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No. 72

Senate

(Legislative day of Friday, May 14, 1999)

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

PRAYER

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

Almighty God, Lord of our lives and Sovereign of our beloved Nation, we humbly confess our need for Your supernatural power. Thank You that You do not tailor our opportunities to our abilities, but rather give us wisdom, strength, and vision to match life's challenges. We surrender the pride of thinking that we can make it on our own resources. We are totally dependent on You. We could not think a thought, give dynamic leadership, or speak persuasively without Your constant and consistent blessing. You are the Source of all we have and are. We praise You for the talents, education, and experience You have given us, but we know that You alone can provide the insight, innovation, and inspiration we need so urgently to meet the problems we face. You have told us there is no limit to what You will do to empower leaders who trust You completely and give You the glory. We commit this day to glorify You in all that we say and do. In Your all-powerful name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator MCCAIN, is recognized.

SCHEDULE

Mr. MCCAIN. Mr. President, this morning the Senate will resume debate on the motion to proceed to the Y2K legislation. At 9:45 this morning the Senate will proceed to a rollcall vote

on invoking cloture on the motion to proceed to that bill. If cloture is invoked, debate will continue on the motion to proceed. If cloture is not invoked, the Senate will begin a period of morning business for 1 hour under the control of Senator HELMS to commemorate the life of Admiral Bud Nance.

Attempts to come to a reasonable time agreement to finish the juvenile justice bill will be made during today's session of the Senate. However, until such an agreement is made, the Senate will resume debate on the motion to proceed to the Y2K bill. As a reminder, the Senate will recess for the weekly party caucus luncheons from 12:30 to 2:15.

I thank my colleagues for their attention.

Y2K ACT—MOTION TO PROCEED

The PRESIDENT pro tempore. The clerk will report.

The legislative assistant read as follows:

Motion to proceed to the consideration of S. 96, a bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of the year's date.

The Senate resumed consideration of the motion.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

In about 10 minutes, we are going to have another vote on cloture so that we can proceed to the very important Y2K liability bill, S. 96. The word is out that the Democrats will now again refuse to move forward with passage of this legislation. Last time, the excuse was, as I understand it from the Democrat leader's remarks, that they were

not allowed to propose amendments to the pending legislation so this was some form of protest. Now I am told the excuse will be—and we will find out—because the juvenile justice bill has not been completed.

The entertaining aspect of that rationale is that while complaining about not being able to move forward on the juvenile justice bill, they still won't agree to amendments and time agreements so we could dispose of the juvenile justice bill.

What this is really all about is that there is a strong aversion on the part of the American Trial Lawyers Association to this legislation. That aversion is manifesting itself by preventing us from moving forward with this very important legislation.

Small, medium, and large businesses in America, high-tech firms all over America, have written or contacted us as to the importance of this legislation. I recently received a letter signed by some 130 high-tech companies in America. I would like to read it.

This is from the Year 2000 Coalition. Actually, this letter was addressed to Senator KERRY, not to me. It says:

The Year 2000 Coalition, a broad-based multi-industry business group, is committed to working with the Senate to enact meaningful Y2K liability legislation. We fully support S. 96 sponsored by Senator McCain, with amendments and revisions agreed to by Senators Wyden, Dodd, Hatch, Feinstein and Bennett, as the most reasonable approach to curtail unwarranted and frivolous litigation that might occur as a result of the century date change.

While we appreciate any effort that further demonstrates the bipartisan recognition of the need for legislation, the Coalition does not support the Y2K bill that is being circulated in your name and believes it detracts from the sponsors of S. 96 effort to build support for their bill. We urge you to support S. 96 that is now pending before the Senate. Your vote in favor of cloture is important to bring the bill to the floor and allow the Senate to address the challenge of Y2K confronting all Americans. A vote in favor of S.

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



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96 is a vote in favor of Y2K remediation instead of litigation.

A very impressive list of, I believe, 130 companies and corporations around America, a pretty impressive group of corporations that, I would say, represents a substantial portion of America's economy, that is concerned about this issue and wants us to move forward.

I had honestly believed that after the demonstration of solidarity last week on this issue on the part of my friends and colleagues on the other side of the aisle—I took the Democrat leader at his word. He said we will move forward; we will have a bill; we want to work together on this.

Apparently, that is not going to be the case this morning. If it is not the case, then, obviously, I will do whatever the majority leader dictates as to what the Senate calendar will be.

Mr. LOTT. Mr. President, will the Senator yield briefly? I don't know the time situation.

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

Mr. LOTT. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 45 seconds remaining.

Mr. LOTT. Mr. President, I yield myself some of the leader time if necessary. I thank Senator MCCAIN for his continuing effort on this important legislation.

I wonder how many people or how many Senators think the solution to the year 2000 computer problem is litigation, lawsuits. I don't believe most Senators believe that is the answer. I know the American people don't believe that is the answer. What they want is a solution. They want us to do everything we can to help small business men and women and the computer industry, everybody, address the problem. If we don't get it done by the year 2000, they certainly don't want lawsuits to be the solution.

That is what is at stake. I have acted in good faith. I know Senator MCCAIN has. I was assured last week by Senator DODD of Connecticut that they were ready to go forward, that a number of Democrats would join the overwhelming Republican vote to support getting cloture.

I want to emphasize this is on the motion to proceed. People need to understand that. This apparently is going to be an effort by the Democrats to block even taking up the bill to deal with this Y2K litigation problem.

This is the second time in 3 weeks political games are being played with a very serious issue. If that is the way it is to be, I want the American people to understand the Democrats do not want a solution. They want to play games with this bill and they want litigation. That is what really is at stake.

As majority leader, I have to try to deal with a lot of important issues, including the juvenile justice bill, supplemental appropriations for disasters, the situation in Kosovo, bankruptcy

legislation, Department of Defense authorization, a whole long list of bills. We can't keep bringing up this bill or other bills. So this is it until somebody shows me that there is a good-faith effort.

As far as having votes on alternatives, I think Senator MCCAIN and other managers would be glad to do that. If somebody has an alternative proposal—by Senator KERRY, Senator DASCHLE—fine, let's vote on that. But to just block even the consideration of this bill I think is very questionable action.

I hope the Senator will find a way to deal with this. At some point, if somebody shows me they are ready to go and we go to the substance and we have the votes to pass it, fine. Otherwise, the Democrats have on their shoulders the fact they have killed the Y2K legislation. Let them explain it to the businesspeople of this country, the men and women who have small businesses and to the computer industry, because that is where the problem is.

I yield the floor.

Mr. MCCAIN. Mr. President, I ask unanimous consent the letter to Senator KERRY from the Year 2000 Coalition and the letter to me be printed in the RECORD.

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

YEAR 2000 COALITION,
May 12, 1999.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Year 2000 Coalition, we are writing to express our strong support for S. 96, the Y2K Act. The attached letter was delivered to Senator Kerry this afternoon.

The Year 2000 Coalition strongly supports legislation that would encourage cooperative problem solving outside the courtroom in order to alleviate Y2K-related problems that occur. We believe S. 96 would create a legal framework to protect both plaintiffs and defendants, and prevent this unique situation from triggering a crisis in our economy and our legal system.

Sincerely,

Aerospace Industries Association.
Airconditioning & Refrigeration Institute.
Alaska High-Tech Business Council.
Alliance of American Insurers.
American Bankers Associations.
American Bearing Manufacturers Association.
American Boiler Manufacturers Association.
American Council of Life Insurance.
American Electronics Association.
American Entrepreneurs for Economic Growth.
American Gas Association.
American Institute of Certified Public Accountants.
American Insurance Association.
American Iron & Steel Institute.
American Paper Machinery Association.
American Society of Employers.
American Textile Machinery Association.
American Tort Reform Association.
America's Community Bankers.
Arizona Association of Industries.
Arizona Software Association.
Associated Employers.
Associated Industries of Missouri.

Associated Oregon Industries, Inc.
Association of Manufacturing Technology.
Association of Management Consulting Firms.
BIFMA International.
Business and Industry Trade Association.
Business Council of Alabama.
Business Software Alliance.
Chemical Manufacturers Association.
Chemical Specialties Manufacturers Association.
Colorado Association of Commerce and Industry.
Colorado Software Association.
Compressed Gas Association.
Computing Technology Industry Association.
Connecticut Business & Industry Association, Inc.
Connecticut Technology Association.
Construction Industry Manufacturers Association.
Conveyor Equipment Manufacturers Association.
Copper & Brass Fabricators Council.
Copper Development Association, Inc.
Council of Industrial Boiler Owners.
Edison Electric Institute.
Employers Group.
Farm Equipment Manufacturers Association.
Flexible Packaging Association.
Food Distributors International.
Gypsum Association.
Health Industry Manufacturers Association.
Independent Community Bankers Association.
Indiana Information Technology Association.
Indiana Manufacturers Association, Inc.
Industrial Management Council.
Information Technology Association of America.
Information Technology Industry Council.
International Mass Retail Council.
International Sleep Products Association.
Interstate Natural Gas Association of America.
Investment Company Institute.
Iowa Association of Business & Industry.
Manufacturers Association of Mid-Eastern PA.
Manufacturer's Association of Northwest Pennsylvania.
Manufacturing Alliance of Connecticut, Inc.
Metal Treating Institute.
Mississippi Manufacturers Association.
Motor & Equipment Manufacturers Association.
National Association of Computer Consultant Business.
National Association of Convenience Stores.
National Association of Hosiery Manufacturers.
National Association of Independent Insurers.
National Association of Manufacturers.
National Association of Mutual Insurance Companies.
National Association of Wholesaler-Distributors.
National Electrical Manufacturers Association.
National Federation of Independent Business.
National Food Processors Association.
National Housewares Manufacturers Association.
National Marine Manufacturers Association.
National Retail Federation.
National Venture Capital Association.
North Carolina Electronic and Information Technology Association.
Technology New Jersey.

NPES, The Association of Suppliers of Printing, and Publishing, and Converting Technologies.

Optical Industry Association.

Printing Industry of Illinois-Indiana Association.

Power Transmission Distributors Association.

Process Equipment Manufacturers Association.

Recreation Vehicle Industry Association.

Reinsurance Association of America.

Securities Industry Association.

Semiconductor Equipment and Materials International.

Semiconductor Industry Association.

Small Motors and Motion Association.

Software Association of Oregon.

Software & Information Industry Association.

South Carolina Chamber of Commerce.

Steel Manufacturers Association.

Telecommunications Industry Association.

The Bankers Roundtable.

The Chlorine Institute, Inc.

The ServiceMaster Company.

Toy Manufacturers of America, Inc.

United States Chamber of Commerce.

Upstate New York Roundtable on Manufacturing.

Utah Information Technology Association.

Valve Manufacturers Association.

Washington Software Association.

West Virginia Manufacturers Association.

Wisconsin Manufacturers & Commerce.

YEAR 2000 COALITION,

May 12, 1999.

Hon. JOHN F. KERRY,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KERRY: The Year 2000 Coalition, a broad-based multi-industry business group, is committed to working with the Senate to enact meaningful Y2K liability legislation. We fully support S. 96 sponsored by Senators McCain, with amendments and revisions agreed to by Senators Wyden, Dodd, Hatch, Feinstein and Bennett, as the most reasonable approach to curtail unwarranted and frivolous litigation that might occur as a result of the century date change.

While we appreciate any effort that further demonstrates the bipartisan recognition of the need for legislation, the Coalition does not support the Y2K bill that is being circulated in your name and believes it detracts from the sponsors of S. 96 effort to build support for their bill. We urge you to support S. 96 that is now pending before the Senate. Your vote in favor of cloture is important to bring the bill to the floor and allow the Senate to address the challenge of Y2K confronting all Americans. A vote in favor of S. 96 is a vote in favor of Y2K remediation instead of litigation.

Sincerely,

Aerospace Industries Association.
Airconditioning & Refrigeration Institute.
Alaska High-Tech Business Council.
Alliance of American Insurers.
American Bankers Association.
American Bearing Manufacturers Association.

American Boiler Manufacturers Association.

American Council of Life Insurance.

American Electronics Association.

American Entrepreneurs for Economic Growth.

American Gas Association.

American Institute of Certified Public Accountants.

American Insurance Association.

American Iron & Steel Institute.

American Paper Machinery Association.

American Society of Employers.

American Textile Machinery Association.

American Tort Reform Association.

America's Community Bankers.

Arizona Association of Industries.

Arizona Software Association.

Associated Employers.

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Connecticut Technology Association.

Construction Industry Manufacturers Association.

Conveyor Equipment Manufacturers Association.

Copper & Brass Fabricators Council.

Copper Development Association, Inc.

Council of Industrial Boiler Owners.

Edison Electric Institute.

Employers Group.

Farm Equipment Manufacturers Association.

Flexible Packaging Association.

Food Distributors International.

Gypsum Association.

Health Industry Manufacturers Association.

Independent Community Bankers Association.

Indiana Information Technology Association.

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Industrial Management Council.

Information Technology Association of America.

Information Technology Industry Council.

International Mass Retail Council.

International Sleep Products Association.

Interstate Natural Gas Association of America.

Investment Company Institute.

Iowa Association of Business & Industry.

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Manufacturer's Association of Northwest Pennsylvania.

Manufacturing Alliance of Connecticut, Inc.

Metal Treating Institute.

Mississippi Manufacturers Association.

Motor & Equipment Manufacturers Association.

National Association of Computer Consultant Business.

National Association of Convenience Stores.

National Association of Hosiery Manufacturers.

National Association of Independent Insurers.

National Association of Manufacturers.

National Association of Mutual Insurance Companies.

National Association of Wholesaler-Distributors.

National Electrical Manufacturers Association.

National Federation of Independent Business.

National Food Processors Association.

National Housewares Manufacturers Association.

National Marine Manufacturers Association.

National Retail Federation.

National Venture Capital Association.

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United States Chamber of Commerce.

Upstate New York Roundtable on Manufacturing.

Utah Information Technology Association.

Valve Manufacturers Association.

Washington Software Association.

West Virginia Manufacturers Association.

Wisconsin Manufacturers & Commerce.

Mr. MCCAIN. Mr. President, I will have more to say after the vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hope we do not lose sight of the fact we are on the threshold of being able to do something very important for this country. Those of us on this side of the aisle recognize we must do something with Y2K, and we will.

The fact of the matter is, we are now debating one of the most important issues we face in this Congress. That is, What are we going to do with violence in our schools, violence in our society generally?

We could complete this juvenile justice bill in the next day or two. Amendments have been winnowed down to where we just have a handful. If we stick to the substance of the bill, we could have something very important for the American people. I hope we are allowed to go forward with this juvenile justice bill.

I see the manager of this bill who has done such an outstanding job. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, the Senate has considered S. 254 for portions of five days. The first day we were prevented from offering any amendments until almost 3 p.m. in the afternoon. When I tried to offer a first Democratic amendment, the underlying amendment to which it was offered was withdrawn and we started all over. Finally, we were able to offer amendments alternating back and forth across the aisle.

Three amendments were debated and voted on Tuesday evening and my law

enforcement amendment was offered and left pending overnight. On Wednesday we continued to offer amendments on an alternating basis through the day and voted on four more amendments.

The Senate fell into a pattern of tabling amendments offered by Democrats only to see those amendments come back as Republican sponsored amendments that were then adopted. Thus, after rejecting the Leahy law enforcement amendment we saw an amendment offered by Senator ASHCROFT to add back several of its measures and had the McCain amendment on these same matters offered and withdrawn.

Unquestionably the Senate hit a real snag on this bill when it rejected, on a virtual party line vote, the Lautenberg amendment and we saw first the Craig amendment and then Hatch-Craig II seeking to reclaim ground on the gun show amendment. Senator SCHUMER and I tried to point out problems with the Craig amendment only to be told that we were wrong on Wednesday night and right the morning after the amendment was adopted.

On Wednesday the Senate had under consideration eight amendments through the day and voted on four of those. On Thursday the Senate voted on four more amendments and debated the Schumer Internet gun amendment and Hatch-Craig II on gun shows.

On Friday, despite the plans of many Senators to travel to the Balkans and others to be away on other business, we continued debating and voting. There were two additional votes and six additional amendments were offered for debate with votes to be scheduled this week.

It was also on Friday that the Majority Leader attempted to leave this juvenile crime bill and move off onto other matters. By my calculation, it was after the Senate had been permitted only the equivalent of three days on the juvenile crime bill spread over the course of four calendar days. If I recall correctly, the Senate spent almost that amount of time, a couple of years ago, renaming Reagan National Airport.

Indeed, the Majority Leader filed cloture on his motion to proceed to S. 96 immediately after moving to proceed back to that bill and abandon Senate efforts on the juvenile violence legislation. It is that vote that is now approaching. It is that vote that will determine whether we abandon our effort to craft a juvenile violence bill or not. I urge all Senators to stay the course and not abandon this effort.

Rather I would urge that we adopt the words of the Majority Leader from Friday when he said: "Give it a reasonable time, give it full debate, have reasonable amendments, and then vote."

No one can seriously claim that Democrats are being dilatory or filibustering this bill. We have proceeded promptly from the moment the Majority Leader called it up for debate and

proceeded to offer amendments from the earliest opportunity. I marvel at comments by the sponsors of the bill that it should have been passed with one day's consideration.

The fact is that the bill was not the product of Judiciary Committee action but was introduced by the Majority Leader and the Chairman and five other Republicans from the Judiciary Committee this January and placed directly on the Senate calendar. The sponsors objected to its being referred to the Judiciary Committee and thereby prevented it.

It has sat on the Senate Calendar since January, without hearings, without an opportunity to be considered by the Judiciary Committee, and without any opportunity for any Democrats to offer improvements or amendments to it.

It should not go unnoticed that in spite of the fact that they drafted the bill, so far Republican cosponsors of the bill have sponsored 10 of the 13 Republican-offered amendments to it—the bill's sponsors have sponsored 10 of the Republican amendments so far. It is disingenuous for Republicans to seek leave to revise, reedit and amend their own bill and deny Democrats a fair opportunity to help shape that legislation through the amendment process. How about a commensurate opportunity for others to offer amendments to that work product, too?

The Senate last week had 13 roll call votes on amendments, Senator HATCH accepted one and the Senate accepted one on a voice vote after a tabling motion failed. We have adopted seven amendments by roll call votes, including the two Craig amendments, and tabled five amendments by roll call votes. We were making progress on the bill and I was gratified to hear the encouraging words of the Majority Leader on Thursday.

By last Friday, we had whittled the 89 likely Democratic amendments down by almost half and we have continued working to reduce them. On Friday we reached agreement on a finite list of possible amendments of which there were over 40 reserved not for Democrats but for Republicans.

I have been working on a managers' package with Senator HATCH and believe that one should be ready to be accepted today that will go a long way toward reducing the remaining amendments on both sides and clearing the way to concluding Senate action on this measure. I hope that Senator HATCH will continue to work with me to offer that package without further delay.

After acceptance of that managers' amendment, I expect the remaining Democratic amendments will number less than a dozen, probably less than 10, and maybe less than that. Thus, if all the Democrats in the Senate could just have the opportunity to offer a number of amendments equal to the number of amendments offered so far by three of the original Republican sponsors of the

bill, that would likely conclude Senate consideration of the bill and we could move to a vote on final passage.

From all that Senator HATCH has been saying since Sunday, after offering amendments on Friday and Monday, the Republican side has only another three amendments to offer. It would be a shame for the majority to pull the bill now.

In spite of the filing of the Republican motion to pull this bill and move back to the Y2K bill that was debated last month, Democrats have continued offering amendments, when permitted by the Republican majority. Unfortunately, Republican objection last Friday prevented Senator LAUTENBERG from offering his amendment in an effort to get a final vote on the language to be used in the context of gun show sales after Hatch-Craig II modified that language for a second time. I trust that there will be progress on that front today as we proceed and that other Democratic amendments will be allowed to be offered.

It is my understanding that the next two amendments to be offered should be Democratic amendments, since we concluded Monday's session with two Republican amendments in a row.

To date, after the filing of the cloture petition to end action on the juvenile violence bill and move off it and back to a debate on Y2K liability protection for certain businesses, there have been 13 amendments offered and now pending and awaiting Senate votes. As many amendments were offered on Friday and Monday as were voted upon on Tuesday, Wednesday, Thursday and Friday. It is hard to see how anyone could say that we are not making progress and not making a strong good faith effort on this measure.

Let me put this debate in its proper context. In the last Congress, the Judiciary Committee considered S. 10, a juvenile crime bill, and the predecessor to this measure. When Senator HATCH refers to years of work on S. 254, he is referring to the work we did to improve S. 10 in the last Congress. The Judiciary Committee met on six separate occasions to consider 52 amendments to S. 10—40 amendments were adopted by unanimous consent and 12 amendments were considered by roll call votes.

As I have noted, the bill before us today, S. 254, was never considered by the Senate Judiciary Committee. The sponsors bypassed the Judiciary Committee. Democrats never had the chance in Committee to debate it, to offer amendments to S. 254 or to improve it. Is it any wonder that Democrats have amendments to this bill and would like an opportunity to be heard on the important subject of juvenile violence? Democrats' first opportunity to improve this bill is during this Senate floor debate.

Also recall that when Democrats were in the majority and Republicans in the minority in 1994, there was a rather full debate on crime legislation.

The Senate considered the 1994 crime bill for 12 days over three weeks, and considered 99 amendments to the 1994 crime bill.

