily an excessive list on something that is this important.

But the point is, if we could at least pursue some finite list that would get us to a conclusion, I would certainly like to do that.

I would be glad to yield to Senator KENNEDY.

Mr. KENNEDY. Mr. President, if I could ask the majority leader, since probably the first priority of American families—even beyond having small class sizes, well-trained teachers, modern schools and computers, digital divide, afterschool programs, and safety and security in the schools—is the reduced opportunity for children to be able to have access to guns prior to going to school, it is not going to make much difference if we have small class sizes and guns are in the school.

I am asking the majority leader if he is unwilling to permit a vote on the Senate floor of the Lautenberg amendment, which is really directed towards safety and security in the schools, as part of the measure. I think this is enormously important because we want to see the conclusion of the debate on ESEA. But I think it is important for Members to know whether we are going to be denied an opportunity to deal with what is the most important concern of parents; that is, safety and security in schools.

I am wondering what the position of the majority leader is on that issue.

Mr. LOTT. Mr. President, if I might respond, this is about elementary and secondary education. Obviously, there is a lot we need to do to be of assistance to administrators, teachers, parents, and children at the elementary and secondary education level. Certainly, the local and State officials need to do more. We need to improve the quality of our schools, they need to be child centered, and they need to be safe and drug free. But I think it is about elementary and secondary education, and amendments should be germane to this area.

I think it is a far stretch to say that a Lautenberg amendment which has to do with gun shows relates to elementary and secondary education. I think we should be sensitive to that area. We should do what we can to provide safety for children, and to make sure children don't get guns, have access to them, or make use of them.

But I also think one of the things we can do that I supported, and which is in the juvenile justice bill that we passed earlier, and was in the making for 3 years—that included assistance for schools and dealing with these safety problems—for instance, funds would be available for metal detectors. A lot of schools are now doing that. They have a greater need for assistance. That is why I wanted to get the juvenile justice bill through. While I still plan to urge the juvenile justice conference report be completed, and it be brought back to the Senate, that is the place where this issue or these issues should be dealt with.

The direct answer to the Senator's question is it is not germane, and I think it would be a major problem with elementary and secondary education legislation. Certainly, I would object to it.

Mr. KENNEDY. If I could briefly follow up, in 1994, the Senator from Texas, Mr. GRAMM, offered an amendment cosponsored by the Republican leader. There was no objection from that side of the aisle to that measure at that particular time. I don't know how the Senator voted at that time, or whether he indicated it was appropriate to bring it up at that time. But it was noted as the gun amendment. The Senate has addressed the gun issues. It was brought up by the Senator from Texas and was cosponsored by the majority leader at that time. I believe the Senator from Mississippi voted for it at that time.

Mr. LOTT. Mr. President, without knowing exactly which Gramm amendment the Senator is speaking of, the way he described it, I probably voted for it and was supportive of it. But one of the problems I have, as suggested earlier, is that I understand, for instance, it leaves out the Ashcroft amendment. He has been very cooperative, to use that famous word, in not insisting that he be included in the earlier groupings. He at one point actually could have, within his rights, actually forced us to vote on it, and he didn't do it.

I would want to talk to both sides about including the Ashcroft amendment. It doesn't include the two managers' amendments, or the two leaders' amendments, which I think surely we would be willing to do. And it doesn't bring the bill to third reading. I think we need to talk about those issues, and I hope we can do that.

Mr. President, if I could proceed, I had indicated earlier this year that we would go to the Defense authorization bill. I believe it was this week. For a variety of reasons, we weren't able to go to Defense authorization. Of course, the way we usually do these bills is we go to the Defense authorization and complete that, and then go to the Defense appropriations bill and complete both of them.

Earlier there were objections to taking up the Agriculture appropriations bill. I might say now that I understand why it has not been completed by the House. We thought the House would act on Agriculture appropriations this week. They did not do that. We have in

the past quite often gone to appropriations bills in the Senate and took them up to the third reading but without actually completing them and waiting for the House to act.

Senator DASCHLE has indicated there are some points within the Agriculture bill in the Senate with which they have problems, and they want to have, I guess, an option to remove provisions of the Agriculture appropriations bill using rule XVI.

It is obviously very important. Even though we took the emergency agriculture portion, $7.1 billion, out of the Agriculture appropriations bill and put it in the crop insurance bill that just passed, it still has some disaster money in it and some emergency moneys, I believe, for North Carolina and other areas. I hope we can find a way to get an agreement to go to that bill or to the DOD appropriations bill.

There we are. We have been unable to get an agreement to go to DOD authorization. We have not yet been able to work out something on Agriculture or Defense. However, hopefully during this recess we can look at the importance of these issues and see if we can get an agreement of how to proceed on one or two of these.

I think we are close to getting agreement on the e-commerce digital signature bill and also very close on bankruptcy, and therefore perhaps those two could be combined along with the satellite loan bill. That may be available early in the week we come back. I hope it will be because I think there are only two or three points outstanding on the three of them.

For now, I ask consent that the Senate turn to the DOD authorization bill, S. 2549, and only DOD-related amendments be in order during the pendency of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object. I simply again indicate my reason for objecting is not because I don't want to go to DOD authorization. I would love very much to work with our majority leader in attempting to proceed to that bill. I have no problem with calling it up and permitting the full Senate to work its will.

Again, he has proposed that it be done with only relevant amendments. I remind the majority leader, Senator HUTCHINSON offered a forced abortions in China amendment to DOD authorization just 2 years ago, and there have been many Republican nonrelevant amendments offered.

I assume I am protecting the rights of Members on both sides of the aisle in insisting we have the opportunity to offer amendments, and I will work with the majority leader to see that we can take up this bill and work through his concern about amendments.

Until we can work that out, I object to moving to it.

Mr. LOTT. We had talked, Mr. President, about seeing if we could come to an agreement on how to proceed to the Defense appropriations bill, realizing that the authorizers want to get their bill done because, among other things, it does authorize and make some changes in law. It is not just about spending. It does have some very important language in it with regard to health benefits for our military personnel and their families and retirees. So there is a need to get the authorization bill done, and we need to find a way to get it done.

Another way to proceed would be to take up the Department of Defense appropriations bill. I know Senator STEVENS talked to Senator BYRD and Senator DASCHLE about going ahead to that, even though the House has not acted, on the assumption that the House will act on that the week we return and we would probably be able to take up that House bill or it would be here before we complete it. However, it is hard to say now if that will be accomplished or not. We don't know that the House will have it done by Tuesday of next week or Wednesday of the week we come back.