Let us keep focused on the task of completing consideration of this juvenile violence bill without moving the Senate off onto other matters and abandoning this important effort. Does anyone really believe that the consideration of liability limited Y2K legislation is more important this month than completing Senate action on a juvenile violence bill? I urge a no vote on the Republican cloture motion and ask Republicans then to join with Democrats to continue to work to complete action on the juvenile violence bill.

We are improving the bill by means of this Senate debate. Senator HATCH and I are agreeing to include suggestions from Senators from both sides of the aisle in a managers' amendment that should be accepted today. We have made and are making excellent progress. The Senate should be allowed to complete its work on this important legislation.

We were pleased when the Majority Leader honored his commitment, made during the previous Senate debate on the Y2K bill, S. 96, to take up this measure as a vehicle for youth violence amendments. It would be ironic if we now abandoned that effort to return for a second time to the debate on Y2K legislation before being given an opportunity to complete action on this measure. The Senate should reject cloture on the motion to pull the juvenile violence bill and continue our important work on this measure.

Mr. President, we have not spent a great deal of time on the juvenile crime bill. I think we spent the same amount of time renaming the National Airport. We spent only a fraction of the time on the last crime bill when the Democrats controlled the Senate because of the time taken by the Republican side. There were 99 amendments on that crime bill, I point out.

The fact of the matter is that we can pass a good juvenile crime bill or we can give into a powerful lobby.

I have been a gun owner since I was 14. I trained my children in the use of guns. I come from the only State in the Union with no gun control laws, but I tell you right now my duty is first and foremost to the Senate, not to a gun lobby. I believe Senators should determine the schedule on this bill, not the gun lobbies. Senators should vote this bill up or vote it down, not have it withdrawn at the behest of any lobby, even one as powerful as the gun lobby.

We worked all weekend—all weekend—and we have removed most of the amendments pending.

I point out that so far the Republicans who cosponsored the bill, sponsored 10 of the 13 Republican amendments to this bill. We have taken longer to vote on at least one amendment to accommodate Senators who were out, some for a fundraiser, than we did on the debate on that amendment.

We reached on Friday an agreement on a finite list of possible amendments. We have a possible managers' package that could do this. We can finish this bill. I think if we want to do the actual work, we will get it done.

I reserve the remainder of my time.

Mr. BOND. Mr. President, I rise today to address the Y2K Act from my perspective as the chairman of the Senate Committee on Small Business. The choice presented by this legislation is clear—if you are a supporter of small business in America, you must support this legislation and vote for cloture so that the Senate may proceed on this bill.

One of the highest priorities of the small business community for this Congress is that we establish procedures to resolve disputes efficiently arising from the Y2K computer problem. The consequences that may arise from this problem are as yet unknown. However, small family-owned businesses are understandably concerned that their companies may be in danger either from the problem itself or from suits brought by trial lawyers concerned only with the fees they can obtain from settlements.

The small businesses concerned with Y2K litigation are located on Main Streets all across America, not just Silicon Valley. They are this country's mom and pop groceries, its dry cleaners and its hardware stores. The National Federation of Independent Businesses, the nation's largest small business association, strongly supports this legislation. The NFIB surveyed its members and found that an overwhelming 93% support capping damage awards for Y2K suits. The small business community is speaking with a unified voice in support of Y2K liability legislation and we should not ignore that voice.

I have heard during the debate that enactment of this bill will harm small businesses. That simply is not the case. By merely reading the bill, it is apparent that small businesses will benefit greatly from its provision. So that we may dispel the myths surrounding this bill once and for all, it is important to point out several of the provisions of this legislation that small women and family-owned businesses will find particularly helpful.

First, the legislation encourages alternative dispute resolution for Y2K lawsuits. This will help small businesses tremendously. According to the Gartner Group, an international consulting firm, more than \$1 trillion will be spent on litigation relating to the Y2K problem. Lawsuits are likely to occur up and down the supply chain. That is, if the supplier of a family-owned business has a Y2K failure that impacts its abilities to serve its customers, it may have a lawsuit on its hands. That business, to recoup its losses, may then be forced to turn around and sue its supplier, which very well may also be a small business. The supplier then will sue someone else to

recoup its losses. The litigation cycle is never-ending and small businesses have the most to lose.

A good example of a small business that may be caught in this cycle of litigation is a constituent of mine who owns a small medical supply company that provides oxygen to patients. He has already determined he has a Y2K problem with his computers and is diligently trying to correct the problem. The Health Care Financing Administration has even required him to create a booklet to provide to customers regarding the steps he has taken to become Y2K compliant. If his suppliers or vendors have a Y2K failure and he cannot supply needed oxygen to his customers, he may very well be subject to lawsuits that could cost him his company. This is the type of situation we must prevent from occurring.

Women-owned and family-owned businesses are the most vulnerable from costly litigation, either as plaintiffs or defendants, because they don't have the time to devote to it and don't have excess revenue to afford it. In addition, small businesses do not want to sue companies with which they have long-standing relationships and whose survival is tied to their own. Therefore, encouraging resolution of disputes outside of the courtroom is of great assistance to these businesses.

Second, the legislation requires plaintiffs to provide defendants with notice prior to filing a complaint and allows defendants 60 days to correct Y2K problems suffered by the plaintiff. Encouraging mitigation and prompt settlement of claims allows small women-owned and family-owned businesses to recover quickly from business disruptions and, most importantly, allows small businesses to continue doing business. As I stated before, many of these businesses do not have the cash flow to engage in long, drawn-out disputes, if they want to stay in business. This provision will allow small women-owned and family-owned businesses to focus on correcting their problems and continuing in business. This is what small businesses want to do and what Congress should encourage.

The bill also establishes punitive damage limits for suits against small businesses. The bill provides that under most circumstances a small business defendant cannot be subject to punitive damages greater than 3 times the compensatory damages awarded or \$250,000, whichever is less. I don't believe that anybody can reasonably suggest that this provision will not help the small women-owned and family-owned businesses. Other than the obvious affect the cap will have, placing a limit on punitive damages will allow plaintiffs in meritorious suits to recover their actual damages quicker. Moreover, the cap will decrease the number of frivolous lawsuits that small businesses may have to face, as unscrupulous attorneys will realize that large settlements will not be forthcoming.

It is also important to point out what this bill will not do. It will not prevent a small business from availing itself of the judicial system when it has been wronged by another party's actions related to the Y2K problem. The bill does not affect the enforcement of written contracts nor does it prevent a small business from bringing a lawsuit alleging negligence or other grounds based in tort law. The bill merely establishes a procedure to efficiently remedy disputes and preclude a feeding-frenzy on the part of unscrupulous plaintiff's attorneys attempting to earn their fortune from the Y2K problem.

Earlier this year, Congress passed Y2K legislation that I authored to provide small businesses with the means to fix their own computer systems. The next step is to discourage frivolous suits and permit small women-owned and family-owned businesses to resolve Y2K disputes without costly litigation. The bill now before the Senate is a bipartisan compromise that will accomplish this objective without adversely affecting lawsuits that have merit.

I believe that the choice is clear. If you are a supporter of small women-owned and family-owned business and you want to see them continue as the economic engine that runs this country, you must support this legislation and vote in favor of cloture so that the Senate may proceed on this bill.

Mr. LEAHY. What is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont has 2 minutes 42 seconds, and the Senator from Arizona has 16 seconds.

Mr. LEAHY. Mr. President, I will yield 30 seconds.

Mr. SESSIONS. Mr. President, I had a question: Could we reach a time agreement? We could certainly cut debate on any amendments from this side, I think, to a very short time, and then we ought to be able to reach a time agreement.

The majority leader would allow this bill to come up and we could have the votes that the Senator would like to have, but we need an ending date. We cannot go on with the "walking" filibuster that puts all the agenda of this Congress on hold because of an unlimited time debate.

Could we do that?

Mr. DASCHLE. Mr. President, before we vote, let me make a couple of points very clear.

The first point is that we have done everything I know how to cooperate on the juvenile justice bill. We have offered a finite list of amendments. We have worked with our colleagues to reduce that list. We have agreed to time limits. We have not second-degreed or filibustered any amendments on the other side.

As I say, we have done it all. We even offered to offer amendments on Friday and Monday. That was rejected by our Republican colleagues because they didn't want to debate those particular amendments on Friday and Monday,

after the majority leader made it clear that he wanted to have a full debate on both of those days. We didn't have a full debate, but it wasn't the fault of Democrats.

So Members might understand my surprise when the majority leader, out of the blue, without any prior notification, filed this motion to proceed on Y2K. I am not sure why he is doing it today. I sense there are some on the other side who don't want to finish the bill, who would rather put the bill back on the calendar, for whatever reason, and who don't want to do it cleanly. They want to do it in an obfuscated way so our fingerprints are on removing the bill. They want our fingerprints on this bill as it is put back on the calendar.

We are not going to do that. We ought to stay on this bill until it is finished. We are getting closer. There is absolutely no reason why, this week—early this week—we couldn't finish this legislation, if we set our mind to doing so.

So we are going to oppose cloture today, not because we don't want to move to Y2K. I want to move to that bill, and I will support a motion to proceed to Y2K. I will do it and I hope we do it immediately, after this bill is completed. We don't need to file cloture on it. I will support it, a lot of our colleagues will support it. We want to get a Y2K bill passed. I hope we could do it in a way that would bring a 100-0 vote. I think we are negotiating in a way that could produce that result, but maybe I am too optimistic.

Let's take these things one step at a time. Let us ensure that we finish this bill before we move on to the next bill. And when we do, I will move on to the next bill and I will move on to the bill after that. We have to get our work done, but let's do it in an organized fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona has 16 seconds.

Mr. McCAIN. Mr. President, I am amused and entertained by the remarks of the Democrat leader. All he has to do is agree to a time and date when the final passage of the juvenile justice bill would be voted on. He knows it. I know it. We know it.

He is using the same excuse he used last time—almost exactly—that he would move forward with the bill and we would have final passage. I congratulate him on his rhetoric.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 34, S. 96, the Y2K legislation:

Trent Lott, John McCain, Jesse Helms, Rod Grams, Connie Mack, John H. Chafee, R. F. Bennett, Larry E. Craig, Craig Thomas, Pete Domenici, Richard G. Lugar, Sam Brownback, Ben Nighthorse Campbell, Pat Roberts, Chuck Hagel, and Spencer Abraham.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 96, the Y2K Act, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—53

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner
Fitzgerald	McCain	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Shelby
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

Brownback Moynihan

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, let me say again how disappointed I am that it appears the Senate did not want to deal with the question of the year 2000 computer liability problem. I think that is a devastating blow for business and industry in this country, big and small,

as well as the computer industry. If we do not do this, I predict by this time next year our courts will be clogged with lawsuits. I do not believe that is the answer to the problem.

ORDER OF BUSINESS

Mr. LOTT. So that Senators will know how we would like to proceed for the next hour or so, we want to have a special order in honor of and tribute to one of the finest staff members I have ever known in the 26 years I have been in Congress, Adm. Bud Nance.

PRIVILEGE OF THE FLOOR

Mr. LOTT. I ask unanimous consent that during the tributes to Admiral Nance all staff of the Foreign Relations Committee be granted floor privileges.

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

Mr. LOTT. It is anticipated that following those tributes, some time might be spent hearing further from Senators expressing their concern at and disappointment about the vote against cloture on the motion to proceed to the Y2K issue. Then we will work with the Democratic leadership and the managers of the juvenile justice bill to see how we can proceed on that bill after the policy luncheon hour or two hours. Hopefully, we could have some wrap-up debate on amendments that were offered Friday and Monday, because some of those amendments were offered and some debate was heard but the other side was not heard on that particular amendment, and it could have been from either side of the aisle. So some additional time might be needed for that, and I was thinking of maybe a series of stacked votes.

We have some 13 amendments that are pending. Hopefully, we would not have to have a recorded vote on all of those, but whatever number would be required, and then see if we can work for a way to complete the juvenile justice bill in a reasonable period of time with a reasonable number of amendments on both sides, and then go tomorrow, hopefully, not later than noon, to the supplemental appropriations bill, assuming the House passes that this afternoon or tonight.

I think it would be irresponsible for us to delay any longer than is absolutely necessary to take up this legislation. It has been pending too long. It is supposed to be an emergency, supposed to deal with disasters in Central America, in Kansas and Oklahoma, as well as the defense needs in support of our men and women who are flying bombing raids right now over Kosovo. It would be my intent, as soon as we receive it from the House, to go to that legislation. It is still my hope that we can complete juvenile justice in a reasonable period of time.

Mr. HATCH. Mr. President, I am extremely disappointed in the failure of the Senate to invoke cloture. I believe that there exists strong bipartisan support for the bill and it is a shame that the bill may die for partisan reasons.

But the Democrats held firm on cloture. Sometimes party unity is a good thing, but in this case, it is a mistake.

The reason why it is a mistake is that the Y2K problem hurts America. What we face is the threat that an avalanche of Y2K-related lawsuits will be simultaneously filed on or about January 3, 2000 and that this unprecedented wave of litigation will overwhelm the computer industry's ability to correct the problem. Make no mistake about it, this super-litigation threat is real, and if it substantially interferes with the computer industry's ongoing Y2K repair efforts, the consequences for America could be disastrous.

Today we face the more immediate problem of frivolous litigation that seeks recovery even where there is little or no actual harm done. In that regard, I am aware of at least 25 Y2K-related class actions that are currently pending in courts across the country, with the threat of hundreds more to come.

It is precisely these types of Y2K-related lawsuits that pose the greatest danger to industry's efforts to fix the problem. All of us are aware that the computer industry is feverishly working to correct—or remediate, in industry language—Y2K so as to minimize any disruptions that occur early next year.

What we also know is that every dollar that industry has to spend to defend against especially frivolous lawsuits is a dollar that will not get spent on fixing the problem and delivering solutions to technology consumers. Also, how industry spends its precious time and money between now and the end of the year—either litigating or mitigating—will largely determine how severe Y2K-related damage, disruption, and hardship will be.

Let me talk about the potential financial magnitude of the Y2K litigation problem. The Gartner Group estimates that worldwide remediation costs will range between \$300 billion to \$600 billion. Other experts contend that overall litigation costs may total \$1 trillion. Even if we accept the lower amount, according to Y2K legal expert Jeff Jinnett, "this cost would greatly exceed the combined estimated legal costs associated with Superfund environmental litigation . . . U.S. tort litigation . . . and asbestos litigation." Perhaps the best illustration of the sheer dimension of the litigation monster that Y2K may create is Mr. Jinnett's suggestion that a \$1 trillion estimate for Y2K-related litigation costs "would exceed even the estimated total annual direct and indirect costs of all civil litigation in the United States," which he says is \$300 billion per year.

These figures should give all of us pause. At this level of cost, Y2K-related litigation may well overwhelm the capacity of the already crowded court system to deal with it.

Thus, it is imperative that Congress should give companies an incentive to

fix Y2K problems right away, knowing that if they do not make a good-faith effort to do so, they will shortly face costly litigation. The natural economic incentive of industry is to satisfy their customers and, thus, prosper in the competitive environment of the free market. This acts as a strong motivation for industry to fix a Y2K problem before any dispute becomes a legal one. This will be true, however, only as long as businesses are given an opportunity to do so and are not forced, at the outset, to divert precious resources from the urgent tasks of the repair shop to the often unnecessary distractions of the court room. A business and legal environment which encourages problem-solving while preserving the eventual opportunity to litigate may best insure that consumers and other innocent users of Y2K defective products are protected.

The Y2K problem presents a special case. Because of the great dependence of our economy, indeed of our whole society, on computerization, Y2K will impact almost every American in some way. But the problem and its associated harms will occur only once, all at approximately the same time, and will affect virtually every aspect of the economy, society, and government. What we must avoid is creating a litigious environment so severe that the computer industry's remediation efforts will slacken and retreat at the very moment when users and consumers need them to advance with all deliberate speed. What we must avoid is the crippling the high tech sector of our economy.

As chairman of the Federal Reserve Board Alan Greenspan recently noted, the tremendous growth of our economy is in large measure a result of productivity gains resulting from the computerization of our economy. America is unquestionably the high tech leader in the world today. Our technology is a major export item. Unless the Y2K bill is passed, the American high tech information industries and computer businesses will be swamped by an avalanche of lawsuits.

Mr. President, why kill the goose that lays the golden egg? Let the Senate vote on the underlying bill. Let the Senate vote on Democrat and Republican amendments. But let us vote on the merits of the bill. Leave politics aside. This issue is too important to be held hostage.

The excuse that the minority professed is that the Y2K should not be brought up until the Juvenile Justice bill is completed. How ironic. I have been working around the clock to work on a time agreements for amendments to the Juvenile Justice bill. The minority has been delaying the Juvenile Justice bill and uses the delay as an excuse to vote no on cloture petition on a motion to proceed to the Y2K bill. That's called chutzpa.

Look, a strong bipartisan substitute—a Dodd-McCain-Hatch-Feinstein-Gorton-Wyden-Bennett substitute—has been crafted. This substitute is carefully drafted to assure an appropriate balance between the rights of citizens to bring suits for compensation and the need to protect the high tech community from onerous and wasteful litigation. This is a fair resolution of differences between Democrats and Republicans. I hope—for the sake of our Nation—that the minority allows us to debate this provision.

UNANIMOUS CONSENT REQUEST—
S. 254

Mr. LOTT. So for the sake of discussions, I ask unanimous consent that the Senate now resume consideration of the juvenile justice bill, and there be 10 amendments in order per side to be selected from the amendments in order pursuant to the previous consent of May 14, and passage occur by 12 noon, Wednesday, May 19.

Mr. LEAHY. Reserving the right to object—and my distinguished friend from Mississippi discussed this with me before during the vote—and as I have told my friend from Mississippi and my friend from Utah, we are continuing to work to whittle down the number of amendments certainly on our side. As I had assured my friend from Utah over the weekend, I and my staff have spent a lot of time talking to Democratic Members, and we have cut out a number of amendments.

I do want to see this bill completed. I do want a good juvenile justice bill. Also, I want to get us on to Y2K, as the distinguished Democratic leader, Senator DASCHLE, said he is in favor of the Y2K bill. He is in favor of going immediately, after juvenile justice, to the Y2K bill.

The distinguished majority leader is absolutely right in what he said about the supplemental. I suspect—I have not talked with Senator STEVENS and Senator BYRD—that is going to go fairly rapidly.

We are going to have our caucus luncheons. The distinguished Senator from North Carolina wishes to begin a series of justly-deserved tributes to the admiral. I ask the distinguished leader if he would withdraw for now the unanimous consent agreement, let us work during our caucus luncheons with other Members to try to get this up so we can accommodate both the Republican and Democratic side, get amendments voted up or down, and get the bill voted up or down.

Mr. LOTT. Mr. President, based on that request and a full measure of trying to be reasonable and get an agreement to get this worked out and completed, because I think juvenile crime in this country is a very serious issue, for the Senate to not deal with it seriously and to complete action would be indefensible.

My problem, as the majority leader, is that we have the supplemental,

which is not going to be completed in 2 hours. This bill is going to take some discussion. I think it is a tragedy that we are not going to do the Y2K issue, but I am interested in getting a result. I think if we can get some cooperation, we can achieve that.

Keep in mind that we have had some 25 amendments, I believe, that have been offered and debated. This would call for 20 more. That is 45 amendments on a bill that has been in the making for 2 years. So I think my request is reasonable, and it is my third or fourth attempt to find some sort of time agreement.

I thought and was assured that we would work to complete this bill last Thursday. That didn't work out. And I understand. Sometimes the leadership on both sides of the aisle has goals we wish to achieve, but the rest of the troops don't necessarily follow and fall in line, so we can't quite fulfill that commitment. But the suggestion was made, well, we will have amendments Friday and Monday, and we would vote on a series of amendments Tuesday morning, final passage by noon. That was objected to. Then we said, how about 5, with more amendments after the stacked votes on Tuesday morning. That was objected to. Then I said 6. That was objected to.

Now I am saying, how about getting what we have standing, 20 more amendments, and complete it by noon on Wednesday so we can go to the supplemental. I think I am bending over backwards, not because I want more of the type of debate that I heard last week where Senators even object to a Senator amending their own amendment. I didn't realize that happened in the Senate. I was very disappointed with that action. But instead, we must come together and seriously try to deal with this problem.

I know there are Senators on both sides of the aisle who want to do that, and I am anxious to find a way to get it done and get it completed. I will withhold this request. I hope the managers will work through this, while we are having this very well-deserved tribute to Admiral Nance, and then after the luncheon hopefully we can wrap up some agreement.

Mr. LEAHY. If the distinguished leader will yield further, I will be very brief. In my 25 years here, I have seen majority leaders, distinguished majority leaders, both Republican and Democrat, try to whittle down bills in time, and usually when they propose time agreements, the number of amendments has expanded. In this case, I say the good news for the distinguished Senator from Mississippi is, each time he has done this, actually the numbers have dwindled, and dwindle and dwindle.

I suggest that perhaps the distinguished Senator from Utah and I continue our efforts and report to our respective leaders after the caucus where we stand.

I see the distinguished Senator from Utah on the floor. I know that he wants the floor, and so I will yield.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I really appreciate the majority leader and his patience and forbearance, because this bill is now in its sixth day. That is more than we give to most bills in the Senate, unless they are just hotly contested. This is one that should not be hotly contested. Everybody ought to be for this bill.

Mr. President, yesterday I read a quote from a recent New York Times editorial, and I would like to read it again, prior to the time for Senator HELMS.