I ask consent that we go to the Defense appropriations bill which was reported out of the Appropriations Committee on May 18 by unanimous vote of all the members of the Appropriations Committee.

The PRESIDING OFFICER. Is there an objection?

Mr. DASCHLE. Mr. President, I object again for two reasons: First, the bill is not here; and, second, because we have not taken up the authorization bill and our colleagues have indicated that is a very important matter. We always attempt to deal with the authorization requirements prior to the time we deal with the appropriations requirements. This unanimous consent request does not allow for that.

I ask the majority leader what is wrong with taking up the one appropriations bill that has been sent here by the House. I note that on May 22 the Transportation appropriations bill was received from the House. It is pending in the Senate.

I won't ask unanimous consent, but I ask the majority leader whether his intention would be to take up the one House-passed bill that is here. Clearly, we would have no objections to doing that. It is important we make the most use of our time. Because the House-passed appropriations bill having to do with transportation is already here, I am curious as to why we have chosen not to take it up until now and why we wouldn't take it up just as soon as we come back.

Mr. LOTT. Mr. President, I certainly agree. I think we should take it up as soon as we can. It has come over from the House, but it has not been reported, I don't believe, from the subcommittee or the full committee here.

I asked the chairman of the subcommittee, Senator SHELBY, why that is the case—and, by the way, immediately urged him to do it as quickly as he can—and I understand it was because Senator LAUTENBERG of New Jersey had wanted another hearing at the subcommittee level before they marked it up, and that they were going to need, in the next few days, to get it done.

Hopefully, they will report that bill out by Wednesday or Thursday of the week we return and we will be able to go to that; either if we got it Thursday, we could do it Thursday or Friday, or we could go do it the first thing next week. I am pushing the committee to act on it. I don't know what the outstanding issue is, but I understand they wanted to have one more committee hearing for some reason.

Let me provide a little incentive to all sides to work together on the Defense appropriations bill. I will not now move to proceed to it, but I will move to proceed to that bill when we reconvene after the recess, and have a vote, if necessary, on proceeding to the Defense appropriations bill.

But over the next 10 days, we have time to work between the authorizers and the appropriators and everybody who has a concern about that bill, and hopefully something can be worked out so we can proceed on the authorization bill, and then, of course, immediately go to the appropriations bill after that.

If we cannot get something worked out over the recess period or agree on some sort of schedule, I will have no alternative at that point but to move to proceed to the DOD appropriations bill. I prefer to have something we have worked out between the authorizers and the appropriators and the Democratic leadership and the Republican leadership so we can make good use of our time.

We do have 4 weeks in the month of June when we come back. We have a lot of work we need to do. We need to move at least half a dozen appropriations bills during the month of June. We need to take a look at the House-passed China trade status bill, see how much time we would need on the floor, and try to get some idea of what amendments might be offered.

It would not be my intent to try to limit amendments on the China permanent trade status bill. I think we should say right from the beginning if we add any new material to it, any new amendments or language, it would have to go back to conference with the House and then vote again in the House and Senate. That may be OK, but I want to take a little time when we come back and see if we can work through the time that would be required, when would be the first time to take it up, and what amendments might be in the offing from both sides of the aisle. Our staffs will be working on that during the recess. Plus, we could have other issues.

I mentioned the conference report and other bills that are pending, so we are going to have to have a full month in June. I also remind my colleagues that in July—I was looking at the calendar last night and was really a little

bit chagrined to realize we only will have 3 weeks between the Fourth of July recess and the conventions in August.

I had really thought we would have four; if we could do five or six appropriations bills in that window. So we really are under pressure, with the 7 weeks we have in the summer, to move 11 appropriations bills. That is going to be a monumental task, and it is going to take work with each other on both sides of the aisle. I know that. We cannot move it without everybody giving it a shot. But it makes it awfully hard for us to be doing other issues, other than the China trade bill, which we hope to get worked in there at some point.

With that, I think we have talked enough about schedule. I hope we can come to some agreements over the next 10 days as to exactly how we will proceed the first week we are back.

I yield the floor.

COMMEMORATING FREE ELECTIONS IN CROATIA

Mr. GORTON. Mr. President, today I join with my colleagues, Senators FEINGOLD, HUTCHISON, ABRAHAM, and LIEBERMAN, who will introduce a resolution congratulating the people of Croatia on their successful parliamentary and presidential elections, the peaceful transition of power, and new initiatives for reform. In addition to congratulating the people of Croatia, the resolution expresses U.S. support for their progress and encourages Croatian participation in the NATO Partnership for Peace. One day, I hope that we will be expressing our support for Croatia, and other nations with similar democratic inclination, as members of NATO itself.

The Balkan nations embracing democracy must be supported at every opportunity available became the government could so easily have taken the other path. The leaders of Croatia could have chosen to repress popular involvement and other fundamental rights of democracy, but instead have chosen the harder but correct path of working through discourse, debate, and democracy. Because we have also been through these trials as a nation, I hope that the American people will watch closely the progress of the Croatian people and will support their path to freedom, stability, and peace.

The most important benefit to come out of this election will be the resolution of Croatia's domestic difficulties. Through the successful election, the Croatian people have taken the reins of control. In addition to the power instilled by this self-determination, the Croatian people are now spurred to take up the mission of reform that should further improve their government. Among the stated goals of President Mesic are the reintroduction of Serbian refugees to the homes they left behind, reform of the privatization system that has faced serious corruption allegations, and support for the International Criminal Tribunal for the Former Yugoslavia. These improvements would certainly go far to legitimize the new Administration in the view of the international community, but more importantly, in the eyes of the Croatian people. President Mesic's continued efforts on these fronts will show its people that their new government takes seriously the need for honesty and accountability.

As the government wins the support of its people, I am also encouraged by the efforts of the new Administration to get involved with the European community. In such a volatile region, a nation uniting the many groups will be the key to fostering a stable political and economic atmosphere. Part of the victory of democracy in Croatia has been the new spirit of regional harmony that I hope will spread to its neighbors. Peace in the Balkan nations will only come with honest attempts to live with differences, and Croatia will be a leader in the efforts for peace there.

In addition to better conditions in the Balkans, democracy will encourage the involvement of other foreign nations. Just two weeks ago, Croatian President Stipe Mesic met with French President Jacques Chirac to discuss an agreement on stabilization and association, as well as the Croatian entrance to the NATO Partnership for Peace. The resolution I am supporting today suggests U.S. support for the addition of Croatia in the partnership, and I am happy to inform my colleagues that the nations of NATO have announced that Croatia will become a full member of the Partnership for Peace program today. This is truly a great accomplishment, and it affirms the commitment of all NATO allies to help Croatia in its chosen path.