This is from the New York Times editorial:

In the past it was not hard to be struck by the way time seemed to roll over a tragedy like a school shooting, by the disparity between the enduring grief of parents who lost children in places like Paducah and Jonesboro and the swift distraction of the rest of us. This time, perhaps, things may be different. The Littleton shootings have forced upon the nation a feeling that many parents know all too well—that of inhabiting the very culture they are trying to protect their children from. . . . The urge to do something about youth violence is very strong . . . but it will require an urge to do many things, and to do them with considerable ingenuity and dedication, before symptomatic violence of the kind that occurred in Littleton begins to seem truly improbable, not just as unlikely as the last shooting.

That was the New York Times, May 11, 1999. While I may not agree with the Times on everything, I doubt I could have described any better the task we have taken on. This issue is a complex problem and one which requires dedication, a spirit of cooperation, and an agreed upon set of objectives.

I believe that spirit of cooperation has been lacking somewhat as this is the sixth day we are on this bill and, as of this morning, my colleagues on the other side of the aisle still had over 25 amendments. Now, my friend from Vermont has indicated that he is working to try and get those cut down. I hope he is successful. I have spent several days urging Republicans not to offer their amendments—most have been agreeable—in the hopes that my colleagues on the other side would reciprocate. I spent the weekend here, and my staff was here working around the clock. We heard nothing from the other side during that time. Indeed, we were told by them that staff would not be coming in to meet with us at that time.

Now, perhaps they were trying to work on the Democrat amendments. Certainly, the distinguished Senator from Vermont says that is what he was doing. But frankly, we were prepared to work and cut these matters down and get this whole matter completed.

In fairness, we have been given some suggested changes to the underlying bill. We were given those suggestions late yesterday. I would be willing to accept a number of them if it meant we

could pass this bill by a date certain. As well, staff has been working to clear several amendments as part of a managers' package of amendments, which I hope Senator LEAHY and I can do. Still, we have been given no commitment, assurances, or even a hint that my colleagues will agree to a vote on a time or date certain. This bill is too important to be treated this way. The problem of juvenile crime and the victims of juvenile crime deserve better.

We should pass this bill, but there are a number on the other side who want to pull this bill down. You hear a lot of posturing about the gun lobby, which is complete nonsense. Let's just review the facts.

The President's gun package was framed as essentially containing the following elements: Gun show loopholes; permanent Brady; one gun a month; juvenile Brady; juvenile possession of assault weapons, increase the age to 21; child access to guns, liability; safety locks; increase penalties for guns to juveniles; firearms tracing; youth crime gun initiative; gun kingpins penalties; and a clip ban.

More than half of the President's so-called "plan" has been acted on by the Senate or is contained in a pending amendment. In other words, we have agreed to a unanimous consent agreement limiting amendments which allows for the remaining elements of the President's plan to be offered.

So the question is, Where is the President on this issue? Republicans want to let this plan be voted on, but his allies in the Senate do not appear eager to move forward. I hope they will.

I believe my colleague from Vermont when he says that, given some time and through the caucuses today, we probably can get this resolved, or at least he hopes we can. I do also. We have to get it resolved.

We are not trying to avoid the gun issue. I think some are concerned how this bill, with its reforms of the entertainment industry, will be received by their friends in Hollywood. That is something I think really bothers some on the other side. It bothers me, too. But we are doing some things that really are valuable, really viable, really worthwhile, and really allow for voluntary compliance and an approach that really will work in the best interests of the entertainment industry.

Given the seriousness of this problem, and the number of warning signs that future tragedies may be imminent—we are announcing them daily—we cannot afford to filibuster this bill through amendment. We should not play politics with this bill. Instead, we should come together and pass this bill. I am certainly hopeful that that is what we are going to get done either today or tomorrow.

I think the majority leader has been more than accommodating on this. He has indicated that he can only give so much time to this because there are so many other pending bills. The distin-

guished Senator from Vermont and I both know that we have to bring up the bankruptcy bill, the Satellite Home Viewer Act, in addition to all these very important issues that involve the national defense and our people who are serving in the Balkan crisis, and, of course, the supplemental appropriations bill. We only have a limited time in which to do it.

So it is good that we get together today and get this matter resolved. I don't think we could have had a more cooperative majority leader, under the circumstances. We stand ready, willing, and able to work with our colleagues on the other side to try to narrow these amendments and, of course, work with them to try to get some of these problems solved that they think are so serious.

I might add that a number of these gun amendments were already in the bill; juvenile Brady is a prime example. We had that already in the bill. You would think, from the President's remarks, that it wasn't part of our bill. We have worked on this bill for 2 years. I want it to be bipartisan; I want our Democratic colleagues to be part of this; I want them to feel good after it is all done. We have made every effort to try to accommodate them. But to have this thing go on for another day or two is basically not right, under the circumstances.

So I hope we can get together, and I hope we will work together and get our staffs together, and I hope we will resolve this either today or tomorrow.

I yield the floor.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Utah would not want to leave a wrong impression about what has happened, so perhaps I might flesh out his remarks just a tad.

One, it should be noted that every single Democratic Senator wants to see a juvenile justice bill passed. The comments about pulling the bill down have all come from the Republican side of the aisle, not from the Democratic side of the aisle.

As far as working on this, I am not sure to what the Senator is referring. I don't know when I have spent so much time on the phone, the computer and e-mails, and on a bill as I have this past weekend. Our staffs have worked late into the night. We were given a wish list from the Republican staff, as was appropriately done at the beginning of the weekend. We worked on that all weekend long, calling Senators all over the country on it. As of last night, we had cleared 40 amendments. That is progress. That is very significant progress.

Now, the distinguished Senator from Utah said on the talk shows this weekend that they need seven amendments on the Republican side. Four were introduced yesterday, but this morning there are suddenly 10. We have kind of floating numbers here. But the facts are such that we have been working and we have cleared a very large num-

ber of amendments that Senators never have to see.

The last crime bill took 12 days. There were 99 amendments. We walked through it, and we did it. I remember being on that committee of conference, and the distinguished Senator from Utah may recall that we were there until 3, 4, 5 o'clock in the morning. These were complex issues, but we got it done. The crime rate has been coming down for 6 years—something that I have not seen under any other administration before—Republican or Democrat. So we can get somewhere on this.

We have significant issues in here. Every single Member on this side of the aisle is committed to seeing a juvenile justice bill passed. We want to go on to debate and vote on Y2K. The majority leader is correct in saying the supplemental has to be passed. We are not trying to delay it. I assure my friend from Utah that an enormous amount of work was done this weekend, and it was done until very late last night. I think my last e-mail on this came through to me at about 12:30, 12:45 this morning. We are getting it done.

Now, the distinguished Senator from North Carolina has been sitting here patiently and wishes to speak about a lifetime friend, a man who deserves a great deal of honor and praise by this Senate from both sides. I think we would do the Senate well and the memory of the great man well by both of us holding this debate until after the caucus. I thank the distinguished Senator from North Carolina for his courtesy, which was doubly helpful this morning because I know this is a difficult time for him.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to morning business for 60 minutes, under the control of the Senator from North Carolina, Mr. HELMS, for a special order in memory of Adm. Bud Nance.

The Senator from North Carolina is recognized.

TRIBUTE TO ADMIRAL BUD NANCE

Mr. HELMS. Mr. President, let me take note that members of Adm. Nance's family are in the family gallery. While the rules prohibit my saying anything to them, I think they know that our deepest sympathy goes to them from us.

Mr. President, when I heard the sound of Dr. Elaine Sloand's quiet voice on the other end of the line at about 3:30 in the afternoon a week ago, I detected an unmistakable sadness in it. I tried to brace myself for the bad news that had been expected for a day or so. Dr. Sloand, a wonderful, great, kind and compassionate physician, had done everything within her power to save Bud Nance's life. Many others at the National Institutes of Health had

also worked against the odds to save this great American, the remarkable retired Naval officer who had fought in almost a dozen of the major battles of World War II.

So, Mr. President, when I picked up the phone and heard Dr. Sloan's voice, I knew that James Wilson Nance was gone. And he was.

As I sat at my desk in silence and alone, I recalled the poignancy of Adlai Stevenson years ago when he lost the bid for the Presidency: "It hurts too bad to smile and I'm too old to cry."

A thousand memories crowded their way into my consciousness as I sat there in those few quiet minutes. You see, Mr. President, Bud Nance and I could not have been more than 4 or 5 years old when we began playing together as little boys. On one occasion, he had scarcely had time to get to his home from my house a couple of blocks away in our little hometown of Monroe, when he was back knocking at the door. There he stood with his little hand thrust forward with a toy: "Here," he said, "this is yours; I took it home by mistake and I'm sorry."

Just as the boy, Bud Nance, was unfailingly and impeccably honest, so was Rear Adm. James W. Nance decades later when he skippered a series of U.S. warships, including the giant aircraft carrier, the *Forrestal*, that had more sailors aboard than there were people in Bud Nance's hometown and mine.

During the past week, there has been an almost endless series of friends and admirers of Admiral Nance expressing their sorrow and their admiration for what I regard as a giant of a man fallen. Needless to say, I have been deeply grateful to every one of those expressing their regrets and their comfort.

Anybody who has known Bud Nance did not merely like Bud Nance; it is a far deeper and genuine feeling that so many have held for him. In my case, nothing fits but the word "love". I loved Bud Nance like a brother. In my final conversation with him 9 days ago, I told him so. His voice, weak and raspy, but nonetheless unmistakably clear, replied, "I love you, too."

Bud loved his family; oh, how he loved them. We had often discussed, down through the years, his and my good fortunes. He once commented about his dear wife, Mary Lyda, that it was she who did the hard part. He used to say, "I was away so much of the time, and she was back home raising our children and raising them right."

Mr. President, I could go on, but I shall not, except for one final vignette, which underscores the goodness and tenderness of "The Admiral."

Some years ago, on a cold and wintry night, a kitten was abandoned at Bud's and Mary Lyda's front door. It was doubtful that the kitten—cold, shivering and wet—would survive, but Bud and Mary Lyda produced hot water bottles and a tiny bed for that little kitten who was too fragile and too young to handle solid food. For 2 or 3

nights straight, Bud Nance sat up with that kitten, lovingly holding it in his arms while, with a teaspoon, feeding a little bit of warm milk into that tiny little fluff of fur.

But the kitten did survive. He named that kitten Kate. She slept at the foot of Bud's bed from then on.

Mr. President, Dot and I visited Mary Lyda Faulk and the wonderful Nance children that night following Bud's departure earlier in the afternoon. While we sat in the living room chatting, in strolled Kate. She checked each one of the several of us, but she first went to Bud's empty chair. I believe Kate knew that her great benefactor and her best friend was gone.

Kate was such a lucky little kitten, just as all the rest of us were lucky to have known Bud Nance, to have worked with him, to have had him as a true and faithful friend, a friend whom we not only admired, but loved.

I ask unanimous consent articles about Admiral Nance be printed in the RECORD at the conclusion of my remarks.

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

[From the Charlotte Observer, May 14, 1999]

BUD NANCE, MONROE NATIVE WAS AN OFFICER
AND A GENTLEMAN

James "Bud" Nance, who died Tuesday at age 77, was a modest man with a wry, sometimes pointed sense of humor. When, at Jesse Helms' request, he came out of retirement to direct Sen. Helms' staff on the Foreign Relations Committee, he was confident enough to allow staffers to talk to the press on the record on a wide range of issues. He offered one caution, he recalled with a smile: that "If you leak something [secret] to the press, and I find out about it, I'm going to kill you."

He grew up in Monroe, where he and the future senator were playmates and members of the same band (Jesse on tuba, Bud on clarinet). He graduated from the U.S. Naval Academy in 1944 and was assigned to the USS North Carolina, which survived attacks by more than 150 Japanese suicide bombers.

After the war, he became a Navy test pilot. It was dangerous work—five of the 10 men in one of his test pilot units died in crashes. Later he commanded the aircraft carrier USS Forrestal, then worked for the Joint Chiefs of Staff and for Gen. Alexander Haig, who became President Reagan's secretary of state. When Admiral Nance became deputy assistant to Mr. Reagan's national security adviser, the Washington Post said he was "among the most well-connected military officers in Washington."

When Sen. Helms asked him to reshape the Foreign Relations Committee staff, he accepted pay only because the law required it—\$2.96 a week, the congressional minimum. After automatic raises bumped it to \$4.53, Sen. Helms observed. "Bud's worth every penny."

Bud Nance was an officer, a gentleman and an American hero. When he took the Foreign Relations post, he said, "The only thing I'm here for is to do a good job for the United States, and to make sure Jesse gets a square deal." His nation, and his old friend, will attest that, as always, he accomplished his goals.

ROB CHRISTENSEN: JESSE LOSES A BOYHOOD
FRIEND

(By Rob Christensen)

They are breaking up Jesse Helms' old Monroe High School Band.

One by one, the members have been going to their reward. Gone is the oboe player, Henry Hall Wilson, once chairman of the Chicago Board of Trade and a former U.S. Senate candidate. Gone is the cornet player, Skipper Bowles, a former gubernatorial candidate and the father of former White House chief of staff Erskine Bowles.

And last week, the clarinet player, retired Rear Adm. James "Bud" Nance, passed away.

Which left Helms, the tuba player, fielding condolence calls from the likes of President Clinton and Gov. Jim Hunt. Helms has lost his best remaining friend who isn't named Dot Helms.

It's not just that Nance was Helms' chief of staff on the Senate Foreign Relations Committee. Their relationship started in 1921 in the Union County town of Monroe, where Jesse and Bud were born two blocks apart, two months apart.

It was Jesse and Bud who used to go to The Strand to see Tom Mix westerns. It was Jesse and Bud who put a "For Sale" sign on their high school lawn one Halloween. And it was Jesse and Bud who would slip behind the school to sneak a cigarette.

Jesse was proud of Bud's Navy career—on the USS North Carolina during World War II, where he endured 162 Japanese air and kamikaze attacks; Navy test pilot along with such pals as John Glenn and Alan Shepard; commander of an attack squadron, an air wing and two ships—the USS Raleigh, an amphibious ship he skippered off the coast of Vietnam, and the aircraft carrier USS Forrestal.

As Jesse liked to say, Bud was the Monroe boy who amounted to something.

I first met the admiral deep in the bowels of the White House, where he was acting national security adviser to President Reagan. Among his hires were Iran-contra figures Oliver North and John Poindexter.

"I'm the only guy who walked out of the place," Nance would later say, laughing.

Helms brought Nance out of retirement to become his chief aide on the Foreign Relations staff.

Nance, a pretty conservative fellow himself, cleaned house—ousting some staffers who he thought were veering too far off into right-wing conspiracy land. And he advised Helms on a broad range of foreign and military matters. Jesse trusted Bud completely.

In recent months, Nance had suffered from myelodysplasia, a blood disease that made him unable to produce platelets. But just a few days before his death, Nance was still showing up in his office at 7 a.m.

In the end, Jesse and Bud were friends again in the Virginia suburbs of D.C.—hundreds of miles from where they started in life.

Nance once remarked to his friend that Helms had better not be the first to die.

To which Helms quipped: "I'll kill you if you do."

"I cannot describe the guy because he had as much character as anyone I've ever known," Helms said last week. "He was thoughtful. He cared about people. He loved this country."

[From the Washington Times, May 12, 1999]

JAMES NANCE, ADMIRAL, HELMS AIDE, DIES AT
77

(By Robert Stacy McCain)

James W. "Bud" Nance of McLean, a retired Navy rear admiral and staff director of

the Senate Foreign Relations Committee, died yesterday. He was 77.

The committee issued a statement saying Adm. Nance died from complications of a undisclosed illness.

Adm. Nance was a boyhood friend of the Foreign Relations Committee's chairman, Sen. Jesse Helms, North Carolina Republican. Mr. Helms had no public statement yesterday but the committee spokesman, Marc Thiessen, said Adm. Nance "was so beloved by so many."

Adm. Nance graduated from the U.S. Naval Academy at Annapolis in 1944. He served as an aviator in World War II, Korea and Vietnam, earning two Distinguished Service Medals. He rose to command of the aircraft carrier USS Forrestal.

Later he served as assistant national security adviser to President Reagan and joined Mr. Helms' staff in October 1991.

Mr. Helms, the ranking Republican member of the Foreign Relations Committee at that time, was having problems with his 19-member staff and asked Adm. Nance—who had retired to Virginia—to take charge.

"I was home having a real good time," Adm. Nance told a columnist in 1992. "Jesse called and said, 'Come on up and help me get control of this zoo.'"

Within three months, nine committee staffers were dismissed.

As a condition of his own employment, Adm. Nance asked that he not be paid, but Mr. Helms pointed out that federal law required that Senate staffers be paid a minimum of \$153 a year.

"Nobody can ever say Jesse gave his old buddy a job," Adm. Nance said.

When Republicans took control of Congress after the 1994 elections, the GOP pushed through a law requiring Congress to abide by the employment laws that applied to U.S. businesses. Along with a minimum wage increase passed in 1996, that bumped Adm. Nance's pay to \$204 a week.

Adm. Nance brought a caustic sense of humor to his Senate job. Shortly after he joined Mr. Helms' staff, Adm. Nance was questioning the benefits lavished on U.S. ambassadors, including hardship pay.

"I fought at Iwo Jima," he said. "That's hardship."

"He's like a father figure to his staff," one of Mr. Helms' assistants said of Adm. Nance in 1993. "You just can't put a price on that kind of wisdom."

Adm. Nance is survived by his wife of 42 years, Mary Lyda, and four children.

[From the Roll Call, May 13, 1999]

SENATORS FONDLY REMEMBER 'BUD' NANCE
(By Ben Pershing)

Sen. Chuck Hagel (R-Neb.) has a story he likes to tell about James "Bud" Nance, the retired Navy rear admiral and Senate Foreign Relations Committee staff director who died Monday.

Hagel remembers a Foreign Relations meeting where one Senator was droning on and on, "enjoying his own eloquence."

"After a while," Hagel recalled yesterday, "Bud leaned over and whispered in my ear, 'Senator, remember, you don't have to be eternal to be immortal.' He said it with that twinkle in his eye and then he winked at me."

The exact cause of death for Nance was not disclosed, although he told Roll Call last month that he was suffering from myelodysplasia, a blood disease that rendered him unable to produce platelets. He was 77.

Foreign Relations Chairman Jesse Helms (R-N.C.), who grew up three blocks from Nance, had not released a statement on his life-long friend by press time yesterday.

But in an interview last month, Helms praised the fact that despite his illness, Nance beat "everyone else to work," often arriving at the office by 7 a.m.

Senators who worked closely with Nance said he was a thoughtful man and a tough staff director.

"I trusted him completely," said Foreign Relations ranking member Joe Biden (D-Del.) in an interview this week. "I cared a lot about the guy personally."

Biden added that both he and Helms benefited from Nance's long experience with military affairs.

"He knew the complexities of all this stuff," said Biden. "I never had any doubt I could confide in him."

"He was a gentleman," said Hagel. "He was such a complete person. People had tremendous confidence in him, partly because they liked him and partly because they trusted him."

Sen. Christopher Dodd (D-Conn.), a member of Foreign Relations, said of Nance, "This is just one of the finest people I've met in my 18 years in the Senate."

Dodd also spoke of Nance's steady hand in dealing with the committee's younger staffers.

"He was a wonderful, tempering influence on the young staff," said Dodd. "I know this is a loss for Senator Helms. I think it's a real loss for the Senate as well."

Nance was particularly close to Helms, who brought Nance on board in November 1991 to head up the panel's GOP staff. Nance and Helms were boyhood friends in Monroe, N.C.

Nance joined the committee at a time when its staff was in disarray, and three months after taking the post, Nance fired nine top aides.

"I felt we had too much overhead and not enough operators," Nance told Roll Call in 1992. "It was difficult for me to see exactly who was doing what."

When he first came on, Nance refused to take a salary. Since federal law required that Senate staffers receive at least \$153 per year, Nance accepted that, and after the minimum wage was increased, his pay jumped to \$204 per week.

Nance, who entered the Navy as a midshipman in 1941 and retired 38 years later as a rear admiral, saw active duty in World War II, Korea and Vietnam. Nance said that during his service in World War II, he endured 162 Japanese air and kamikaze attacks.

Over the course of his Navy tenure, Nance commanded an attack squadron, an air wing and two ships—the USS Raleigh and the USS Forrestal. His military background had a profound effect on the way he carried himself and on the way he handled the committee's staff.

"When you manage an aircraft carrier, you are managing a small city at sea," said Hagel. "It matures one rather quickly."

Nance was born Aug. 1921, in Monroe. He entered the U.S. Naval Academy in 1941 and spent three years there, earning a bachelor's degree in 1944. He later spent time at both the Naval War College and the National War College, and in 1965 he received a master's in international relations from George Washington University.

After leaving the military in 1979, Nance went on to work as assistant national security adviser during the Reagan administration. He then joined the private sector, working for several years as head of naval systems for Boeing Co. Nance had retired to Virginia when Helms asked him to come to the Hill.

Nance is survived by his wife of 42 years, Mary, four children and seven grandchildren.

A Senate GOP source said Helms will try next week to clear some time on the Senate floor for Members to pay tribute to Nance.

[From the Washington Post, May 13, 1999]

ADM. JAMES "BUD" NANCE DIES; CHIEF OF STAFF FOR SENATE PANEL—INFLUENCED COMMITTEE CHAIRMAN JESSE HELMS

(By Louie Estrada)

James Wilson "Bud" Nance, 77, a retired Navy rear admiral and former White House national security affairs adviser who as the Senate Foreign Relations Committee's chief of staff was regarded as a pragmatic influence on his childhood friend, Sen. Jesse Helms (R-N.C.), died of complications from a preliminary form of leukemia May 11 at the National Institutes of Health.