In addition to my appreciation for the democratic and international progress of the Croatian people, I would also like to take this opportunity to thank the work of the Croatian American Association in bringing this subject to my attention and to the attention of the American people. The Croatian American community has worked tirelessly to create bonds of friendship between our two nations, and I hope that as Croatia becomes more democratic and involved in worldwide political affairs that we, as Americans, will continue to support them.

I hope that this resolution will be an additional bond between two nations that democratic tenets have already joined.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The majority leader.

MEASURE READ THE FIRST TIME—H.R. 3244

Mr. LOTT. Mr. President, I understand H.R. 3244 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States.

Mr. LOTT. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

AUTHORIZING THE 2000 DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN TO BE RUN THROUGH THE CAPITOL GROUNDS

Mr. LOTT. I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 280, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 280) authorizing the 2000 District Of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

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

Mr. LOTT. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements appear in the RECORD.

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

The concurrent resolution (H. Con. Res. 280) was agreed to.

NATIONAL MOMENT OF REMEMBRANCE

Mr. LOTT. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H. Con. Res. 302, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 302) calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in pursuit of freedom and peace.

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

Mr. KERREY. Mr. President, I rise to offer my support for passage of H. Con. Res. 302, a resolution proclaiming a National Moment of Remembrance.

As we gather with family and friends in observance of Memorial Day, I urge all Americans to take time to reflect upon the day's true meaning. Whether we attend a public observance, mark a grave, or simply bow our heads in quiet reflection, all Americans should remember to honor those who by serving,

put their faith and trust in the ideals for which our nation stands.

The legislation we are about to pass will establish a National Moment of Remembrance at 3:00 local time on Memorial Day. At that time, I am hopeful all Americans will join together in recognition of those men and women who have died in military service of our nation.

Finally, I thank my colleague from Nebraska, Senator HAGEL, and Carmella LaSpada of No Greater Love for their efforts in making the National Moment of Remembrance a reality.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 302) was agreed to.

The preamble was agreed to.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE CRIMES AND ABUSES COMMITTED AGAINST THE PEOPLE OF SIERRA LEONE

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 315, submitted earlier by Senator HELMS for himself and others.

The PRESIDING OFFICER. The clerk will state the resolution by title.

A resolution (S. Res. 315) expressing the sense of the Senate regarding the crimes and abuses committed against the people of Sierra Leone by the Revolutionary United Front, and for other purposes.

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

Mr. HELMS. Mr. President, Sierra Leone is a failed state and merely hoping that a few new Bangladeshi or Indian peacekeepers will turn the situation around is irresponsible. The President should bear this in mind as he decides U.S. policy in Sierra Leone—especially the extent of U.S. military involvement there or support for a U.N. or regional peacekeeping or peacemaking operation.

All of us—100 Senators—must remind ourselves that the rebels in Sierra Leone—the Revolutionary United Front (RUF)—cannot be dealt with as if it were a political party. The Revolutionary United Front has terrorized the population of Sierra Leone by mutilating their enemies—and innocent civilians, including women and children—by chopping off their ears, noses, hands, arms, and legs.

At some point the downtrodden people of Sierra Leone must find a way to hold their own leadership responsible. But it's impossible to overlook the fact that Liberian President Charles Taylor provides succor to the sadistic Revolutionary United Front.

Taylor (with enthusiastic participation of regional leaders, including Maummar Qadhafi) provides leadership, weapons and safe haven while the RUF digs diamonds using slave labor in payment for services rendered.

It's shameful that President Clinton's hand-picked emissary hugs the godfather of the RUF like a brother and contemplates negotiating with his henchmen. Or had it not been for certain Congressional objections, the U.S. Government would be shoveling foreign aid to Charles Taylor.

Mr. President, the Resolution I offer, along with Senators BIDEN, FRIST, and FEINGOLD, speaks for itself. The Administration should take note, as it attempts to formulate U.S. policy, that at this stage of the game there is bipartisan ''concern'' (and I use that world in the most understated diplomatic fashion) about the policy of the United States and the sorry performance of the United Nations.

Mr. FRIST. Mr. President, the showdown in Sierra Leone between the Revolutionary United Front (RUF) and the United Nations peacekeepers they have taken hostage, robbed, killed and humiliated has enormous implications for the future of the United Nations. It is a sort of Midway Island for UN peacekeeping: a loss there could doom future operations across the continent, and possibly further afield. However, a frantic effort to salvage the UN operation there by reinstating the unjust peace accord may win the battle for peace keeping operations in the short run, but it could be devastating for the UN and for Sierra Leone in the long run.

The Clinton administration and the United Nations have staked an unusual amount of capital on a successful UN mission in Sierra Leone. After the UN's shocking withdrawal from Rwanda in the days before the genocide began, a success in African peacekeeping became a must for the embattled Kofi Annan, who oversaw that withdrawal and later became Secretary-General.

The Clinton administration's motives for backing a massive UN peacekeeping operation agreement is harder to understand beyond a history of making multilateralization itself a foreign policy goal. With an almost mantra-like regularity, they have touted ''African solutions for African problems.'' Yet two ''African solutions'' to the conflict in Sierra Leone were abandoned. In 1995–96, 300 South African mercenaries drove rebels from the capital and the major diamond fields, brought them to the negotiating table and set the stage for elections. Predictably, under donor pressure, they were forced to leave and the war resumed. Later, Nigeria led a West African intervention force and again restored peace by aggressively pursuing the sadistic but cowardly RUF.

Both of these ''African solutions'' were dropped because they conflicted with the dreamy notion that says a UN mission can end a war of unspeakable barbarity without getting its hands dirty. The West African regional force cost a fraction of the UN mission and actually brought a modicum of peace to Sierra Leone, yet the administration never even requested from Congress the $25 million needed to continue their presence. Instead, the Nigerians were given blue helmets and impotent rules of engagement then ''reinforced'' with Kenyan, Indian and Zambian troops that have been robbed of their weapons and taken hostage. The U.S. portion of the price tag for this disaster soared to $118 million for next fiscal year alone.

The United Nations peacekeeping mission in Sierra Leone and the frantic effort to salvage it now would be defensible if the Lomé accord had ever been a viable peace. The agreement rewarded the rape, mutilation, forced conscription of children and killing campaign of the RUF with the vice-presidency, cabinet positions and exclusive domain over the diamond fields. Literally the only portion of the agreement implemented since it was signed in July of last year is the most outrageous and inexplicable: recognition of the RUF as a political party and a part of the government.

With the Lomé accord the RUF was given the privilege of reaping both the benefits of peace and the benefits of war simultaneously. It was a tragic and shameful contradiction that was obvious from the beginning. Because a successful UN peace agreement and peacekeeping operation had itself become the goal, rather than stability for Sierra Leone and defeat of the RUF, the contradiction was ignored. It was this self-delusion that was the West's greatest disservice to Sierra Leone, far exceeding our refusal to send our own troops.

Because the potential failure of the UN in Sierra Leone has made it high noon for all peacekeeping in Africa, including Congo, we may be in the process of repeating the mistakes of Lomé simply to win a short term battle for multilateralism. Making a deal with the devil once is unwise, making it twice is unforgivable. Trying to force the reality of the brutality and recidivism of the RUF and the failure of the Lomé accord to conform to our sense of order and to our desire for ''clean hands'' verges on international sociopathy.

I am not suggesting that we end the peace mission in Sierra Leone, but we cannot repeat the mistakes of the Lomé accord by again rewarding the RUF. To do so would set up a repeat of the current tragedy for Sierra Leone and indignity for the UN. Whether under the auspice of the UN or Nigeria, the rules of engagement in Sierra Leone must be realistic and aggressive. Most of all, we must seek accountability for the horrific war crimes committed there. It will be bloody and hard to watch, but not as horrific as the RUF has proven to be. For the sake of the suffering Sierra Leoneans we are supposed to be helping, accountability

for criminals and justice for their victims cannot again be sacrificed to our own intellectual impulses.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 315

Whereas more than 1,000,000 of Sierra Leone's 5,200,000 population are internally displaced and more than 500,000 are refugees as a direct result of the civil war in Sierra Leone, at least 50,000 people have been killed during the civil war, untold numbers of people have been mutilated and disabled largely by the Revolutionary United Front, and more than 20,000 individuals, including many children, are missing or have been kidnapped by the Revolutionary United Front;

Whereas the Revolutionary United Front continues to terrorize the population of Sierra Leone by mutilating their enemies and innocent civilians, including women and children, by chopping off their ears, noses, hands, arms, and legs;

Whereas the Revolutionary United Front continues to terrorize the population of Sierra Leone by decapitating innocent victims, including children as young as 10 months old and elderly men and women;

Whereas the Revolutionary United Front abducts women and children for use as forced laborers, sex slaves, and as human shields during skirmishes with government forces and the forces of the Economic Community of West African States;

Whereas the Revolutionary United Front has kidnapped boys as young as 6 or 7 years old and used them to kill and steal and to become soldiers, and its forces have routinely raped women and young girls as a terror tactic;

Whereas the Revolutionary United Front has abducted civilians, missionaries, humanitarian aid workers, United Nations peacekeepers, and journalists;

Whereas Charles Taylor, the President of Liberia, has provided and continues to provide significant support and direction to the Revolutionary United Front in exchange for diamonds and other natural resources and is therefore culpable for the abuses in Sierra Leone;

Whereas the Lome Peace Accords did not hold the Revolutionary United Front accountable for their abuses and, in fact, rewarded Foday Sankoh and other Revolutionary United Front leaders with high government offices and control of diamond mining throughout Sierra Leone;

Whereas the Revolutionary United Front in Sierra Leone is not a legitimate political movement, entity, or party;

Whereas all sides in the civil war in Sierra Leone are guilty of serious human rights abuses; and

Whereas the Revolutionary United Front led by Foday Sankoh is responsible for breaking the Lome Peace Accords and for the violent aftermath that has consumed Sierra Leone since May 1, 2000: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government should do all in its power to help ensure that the Revolutionary United Front and its leaders, as well as other groups committing human rights abuses in Sierra Leone, are held accountable for the crimes and abuses committed against the people of Sierra Leone;

(2) the United States Government should not condone, support, or be a party to, any agreement that provides amnesty to those responsible for the crimes and abuses in Sierra Leone; and

(3) the United States Government should not provide incentives of any kind to regional supporters of the Revolutionary United Front until all support from them to the Revolutionary United Front has ceased.

AUTHORIZING THE PLACEMENT OF A PLAQUE WITHIN THE SITE OF THE VIETNAM VETERANS MEMORIAL

Mr. LOTT. I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 3293, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3293) to amend the law that authorized Vietnam Veterans Memorial to authorize placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war but as a direct result of that service.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The bill (H.R. 3293) was read the third time and passed.

Mr. LOTT. Mr. President, I should note this is legislation that is sponsored in the Senate by Senator BEN CAMPBELL of Colorado, but this is a House bill, originally sponsored by Congressman GALLEGLY of California. I thank Senator WYDEN for helping us work through getting this cleared, since it is an authorization for the Vietnam Veterans Memorial before this Memorial Day weekend. I commend the three Senators and others who were involved in that issue.

IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 4489, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4489) to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ABRAHAM. Mr. President, I support the passage of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act of 2000, which makes very important revisions to section 110 of the 1996 Immigration Act. I, along with many of my colleagues, introduced an identical Senate companion to this bill, S. 2599, late last week.

As originally enacted, section 110 of the 1996 law mandated that an automated system be established to record the entry and exit of all aliens as a means to provide more information on individuals who ''overstay'' their visas. In the opinion of many, it became clear that this well-intentioned measure, if implemented, could have an unforeseen impact. Today, when INS or Customs officials inspect people at land borders, they examine papers as necessary and make quick determinations, using their discretion on when to solicit more information. Section 110, however, was being understood to require revisions to that system that would have greatly complicated travel across the land border by mandating that every single passenger of every single vehicle be required to provide detailed information in a form that could be entered into a computer on the spot. According to Dan Stamper, president of the Detroit International Bridge Company, even assuming an incredibly quick 30 seconds per individual, the traffic delays could exceed 20 hours in numerous jurisdictions at the northern border. This would obviously create extraordinary economic and environmental harm. Moreover, it would divert scarce law enforcement resources away from more effective measures.

Out of concern for its harmful impact on Michigan and law enforcement, I passed legislation in 1998 to delay implementation of section 110 from its original start date of September 30, 1998, until March 30, 2001. But it remained clear that a delay could not sufficiently satisfy concerns that the INS might develop a system that would prove harmful to the people of Michigan and other states.

FRED UPTON showed great leadership in the House on this issue and served his constituents extraordinarily well in helping to forge this compromise. LAMAR SMITH deserves great credit for working closely with us and his other House colleagues in making an agreement that meets the economic and security interests of all sides on this issue. And JOHN LAFALCE also provided important assistance in this effort.