Adm. Nance, a graduate of the U.S. Naval Academy and former naval aviator and test pilot, was a self-described conservative Republican who reportedly advised Helms, the committee's chairman, to tone down his sometimes fiery rhetoric and confrontational approach when tackling issues.

Their close relationship was based on a mutual trust that stemmed from their days growing up in their native Monroe, N.C. Over the years since they played in the same elementary school band, they periodically kept in touch. Although the two shared similar political philosophies, Adm. Nance was considered Helms's opposite in many aspects, coming across as a more courtly hard-nosed figure with an easy laugh and a loathing of the limelight.

He did have critics. A POW group called on Helms to fire Adm. Nance because of what they said was the committee's lack of attention to their cause. Still, he was seen as an affable father figure in Washington's corridors, where colleagues referred to him simply as "the admiral."

At Helms' urging, Adm. Nance, who had an illustrious 38-year career in the Navy, joined the committee in 1991 to help improve the minority staff's efficiency. Saying the government already had done plenty for him, Adm. Nance accepted the job on the condition that he would work for free.

But, as it turned out, laboring without a salary was not an option under Senate rules. He was paid Congress's then minimum of \$2.96 a week. Later, two cost-of-living pay increases bumped his weekly salary to \$4.53. Still, he wasted little time with the task put before him, overhauling the staff by releasing deadwood and malcontents, hiring whiz kids and shifting old-timers around.

After the Republicans swept into the majority in the 1994 mid-term elections, Adm. Nance was placed in charge of the transition on the Foreign Relations Committee and predicted that Senate members would play a larger role in foreign policy hot spots. He was coming into the office as recently as last week, showing up as he did every day at 7 a.m. and returning to his home in McLean in the evening.

Adm. Nance was no stranger to the committee's workings, having served as a consultant to the committee during the SALT II deliberations. In 1981, he joined the White House as President Ronald Reagan's deputy assistant for national security affairs, and for a brief time, he was acting chief special assistant for national security affairs, temporarily replacing Richard V. Allen.

As a young man, he attended what is now North Carolina State University and graduated from the Naval Academy in 1944. He was assigned to the battleship USS North Carolina and served there throughout the remainder of World War II.

After the war, he underwent flight training and served as a flight instructor at the Naval Air Basic Training Command of the Naval Air Station in Pensacola, Fla. He was assigned to exchange duty with the British Royal Navy in the mid-1950s and was a project pilot with the Flight Test Division at

the Naval Air Test Center in Patuxent River. In the latter assignment, he test-landed aircraft on carriers.

Before his military retirement in 1979, he served as the senior naval officer on the staff of the commander of U.S. forces in Europe when Alexander Haig held the combined job of U.S. and NATO commander. He also held strategic and planning posts in the Pentagon and was commander of the aircraft carrier Forrestal.

His military honors included two Distinguished Service Medals and the Legion of Merit.

He received a master's degree in international relations from George Washington University and attended the U.S. Naval War College and the U.S. National War College.

In the 1980s, he worked for Boeing Military Airplane Co., where he was manager of Navy systems.

Survivors include his wife, the former Mary Lyda Faulk of McLean; four children, James Lee Nance of Richmond, Mary Catherine Worth of Atlanta and Andrew Monroe Nance and Susan Elizabeth Nance, both of McLean; and seven grandchildren.

[From the New York Times, May 15, 1999]

REAR ADM. JAMES NANCE, 77, INFLUENTIAL AIDE TO JESSE HELMS

(By Irvin Molotsky)

WASHINGTON, May 14—James W. Nance, a retired Navy rear admiral who took on a late-career job as the chief aide to his old boyhood friend Senator Jesse Helms of North Carolina, died on Tuesday at the National Institute of Health in Bethesda, MD. He was 77 and lived in McLean, VA.

Marc A. Thiessen, the spokesman for the Senate Foreign Relations Committee, where Admiral Nance was staff director, said the cause was complications of myelodysplasia, a pre-leukemia condition.

On Capitol Hill, Admiral Nance was known for having brought order to the committee's Republican staff, which Senator Helms, the senior Republican, and others on the panel had found disorganized and riven by ideological differences.

"When I came over here, I couldn't understand the organization," Admiral Nance said in a 1992 interview with *The National Journal* after agreeing to come out of retirement a year earlier to help his old friend. "It was a zoo to me. My military mind has got to have all the men and women in line."

Admiral Nance's role was important then, when Senator Helms was the committee's ranking minority member, and it became more important later, when, after the 1994 elections, the Republicans took control of the Senate and Mr. Helms became chairman.

Before Admiral Nance was brought in, *The National Journal* said in its 1992 article, there had been a movement among the committee's Republicans to remove Mr. Helms as their leader because of the minority staff's disarray.

Mr. Helms accepted Admiral Nance's recommendations that eight members of the staff be fired, and although there was an angry reaction at first, Republican leaders later said the Nance replacements had brought order to the panel.

Admiral Nance was born in Monroe, N.C., where he and Mr. Helms grew up two blocks from each other. He graduated from the United States Naval Academy in 1944 and went on to serve as a naval aviator in World War II, the Korean War and the Vietnam War. By the time he retired from the Navy in 1979, he had held several commands, including that of the aircraft carrier Forrestal.

He became a humorous if caustic reflection of the dour Senator Helms, who seems to enjoy saying no to State Department re-

quests. Once, when questioning the benefits given to ambassadors abroad, including hardship pay at some posts, Admiral Nance said: "I fought at Iwo Jima. That's hardship."

He had many Navy decorations, including two Distinguished Service Medals and the Legion of Merit.

After his Navy service, Admiral Nance served for two years on the White House staff of President Ronald Reagan and later worked for Boeing in its naval systems department.

Besides the Naval Academy, he graduated from the Naval War College and the National War College, and received a master's degree in international relations from George Washington University.

Admiral Nance, who was known as Bud to his friends, is survived by his wife of 51 years, the former Mary Lyda Faulk; two sons, James Lee Nance of Richmond and Andrew Monroe Nance of McLean; two daughters, Mary Catherine Worth of Atlanta and Susan Elizabeth Nance of McLean, and seven grandchildren.

When Admiral Nance agreed to go to work for Senate Helms. The Washington Times reported in an obituary on Wednesday, he asked that he not be paid, but the Senator pointed out that a Federal law required that Senate staff members be paid a minimum of \$153 a year.

Once he went to work for the \$153, Admiral Nance said, "Nobody can ever say Jesse gave his old buddy a job."

Senator Helms, noting that his friend's pay came out of \$2.94 a week, said, "Bud's worth every penny."

BLOOD DISEASE KILLS "BUD" NANCE; RETIRED ADMIRAL, ADVISER FROM MONROE WAS LIFELONG FRIEND OF SENATOR

(By Norman Gamlak)

MONROE.—The way U.S. Sen. Jesse Helms saw it, you couldn't find a better friend or a more trusted adviser than James "Bud" Nance.

The friendship between Helms and Nance spanned seven decades, from their days in the band of the old Monroe High School to the corridors of Capitol Hill.

Wednesday, Helms and others mourned the death of Nance, 77, a retired Navy admiral who was chief of staff of the Senate Foreign Relations that Helms chairs. Nance also had served in the Nixon and Regan administrations.

"I don't know of anybody . . . that had as much effect on the country or that had any higher principles than Bud Nance," Helms said in an interview Wednesday evening.

Helms said Nance, who died Tuesday, suffered from a blood disease that prevents sufferers from producing platelets. Without platelets, a person cannot stop bleeding once cut.

Funeral services for Nance will be held at 9 a.m. Wednesday at Lewinsville Presbyterian Church in McLean, VA. He will be buried with full military honors at Arlington National Cemetery at 11 a.m. Wednesday.

Helms and Nance were born two blocks and two months apart in Monroe in 1921. At Monroe High school, they played together in a school band organized by the principal, Ray House.

Nance played clarinet; Helms played tuba. Two years ago, Helms and Nance returned to their hometown to attend House's funeral.

After attending N.C. State College in Raleigh, Nance enrolled at the Naval Academy in 1941 and eventually commanded an aircraft carrier. He rose to senior command positions in aircraft carrier operations before retiring as a rear admiral in 1979.

Nance served as a consultant to the Senate Foreign Relations Committee during SALT

II deliberations and on President Ronald Reagan's transition team. With Reagan's inauguration, Nance was appointed Deputy Assistant to the President for National Security Affairs.

He worked in the Reagan administration until 1983, then became a consultant for Boeing. After retiring again, Nance was persuaded by Helms to join the staff of the Senate Foreign Relations Committee.

"If a ship runs aground it's the captain's fault, and the ship had run aground," Nance said in explaining some reshuffling at the time.

Nance had asked that he be paid only \$1 because his government retirement benefits already were enough. But Nance had to receive Congress' minimum of \$2.96 per week. After two cost-of-living increases, Nance was forced to take \$4.53 per week.

"Bud's worth every penny," Helms said when he took his salary hike.

Nance had been receiving platelet transfusions twice a week at the National Institutes of Health. Nance said last month he had switched to an electric shaver on doctors' orders and had to be very careful in handling sharp objects.

Helms said he last spoke to his old friend in the hospital on Sunday. They joked about old times, Helms said.

After Nance died, Helms said, a Capitol police officer stopped to tell Helms how Nance had rolled down his window every day to shake his hand.

Said Helms, "I loved Bud. I shall miss him dearly."

Nance is survived by his wife, Mary; four children, James Lee Nance, Mary Catherine Worth, Andrew Monroe Nance, and Susan Elizabeth Nance; and seven grandchildren.

In lieu of flowers, the family suggests contributions be made to the NIH Patient Emergency Fund, 10 Center Drive, Room 1N252, Bethesda, MD 20892.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have served since January of 1973 with the chairman of the Foreign Relations Committee. We have been on opposite sides of a lot of issues, occasionally on the same side. I have seen and listened to and been on the opposite end of some very powerful and difficult speeches he has made. But I am presumptuous enough, know him well enough to say until now he has never had a more difficult time making a speech than today.

There is a reason for that, to state the obvious. There is an old expression: You can know a man by his enemies. I suggest you can judge a man by his friends. Anybody who had a man of the stature of Admiral Nance love him as much as Admiral Nance loved this guy, means there is something awful, awful, awful, awful good about the Senator from North Carolina.

I am not doing that really to be solicitous. I truly mean that and I believe that. The irony of all ironies, as I told the chairman, on the Friday before Bud died, the chairman asked him whether or not he could come down to my office to see if we could work out—and we did, by the way—work out some legislative language and discuss a nominee. We sat there with staff—his staff and mine. Afterwards, the staff left and Admiral Nance and I sat there for the better part of 45 minutes, basically asking

him questions and him telling me stories.

They were all about JESSE HELMS, his buddy. They are all about the guy he grew up with and loved. I suspect, one of the few men or women, other than Mrs. Helms, who has ever been able to tell the chairman: Enough, JESSE; slow down, JESSE; no, JESSE. Senator HELMS, I don't think in all the time I have known him, has ever respected anybody as much as he respected Admiral Nance.

It was a wonder to behold, I think my Democratic colleagues would agree with me, to watch this relationship. It was almost, I say to my friend from North Carolina, like you had an older brother, a brother who loved you and guided you and occasionally, like all of us do when you sort of get off and you were going too far or not far enough, would whisper in your ear, would put his hand on you—I watched him put his hand on your shoulder. It was like he didn't have to say anything to you. So all Members on this floor and all Members watched in wonder and with a sense of envy the relationship the Senator had with Admiral Nance, and we have an appreciation for how difficult a moment this is for you.

We respect you for your ability to pull it off with the grace that you have thus far.

Mr. President, I have only on a couple occasions in 27 years come to the floor to pay a tribute to a staff member. We have had great, great, great, great staff members who have guided us all. I think the best kept secret from the American people is the incredible quality, patriotism, capacity, educational achievement, and personal commitment of the staffs that sit back in these chairs behind that rail. It is a trite thing to say, but the Nation could not run without them.

I know of no staff member who was the peer to this fellow, Bud Nance. The Senate family and the Nation—it sounds like hyperbole—suffered a loss when Admiral Nance passed away. Since 1971, Admiral Nance has been the staff director of the Committee on Foreign Relations, serving first as the minority staff director, and then as the staff director for the minority under the chairman and senior Senator of North Carolina, Mr. JESSE HELMS.

Working in the Senate was something of a second career for Admiral Nance. Prior to coming to the Senate, Admiral Nance spent 35 years in the U.S. Navy. A pilot by training, Admiral Nance rose to hold several senior command positions on aircraft carriers, including command, as mentioned earlier, of the U.S.S. Forrestal and senior commands in the Pentagon. He retired in 1979 with the rank of rear admiral. I might note, parenthetically, one of the great, great, great, great advantages of having Bud Nance, with the ideological divisions that exist in matters relating to foreign policy, was that you always knew you would get down to the final question of how it worked.

I remember two Fridays ago talking to him and him saying—I hope no one is offended by my saying this—the reason why we haven't in the committee taken the administration to task on some of the NATO questions is I know how hard it is to get consensus in NATO. I sat there. I was in charge of planning. I know how difficult it is.

He also knew how easy it would have been for the committee, under the chairmanship of the Senator from North Carolina, to demagog the living devil out of the targeting questions and whether or not the French and the Germans and the Brits—he said until you are there and have to get 15 other nations to agree on something, you have no notion how difficult it is.

To steal a phrase from the chairman, this is one little vignette that illustrates how, even though he had serious disagreement with the policy of the President of the United States, he believed it wasn't fair play—my translation, not his; mine—to take advantage of something, that the people wouldn't understand how complicated it was, but he understood that it was complicated. It was just simply not fair game to take advantage of it, in addition to the fact he always thought of the people who were jumping in the cockpits of those planes. He always thought of the people who were over there putting their lives on the line.

That came from 35 years of experience. It wasn't merely because he was a good, honorable and decent man which you will hear more about, because he was. You can ask any of my colleagues, and I suspect my Democratic colleagues will say the same. All Bud Nance had to do with me is say that this is what we are going to do, and I can absolutely, positively trust it as certain, as certain as if my closest staff aide said that to me.

The magic of Bud Nance was he made each of us feel like he was our staff, like he was looking out for our interest. I knew without any question that if he said something to me, even if there was a miscommunication between the chairman and Bud Nance, the chairman would never undercut Bud Nance, either that whatever Bud Nance said was going to happen.

You have no—yes, you do, Mr. President. I was going to say you have no idea. You do have an idea. Anyone who serves here has an idea what an incredible, incredible asset that is. If we were able to do that, if we had that kind of faith in each other's staffs, this place would move so much more smoothly than it does because so much is necessarily propelled by staff.

During the 1980s, Admiral Nance served as deputy assistant to President Reagan for national security affairs, and in private business with the Boeing Corporation. In 1991, his boyhood friend, JESSE HELMS, as the chairman has indicated, who grew up in the small town of Monroe, NC, called Bud Nance to serve his country once again. Although at the time he got the call he

had long-since retired and he was 70 years old—a time when most people would choose to take it easy, spend time with their wives, their children and their grandchildren—Bud Nance answered the call of his friend, JESSE HELMS, and he came to work for the Foreign Relations Committee. He did so not out of a desire for power or money, to state the obvious. In fact, he received only a nominal salary, which at one point, as he enjoyed putting it, amounted to a few dollars per week. That is literally true, by the way—literally true. Because of this law we have about double dipping, literally he worked for pennies here—full time, 60 hours, 70 hours a week. He worked literally for nothing.

Rather than the dollars, he enjoyed the work—because of his powerful sense of duty to his country and its people and his powerful and palpable loyalty to the chairman of the Foreign Relations Committee.

In the last several months, as he struggled with illness—and I might point out, for the last year anybody else would have quit. Anybody else would have walked away and everyone would have said: God bless him. We understand.

Here is a guy whose hands were literally beat up because of the transfusions, because of the IVs, because of all of the painful way they had to go to get blood. They could not get it out of his veins anymore. They had to go into his hands and his feet. He came in black and blue—black and blue, barely able to walk. I would say: Bud, what in the heck are you doing here? He'd say: We have to get this done. No problem.

I never, never, never heard him complain. I never watched him even wince knowingly. This is a guy who literally dragged himself in and out of the hospital to show up for work. Instead of staying at home, getting the care he needed in the hospital, he kept the staff and all of us focused on the task at hand.

In my 2½ years as ranking member of the committee, I came to know Bud even better than I did the previous years, both as a professional colleague, and, I am presumptuous to say, and this is presumptuous—as a friend.

I was kidding with the chairman the other day. I said: You know, JESSE, my mom has an expression.

I will not mention the little girl's name, but I remember as a kid I got picked up second on the bus on a long bus ride to school, about a 35-minute ride. Every morning, a little girl who was not very popular and wasn't very attractive, every morning would get on the bus. It would be empty and she would sit next to me. Then everyone else would fill up the bus by the end.

I would get home and I would say to my mother: Mom, every morning—I will not mention her real name; it was not Sally—Sally gets on the bus and sits next to me. All the guys make fun of me. The girls even make fun of me—because Sally was not a particularly popular little girl.

I will never forget what my mother said. My mother said: JOEY, remember one thing. Anybody who loves you, there is only one thing you can do. Love them back.

It is real simple. I was kidding the chairman the other day. I know Bud Nance loved me because he knew how much I thought of him. He didn't have a choice. He may not have wanted to, but it was in his nature. He couldn't return the affection. So, although I do not have one one-hundredth of the history or the relationship that the chairman had with Bud Nance and it seems presumptuous for me to call him a friend in the shadow of his closest friend in life, I want you to know, Mr. Chairman, that a lot of us—and you will hear from more—a lot of us took great personal pride in believing that Bud Nance liked us. The mere fact that Bud Nance liked us in part validated what we did here. That is a remarkable thing, Mr. Chairman. That is a remarkable thing to say about any individual.

His word was his bond in a literal sense. Although he worked for a darned Republican, Bud Nance was far from partisan. I always wanted to ask him—and I never did, JESSE—about back in the days when you were a Democrat, I suspect he was, too, back in those days. I kind of harbored the illusion in my soul a little bit that maybe—maybe he still was. I knew he wasn't, but maybe he still was.

Mr. HELMS. No.

Mr. BIDEN. I always want to say Bud, Bud—they are all laughing, all the Republican staffers. But I would get back in the subway car and I would head over here and I would say: You know, maybe . . . maybe.

I want to tell you, he was well liked by every Senator, every staff person. The guy who is the minority staff director, Ed Hall, who is sitting in the back, considered him a close friend. It was remarkable to watch their relationship, watch how they dealt with one another. I haven't found anybody who was better liked, more respected, more fair, or more knowledgeable than Bud Nance—of all the people with whom I have worked. Above all, Bud Nance was—and this is not said lightly; I don't often use the word—Bud Nance was a genuine patriot.

At all times, he would focus on the central question. We would get involved and we would be arguing, we would be talking, and Bud Nance always, always brought us back to the central question: Is this in the interest of the country? Is this in the interest of the country? Because, as we Senators know, we can get carried away. We believe in what we are doing, but we get invested in what we are doing. We get invested in our position. Sometimes, although we don't consciously do it, in my opinion, we get so wrapped up in winning our point that it takes somebody like Bud Nance to say—and I know he has said it to JESSE; he has said it to me—whoa, wait a minute, wait a minute. Hold up here.

He had that great ability, as the old saying goes, to see the forest for the trees. We get lost in the forest. We start numbering the trees. He could stand back. He would stand back and he would say, Look at the whole picture.

As I said, I will end where I began. I have a sense of envy that you, Senator HELMS, had the relationship you had. My dad's expression is: At the end of your days, if you can count one person who you can call a true friend, you are a lucky man.

You are one of the luckiest men that I know, Senator. You have had a guy who everyone is honoring, honoring you.

Our profound sympathy and our prayers go out to his loving wife of 53 years. I don't know Mary, but I know of her. I have heard her name invoked a thousand times. To Bud's four children and his seven grandchildren, to use my grandpop's expression, I say: You got good blood. You got good blood. I am telling you, remember where you came from. This guy—your grandfather, your father—was the real thing. The real thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will not even try to match the eloquence of my esteemed colleague from Delaware. But I would like to just say a few words about my friend, Adm. Bud Nance, and my friend, Senator HELMS, as well. I will not be long because I see other members of the Foreign Relations Committee who are here to speak.

I didn't have the privilege of serving on the Foreign Relations Committee at the same time with Bud Nance. But I knew him. I respected him. On a Capitol Hill that is completely covered with more youthful staffers, staffers who are very young in many ways, not quite as experienced, Bud Nance stood out as one of the most senior. He did not have to be here. He probably could have enjoyed the remaining years of his life much more by not being here. But he came to serve side by side with his friend from his youth, Senator JESSE HELMS, one of the greatest Senators who has ever sat in the Senate.

Admiral Nance was one of the greatest people who ever served on the Senate staff, and he did it at a time when we had a lot of conflicts and difficulties and problems in foreign relations, and he did it with intelligence, with a mastery that was important, with an ability to get along with people and to work with both minority and majority staffs.

This man is a true hero to me and true hero for our country, just the type of person we ought to all try to emulate, somebody who really loved his country enough to give his last for the country. I believe he loved his country so much because of his family and because of his understanding of what a great country this is and what a great constitutional form of government we have.