This is a great victory for the people of Michigan. This agreement strikes the right balance in enhancing our security and immigration enforcement needs while ensuring that we preserve the jobs and the other economic benefits Michigan receives from our close relationship with Canada.

This product of the agreement with the House replaces the current requirement that by March 30, 2001, a record of arrival and departure be collected for every alien at all ports of entry, with a more achievable requirement that the

Immigration and Naturalization Service develop an ''integrated entry and exit data system'' that focuses on data INS already regularly collects at ports of entry.

The goal of section 110 has been to track individuals who overstay their allowable stay in the United States. That goal is redirected into a more achievable direction. INS will be directed to put in electronic and retrievable form the information already collected at ports of entry and pursue other measured step to improve enforcement of U.S. immigration laws. It is also directed to prepare a report on unmatched entry and departure data. That report is required to contain not only numbers of unmatched records, but an analysis of those numbers. The purpose of the latter requirement is to make sure that sufficient context for the data is provided to ensure that readers of the report are able to understand to what extent unmatched records reflect actual overstays, versus to what extent they are simply a function of data weakness (such as a lag time between the acquisition of the data and the entry of the data into the system). This will allow those charged with assessing the system to be in a better position to recommend its proper use and recommend ways of improving it. To that end, and to the end of otherwise improving implementation of the section, a task force chaired by the Attorney General that will include representatives of other government agencies and the private sector is established to examine the effectiveness of the system, ways of improving it, and the need for and costs of any additional measures, including security improvements. The bill also calls for increased international cooperation in securing the land borders.

In essence, the agreement substitutes this approach in place of a mandate that a system be developed that would have required that all foreign travelers or U.S. permanent residents be individually recorded into a system at ports of entry and exit, thereby likely bringing traffic to a halt on the northern border for miles, trapping U.S. travelers in the process and costing potentially tens of thousands of jobs in manufacturing, tourism and other industries. The agreement also maintains the status quo in preventing new documentary requirements on Canadian travelers.

The bottom line is that we will have a system that enhances law enforcement capabilities and will not impose new or onerous requirements on travelers that would damage Americans or the American economy.

I thank the cosponsors of S. 2599, who have been so important in achieving success in this long 3-year effort: Senators LEAHY, GRAMS, KENNEDY, SNOWE, COLLINS, CRAIG, GORTON, JEFFORDS, SCHUMER, GRAHAM, LEVIN, DEWINE, MURRAY, MOYNIHAN, and VOINOVICH. I also thank Majority Leader LOTT for his strong support on this issue and for recognizing the impact on northern border states if we did not solve this problem. Senator GORTON also played an important role in this successful effort. I thank Senator HELMS and his staff, who permitted an amendment related to section 110 to be part of the State Department authorization bill last year, which I think elevated the awareness of this issue and contributed to the solution we see today. Senator BIDEN and his staff were also supportive of this effort. And, of course, Senator GRAMS and his leadership were essential for the outcome today.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, this bill accomplishes the important goal of eliminating the existing section 110 of the Illegal Immigration Reform and Immigration Responsibility Act, IIRIRA. I am an original cosponsor of the Senate version of this bill, the Immigration and Naturalization Service Data Management Improvement Act of 2000.

Section 110 would mandate that the Immigration and Naturalization Service (INS) establish an automated system to record the entry and exit of all aliens. If implemented, such a provision would have terrible consequences for States all across our Northern Border. Its repeal will help protect America's economy and reinforce our excellent relationship with Canada.

To implement and maintain an automated system for monitoring the entry and exit of ''all aliens,'' INS and Customs agents would have to stop each vehicle or individual entering or exiting the United States at all ports of entry. Canadians, U.S. permanent residents, and many others who are not currently required to show documentation of their status would likely either have to carry some form of identification or fill out paperwork at the points of entry.

This sort of tracking system would be extraordinarily costly to implement along the Northern Border, especially since there is no current system or infrastructure to track the departure of citizens and others leaving the United States.

Section 110 would also lead to excessive and costly traffic delays for those living and working near the border. These delays would surely have a negative impact on the $2.4 billion in goods and services shipped annually from Vermont to Canada and would likely reduce the $120 million per year that Canadians spend in Vermont.

This legislation would replace the existing section 110 with a new provision that requires the Attorney General to implement an ''integrated entry and exit data system.'' This system would simply integrate the arrival and departure data which already is authorized or required to be collected under current law, and which is in electronic format within databases held by the Justice and State Departments. The INS would not be required to take new steps to collect information from those entering and leaving the country, meaning that Canadians will have the same ability to enter the United States as they do today.

This bill will ensure that tourists continue to freely cross the border, without additional documentation requirements. This bill will also guarantee that more than $1 billion in daily cross-border trade is not hindered in any way. Just as importantly, Vermonters and others who cross our nation's land borders on a daily basis to work or visit with family or friends should be able to continue doing so without additional border delays.

The interconnection between Canada and the United States may be demonstrated most clearly by a store in Derby Line, Vermont. Actually, only part of the store is located in Derby Line—the other side of it is in Rock Island, Quebec. The U.S.-Canadian border runs down the middle of the store, and a white stripe is painted there to mark it. Would the integrated entry and exit data system called for under section 110 have had to monitor the clerks who move from one side of the store to the other collecting goods? This is just one of many examples that would make the implementation of section 110 a destructive folly for Vermont, and I am sure that Senators from other States along the Northern Border can tell similar stories about their States.

This is an issue that I have worked on ever since section 110 was originally adopted in 1996. In 1997, along with Senator ABRAHAM and others, I introduced the Border Improvement and Immigration Act of 1997. Among other things, that legislation would have (1) specifically exempted Canadians from any new documentation or paperwork requirements when crossing the border into the United States; (2) required the Attorney General to discuss the development of ''reciprocal agreements'' with the Secretary of State and the governments of contiguous countries to collect the data on visa overstayers; and (3) required the Attorney General to increase the number of INS inspectors by 300 per year and the number of Customs inspectors by 150 per year for the next three years, with at least half of those inspectors being assigned to the Northern Border.

I also worked with Senator KENNEDY, Senator ABRAHAM, and other Senators to obtain postponements in the implementation date for the automated system mandated by section 110. We were successful in those attempts, delaying implementation until March 30, 2001. But delays are by nature only a temporary solution; in the legislation we vote on today, I believe we have found a permanent solution that allows us to keep track of the flow of foreign nationals entering and leaving the United States without crippling commerce or our important relationship with Canada. That is why I am proud to be a cosponsor of this legislation, and why I urge my colleagues to vote in favor of it today.