This is a man who reached the heights in the military and, in my opinion, reached the heights in the Senate as well. When he came on the staff, the staff was reported to be having difficulties, and he brought them together, coordinated them, unified them, and I think both the minority and the majority staffs have worked well ever since. It took a true leader to do that.

It took a true leader in Senator HELMS to pick Admiral Nance, and I know he feels highly privileged to have worked with his friend, his colleague, and somebody who advised him in the best of ways and advised all of us in the best of ways.

I express my sympathy to his wife and his family and tell them that they should be very proud of him, not just for the tremendous years of serving this country, as he did in the military, as a husband and as a father, but for these years on Capitol Hill. It made a difference to the country, to the world at large, and to all of us. I thank Senator HELMS for having given us the opportunity to know him better.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Maryland.

Mr. SARBANES. Mr. President, last week the Senate lost one of its most able and committed staffers; the country lost a brave public servant, a true patriot. Beyond that, with the passing of Adm. James W. "Bud" Nance, many of us have lost a good friend.

I want to touch for just a moment on his Maryland connections. Admiral Nance graduated from the Naval Academy in Annapolis in 1944, then went off to serve in our Navy in World War II. He in fact served in World War II, in the Korean war, and in the Vietnam war.

In the mid-1950s, he was a project pilot for the flight test division of the Naval Air Test Center in Patuxent River, MD, in St. Mary's County, the mother county of our State. I simply say we were honored to have had his presence in our State for an extended period on those two occasions.

Here in the Senate, an institution sometimes marked by acrimony and divisiveness, Bud Nance displayed a warmth and generosity of spirit. He was able to work constructively with those on both sides of the aisle to enhance our Nation's interests. That was always first and foremost in Bud's mind—what served the interest of our great country.

Each time I had occasion to work with him, Bud listened to my concerns and responded promptly and fairly. Others had the same experience. He fought hard for the principles in which he believed, but always in a manner that commanded respect and admiration.

As the chairman of our committee has indicated, his lifetime friend made an invaluable contribution to our Nation's policies.

I was particularly moved by the way Admiral Nance dealt with his illness. Having had an illustrious 35-year career in the Navy, he knew how to surmount the gravest challenges and how to maintain strong leadership throughout. He demonstrated that once again by showing up for work every day with a smile and a vitality that masked whatever pain and discomfort he may have felt. Every day he reported for duty. Rather than complaining about his own situation, he showed a genuine interest in the health and well-being of those around him, and the other staff members of the committee will recount his unfailing courtesies towards each and every one of them.

I join my colleagues in offering my deepest condolences to Bud's wife of 53 years, Mary Lyda, and to his four children and seven grandchildren. The Senate Foreign Relations Committee and the Senate itself were fortunate to have had the benefit of his dedicated service over the past 8 years. He will be remembered fondly, not only for his lifetime of service to this country—civilian as well as military—but also for his integrity, courage, and grace.

Mr. President, I yield the floor.

Mr. HELMS. Mr. President, I am not sure I can adequately thank the Senators for their comments. They know I appreciate them. We are trying to go from one side to the other, and I ask the Chair to recognize the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I rise to join our colleagues in the Senate to provide this record of our recollections of this great American who, in service to the Senate and in partnership with the chairman of the Foreign Relations Committee, left his mark. I feel very humble about it because I was fascinated in some research that I did on the U.S.S. *North Carolina*, the battleship on which he served.

I ask unanimous consent to have printed in the RECORD reference to the engagements in the closing days of World War II in which this distinguished ship participated with Ens. Bud Nance.

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

HISTORY OF THE BATTLESHIP NORTH CAROLINA—BB-55

BACKGROUND

The current Battleship North Carolina (BB-55) is the third U.S. Navy ship to bear the name. Her commissioned service lasted a little over six years, and only eleven years lapsed between the time the ship was authorized and she was decommissioned. During that short time however, she had quite a record, and is now preserved in her original World War II colors as a memorial to all those who gave their lives for freedom.

THE FIRST NORTH CAROLINA—1818–10/1/1867

The first North Carolina was a ship of the line, built in Philadelphia Navy Yard. The keel was laid in 1818, and the ship was launched in 1820. She was just over 193 feet in

length, with a 53-foot beam, and was rated at 2,633 tons. She carried 74 guns—32 pounders and 42 pounders. She was active until 1839, when she was converted to a receiving ship. She was sold for scrap on October 1, 1867 for \$30,000. The original figurehead of the ship, a bust of Sir Walter Raleigh was given to the state of North Carolina in 1909.

THE CONFEDERATE NORTH CAROLINA—1863–9/27/1864

During the Civil War the Confederate States Navy had an iron-clad sloop named North Carolina. She was 150 feet long, with a 32-foot beam, and carried four guns. She was built in Wilmington, North Carolina, and because she was structurally weak, never crossed the bar out of the Cape Fear River. The ship was active from late 1863 until September 27, 1864 when she developed leaks and sank.

THE SECOND NORTH CAROLINA—3/21/1906–9/29/1930

The second U.S. Navy ship to bear the name was an armored cruiser, number 12, built by the Newport News Shipbuilding & Dry-dock Company in Newport News, Virginia. The keel was laid March 21, 1905, she was launched on October 5, 1906, and was commissioned on May 7, 1908. She was 504 feet 6 inches in length, with a 72 foot 11 inch beam. She displaced 14,500 tons, and had a top speed of 22 knots.

On November 5, 1915 she was the first ship in the world to launch an airplane with a catapult while underway.

On June 7, 1920, her name was changed to Charlotte to make way for the new super battleship, number 52. As Charlotte she was decommissioned on February 18, 1921. Her name was struck from the Navy list on July 15, 1930, and she was sold for scrap on September 29, 1930.

BATTLESHIP NUMBER 52

Laid down in 1919, battleship number 52 was to have been called the North Carolina. This ship was to have been a monster for that era, with a displacement of 43,200 tons, a length of 624 feet, a beam of 105 feet, and a speed of 23 knots. Mounting 12 16-inch guns, the North Carolina and her five planned sister ships, had they been completed, would have been the largest and most heavily armed capital ships of the world at that time.

Three years after construction was begun, however, the Washington Naval Treaty in 1922 imposed a ten year limit, and new size restrictions on warships of the era. All work was stopped, and the hull was sold for scrap.

THE CURRENT NORTH CAROLINA: NAVY DAY 10/27/37–6/27/47

Authorized by an act of Congress on June 3, 1936, the keel of BB-55 was laid down at the Brooklyn Navy Yard on Navy Day, October 27, 1937. This was the first time the United States had started construction of a battleship in 16 years. A few new cruisers and destroyers had been built, but in general, the fleet was old if not obsolete at the time.

Ships are not built in a day. As they say, when you need ships it's too late to build them. Four years of design work, and three years and eight months went into her construction.

While building the North Carolina, war broke out in Europe, and only four days before her launch Hitler's divisions occupied Paris. In the Far East, Japan had invaded China, and was threatening further aggressive moves in Southeast Asia.

On June 13, 1940, Governor Clyde R. Hoey of North Carolina's daughter, Isabel, to the strains of "Anchors Aweigh", smashed the traditional bottle of champagne against the bow and launched the ship. Then, on April 9, 1941, after completing her fitting-out, Secretary of the Navy Frank Knox commis-

sioned the ship. After all work was done, the ship cost the taxpayers \$76,885,750. Today, the sum would be vastly greater.

After commissioning, the North Carolina had an unusually extensive shakedown, lasting several months. During this long "shake-down" period, the North Carolina returned often to her building yard for adjustments and modifications. During this time, New Yorkers, and in particular radio commentator Walter Winchell often witnessed the great new "battlegwagon" entering and departing the harbor, and began to call her "The Showboat", after the colorful river steamer in a popular Broadway musical. The name has stuck ever since.

ASIATIC-PACIFIC CAMPAIGNS—WAR RECORD POST-SERVICE, 9/1945–6/27/1947

On September 5, 1945 the North Carolina finally anchored in Tokyo Bay to pick up a group of about 100 men who had been transferred from her August 20th, to help with the initial occupation at the Yokosuka Naval Base, near Tokyo.

On September 6, the ship headed for home via Okinawa (to take on passengers), Hawaii and the Panama Canal. On October 17, the ship arrived in Boston harbor for a hero's welcome.

Due to post-war disarmament, the battleship's remaining active service was short. In the summer of 1946 she twice visited the Naval Academy at Annapolis to embark midshipmen for training cruises in the Caribbean. In October of that year she returned to the place of her birth, the New York Navy Yard for inactivation. She was decommissioned June 27, 1947, and placed in the "mothballed" Reserve Fleet at Bayonne, New Jersey, where she remained in obscurity for the next 14 years.

In 1960 the Navy announced its intention to scrap the famous battleship, and two famous natives of North Carolina, Hugh Morton and James S. Craig, Jr., with the endorsement of then Governor Luther Hodges began a campaign to bring the ship to North Carolina and preserve her as a war memorial.

Thousands of citizens, and countless school children contributed money. \$330,000 was raised to acquire the ship from the Navy and prepare a suitable berth. In September 1961 she was towed from New Jersey, and on October 2 she was moored in her present berth across the river from downtown Wilmington. On April 29, 1962 she was dedicated as a memorial to all the North Carolina men and women who served in the war, and in particular, to the more than 10,000 North Carolinians who gave their lives in the war.

ASIATIC-PACIFIC CAMPAIGNS OF THE BATTLESHIP NORTH CAROLINA

Prelude to Combat—December 1941–July 1942.

Landings on Guadalcanal and Tulagi—7–9 August 1942.

Capture and Defense of Guadalcanal—16 August 1942–8 February 1943.

Battle of the Eastern Solomons—23–24 August 1943.

I-19 Submarine Attack: USS WASP—Carrier—SUNK, USS O'BRIEN—Destroyer—SUNK, USS NORTH CAROLINA—Battleship—Damaged—15 September 1942.

New Georgia Group Operations: New Guinea, Rendova, Vangunu Invasion—30 June–31 August 1943.

Gilbert Islands Operations: Tarawa, Makin—19 November–8 December 1943.

Bismark Archipelago Operations: Kavieng Strike—25 December 1943.

Marshall Island Operation: Invasion of Kwajalein Atoll, Invasion of Majuro Atoll—29 January 1944–8 February 1944.

Task Force Strikes: Truk—16–17 February 1944, Marianas—21–22 February 1944, Palau, Yap, Ulithi, Woleai—30 March–1 April 1944, Turk, Satawan, Ponape—29 April–1 May 1944.

Western New Guinea Operations: Hollandia—21-24 April 1944.

Marianas Operations: Invasion of Saipan—11-24 June 1944, Battle of the Philippine Sea—19-20 June 1944.

Leyte Operation: Attacks on Luzon—13, 14, 19-25 November 1944, 14, 15 December 1944.

Luzon Operation: Attacks on Luzon—6, 7 January 1944, Formosa—3, 4, 9, 15, 21 January 1945, China Coast—12, 16 January 1945, Nansei Shoto—22 January 1945.

Iwo Jima Operations: Invasion of Iwo Jima—15 February-1 March 1945, 15, 16 February 1945, 5th & 3rd Fleet raids on Honshu & Nansei Shoto—25 February-March 1945.

Okinawa Invasion—17 March-27 April 1945, 3rd Fleet Operations: Bombardment and Airstrikes on the Japanese Home Islands—10 July-15 August 1945.

INVASION OF OKINAWA (APRIL 1945)—BB-55

Coincident with the air offensive of Task Force 58 against Mainland Japan, other American forces were closing in for the invasion of Okinawa, where the initial landings occurred on 1 April. Three Marine Divisions (1st, 2nd, and 6th), plus four Army Divisions (7th, 96th, 77th, and 27th) were employed in this operation, the last of the major island assaults of the Pacific war. Okinawa was needed because it was best located to support the planned invasion of the Home Islands of Japan, and because it offered airfields and anchorages required for that purpose. Task Force 58 covered the operation, providing air support and fighter defense.

The NORTH CAROLINA, in company with other fast battleships, conducted a pre-invasion bombardment of Okinawa from very long ranges on 24 March; and fired again, in support of a feint landing on 17 April.

On 6 April, in the heat of air attack with all ships firing, the Showboat was accidentally hit by a 5-inch AA Common projectile fired at a low-flying kamikaze by a friendly ship. The projectile struck the supporting trunk of the secondary battery director (Sky 2), killing three men, wounding 44, and disabling the director. During a lull in the fighting, the dead were buried at sea with members of the crew sadly bidding their shipmates a last farewell in the traditional solemn rites.

Just before taps that night, the voice of the Chaplain came over the ship's public address system with the following prayer: "Heavenly Father, today we committed to the deep three of our shipmates who gave their lives so that others may live. We are particularly mindful at this time of their loved ones at home. Sustain them in their sorrow. Help them to understand that those they love gave their lives for their protection and care. Be with all the officers and men of this ship. Give all of us heart and mind to serve thee and our country willingly and faithfully. . . ."

The NORTH CAROLINA, with Task Force 58, was in the thick of the fighting around Okinawa for a total of 40 days before being ordered to withdraw for repairs to her battle damage. During this 40-day period, hundreds of kamikaze attacks were launched against naval units operating in the vicinity of Okinawa, and a total of 73 ships were crashed by them. Of these, 20 were sunk or so badly damaged they had to be scuttled, and 22 were damaged to the extent that repairs would not be completed before the war was over. However, for every Kamikaze pilot who succeeded in crashing one of our ships, there were scores shot down by our fighters and ship's gunners.

REFLECTIONS ON THE KAMIKAZES

A Kamikaze attack, as witnessed by a potential victim, can be ranked among the most frightening experiences in the history of modern warfare. As a rule, such attacks

were pressed home with fanatical determination, despite the most intense antiaircraft fire. Virtually all Kamikaze attacks ended in flaming violence and death, if only for the pilot crashing into the sea amid a torrent of bursting shells and tracers, some of which were often wildly and dangerously erratic. Carriers were always the primary targets, but no ships were immune. Once a kamikaze was damaged, he usually selected whatever ship was nearest ahead as his target. The specter of sudden holocaust created on board a ship by a combination of the exploding bombs and gasoline carried by a suicide plane instilled fear in the staunchest heart.

Mr. WARNER. In that period of time I was but a mere radioman third class. Aboard a battleship, about the only thing lower than a radioman third class is a bull ensign out of Annapolis. If the Admiral were here, he would recall those days. Ensigns on battleships were almost down in the bilge area. Nevertheless, he was privileged to serve with that distinguished ship in a series of engagements.

I have also found a record of his second Distinguished Service Medal. It is interesting. I am searching for the first because it is likely that was in my period of tenure when a radioman third class had become Secretary of the Navy, because this one covers the period of June 1975 through December of 1978.

I want to read these remarks, signed by the then Secretary of the Navy:

For exceptionally meritorious service to the Government of the United States—

Rear Adm. James W. Nance, U.S. Navy—

while serving as the Assistant Vice Chief of Naval Operations/Director of Naval Administration from June 1975 through December 1978.

In directing the efforts of the vast human and physical resources of the Office of the Chief of Naval Operations, Rear Admiral Nance displayed the highest order of leadership, superb managerial acumen, and unexcelled initiative.

The same qualities, Mr. President, I say to the chairman of the committee, that he exhibited on the Foreign Relations Committee. Isn't it interesting, these many years prior thereto, he was recognized for those qualities?

His keen foresight and perception coupled with an extensive knowledge of Navy organization were significantly instrumental in successfully guiding the reorganization of several major realignment programs.

Did he not do some reorganization for you, Mr. Chairman?

Utilizing dynamic leadership, keen administrative ability, and steadfast perseverance, Rear Admiral Nance managed the Navy's massive organizational network in a noteworthy manner, thereby enhancing the shore establishment's support to the fleet. Additionally, he personally initiated and implemented important improvements in both procedural and institutional aspects of the Office of the Chief of Naval Operations and, by personal attention, example, and vigorous advocacy, he provided positive leadership in the area of Equal Employment Opportunity.

Rear Admiral Nance's distinctive accomplishments, unparalleled effectiveness, managerial expertise, and tenacious devotion to duty reflected great credit upon himself and were in keeping with the highest traditions of the United States Naval Service.

I ask unanimous consent to have printed in the RECORD the very detailed briefing that goes behind this, the Navy's highest noncombat award, for which he received two. I hope to complete my research about the first.

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

SUMMARY OF ACTION

Rear Admiral James W. Nance distinguished himself by exceptionally meritorious service to the United States in a position of great responsibility as Assistant Vice Chief of Naval Operations/Director of Naval Administration (AVCNO/DNA) from June 1975 thru December 1978. As the principal advisor and executive to the Vice Chief of Naval Operations (VCNO) and the Chief of Naval Operations (CNO) for all organizational matters embracing the Office of the Chief of Naval Operations (OPNAV), and for all organizational echelons under the command of the CNO, he has demonstrated the highest degree of astute planning, detailed knowledge, exceptional managerial skill, and the ability to identify requirements that would compete for support in an increasingly austere fiscal and personnel resource environment. In this broad area encompassing more than 1250 shore activities, plus all the operating forces of the U.S. Navy, Rear Admiral Nance initiated and implemented many innovative improvements which significantly enhanced the Navy's capability and ability to support CNO in carrying out his mission. Astutely aware of the operational and material expenditures for the operation of the navy and the complex requirements of Mission and Program Sponsors in the OPNAV organization, Rear Admiral Nance was able to relate organizational changes to ongoing efforts, and to estimate potential costs and effectiveness with respect to the total navy effort and management decision at hand. He arbitrated among the various OPNAV sponsors and technical managers in order to develop a convincing and balanced program for the VCNO and CNO. As the focal point for all organizational matters Rear Admiral Nance demonstrated the highest degree of patience, objectivity, sound judgment, integrity and skill in both persuasion and application. These traits, coupled with a superior management ability, enabled him to overcome problems and maintain the proper perspective during frustrating times. All of these qualities Rear Admiral Nance has in abundance, and they have been demonstrated time and again during his tenure as AVCNO/DNA.

Rear Admiral Nance initiated and implemented vital improvements in both the policy and procedural aspects regarding proposals for the establishment, disestablishment, and modification of shore activities and of fleet activities of the Operating Forces. Rear Admiral Nance has displayed a flair for discovering organizational inconsistencies. In each instance he instinctively recommends the best solution. In these recommendations he exhibits a uniqueness in looking at each proposal from the whole Department of the Navy standpoint and not a more restrictive and narrow aspect of program sponsors. His efforts in maintaining strict compliance to the Secretary of Defense (SECDEF), Secretary of the Navy (SECNAV), and the direction and decisions regarding the reduction of operational expenditures and for providing better utilization of limited manpower resources, while still maintaining the highest degree of effectiveness and efficiency, have contributed significantly to the United States Navy.

Directly responsible for the management of an annual budget of approximately 400

million dollars, over 16,000 military and civilian personnel, and approximately 200 commands within the CNO claimancy, Rear Admiral Nance has demonstrated unique abilities in management of these resources. Constantly aware of the worldwide inflation and its adverse effects on the CNO claimancy and the national priorities, Rear Admiral Nance fostered and encouraged strong leadership, professional skills, and force in fiscal and personnel management. Whether involving the more than 125 activities for which the CNO provides direct Operation and Maintenance Navy (O&MN) appropriation financial support or the more than 90 activities for which the CNO is the civilian manpower claimant, Rear Admiral Nance consistently and aggressively sought improvements in all areas. Included in activities supported in the CNO claimancy are such diversified commands as CINCPAC, CINCLANT, SEATO Military Headquarters, MAAG China, all the Navy Sections in the MAACs in South America and Europe, USN Member SHAPE Headquarters, Naval Observatory, all the District Commandants, COMUSJAPAN, Commander Iceland Defense Force, most of the major Naval Support Activities in CONUS, all Legal Service Offices worldwide, NAP Washington, COMOPTEVFOR, Board of Inspection and Survey, the Vice President's quarters and Presidential helicopters, just to name a few.

Rear Admiral Nance set realistic standards for the management and administrative performance of these field commands and activities in such areas as management policies, procedures and controls, organizational structure, position structure, staffing and delegation, management systems and related management practices. In these areas, and while servicing as resource and executive manager for the CNO, he made significant contributions. Since the aforementioned activities under the CNO claimancy are unique in that they have no Systems Command or Bureau sponsorship and are administered centrally under the CNO, they prove to be a major undertaking. Management of these activities is further complicated by the diverse programs represented in their missions. Through Admiral Nance's direction and leadership, the quality and level of services has been enhanced, and services in such areas as property maintenance, personnel services, and services to tenant commands have been greatly improved even though funds and personnel have been reduced over the years. As an example of the concern for real property facilities, during Fiscal Years 1976 through 1978 the CNO claimancy allocated resources for the maintenance and repair of real property in a proportion to its backlog of maintenance and repair that exceeded by over 50% the same ration for the entire Navy shore establishment supported by the O&MN appropriation.