The Immigration mistakes of 1996: I fought against the adoption of section

110 in 1996, when this Congress passed the IIRIRA. It was wrong at the time, it is wrong today, and I am relieved that we are prepared to do away with it. But our job of rectifying the wrongs of our 1996 immigration legislation is far from over; indeed, it has hardly begun. I would like to use this occasion to draw my colleagues' attention to what I believe our next priorities should be in the immigration area.

Expedited removal: First, in the 1996 Anti-Terrorism and Effective Death Penalty Act (AEDPA), a bill ostensibly about terrorism, Congress instituted an immigration measure called expedited removal. Under expedited removal, low-level INS officers with cursory supervision have the authority to summarily remove people who arrive at our border without proper documentation, or with facially valid documentation that the officer simply suspects is invalid. No review—administrative or judicial—is available of the INS officer's decision, which is rendered after a so-called secondary inspection interview. Expedited removal was widely critized at the time as ignoring the realities of political persecution, since people being tortured by their government are quite likely to have difficulties obtaining valid travel documents from that government. Its adoption was viewed by many—including a majority of this body—as an abandonment of our historical commitment to refugees and a misplaced reaction to our legitimate fears of terrorism.

When we debated the IIRIRA later the same year, I offered an amendment with Senator DEWINE to restrict the use of expedited removal to times of immigration emergencies, which would be certified by the Attorney General. This more limited authority was all that the Administration had requested in the first place, and it was far more in line with our international and historical commitments. This amendment passed the Senate with bipartisan support, but it was removed in one of the most partisan conference committees I have ever witnessed. As a result, the extreme version of expedited removal contained in AEDPA became law, and was implemented in 1997. Ever since, I have attempted to raise consciousness about the problems with expedited removal.

Last year, I introduced the Refugee Protection Act (S. 1940) with Senator BROWNBACK and five other Senators of both parties. The bill is modeled closely on the 1996 amendment that passed the Senate, and I was optimistic that it too would be supported by a broad coalition of Senators. It allows expedited removal only in times of immigration emergencies, and it provides due process rights and elemental fairness for those arriving at our borders without sacrificing security concerns. But even as the Refugee Protection Act has gained additional cosponsors, it has been ignored by the Senate leadership. Indeed, the bill has not even received a hearing in the Judiciary Committee, despite my request.

Meanwhile, in the little more than three years that expedited removal has been in operation, we already have numerous stories of valid asylum seekers who were forced to leave our country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, ''Dem,'' a Kosovar Albanian, was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers. During his interview with the INS inspector who had unreviewable discretion over his fate, he was provided with a Serbian translator who did not speak Albanian, rendering the interview a farce. Instead of being embraced as a political refugee, he was put on the next plane back to where his flight had originated. We only know about his story at all because he was dogged enough to make it back to the United States. On this second trip, he was found to have a credible fear of persecution and he is currently in the midst of the asylum process.

Perhaps the most distressing part of expedited removal is that there is no way for us to know how many deserving refugees have been excluded. Because secondary inspection interviews are conducted in secret, we typically only learn about mistakes when refugees manage to make it back to the United States a second time, like Dem, or when they are deported to a third country they passed through on their way to the United States. This uncertainty should lead us to be especially wary of continuing this failed experiment.

Unjust deportation: Another injustice in the 1996 legislation that we must address is its drastically expanded definition of what makes a legal resident deportable. First, the IIRIRA defined the term ''aggravated felony'' in such a way as to make numerous misdemeanors deportable offenses. Then it applied this new standard retroactively, so that people who had committed crimes in the past that were so minor they did not even serve jail time were now subject to automatic deportation—including people who pleaded guilty to those crimes without any reason to believe there would be immigration consequences for that plea. The effects of this change have been unfair to numerous men and women, and their families, who have worked hard for years to turn their lives around, and have paid taxes, contributed their labor to the American economy, and raised children who are American citizens. I applaud the efforts of those in the House who are working to do away with retroactivity altogether.

I have chosen to take a narrower approach to this issue, focusing on the effect that this punitive policy has had on decorated war veterans who are being deported without any administrative or judicial consideration of the equities. I have introduced the Fairness to Immigrant Veterans Act, S. 871, which would ensure that veterans of our Armed Forces who have committed ''aggravated felonies'' have the opportunity to go before an immigration judge and plead their case to stay in the United States. It would also give veterans the right to federal court review of the immigration judges' decisions, and allow them to be released from detention while their claim is pending. If this bill becomes law, we will still be able to deport people who have committed serious crimes and present a danger to the community, regardless of their service record. But we will give veterans every opportunity to show that they and their families deserve a second chance, a chance they have earned through the sacrifices they made for our country.

Veterans groups have been very supportive of this legislation, with the American Legion, AMVETS, Vietnam Veterans of America, and the Blinded American Veterans all endorsing the bill. Despite these endorsements and my efforts to promote this legislation, however, the majority has failed even to hold a hearing on this bill.

Restoring basic benefits: Unfortunately, the IIRIRA and the AEDPA were not the only 1996 laws that distorted our immigration policy and harmed immigrants. The welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, added to that year's anti-immigration chorus, unreasonably restricting the eligibility of legal immigrants for social safety net provisions. It barred many legal immigrants from receiving Supplemental Security Income (SSI), food stamps, and Medicaid coverage, even as Congress sought to ensure that Medicaid be preserved for those who were leaving welfare. It has prevented the children of legal immigrants from eligibility under the new Children's Health Insurance Program (CHIP). Under this statute, if legal immigrants (or their children) become sick, or lose their job, they are simply out of luck. These punitive restrictions were aimed not at illegal immigrants—who already were ineligible for most benefits—but at legal immigrants, people who were invited to come here and work, people who paid taxes and contributed to our society in myriad ways.

Senators MOYNIHAN and GRAHAM have introduced S. 792, the Fairness for Legal Immigrants Act, to rectify this injustice, and I am a proud cosponsor of their bill. Among other things, the bill would:

Permit States to cover all eligible legal immigrant pregnant women and children under Medicaid immediately;

Permit states to cover all legal immigrant children under CHIP;

Restore SSI eligibility for legal immigrants who arrived here before August 1996 and who are elderly and poor but not disabled by SSI standards;

Restore SSI eligibility for legal immigrants who arrived here after August 1996 and become disabled after entering the country; and

Restore food stamp eligibility for all pre-August 1996 legal immigrants.