Rear Admiral Nance assumed his duties at a time when a major reduction in force had been directed. Confronted with this directed reduction of 12% in manning in OPNAV he approached the task with a unique freshness which rallied the support of all concerned. Apportioning these reductions to the varied offices within the OPNAV would be no small task. He personally conferred with each of the Deputy Chiefs of Naval Operations (DCNOs) and the Directors of Major Staff Offices (DMSOs) reviewing their mission and staffing. Gaining immeasurable information and knowledge of each of these complex organizations provided him with much of the data he required preliminary to directing reductions. The knowledge gained during this tremendous and time consuming effort and his years of experience enabled him to determine those areas where critical manning deficiencies were already developing as a result

of the many reductions already applied to OPNAV and those areas where a reduction could be imposed. The application of his knowledge made it possible to develop a presentation which obtained the SECNAV's support for an effort to stem the shrinking of the OPNAV staff and permit the staff to meet its responsibilities. The required reduction was effected with minimal disruption and was superbly balanced among military and civilian positions. In subsequent years additional personnel reduction actions were directed. Rear Admiral Nance, after reviewing the OPNAV staff, its requirements and the requirements of the SECDEP, established an OPNAV Support Activity. This component organization satisfied SECDEP's requirements for the reduction of Navy Department Headquarters since those personnel not involved in Navy-wide policy making were assigned thereto. This fresh approach developed by Rear Admiral Nance prevented the crippling of the OPNAV staff's capability to perform its mission.

Mr. WARNER. But the interesting thing is the direct parallels between, Mr. Chairman, what he performed in the Navy in 1974 and what he performed in the Senate in 1994. When I spoke of him as ensign, I heard on the floor of the Senate a little chuckle from a former ensign who is over there now preparing to address the Senate. I am sure he might expand a little bit on the relationship between an ensign and the higher officers. I see him busily going over his notes over there.

But I say to my distinguished colleague from Massachusetts, we should conclude these remarks by saying: An officer and a gentleman—a phrase known in the U.S. Navy. My distinguished colleague from Massachusetts earned that title, as did Admiral Nance.

I thank the Chair and thank my distinguished colleagues.

I ask unanimous consent that the Distinguished Service Medal citation be printed in the RECORD.

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

THE SECRETARY OF THE NAVY,
Washington, DC.

The President of the United States takes pleasure in presenting the Distinguished Service Medal to Rear Admiral James W. Nance, United States Navy for service as set forth in the following citation: For exceptionally meritorious service to the Government of the United States in duties of great responsibility from January 1970 to January 1972, while serving with the Organization of the Joint Chiefs of Staff as Deputy Director for Operations, National Military Command Center, Operations Directorate, and as Chief of the Studies, Analysis, and Gaming Agency.

As Deputy Director for Operations, Rear Admiral Nance was responsible for monitoring the worldwide political/military situation on an around-the-clock basis, acting as personal representative for the Secretary of Defense; the Chairman, Joint Chiefs of Staff; the Director, Joint Staff; and the Director for Operations. He was particularly adept in handling the many events, incidents, and sensitive operations of national interest involving the highest governmental authorities.

In his capacity as Chief of the Studies, Analysis, and Gaming Agency, Rear Admiral Nance masterfully directed studies and sim-

ulations prepared to analyze strategic and general purpose force capabilities relevant to national security decision-making at the highest level.

By his outstanding leadership, superior judgment, and inspiring devotion to duty, Rear Admiral Nance reflected great credit upon himself and the Organization of the Joint Chiefs of Staff, and upheld the highest traditions of the United States Naval Service.

FOR THE PRESIDENT,
JOHN H. CHAFEE,
Secretary of the Navy.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I join my colleagues in expressing our condolences to the Nance family. As Senator HELMS has pointed out, there are a number of them gathered today in the Senate gallery to hear these tributes.

I cannot help but think what Bud Nance would think about a lot of this language out here. I imagine that I would see a twinkling in his eye. He might think we are getting excessive—to describe it politely. I do not think you can get excessive when talking about someone of the human quality that Bud Nance possessed.

The reason you are seeing this bipartisan demonstration here today is because I never knew what Bud Nance's politics were. I had my suspicions because he was working with the chairman of the committee, but I never detected an ounce of partisanship in any approach he ever made to a Member of this body or members of the staff on either side of the aisle.

It is a great tribute to his human qualities that he saw issues as they were—either right or wrong—or ways in which to get a job done to move a bill forward. Throughout that process, which too often brings out acrimony in people, Bud Nance seemed to attract the better angels in all of us. And it is that wonderful quality that he possessed that I admired so much. I came to really respect and enjoy this man's wonderful company over too brief a period of time.

We lost a great friend and a wonderful member of the Senate family a few days ago. Many of us knew Bud Nance simply as "the admiral." He was 77 years young. That is not a polite expression. Up until his last illness, he had great vitality. And I admired him. Less than a week before he passed away, I saw him here in the staff gallery. I went over and talked to him. I admired his tenacity. In spite of all that he was going through at the hospital, transfusions and all the rest, he remained determined to be here and determined to be involved.

It is a great lesson for all of us that we should live life to the fullest. He certainly did. The loyalty that many members of the Senate and the staff, many of whom are here today, felt toward Bud Nance should be noted as well.

Both sides of the aisle respected Bud Nance enormously. We were extremely

fond of him personally. All of us who had the honor of knowing him are deeply saddened to hear of his passing. I express my condolences to his wife and children and grandchildren as well.

As has been noted, he was the staff director of the Senate Foreign Relations Committee. He took over the stewardship of the committee in 1991. He was summoned out of retirement, as has been noted over and over again here by the chairman of the committee. It is not the first time that the admiral had worked for the Foreign Relations Committee.

Back in 1979 and 1980, he had served as a special consultant to the minority staff on the SALT II deliberations. Over the years, many Senators consulted with him on matters related to strategic arms treaties. He was truly an expert in this area. When his wonderful friend, his lifelong friend, and our friend, JESSE HELMS, called him up in 1991, seeking his help in reorganizing the committee, the admiral did what he had always done—he showed up ready for duty. He had retired to Virginia sometime before, but he could not say no. He accepted the challenge; and we are all the better because of it. In fact, he was excited to take on another challenge.

Some of you may know that the admiral had initially refused to take any salary. This is something of which not many Americans are aware. But there are people around here who do work because they believe in the work they are doing. Admiral Nance was one of those individuals. He insisted he should not be paid lest someone think there was an appearance of impropriety. Of course that never crossed anyone's mind. The words "impropriety" and "Bud Nance" just would not fit in the same sentence, page, or book. He was a person of impeccable integrity.

Eventually, the two friends had to compromise, as I am told, on minimal, symbolic compensation in order to comply with Federal laws. Bud Nance would also not want to be in violation of Federal laws. So there was a symbolic compensation that became Bud's salary.

At any rate, Senator HELMS and the admiral belonged to a mutual admiration society. All of us became associate members of this wonderful friendship that these two individuals shared. Bud Nance had an excellent relationship with the chairman, as all of us know, based on their deep loyalty to one another, deep appreciation of each other's talents, abilities and sense of character, and deep friendship that goes back to childhood.

We make friends in our lives through the various phases of our travels in this world, but there is no friendship that is more enduring or more deeply appreciated than one that begins in childhood and carries on through life. That does not happen often, but when it does it is a unique relationship.

The fact that Bud Nance and my great friend, JESSE HELMS, had this

friendship at the young age of 4 or 5 years of age that lasted to Bud's passing says wonderful things about both of these individuals that they sustained that friendship over these many, many years.

For me personally, I say to the chairman, every day it was a pleasure to work with Admiral Nance. He was candid. He was straightforward. He always tried to do what he believed was in the best interest of our country. He was truly a patriot. That word too often is used to describe too many people, but in this case it happily applies to Bud Nance.

He was 77 years old and a veteran of several distinguished careers. And he was tapped by Senator HELMS to take over the helm of the committee. Of course, he had a wonderful and distinguished career in the Navy, as was noted by the Senator, and others. He grew up in North Carolina, attended North Carolina State, enrolled in the U.S. Naval Academy, U.S. Naval War College, and specialized in world governments and strategic planning. He earned a master's degree at George Washington University. He had many wonderful accomplishments. But the most important quality of all was he was just a wonderful human being, and all of our lives are enriched because he was a part of our lives. We are going to miss him.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. LOTT. Mr. President, I thank the Senator from Connecticut for his very kind and heartfelt comments. I know Senator HELMS appreciates it very much also.

In case it hasn't been announced, I want all Senators to be aware that Admiral Nance's graveside services will be at Arlington National Cemetery at 11 a.m. on Wednesday, tomorrow. For any Senators who would like to be there and participate, I am sure it will be a beautiful and appropriate ceremony.

I served 4 years as a staff member on the House side, working for the chairman of the Rules Committee. Now I have served 26 years in the House and the Senate. I have a very enduring appreciation for the importance and the loyalty, the dedication and the fine service that we receive from our staffs, both in this Chamber, in our committee work, and on our personal staffs.

Admiral Nance was one of those unique staff members, though, who had a very close personal relationship, beyond a normal staff relationship, with the chairman of the committee, but also with a lot of Senators. When I first came to the Senate, I found myself more than once back in the back room seeking the advice and counsel of Admiral Nance, and he always took the time to try to explain the situation and try to make clear what was in the country's best national interests. And so I feel a personal sense of loss.

When you go through life and then you sort of get to the end of your road

and you look back, I think there are really at least three things you hope for: a good name, good friends, and, hopefully, a little good fortune. But very important on that list is good friends.

I have had the privilege of having some great friends, going back to my childhood days at Duck Hill, MS, people I still stay in touch with from high school and college years. We still get together. In less than 2 weeks, we are all going to be together at the marriage of my daughter. My friends from high school and college will be there. I know that when you are in the greatest need of comforting, the greatest need of counsel, there are few friends that you turn to.

So we have had this unique relationship with Rear Admiral James W. "Bud" Nance and our beloved chairman of the Foreign Relations Committee, the senior Senator from North California. He was born in Monroe, NC—most folks probably have never heard of it, or certainly have never been there—a small town, one block from the home of JESSE HELMS. I wonder how many blocks there are in Monroe—probably not many. But this son of the South from North Carolina went to the Naval Academy, a 1944 graduate. He was a gunnery officer on the U.S.S. *North Carolina* at Iwo Jima. He was a combat pilot in Korea and Vietnam. He was a test pilot. He was commander of the U.S.S. *Raleigh*, a cruiser, and commander of the U.S.S. *Forrestal*, one of our great carriers in history.

I had the pleasure one time of landing on the deck of that carrier. It was a tremendous experience. My attitude ever since has been: I have done that. I don't want to do it anymore.

To be commander of that great vessel is the height of success in many people's lives. But he went beyond that. He went on to be Deputy National Security Adviser in the Reagan administration. And then, of course, for the last 6 years, he was staff director of the Foreign Relations Committee.

His wife, Mary Lyda, and their two sons—I know Phil—as are grateful to have had this man as husband and father. We all have been enriched and are better off because of his service to our country and to this institution and to his friend.

Bud Nance, sailor, public servant, patriot. God rest his soul.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair.

Mr. President, with sadness but with great pride, I join my colleagues today to mark the passing of a remarkably patriotic and—I think everyone would agree—extraordinarily committed public servant.

Rear Admiral James "Bud" Nance devoted his entire life to serving his country, to public service. That was made up, as we have heard, of a remarkable 35 years in the U.S. Navy, 2 years as Deputy Assistant for National

Security Affairs under President Reagan, and then, as we heard our colleagues recount today, great years of service here in the Senate, years where all of us know he didn't have to serve. He could have chosen any number of other courses for his life, but right up until the end, he stood watch.

He earned, as we have heard, two Distinguished Service Medals in all of the campaigns that were listed by my colleagues. One of the things for which I personally—and I am sure Senator MCCAIN will join me—express the greatest respect was his service as skipper, commander of the U.S.S. *Forrestal*, which our colleague, Senator MCCAIN, has very close ties to. I served one of my tours of duty in Vietnam at the Gulf of Tonkin, as we did a lot of search and rescue work with pilots and occasionally were doing guard duty right behind the carrier, so I became intimately familiar with carrier operations.

I think anybody who has ever been on a carrier, those 5,000-person floating cities, understands the extraordinary leadership skills that are necessary to keep everybody in those close quarters working at the pace they work under—the intense, stressful combat situation in which they work. It is a remarkable tribute to this man that he rose to that level and, indeed, performed those responsibilities with such distinction.

I first met him, obviously, when he came here, in 1991, and he became the Republican staff director for the Senate Foreign Relations Committee. Believe me, it became evident very quickly how fast he was going to be sort of the glue that helped to bring people together and keep them together. Everybody here will remember the great smile, the constant twinkle in his eye, and the wonderful kind of calm that he had about him. Literally, I think 5 days or 6 days before he passed away, clearly without any inkling on our part that that might happen so suddenly, we were down in Senate Foreign Relations room 116 dealing with a number of issues. I went over to sit beside him and seek his counsel on something. As was his manner, he sort of patted me on the knee in a calm way and said: I think we can take care of that; we can take care of that.

That is the way he worked. He enjoyed the give and take. He loved the responsibility. He loved the Senate. And most of all, he clearly loved his country which he served so diligently.

Not only did he have the confidence and friendship—a very, very special friendship—with Senator HELMS, but he also approached the job with pure professionalism, with fierce determination, and great skill. Surely he was always committed to advancing the values and belief system—such a strong value system and belief system—of Senator HELMS. Their priorities were the same. But he also was every bit as committed to working out even the most contentious issues on a bipartisan basis.

I consider myself privileged to have worked very closely with Admiral Nance when Senator HELMS was a member of the Senate POW-MIA committee, which I then chaired. I will always be grateful to him for his very steady support during that difficult and highly emotional time. He understood the importance of dealing with that issue head-on, regardless of partisanship or political consideration, and understood as well as anybody, because of his years of service, the need to begin to heal the wounds of war that still divided this country.

His participation with Senator HELMS and the work of that committee was a great service to this country. The admiral and I also worked closely together during the 6 years that I was privileged to have the responsibility as chairman, and then ranking member, of the International Operations Subcommittee for the State Department authorization bill. I know that Bud Nance believed it was more than just another bill. To him, it was a reflection of our priorities in a global strategic sense, which he understood so well. So it wasn't just a substantive issue to him; it was also an institutional issue, and he cared about that. He cared about the Senate prerogatives, he cared about the committee priorities and prerogatives, and he shared that concern with all of us.

Although we found much to agree on, we obviously sometimes disagreed. But, boy, I can tell you it was never with anything except the deepest sense of respect and understanding for the substance of another person's position. Even throughout those disagreements, I always knew I could talk to Bud Nance and he was going to give me a fair hearing, and, working with Senator HELMS, he was going to do his best to resolve those differences.

We all know the degree to which Bud Nance was a devoted public servant. But of greater meaning and of greater consequence to him, surely, Bud Nance was a devoted husband and father. We have heard others talk of the wonderful marriage that he had to Mary Lyda for 53 years. Together they had four children. I simply want to take this opportunity to extend my condolences to them and to their families for their loss.

It is also very hard to think about Bud Nance without obviously thinking about the special relationship he had with his closest friend and our colleague, Senator HELMS. I will always fondly remember the many stories that Senator HELMS shared with us in the Foreign Relations Committee and here on the floor about two young tykes growing up within streets of each other and spending literally their lives together, even when they weren't together. No one could ever doubt the strength of the bond between them or the personal loyalty they felt toward one another over so many years. This was really a rare friendship. That it has a marvelous endurance is a tribute

to both Bud Nance and JESSE HELMS, not just as public servants or as partners in a public endeavor, but as private people, as human beings.

Modern politics is not kind to personal lives, to private lives. It is sometimes easy to lose sight of the importance of those friendships in this city, and that is why I think it is so important, in part, to recognize the full measure of the friendship they shared.

I don't remember all of the words, but there is a wonderful poem by William Butler Yates that speaks about the glory man shares here on Earth, but in the end he calls on us to hope that every individual would say: And so my glory was I had such friends. Really, that is glory in itself, that he had a friend like Bud Nance.

Mr. President, this is a city marked by transients. People come and people go. But Adm. Bud Nance was forever proud that his service here was, in many ways, neither ephemeral or transient. It was a tireless service to the country, the Senate, stellar leadership in the Senate Foreign Relations Committee, and lifelong devotion to country. It defines patriotism. He will be greatly missed, but he will also be remembered very fondly by all of us who knew him and remembered him as a good man who made no secret of his love of family, love of friends, and love of country. He epitomized the best of what can come from our Nation's capital and from the country itself, as well as the best of what our foreign policy can be. We will miss him today, but so much more so, we honor his legacy and his memory.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Senator. I am touched by all of these remarks. I hope the Chair will recognize Senator MCCAIN next. But before he does, I want to make a point that Bud Nance said many times how much he admired Senator MCCAIN's father. With that, I hope the Chair will recognize Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank my dear friend from North Carolina for the love and friendship he bestowed on Bud Nance for many, many years. It is a rare thing—the relationship that existed between my dear friend from North Carolina and Adm. Bud Nance. It was a relationship characterized by mutual respect, political courage, and love and affection, which is, as the previous speaker mentioned, somewhat rare in this town—although not as rare as some would think.

Bud Nance was not only a friend of my father's, he also served under my grandfather in World War II. Mr. President, there is a book that has been No. 1 on the best seller list for a long time. The title of that book is "The Greatest Generation," written by Tom Brokaw, a man known to all of us. It is one of the more moving books I have read in

a long time. It chronicles the personal experiences of those of the generation that fought and won World War II and, indeed, did make the world safe for democracy. It contains very moving stories. The impact of those stories gives us a renewed and indeed, perhaps, an unappreciated recognition of the service and sacrifice of that generation, what they went through, what they achieved, and the reality that they really did make not only the world safe for democracy, but make it possible for future generations to live much better lives in a broad variety of ways.

Bud Nance was of the greatest generation and he was one of the greatest Americans to serve in the greatest generation. In fact, his service spanned three wars, and in all of them he served with distinction and courage.

I believe that Bud Nance epitomized in the Senate all the best we see in people who serve the Nation. Unfailingly courteous, always considerate to others, he took into consideration with equal weight and gravity the views of those on the other side of the aisle. And although perhaps in disagreement, he always treated those views with the respect and consideration they deserved.

Obviously, as has been mentioned, the relationship between the two men was remarkable and unusual. But it was also remarkable and unusual that, in all the years that I saw Bud Nance here, never once did I see him lose patience with anyone. His courtesy was unfailing, and, frankly, he represented what we know of as the greatest generation in more ways than just having served in combat and risked his life for his country in three wars.

Mr. President, when I think of Bud Nance, as I always have, as we not only mourn his passing but celebrate his life, I could not help but be reminded of what is one of my favorite poems, written by Robert Louis Stevenson, who also had an incredibly unusual life of adventure, with great and vast experiences and great contributions. Robert Louis Stevenson wrote a poem that he wrote for his own epitaph called "Requiem," which I believe also fits our dear friend, Bud Nance.

The poem is a very simple one:

Under the wide and starry sky.
Dig the grave and let me lie.
Glad did I live and gladly die.
And I laid me down with a will.

This be the verse you gave for me:
Here he lies where he longed to be;
Home is a sailor, home from the sea.
And the hunter home from the hill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from North Carolina, I was thinking to myself that one of the things that rarely gets written about regarding politics, and it is almost the thing I have enjoyed the most about being a Senator, is the kind of friendships that develop here.

Senator HELMS and I are not exactly in agreement on most issues, and Admiral Nance and I weren't in agreement on most issues, but I tell you something, I came to love that man and I will never forget him. I agree with what everybody has said about his impact on the Senate.

I think it started a couple of years ago; I would be walking with a bad knee and Bud would ask me how I was doing. We would start talking, and then we would talk more. It came to the point, Senator HELMS, where I just decided—I never had a chance to know the admiral in the same way Senator HELMS knew him as a dear friend, or the way some of my other colleagues have known him over the years—I just reached the conclusion that this was a man I really believed in. I hope and pray he felt the same way about me.

I think he represented the very best of treating people well, the best of being willing to stand up for what you believe in, the best of patriotism, the best of public service. As far as I am concerned, there are certain people you meet whom you never forget. They are with you for the rest of your life. I celebrate this man's life. In all the work I will get a chance to do as a Senator or as a teacher, or whatever I do, I will always try—I will never succeed—to live up to Bud's example.

Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Rear Admiral James W. Nance, a gentleman and a patriot. I will leave it to others to talk about Bud's accomplishments in the Navy, at the White House, in the private sector and in academia, and here in the Senate. They are legion. I wish to highlight the central role he played in assisting the Commission on Protecting and Reducing Government Secrecy, which I chaired. Senator HELMS was a Commission Member. Bud understood the importance of keeping some secrets. But he also understood that excessive secrecy is a mode of regulation. The most pernicious mode, really, since we don't know what we don't know. It is a fitting tribute to Bud, his wisdom, and his talents that the Commission unanimously issued its report containing recommendations for protecting and reducing government secrecy.

Bud battled his illness gallantly, which is no surprise. His death from that illness is no surprise, either, but it hurts nonetheless. We who were privileged to know Bud will miss him. The country will miss him.

He and I were frequent correspondents. His last letter to me, from last October, is characteristics. He wrote,

As I mentioned in a discussion we had several months ago, I have myelodysplasia, or smoldering leukemia. I have had all the experimental treatments they do out at NIH without success. At present, I am living on transfusions. This problem does not worry me in the slightest because I have had 77 wonderful years and have had the privilege of knowing some of the great people of my time.

Not the slightest tinge of self-pity, remorse, regret, or bitterness. He was

confident in his faith and comfortable in his accomplishments. Rather, he was concerned about the imminent dangers our country faced in the Balkans and elsewhere:

What does bother me, Senator, is I am extremely worried about our country. In 1939, I did not register for the draft for World War II. The reason I did not register was because they already had me . . . Everywhere we look around the world things are bad—Bosnia, Kosovo, Iraq, India/Pakistan (nuclear testing), North Korea, Latin America is stewing in drugs, et. al. We should remember what Charles DeGaulle said, "There are no friends in international politics." We have countries that respect us; countries that fear us; and countries that hold us in contempt. I see too many cases where we are held in contempt. We have to do better internationally.