This is a vital bill, but the majority has declined even to hold a hearing on it since it was introduced in April 1999. It is difficult to tell whether this inaction results from indifference to the plight of these legal immigrants, or from a belief on the majority's part that immigrants come here to take advantage of the social safety net that our country offers. If it is the latter, I would recommend to my colleagues to remarks made by former Housing and Urban Development Secretary and Republican Vice-Presidential candidate Jack Kemp at a recent press conference designed to highlight the need for Congress to take action on a variety of immigration legislation. Mr. Kemp said that immigrants do not come to the United States because of its welfare system—they come here because they want to make a better life for themselves through hard work. I would add, and I'm sure that Jack Kemp would agree, that they often come here to experience political freedom they cannot obtain in their own countries.

Detention: The IIRIRA made the detention of asylum seekers who arrive without proper documents mandatory until they establish a credible fear of persecution. It allowed the INS no discretion, even where asylum applicants had relatives willing to take them in and spare the government the cost of detaining them, or even where the asylum applicants were children. It took this step even though the INS had already issued regulations that prevented asylum applicants from working while their applications were pending—a step that had drastically reduced the filing of frivolous applications.

This detention mandate has created serious strains for the INS and has led to often inhumane conditions for people who are fleeing persecution. For example, in October 1998, the Miami Herald reported that the INS—under the pressures created by the 1996 law—had Warehoused some of its detainees to a local jail in the Florida Panhandle. The jailers there constructed an ''electric blanket'' that it ''placed over detainees, who [were] then subjected to intense electric shocks.'' These asylum seekers were forced to remain under the blanket ''for hours, worried about repeated shocks, and when refused bathroom privileges, they often soiled themselves. . . . They [also] endured broken bones, racial slurs, and attacks with Mace and pepper spray.''

The Refugee Protection Act, which I talked about earlier, also addresses the detention issue. It clarifies that the Attorney General is not obligated to detain asylum seekers while their claims are being procesed—the bill preserves the Attorney General's ability to do so, but does not encourage detention. Asylum seekers are not criminals and they do not deserve to be imprisoned or detained without cause. Detention may be appropriate in rare cases, but it should be used sparingly. Detention is also extraordinarily costly for the taxpayers; indeed, the Department of Justice has projected that by the year 2001 it will need bed space for 24,000 INS detainees. The current policy is a humanitarian and fiscal failure, and we must reform it.

Conclusion: Although I am proud of the legislation we pass today, we have equally necessary and more challenging tasks ahead of us if we truly want to address the damage done by the laws passed in 1996. I urge my colleagues to focus on these issues and to work during the time we have remaining in this Congress to create sensible immigration laws. Let us not leave it to another Congress to fix the mistakes the majority made 4 years ago.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4489) was read the third time and passed.

HONORING SENIOR JUDGE DANIEL H. THOMAS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 316, submitted earlier by Senators SESSIONS and SHELBY.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 316) honoring Senior Judge Daniel H. Thomas of the United States District Court of the Southern District of Alabama.

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

Mr. LOTT. Mr. President, I am familiar with this particular judge. He was from Mobile, AL, 40 miles from my hometown of Pascagoula, MS. He served long and honorably, having reached a grand old age of 94. He was known particularly for his expertise in admiralty. He will be sincerely missed by those who have known him over the years as a Federal judge.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 316) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 316

Whereas Daniel H. Thomas devoted his life to the dedicated and principled service of his country, his State, and his community;

Whereas Daniel H. Thomas, a native of Prattville, Alabama, was born August 25, 1906, to Judge C.E. Thomas and Augusta Pratt.

Whereas Daniel H. Thomas obtained his law degree from the University of Alabama in 1928, where his uncle, Daniel H. Pratt, served as President pro tem of the Board of Trustees of the University;

Whereas Daniel H. Thomas, having served his country with distinction for 3 years as a Navy Lieutenant during World War II, returned to Mobile, Alabama and continued in the practice of law with Mr. Joseph C. Lyons and Sam Pipes in the law firm of Lyons, Thomas and Pipes until he was elevated to the Federal bench;

Whereas Daniel H. Thomas was appointed a United States District Judge for the Southern District of Alabama by President Truman in 1951, joining in distinguished judicial service his father, C.E. Thomas, who was a probate judge of Augusta County, Alabama, his uncle, William Thomas, who served the State of Alabama as a Supreme Court Justice, and his uncle, J. Render Thomas, who served many years as the Clerk of the Supreme Court of Alabama;

Whereas 49 years of judicial service made Judge Thomas one of the longest serving Federal judges in American history;

Whereas the years of distinguished judicial service by Judge Thomas were characterized by unflinching integrity and unquestioned legal ability;

Whereas in a time of great political and social turmoil, Judge Thomas inspired continued respect for the rule of law established under the Constitution of the United States, and for the propositions that ''all men are created equal'' and deserve ''equal protection of the laws'' by faithfully adhering to the precedents of the United States Supreme Court, even when such actions were not popular;

Whereas the depth of legal scholarship exhibited by Judge Thomas led him to become one of the most respected experts in the nation in the important field of Admiralty Law;

Whereas the reach of service by Judge Thomas to his country extended beyond his courtroom to his community through his active leadership as a founding trustee of the Ashland Place Methodist Church in Mobile, Alabama, and to America's youth through his efforts in support of the Boy Scouts of America;

Whereas Judge Thomas, a man who enjoyed the outdoors, being an accomplished fisherman and quail hunter, exhibited great common sense, had a vibrant sense of humor, and was extremely friendly and thoughtful of others, thereby truly fitting the description of a true ''southern gentleman'';

Whereas Judge Thomas truly was a great judge whose life was the law, and who was loved and respected by members of the bar and community to a degree seldom reached and never surpassed;

Whereas Judge Thomas passed away at his home in Mobile, Alabama, on Thursday, April 13, 2000;

Whereas the members of the Senate extend our deepest sympathies to the wife of Judge Thomas, Catherine Miller Thomas, his 2 sons, Daniel H. Thomas, Jr. and Merrill P. Thomas, other family members, and a host of friends that he had across the country; and

Whereas in the example of Judge Daniel H. Thomas, the American people have an enduring symbol of moral courage, judicial restraint, and public service: Now, therefore, be it

Resolved, That—

(1) the Senate honors the memory of Judge Daniel H. Thomas for his exemplary service to his country; and

(2) the Secretary of the Senate is directed to transmit a copy of this resolution to the family of the deceased.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported by the Armed Services Committee: Calendar Nos. 526 and 527.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

ARMY

The following named officer for appointment in the United States Army as Dean of the Academic Board, United States Military Academy, and for appointment to the grade indicated under title 10, U.S.C., section 4335:

To be brigadier general

Col. Daniel J. Kaufman, 0000.