Bud wrote to me, with his characteristic modesty, "In the roughly 60 years that I have been with the government in both the executive and legislative branches I have always tried to make our country a little safer and a little better." This, rhetoricians will tell you, is understatement. If I may paraphrase General Robert E. Lee, Bud did his duty in all things. He could not do more. And it's obvious he never wished to do less.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina, Mr. EDWARDS.

Mr. EDWARDS. Thank you, Senator HELMS, for allowing me to speak today in a tribute to an extraordinary North Carolinian, Adm. Bud Nance.

I found Senator MCCAIN's poem very moving and very touching. I know Bud Nance was an extraordinary friend to my senior Senator, who has been an extraordinary friend to me since I have been here in the Senate. They grew up together. I think they were born a couple of blocks away from each other, over in Monroe, NC, and even a couple of months apart, if I am not mistaken.

The things that Bud Nance did with his life are the things we would strive for all of our children to do. He spent his life in service of this country. Having attended the Naval Academy, having gone on to rise to prominence as an admiral in the Navy, having served on the U.S.S. *North Carolina*, and then, after retirement, when most people would go on to spend time with their family and children, he went to his second career, which was working for his great lifelong friend, Senator HELMS, on the Foreign Relations Committee.

While I did not know Bud Nance intimately the way the Senators who have spoken knew him, I have to say, whenever I went to Senator HELMS for advice—which seemed to be often—on issues of foreign relations, the very first thing he would say to me is, you need to talk to Bud Nance. I know how much he relied and depended on Bud Nance.

I might add, aside from the fact that I am so proud of Bud Nance as a North Carolinian, I have another connection with him, which is that my father-in-law, Vince Anania, who was a captain in the Navy, went to the Naval Academy and was a classmate of Bud Nance

at the Naval Academy. My father-in-law was a career naval aviator, a man for whom I have great love, admiration, and respect, and he held Bud Nance in enormous esteem and friendship, having gone to school with him, having known him over the years.

I have to say, this man's career speaks for itself. The fact that he is held in such high esteem by Capt. Vince Anania, whom I love, admire and respect, just about says it all. I think this man was an extraordinary man who gave extraordinary service to his country. We have lost a great American.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that any further remarks by other Senators today or subsequent to today relative to Bud Nance be printed in tandem with the remarks that will already appear.

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

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. HAGEL. Mr. President, to my friend and distinguished colleague, the senior Senator from North Carolina, chairman of the Senate Foreign Relations Committee, I offer my sympathy, my condolences. I have expressed those sentiments to Senator HELMS in writing and face-to-face.

I have heard the eloquence of many of my colleagues here this morning, expressing themselves about how they feel about a very special American. The only weakness that has been presented here is that most of them have been Navy. Having been an Army sergeant in Vietnam in 1968, I, too, have some sense of appreciation for a Navy admiral. Of course, when I was in Vietnam as an Army sergeant, I didn't know any admirals, but I got to know this admiral rather well.

I wish to share a quick story that the Senator from North Carolina may not know about Bud Nance. Two weeks after I was elected to the Senate from Nebraska in 1996, I received a call from Admiral Nance. It had gotten around back here that I was interested in serving on the Senate Foreign Affairs Committee. Admiral Nance first congratulated me on my victory and then said the Senate Foreign Affairs Committee would be willing to even take an Army veteran—if it came to that—but wanted me to know that he was at my disposal to help me and assist me in any way with the staff that I was assembling, whether I joined the Senate Foreign Affairs Committee or not.

We had a long talk—as I recall about 45 minutes—about our country, about service to our country, military, foreign relations. After that 45-minute conversation, I walked out of my office in Omaha and said to the person who is now my chief of staff: I am going to seek a seat on the Senate Foreign Af-

fairs Committee if for no other reason than Bud Nance.

Bud Nance and I talked about that occasionally, and that relationship built. For me, it was a very important part of my service on the Senate Foreign Affairs Committee and in this body.

I recall 4 months into my first year in the Senate at a hearing Senator HELMS was presiding over—and I know this will come as a surprise to some Members on the floor—one of our colleagues had an awful lot to say that day and was not inhibited by time or bashful about how much he wished to contribute on this particular subject. As one of our colleagues went on and on and on, Admiral Nance leaned forward and said, "Senator," and I turned and I said, "Yes, Admiral Nance." He said, "I want you to observe something." He smiled and winked and looked down and then said, "Senator, remember, you need not be eternal to be immortal."

I don't think that was an original, but it was at that time effective and framed the issue in rather simple Bud Nance eloquence that the Senator has come to know for so many years.

Of course we will all miss him; not only for what he represented—and maybe, more than anything, what he represented was a role model. Each of us who has the privilege of serving our country should always understand that the greatest responsibility we have is to be as good a role model as we possibly can. For his staff, as you know so well, Mr. Chairman, you who loved this man, who adored this man—not because he was a friendly man, but he guided them and he helped them; he was tough when he needed to be tough—for all those staff members who served with Admiral Nance, I wish to say thank you on their behalf, since they do not have the privilege of being on the floor of the Senate this morning, acknowledging his service. And on behalf of this Army veteran, very junior Senator, I wish to thank Admiral Nance. For you, Bud Nance, wherever you are: We will miss you, Admiral.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I think I have never heard such eloquence in my 27 years in the Senate. It was a glory to me just to sit here and hear the evaluations of a man whom I have known and loved all my life.

Mr. DORGAN. Mr. President, I wanted to just add a note of sympathy and condolence, but also, on this day, a note of admiration for Admiral Nance's public service. As I said one day on the floor when we were talking about the late Scott Bates, there are many people who serve this country, and work in this Senate especially, who do so in ways that are not obvious to people on the outside, but in ways that are critically important to the workings of the Senate and the construction of good public policy in America.

I did not know Admiral Nance well. I knew him to see him. I, on several occasions, approached him with some questions about policy issues that I knew the committee was working on, that I knew he was involved in with Senator HELMS. On each occasion, he answered my queries with patience and with a great deal of understanding. I walked away thinking to myself, this is a person who really knows these issues, both from experience and just a general knowledge from a wide range of interests and issues. It reminded me again, then, with him, as it has with so many others, of the wonderful service given the Senate by so many people on our staffs. But he was different. He was by all accounts, of all those who had many more dealings with him than I had, a person who brought to this Senate a very substantial background and a very special kind of knowledge about these issues in foreign affairs.

So I want to add my voice today to the expressions of gratitude for his public service. Yes, condolence over his passing and sympathy to his family and loved ones, but especially, at the same time, to say thank you to Admiral Nance for lending himself in service to his country in such a noble way and especially thank you to him for being of service to his country here in the Senate with Senator HELMS for so many years.

I yield the floor.

Mr. GRAMS. Mr. President, I take this opportunity to join many of my colleagues this morning in saying just how grateful I am that I had the chance to work with "the Admiral." When I call Bud Nance "the Admiral," I do so on purpose, because when a Senator referred to "the Admiral," of course you never had to question which one. We all knew that Member was talking about—of course, Admiral Nance.

The Admiral was a great man, a true American hero. He survived over 150 Japanese suicide bomber attacks during World War II. He became a Navy test pilot, which was dangerous work. In one of the 10-men units in which he served, five pilots died in crashes. So we know he was not only brave but also blessed.

Later he commanded the aircraft carrier U.S.S. *Forrestal* and served as deputy assistant to the President for national security affairs under Ronald Reagan.

Chairman HELMS and the Senate Foreign Relations Committee benefited from his intense patriotism and vast experience. We are all very lucky that he was willing to serve his country in this way, continuing his lifelong commitment to the defense of our Nation's interests.

Let me say something else about the Admiral. He was a modest man, a very simple man, and he certainly would not

want all of this fuss about his accomplishments over a very long life. But Admiral Nance was a Navy man and, of course, loved to tell stories. In his memory, I want to relate an anecdote about the Admiral which reflects his straightforward nature and, above all, his sense of humor.

This happened before my time in the Senate, but it is one of those stories that gets repeated by members of the Foreign Relations Committee. I share it with everyone today because if any of you did not have the pleasure of knowing Bud Nance, you will have a better understanding of why he was so beloved by everybody with whom he worked.

It occurred in the summer of 1992 when Admiral Nance was the minority staff director of the Foreign Relations Committee and he had requested a document from AID on funds for Nicaragua. The answer the Admiral got from AID was not in English with dollar amounts, but rather it came in Spanish with amounts in cordobas.

So the Admiral wrote back to AID saying he had three staff members who were Spanish speakers, but they were all busy, and since English was obviously not AID's official language, he wanted all communication from AID to the committee to be either in Russian or Hebrew during the month of August. But—here is the real kicker—the Admiral sent his response to AID through the proper channels on Foreign Relations Committee stationery, it was all very proper and official looking, except for one thing: He had a member of his staff draft it up in Hebrew. And that is the truth. I have a copy of the letter right here.

By the way, the only bit of English was, of course, his signature at the bottom of the letter: "James W. Nance." According to the Admiral, he never heard back from AID on that matter, but he never received another foreign-language document without a translation as well.

So again, Mr. President, this is not just a time to mourn our loss, but I believe very strongly it is a time to celebrate the Admiral's life. He will be missed, but he will not be forgotten.

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

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I associate myself with the remarks that have been made all morning concerning the passing of Admiral Nance, and what a gentleman he was, and what a difficult thing it is for Senator HELMS to lose a friend he has had since childhood.

Mr. MCCONNELL. Mr. President, in 1941, Monroe, North Carolina, lost Bud Nance, a favorite home grown boy, who traveled north to the U.S. Naval Academy. Last week, we all suffered the loss of Admiral Nance to a different journey. He passed away after a life

time of dedicated and successful service to his country. But, what most of us will recall beyond his distinguished record and credentials is the support and friendship Bud offered many of us, especially to Senator HELMS.

Bud brought the quiet confidence and certain purpose he had gained from growing up in a close knit community to each challenge and task he faced. When he arrived to serve Senator HELMS as chief of staff of the Foreign Relations Committee there were no shortages to the variety and complexity of those challenges. But, Bud had a gift for dissecting and analyzing complicated issues—whether personnel or policy—cutting with certainty to the heart of any matter, giving guidance then moving on to the next challenge. He saw each problem as an opportunity to support his friends and serve his country.

The many conversations I enjoyed with Bud flowed from our common reverence for the history and stories so familiar in the South. He represented the best of North Carolina traditions—he had that strong streak of country sense, yet was ever sentimental; his wisdom twinkled with humor. He brought these strengths to every discussion we had on a wide range of issues from arms control to foreign aid—he made a difference with Southern distinction.

Bud's loss will be felt most deeply by his life long and good friend, "JESSE". I thank him for sharing Bud with us for the past 8 years. The Senate and its Members are the richer for his contribution and service.

Mr. DASCHLE. Mr. President, I join my colleagues in saying how much this Senate, and this nation, will miss Bud Nance. I want, as well, to offer my condolences to Admiral Nance's family, to Senator HELMS on the loss of his childhood friend and staff member, and to Admiral Nance's colleagues at the Senate Foreign Relations Committee.

Other Senators on both sides of the aisle have spoken of Admiral Nance's distinguished careers—in the Navy, the White House, and here in the Senate. He was, as they have said, a war hero, and a true patriot. Senior Naval officer. Commander of U.S. forces in Europe. National security advisor to two Presidents. Chief of Staff to the Senate Foreign Relations Committee.

Senator HELMS is his dearest and oldest friend in the Senate. But Admiral Nance leaves many friends here—on both sides of the aisle. He was a good and decent man. A man of great accomplishment and true humility. He was also a man of integrity. You knew, whenever you dealt with Admiral Nance, that you were dealing with a fair and open man. You knew if Bud Nance made a commitment, it would be kept. His word was his bond.

He was also a tireless worker. Most mornings, he arrived at the Capitol at 7 o'clock. He was still at his desk late into most nights. I don't know whether his work ethic was formed in the Navy,

or earlier in life, but it was remarkable. And it never wavered, even during his last great battle with sickness and pain. Admiral Nance was a steady hand on the foreign relations Senate ship, just as he was in his command of the aircraft carrier *Forrestal*. He displayed courage and grace in his fight against illness.

The Senate is served every day by men and women of great dedication, commitment and industry who believe in the American system of government. Even among these exceptional people, Admiral Nance stood out. He will be missed. Our thoughts and prayers go out to his wife, Mary Lyda Faulk; their children, James Lee Nance, Mary Catherine Worth, Andrew Monroe Nance and Susan Elizabeth Nance, and their many grandchildren.

Mr. ASHCROFT. Mr. President, I rise today to join every member of this body in mourning the loss of Admiral James W. "Bud" Nance. His loss is felt especially among those Members and staff who worked closely with the Admiral on the Foreign Relations Committee. He is survived by his wife of 53 years, four children, and seven grandchildren.

The much-celebrated friendship between Admiral Nance and Senator JESSE HELMS set the tone for the work of the Foreign Relations Committee. Few committee chairmen have known their staff directors since first grade. The level of trust between those two elevated the work of the Committee to a distinct level.

Born in 1921 in Monroe, North Carolina, Admiral Nance went on to graduate from the Naval Academy, fight in World War II, and serve 35 years in the U.S. Navy. That was all before he began his second career after 1979 in the Legislative and Executive branches of Government. In the Navy, the Admiral was a first rate aviator, involved in some of the more dangerous testing and developing programs for naval fighters. He served as Commanding Officer of the Attack Carrier Air Wing Eight aboard the U.S.S. *Forrestal* and later became the Commanding Officer of that aircraft carrier—a ship that had more sailors (5,000) than his hometown of Monroe, North Carolina.

The Admiral concluded his naval career as Assistant Vice Chief of Naval Operations and Director of Naval Administration. He went on to serve as a staff member of the Senate Foreign Relations Committee in 1979–80 and Deputy Assistant for National Security Affairs under President Reagan. In that capacity, he was responsible for managing the entire staff of the National Security Council at the White House.

Admiral Nance returned specifically to naval aviation by running Boeing's Navy Systems program from 1983 to 1990. In 1991, he returned to the Foreign Relations Committee as Deputy Staff Director for the Minority and has served the last four years as Majority Staff Director for the Committee.

The Admiral's commitment to service can be seen throughout his life, and

that was certainly the case in the four years that I worked with him as a Member of the Foreign Relations Committee. In assuming the position of Staff Director, Admiral Nance told Senator HELMS he viewed the job as a service to his country and wanted no compensation. Senate rules required some level of compensation to be an official Senate employee, however, so Admiral Nance began his tenure with the exorbitant income of \$3.36 a week. When Congress became bound by the laws of the land, Senator HELMS was forced to raise Admiral Nance's salary to minimum wage.

We smile as we reflect on the Admiral's paltry salary, but what a selfless display of service that was to his country and this body. Earning the minimum wage was not a publicity stunt. Admiral Nance operated behind the scenes almost entirely. This man was truly motivated by gratitude to the United States.

Admiral Nance was a dedicated conservative, and his conservatism was rooted in respect for his fellow man and an unshakeable commitment to the best interests of his country. His partisanship was good-humored and balanced. The Admiral had a verse displayed prominently in his office from Ecclesiastes which read "The heart of the wise inclines to the right, but the heart of the fool to the left." Whether as a formidable opponent or valued ally in the work of the Senate, Admiral Nance respected—and won the respect of—all members of the Foreign Relations Committee.

This man was a warrior his entire life, placing himself in harm's way for the good of his country. He died as he lived—he fought to the very end. Many Members of this body probably are not aware of the health difficulties he struggled with during his entire tenure as Staff Director of the Foreign Relations Committee. It would have been easy to walk away. There was a reason he stayed, though.

Admiral Nance was a true American. His life was a testament to the ideals which have made this country great. He believed in the United States of America. He believed in prudent and decisive American leadership in the world. He believed in what this country stood for and what it could accomplish.

As we reflect on his life in the coming days, may each of us gain a renewed sense of commitment to preserve the blessings of freedom which the Admiral defended. My sympathies are with the Admiral's wife Mary Lyda and their children. Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I rise today to honor a great man and a great American who passed away last week. I had the privilege of working with and knowing Admiral James 'Bud' Nance. His passing was a great loss for me personally, for the Senate, and most importantly, for our country.

In both his long and distinguished naval career and his work directing the

activities of the Foreign Relations Committee, Bud set the highest standard in his selfless commitment to country and his loyalty to friends. His commanding presence, his decorum in all that he did, and his model of sacrifice and service is an inspiration for all who knew him.

While we are saddened by his passing, we rejoice in his memory and in the legacy of loyalty and service he left behind. Chairman HELMS, my sympathy and condolences to you in the loss of this great friend. Our prayers and thoughts are also with the Admiral's wife and children.

Mr. President, I would like to conclude these brief remarks with a poem by Ralph Waldo Emerson, titled "Great Men." It captures, far better than I could in my own words, Bud's commitment and service to this country.

Not gold, but only man can make

A people great and strong;
Men who, for truth and honor's sake
Stand fast and suffer long.

Brave men who work while others sleep,
Who dare while others fly—
They build a nation's pillars deep
And lift them to the sky.

Bud Nance was once of these great men who helped build our nation's pillars deep and lift them to the sky.

Mrs. BOXER. Mr. President, I join my colleagues and the entire Senate family in honoring the life and memory of Admiral James Nance, the former majority staff director for the Senate Foreign Relations Committee. My deepest sympathies go out to Bud's wife, Mary, and to his four children and seven grandchildren.

I also want to express to my Chairman, Senator HELMS, my sincerest condolences on the loss of his lifelong friend. He and Bud Nance, born just a few months apart, grew up a mere three blocks from each other in Monroe, North Carolina.

Bud Nance joined the Navy in 1941 and retired 38 years later as a rear admiral. He served this nation in active duty in three wars. During his service in World War II, he survived 162 Japanese air and kamikaze attacks. Over the course of his career, he served as a Navy test pilot, led an attack squadron and an air wing, and commanded the U.S.S. *Raleigh* and the aircraft carrier, *Forrestal*. After leaving the military in 1979, Admiral Nance served as assistant national security adviser until he joined the private sector as head of naval systems for Boeing.

In 1991, Senator HELMS asked his old friend to bring his military knowledge and experience in world affairs to the Senate Foreign Relations Committee. Admiral Nance refused to take a salary and received only the minimum compensation allowed under federal law—\$153 per year.

Bud Nance will be remembered in this body as a gracious and kind gentleman. When I joined the Foreign Relations Committee this year, Bud called to welcome me and my staff to the Committee. It was typical of Bud's courtesy and good manners.

Mr. President, in Bud Nance the Senate has lost a loyal public servant and the nation has lost a true patriot.

Mrs. FEINSTEIN. Mr. President, I would like to add my voice to those of my colleagues who have risen today to talk about the remarkable service given this body, and our nation, by Admiral James W. Nance, majority staff director of the Foreign Relations Committee.

Although I am no longer on the Committee, I had the honor and pleasure of serving as a member of that Committee in the 105th Congress, and to come to know and admire "The Admiral."

In many ways, Admiral Nance was the living embodiment of what Tom Brokaw, in his recent book, has called "The Greatest Generation." He had a distinguished career in the Navy, serving in combat in World War II, as a test pilot, and later as commander of the aircraft carrier U.S.S. *Forrestal*.

Following his Naval career, he served as deputy assistant to the President for National Security Affairs in the Reagan administration, and then joined his boyhood friend, the distinguished Senator from North Carolina, in offering his service, and his expertise, to the U.S. Senate as staff director for the Foreign Relations Committee.

His kindness to me—as a junior member of the minority party—in getting to know the ins and outs of the Committee was always appreciated, and his sage council and advice were always a welcome addition to the Committee's consideration of a range of pressing national security issues.

The Admiral will be sorely missed—but I join my colleagues in celebrating his life of service to the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. I ask unanimous consent to speak for 5 minutes.

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

OLDER AMERICANS MONTH

Mr. GRASSLEY. Mr. President, May happens to be Older Americans Month. I believe we should honor older Americans through this month, not only because my State of Iowa has many fine senior citizens whom I am very willing and happy to talk about because of their contributions to our State and our society, but also because I am chairman of the Aging Committee.

It may be human nature to overlook the hardships of previous generations. We do not think about suffering that we do not have to endure, and that is the way it should be. That is the way

we hope it is and it is the hope of American innovators who work to ease the misfortunes for our children and grandchildren.

One of those innovators is a 101-year-old woman from Sioux City, IA. Louise Humphrey was a leading light in the battle against polio, one of the most terrifying illnesses of our century. Because of her work and the work of others devoted to finding a cure, polio is almost nonexistent in our country.

It is hard for anyone who did not live through the forties and fifties to understand fully the fear and hysteria which accompanied the polio epidemic during any particular summer. The disease was highly contagious and sometimes fatal. It attacked the lungs and limbs. It immobilized its victims. It made them struggle for breath and often forced them to breathe through mechanical iron lungs. Parents would not allow their children to go swimming or to drink out of public fountains for fear of contagion.

Those children fortunate enough to escape the illness saw their classmates return to school in the fall in leg braces and watched newsreels of people in iron lungs.

At the height of the epidemic in the 1940s and early 1950s, polio struck between 20,000 to 50,000 Americans each year. In 1 year, 1952, 58,000 people caught the disease. Most of these people were children.

Mrs. Humphrey of Sioux City became interested in polio before the height of the epidemic. In the 1930s, according to the Sioux City Journal, she saw firsthand the ravaging effects of polio after meeting a man who had been disabled by the disease.