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Robert J. Natter, 0000.

Mr. LOTT. Mr. President, Senator REED, who is in the Chamber, has personal knowledge of one of these nominees. He wants to make a statement at this time.

Mr. REED. I thank the majority leader for his kindness.

Mr. President, I am fortunate enough to know both of these gentlemen: Adm. Bob Natter, an extraordinary naval officer who has been confirmed as a four-star admiral; and, most particularly, I am pleased that my colleagues have confirmed the nomination of Col. Daniel Kaufman to be a brigadier general in the U.S. Army and dean of the Academic Board at West Point.

I have known Dan Kaufman for over 30 years. I was a plebe at West Point in Company C–2 when he was a first classman in the summer 1967. He is an extraordinary individual, a great soldier, a distinguished scholar.

I also recognize the gentleman whom he is succeeding, Gen. Fletcher Lamkin, who is the current dean. General Lamkin has done an outstanding job at West Point. I thank him for his service.

But I am delighted to be able to stand here in the well of the Senate to commend Dan Kaufman. He is a soldier first, a soldier of war above everything else.

After graduating from West Point in 1968, he volunteered for training as an Army ranger. He sought an assignment as an armor officer. He was a platoon leader with the 11th Armored Cavalry Regiment in Vietnam.

He received a Bronze Star for valor in action and received two Purple Hearts leading his platoon in Vietnam.

He returned to the Army in the United States and pursued his graduate education at the Kennedy School at Harvard, and once again Dan Kaufman and I were together. After he received his master's degree at Harvard, and subsequent service with the 82nd Airborne Division, he received a Ph.D. in political science at the Massachusetts Institute of Technology.

He combines these two virtues and values: A soldier's soldier and a scholar's scholar.

He is the ideal choice for the deanship at West Point today, for a school in transformation, for an Army in transformation. As a soldier, he has seen war. He understands that one of the greatest privileges an American can ever have is the privilege of leading American soldiers. Also, one of the greatest honors an American can have is to lead those soldiers well. He has won such an honor.

He is also someone who is in touch with the greater Army. He is someone that has been actively involved in numerous issues that deal with the Army, not just academically but very much in its day-to-day activities.

He is not an ivory tower scholar. He is an actively engaged soldier. He will instill in the cadets vital skills: the ability to analyze a changing world; and a zest to learn throughout their careers, and to help the Army and move it forward.

He is also a family man. His wife Kathryn, his son David, his daughter Emily—they all serve too, and serve the Army extraordinarily well.

The mission at West Point is to train young men and women of character for a career of selfless service to the Army and the Nation.

Dan Kaufman will expand that mission and move it forward for a generation of West Point cadets who will enter our Army and will do so better prepared, as soldiers who are able to lead as thoughtful members of our military forces.

And something else. Because of his example, because of the choices he will make, their hearts and their lives will march to a very simple but profound cadence: Duty, honor, country.

I thank the majority leader and yield back my time.

LEGISLATIVE SESSION

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

ORDERS FOR TUESDAY, JUNE 6, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment, under the provisions of House Concurrent Resolution 336, until 10 a.m. on Tuesday, June 6. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that the Senate then proceed to a period of morning business until 12:30 p.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 10 a.m. to 11 a.m.; and Senator THOMAS, or his designee, from 11 a.m. until 12 noon.

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

Mr. LOTT. I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

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

ADJOURNMENT UNTIL 10 A.M. TUESDAY, JUNE 6, 2000

Mr. LOTT. 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 5:20 p.m., adjourned until Tuesday, June 6, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 2000:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be rear admiral (lower half)

CAPT. ELEANOR C. MARIANO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. NANCY E. BROWN, 0000
CAPT. DONALD K. BULLARD, 0000
CAPT. ALBERT M. CALLAND, III, 0000
CAPT. ROBERT T. CONWAY, JR., 0000
CAPT. JOHN P. CRYER, III, 0000
CAPT. THOMAS Q. DONALDSON, V, 0000
CAPT. JOHN J. DONNELLY, 0000
CAPT. STEVEN L. ENEWOLD, 0000
CAPT. JAY C. GAUDIO, 0000
CAPT. CHARLES S. HAMILTON, II, 0000
CAPT. JOHN C. HARVEY, JR., 0000
CAPT. TIMOTHY L. HEELY, 0000
CAPT. CARLTON B. JEWETT, 0000
CAPT. ROSANNE M. LEVITRE, 0000
CAPT. SAMUEL J. LOCKLEAR, III, 0000
CAPT. RICHARD J. MAULDIN, 0000
CAPT. ALEXANDER A. MILLER, 0000
CAPT. MARK R. MILLIKEN, 0000
CAPT. CHRISTOPHER M. MOE, 0000
CAPT. MATTHEW G. MOFFIT, 0000
CAPT. MICHAEL P. NOWAKOWSKI, 0000
CAPT. STEPHEN R. PIETROPAOLI, 0000
CAPT. PAUL J. RYAN, 0000
CAPT. MICHAEL A. SHARP, 0000
CAPT. VINSON E. SMITH, 0000
CAPT. HAROLD D. STARLING, II, 0000
CAPT. JAMES STAVRIDIS, 0000
CAPT. PAUL E. SULLIVAN, 0000
CAPT. MICHAEL C. TRACY, 0000
CAPT. MILES B. WACHENDORF, 0000
CAPT. JOHN J. WAICKWICZ, 0000
CAPT. ANTHONY L. WINNS, 0000

DEPARTMENT OF COMMERCE

ROBERT S. LARUSSA, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE DAVID L. AARON, RESIGNED.

DEPARTMENT OF STATE

ROBIN CHANDLER DUKE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

UNITED STATES INSTITUTE OF PEACE

MARC E. LELAND, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003, VICE MAX M. KAMPLEMAN, TERM EXPIRED.

HARRIET M. ZIMMERMAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003. (REAPPOINTMENT)

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

DONALD J. SUTHERLAND, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2002. (REAPPOINTMENT)

THE JUDICIARY

STEPHEN M. ORLOFSKY, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE MORTON I. GREENBERG, RETIRING.

DEPARTMENT OF JUSTICE

NORMAN C. BAY, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE JOHN JOSEPH KELLY, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25, 2000:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY AS DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4335:

To be brigadier general

COL. DANIEL J. KAUFMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. ROBERT J. NATTER, 0000