She and her husband, the late J. Hubert Humphrey, a Sioux City dentist, became leaders in the fight against polio. They headed the Woodbury County chapter of the National Foundation for Infantile Paralysis. Mrs. Humphrey was elected State chairman of the women's division of that foundation.

The Humphreys raised thousands of dollars for equipment and therapy to battle the disease. They enlisted entertainers and circus performers in the cause, hosting these individuals at fundraising parties. Their guests included Bob Hope, clown Emmett Kelly, and even an elephant that loved ham sandwiches.

Their work contributed to a climate in which Jonas Salk developed the first polio vaccine. His vaccine, and another developed by Dr. Albert Sabin, soon became widely available. Thus, polio is virtually nonexistent in our country, although it remains a Third World threat.

Mrs. Humphrey has said she has no secret for living such a long life. She advises people to, in her words, "just be happy and be well." She has never had an ache or pain. What she did have in abundance was empathy, kindness, generosity, and devotion. Because of her contributions, millions of Amer-

ican children will live without a debilitating disease, polio.

On June 3, Mrs. Humphrey will be 102. In advance of her birthday, during Older Americans Month, I thank Mrs. Humphrey for helping to make our country strong. Mrs. Humphrey, with her clear vision and compassionate concern for America's children, perfectly illustrates the theme of Older Americans Month, which is: "Honor the Past, Imagine the Future: Toward a Society for All Ages."

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota, Mr. GRAMS.

Mr. GRAMS. Mr. President, what business is before the Senate? Are we still in morning business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Y2K ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to S. 96, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 96, a bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date.

THE JUVENILE JUSTICE BILL

Mrs. BOXER. Mr. President, at the end of my remarks I am going to make a unanimous consent request—I see the Senator from Idaho is here; I want him to know that—that I be permitted to send an amendment to the desk regarding the age people have to be before they can buy a weapon or gain access to a weapon. But I will not do that now; I will wait until the end of my remarks, and then I will make that unanimous consent request. I wanted to make sure my colleagues knew I was going to do that.

I think it is really important, as we move forward on this juvenile justice bill, to debate all the issues surrounding juvenile justice as fully and as completely as we can. After all, there isn't a politician I know who does not say our future is our children. That is what our future is about. And as healthy as our children are, that is as healthy as our country will be. As stable as our children are, that is how stable our country will be. As productive as our children are, that is how productive our country will be.

As we all attempt in various capacities in our lives—as parents, and as grandparents—to ensure that our children understand that in a society that is worthy there should be as little vio-

lence as possible, if we can just transmit that to our children, this will be a better world.

In the course of the debate, we have talked about many areas in our society that need attention. There isn't one of us who could truly stand up here and say, well, I do everything I can; there is nothing wrong with me. And there is no industry that can stand up and say it. We all have to look inside ourselves to make sure our kids understand that violence is wrong, it is a black and white situation, and it isn't the way to resolve our problems, et cetera. So this debate surrounding this bill is very relevant to the lives of our people.

In my home State—and I have said this often on the floor, but it is worth repeating to some of my friends—the No. 1 cause of death among children happens to be gunshots. In other words, for children, from as soon as they are born to age 18, that is the No. 1 cause of death—that they are going to be killed by a gun.

Somebody could say, well, that is just the price you pay to live in America. That is ridiculous. That is ridiculous. In our Constitution we have the right to pursue happiness; we have the right to life, liberty, and the pursuit of happiness—life, liberty, and the pursuit of happiness. So when we see gunshots causing so much death and mutilation in our society, we have to take a look at, Where have we gone wrong? What is wrong? Can we do something?

We have taken a couple steps in this bill to try to fix this problem of guns, but we have a long way to go. I want to show a chart here which indicates why this is such an important issue in America.

In the 11 years of the Vietnam war, we lost 58,168 of our precious people, and this country—this country—was torn apart. Every one of those deaths was mourned by family and by the greater American family.

In the last 11 years, we have lost 396,572 people to guns.

Yes, it might be time to spend a few more days on this bill when you find yourself in this kind of situation. You cannot turn away from facts. You may want to turn away from facts, but you cannot turn away from facts.

As I look around and see these numbers and I see what is happening in the news—in the last few days we had about four or five other schoolkids who, it was found, thank goodness, were going to perpetrate a massacre with guns at their schools—something rings out in my mind, and that is, angry kids and guns do not mix. Angry people and guns do not mix.

It seems to me that since we know you have to be 18 years of age to buy wine, to buy beer, to buy cigarettes, you ought to have to be 18 years old before you can buy a gun.

Some people might say, well, haven't we fixed that? Well, for handguns, 21; that is, if you go to a dealer. I believe Senator ASHCROFT said you have to be 18 to buy a semiautomatic at a gun

show. You have to be 18 if you go to a dealer to buy a long gun. But if you go to a gun show or you make a private purchase, you can be 14 to buy a rifle or a shotgun under Federal law. You could be 12. So I think it is time for us to look at what we are doing in this country.

Eighteen to buy cigarettes, 18 to buy beer or whiskey or wine, 18 to buy a semiautomatic handgun, 21 at a dealer. But you could buy these long guns. And we have juveniles going to unlicensed vendors at a gun show or at a flea market and buying a long gun in what we call private sales.

Now, I want to talk about what happened in the Colorado massacre, because one of the things people are saying is, well, many laws were broken there so we don't need any more laws. The truth is, the young woman who transferred those guns to the juveniles, because she said she didn't know they were going to use it for adverse purposes, broke no law. She broke no law. She was 18. She purchased, as I understand it, three weapons and gave them to these kids. She broke no law. She was 18. She gave three long guns to the shooters, legal under Federal law. It should not be. You should not be able to sell a gun to a juvenile, and you should not be able to give a gun to a juvenile unless you are the parent or the grandparent or the legal guardian.

I could see that. I have talked to my friend, PATRICK LEAHY, who told me he gave up a hunting rifle to his daughter when she was 15 or 16. That was his choice. So we have in our amendment the ability for a grandparent or a parent or a legal guardian to give such a gun, but not for a friend to run down to the store and get a gun and give it to you if you are 17 or you are 16 or you are 15. That shouldn't be appropriate.

So the amendment that I want to put forward here does not say a juvenile can't get a long gun from a parent, grandparent, or legal guardian. It would not make it illegal for that juvenile to possess a rifle or a shotgun or even to own such a gun, if a parent or a legal guardian gave it to them, or a grandparent. However, if it isn't a parent or a grandparent or a legal guardian, it would be illegal to give a juvenile a gun, any kind of gun, any kind of firearm.

My children would call this a no-brainer. It is pretty clear that we set age limits for all kinds of things, but not to own a firearm, unless it is a handgun and now a semiautomatic weapon. So there is a giant loophole.

As I understand it, all of these guns would be able to be bought by a juvenile under current law. What I want to do, Mr. President, is bring guns in line with cigarettes in terms of purchase.

I now ask unanimous consent that I may offer that amendment to S. 254 at this time.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Mr. President, reserving the right to object, we are in morning

business. We are not on the bill. This afternoon it appears we would be back on the bill. At that time it would be appropriate to introduce that amendment. Therefore, I object.

The PRESIDING OFFICER. There is objection.

Mrs. BOXER. Mr. President, as the Senator knows, I asked unanimous consent to send this amendment to the desk now. I do not want people to be confused. In the Senate, you can send an amendment to the desk any time you want, if you ask unanimous consent and no one objects. The Senator from Idaho is objecting. He is not allowing me to send this amendment to the desk to get a vote on this amendment, to put this amendment at the desk, to put it in line, when all I am saying is you should be 18 before you can buy a firearm.

I just want to be clear, I am very disappointed that this unanimous consent request has been objected to. I will stay on the floor as long as it takes to offer this amendment, which merely says if you have to be 18 to buy cigarettes, you ought to be 18 to buy a weapon.

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

The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, how much time remains prior to adjournment for the Tuesday lunches under the unanimous consent?

The PRESIDING OFFICER. Six minutes remain.

Mr. CRAIG. And the 6 minutes is in place by unanimous consent, is it not?

The PRESIDING OFFICER. Yes, for discussion of S. 96.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed for 6 minutes as in morning business prior to adjournment for lunch.

The PRESIDING OFFICER. Without objection—

Mrs. BOXER. Reserving the right to object, I don't intend to object to my friend. I know that my friend objected to my laying down a new amendment. There were two amendments that already have been debated—the Kohl safety lock amendment and the Hatch-Feinstein gang amendment.

I am wondering if the Senator would object if I would ask unanimous consent that at 2:15 we resume consideration of the Kohl amendment No. 352, and that there be 5 minutes for debate, and that upon use or yielding back of the time, the Senate proceed to vote on or in relation to the amendment, and upon disposition of that, the Senate resume consideration of the Hatch-Feinstein amendment No. 353, that there be 5 minutes for debate and, upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment with no intervening action, provided provisions of the previous unanimous consent remain in effect. Would the Senator allow me to offer that?

Mr. CRAIG. I would object, but I hope the Senator from California would not characterize that objection in the improper fashion. Both the chairman of the Judiciary Committee and the ranking member, who are managing this bill, are not on the floor. The Senator from California knows that the leadership at this moment, both her leader and my leader, are trying to craft a unanimous consent agreement to allow the Senator from California and others to offer appropriate amendments. I am in no way attempting to obstruct. I say that I believe her offering is inappropriate and out of context of the way the Senate operates. Certainly, she knows, as I do, that we work through our leaders, and we also work through the managers of the bill. I do not oppose her arguing her point before the Senate in the appropriate fashion, but I certainly would object to the context under which she has offered it.

Mrs. BOXER. Would the Senator yield for a brief comment on my part here?

Mr. CRAIG. Very brief, unless you object to my unanimous consent to complete the morning?

Mrs. BOXER. I do not object.

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

Mrs. BOXER. I want to make it clear to my friend, my purpose here, as a Senator from California who views this issue as one of the most important we will ever take up, is to move the bill along. That is why I offered to send my other amendment to the desk, to push forward these two amendments that have already been heard, so that we can move things along. But I appreciate the Senator has a different view.

Mr. CRAIG. I thank the Senator from California.

Mr. President, it is important that I characterize in the appropriate fashion an amendment that passed the Senate that the Senator from California voted for, I believe. That was the Ashcroft amendment on semiauto assault weapons for young juveniles. She is wrong that it was tied to 18. It is tied to the 21 age limit that is already current law, as it relates to handguns and other restricted weapons. I helped craft that law, along with Senator KOHL, several years ago, and it became law, and we are very proud of it.

She is absolutely right to be concerned about juveniles having guns. That is why we were very restrictive. Any juvenile who brings a gun to school is breaking the law. If it is a handgun and they are under 21 years of age, they have broken the law.

What we are saying is that on private property, on a ranch or a farm where they are out hunting varmints, or if they are en route to a registered shoot, if they have permission from their guardian, they fall outside the law—guardian or parent. So what the Senator from California was talking about in her proposed amendment is, in part, not unlike what is in current law in many respects.

It is true what she has said about long guns after 18 years of age. No question about it. But it is not true of the semiauto assault weapons, if you include the Ashcroft amendment that passed the Senate and is now incorporated into the juvenile justice bill.

Mr. President, in the juvenile justice bill, as it relates to guns, we have crafted a juvenile Brady provision, a very important part of the bill. We have dramatically restricted gun shows and demanded, if this becomes law, background checks. We have now, with Senator KOHL and Senator HATCH, crafted a trigger lock provision that I think is an important piece of language and ought to become law.

As I have just said, we have prohibited juveniles from owning semiauto assault weapons with extended loading devices. If we pass this bill, that becomes law.

Senator FEINSTEIN was able to pass an amendment that restricts certain importations of extended loading devices or clips. If we pass this bill, it becomes law.

But if this bill becomes simply a gun control measure and not an extensive juvenile crime provision, it will not become law. I hope the Senator from California and others know that, that we ought to work cooperatively together to pass a much broader law and language to control violent juveniles and their actions than to play the politics of guns, because that is what we have heard for the last day on the floor, the last 3 days, is the politics of guns.

The Senator from California and I have voted for some new gun control measures. We believe those are extensive measures that craft a window and close the window that she and others were objecting to. But it is interesting that once we close a window, they redefine and create a new window and say, and now this and now this, and the goalposts constantly move.

Mr. President, if the goalposts are constantly moving, then there will be no juvenile crime bill because the other side will have killed it. I think it is tragic that, after two years in a bipartisan effort by the Senate Judiciary Committee to craft a much broader bill dealing with violent juveniles, we would see that prohibited by these actions. I hope we can get past that. I hope this afternoon we can craft a unanimous consent agreement for both sides to offer some reasonable amendments and that we can see final passage of this bill.

Mrs. BOXER. Will the Senator yield to me?

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

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senator be given an additional 2 minutes.

Mr. CRAIG. I object.

The PRESIDING OFFICER. Objection is heard. Under the previous order—

Mrs. BOXER. Mr. President, the Senator made a huge mistake in the analysis of the Ashcroft amendment.

I ask unanimous consent that I may have 30 seconds to set the record straight on the Ashcroft amendment.

Mr. CRAIG. I would allow that.

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

Mrs. BOXER. Mr. President, I am holding the Ashcroft amendment in my hand. It says:

For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

So the age was not raised to 21. There are some on this side who would do that. My amendment talks about all other guns. There is no age limit to go to a gun show. They can be 12 and buy a long gun, a shotgun or a rifle.

RECESS

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

There being no objection, the Senate, at 12:31 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask to speak in morning business for about 10 minutes.

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

(The remarks of Mr. THURMOND pertaining to the introduction of S. 1064 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

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

WHO IS ACCOUNTABLE?

Mr. DORGAN. Mr. President, this morning I opened the Washington Post newspaper to the Metro Section and saw on page 1 of the Metro Section, a headline that says, "Killer Sent To Wrong Prison After 2nd Murder." I want to describe this killer and I want to describe what has happened in the District of Columbia, because I have spoken about this case, I suppose, five or six times on the floor of the Senate over the last 4 or 5 years.

First, let me tell you about the man they are talking about, the killer. His name is Leo Gonzales Wright. On June 10, 1974, he committed a rape and committed a burglary. On June 18, 1976, armed robbery; shot a store owner during an armed robbery. February 1, 1976, robbery and murder of a cab driver, Joseph Woodbury. Apprehended, incarcerated, pled guilty to second degree murder and armed robbery. Released on parole some 17 years later. Arrested for cocaine in the District of Columbia. In-

dictment in a drug case, arraigned on the drug charge, failed to report for drug testing. Carjacking and armed robbery of Kristina Keyes. Failed to report for drug testing. Carjacking and murder of Bettina Pruckmayr.

Who is Bettina Pruckmayr? She was a young, 26-year-old human rights lawyer. You can't see this picture much. She had just graduated from Georgetown, a young woman who one evening was getting into her car and this Leo Gonzales Wright abducts her, forces her to drive to an ATM machine, and gets her ATM code. She cooperates in every way: gives him the PIN number for the ATM machine, says, "I only have \$20 in my account," and then she tries to run away.

He follows her and, according to the paper, got angry and decided to kill her, this 26-year-old lawyer. He said he was so enraged he stabbed her 38 times, plunging the knife into her body with such force that her sternum was crushed and many of the wounds, inflicted with a 5.5 inch butcher knife, were more than 6 inches deep.

This young lady, this wonderful young attorney, was killed by someone who should not have been able to kill anybody. He was on the streets, released early. He had already murdered, was put in prison, but released early and then picked up again for an offense and not put back in jail. Then he murdered this young woman. So the judge sentenced him, and the judge said, when he sentenced him 3 years ago: It is my intent, sir, that you will never be released into society again. You, sir, will die in jail. This court will do everything in its power to ensure that you will never walk the streets of this country or anyplace again.

That is what the Federal judge said to Leo Gonzales Wright, a double murderer, a man with a criminal record as long as my arm, someone who should not have been on the streets to murder Bettina Pruckmayr.

This morning the story in the paper says that, while Judge Sullivan ordered this man to be sent to Federal prison 3 years ago, he is not in a Federal prison. He has been out here at Lorton in the District of Columbia for the last 3 years. In fact, at one point he was given part of a day to go home to attend his mother's wake.

The story talks about the judge's anger. The judge has a right to be angry. All of us have a need to be angry. This is gross, utter incompetence. I don't know anybody in the criminal justice system in the District of Columbia. I don't know anybody there. But there is such gross incompetence there it just staggers the imagination.

I have spoken probably five times on the floor of the Senate about this murder, only because it is so reflective of what is wrong in our criminal justice system. We know this guy is a murderer. We knew it before and society put him in jail, and the parole folks let

him out early so he could murder again.

Who is accountable for that? Is somebody going to lose his or her job? The last time a Federal judge sent him to Federal prison he didn't go. Who is accountable for that? Or he gets to go to his mother's wake, this fellow who has murdered twice. Who is accountable for that? Who is going to tell the Pruckmayr family: We are sorry. This is just the way bureaucracy works.

It ought not be the way the system works anywhere.

I want to say to the Mayor of this city and the folks who run the criminal justice system in this city, I am not someone who bashes the city of the District of Columbia. I have never done that. Some do, but I do not. But I say today I am on the Appropriations Committee and you are going to pay a price. You are going to pay a price for this gross, staggering, incompetence, unless someone is held accountable for this kind of nonsense.

People have the right to expect the streets are safe. People have the right to expect that murderers are not walking up and down the streets in this country. And in the District of Columbia, at least, they knew this fellow was a murderer—he had murdered before, committed armed robbery before, committed rape before—only for them to say somehow: We decided to put him back on the streets. Then a Federal judge says: I want him in Federal prison forever. The District of Columbia cannot even get that right.

We need to understand why. I do not mean this as a threat. I just mean it as a promise. They are going to pay a price unless they demonstrate to the American people and to this Congress they are holding people accountable for this kind of gross negligence and gross incompetence.

I never met Bettina Pruckmayr. I have spoken in the Senate about a young 11-year-old boy, I suppose, about a half dozen times as well. They found that young boy dead. They found grass and dirt between his fingers. He was also killed by a guy who previously had been convicted of murder. That young boy was stabbed many times and left for dead in a pond, except he was not dead. He tried to crawl his way out. He died at the top of the embankment with dirt and grass between his fingers.

He should never have been murdered. He was murdered by someone we knew was a murderer, because he murdered before. But the system said it was OK that he be let out of jail.

The exact same thing is true with this young woman, Bettina Pruckmayr. She ought not have died. Her death is on someone's conscience. I do not know who it is. Who makes these decisions? Who makes the decisions that these killers be turned loose on our streets?

I have come to the floor today only to ask the question: Who makes the decision to say to a Federal judge you may want this person in a Federal pris-

on out of society for life, but we have decided differently. We will stick him back in Lorton and when his mother dies, he can go to the wake.

Who makes that decision? Who is going to be held accountable for this, because this is the same kind of staggering incompetence that led to this person's release in the first place, that led to this person not being apprehended when he failed a drug test while on parole. It is the same staggering incompetence.

I am saying as one Member of the Senate that when we take a look at our obligations and I as an appropriator take a look at our obligations to the District of Columbia, I will insist that the mayor and others in this system demonstrate to us that they have held people accountable for this kind of behavior.

Too many innocent people die. I have had a piece of legislation in the Senate—I have never been able to get it passed and I will never quit trying—that says if a unit of government, a city, a State, decides they want to let killers out early, time off for good behavior; we want to manage you in prison, so we will give you an inducement: If you behave in prison we will give you time off. If you commit violent crimes and murder, we will let you out early if you are good behind bars so you can walk the streets early and commit another crime.

What I have said is those units of government that decide to let people convicted of violent crimes out early, if those people commit a violent crime during a period when they would have still been serving their sentence in prison, should be held responsible to the victims and the victims' families. Yes, that means lawsuits, recompense.

There ought to be responsibility. Let's find those who are letting these folks out of prison and say to them: You be responsible. If you want to let them out early, then you bear the consequences.

Am I upset by reading this story this morning? Yes, I am. Again, I did not know this young woman, but I have spoken about her often, and many others have, I believe, watched this case with bewilderment, wondering who on Earth could be in charge of a system that is so fundamentally incompetent, a system that, in my judgment, ultimately allowed this person to be free on the streets to kill this young woman, a system that now can't even comply with a simple order by a Federal judge that this person ought to be in Federal prison forever, never again to be released on the streets in this country.

People of this country deserve better and expect better. Those of us in the Congress who have some capability of applying some pressure to the people of the District of Columbia to remedy these problems have an obligation, it seems to me, to use that leverage to force that to happen.

Mr. President, I yield the floor.

Y2K ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. WELLSTONE. Mr. President, I am ready with an amendment. I inquire as to what the situation is right now on the floor.

The PRESIDING OFFICER. The Senate is under the motion to proceed to S. 96, the Y2K bill.

Mr. WELLSTONE. Mr. President, I actually will not ask unanimous consent because there is nobody here on the majority party side. I want to go forward with an amendment on the juvenile justice bill, but I guess I will wait until Senator HATCH comes to the floor.

I will, therefore, speak a little about an amendment I will offer. That way, it certainly will not be tricky or sneaky on my part.

JUVENILE DELINQUENCY PREVENTION EFFORTS

Mr. WELLSTONE. Mr. President, I am going to offer an amendment with Senator KENNEDY. We will be joined by other Senators as well. The operative language of this amendment, to give it some context, calls upon the States to "address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas"—we make that explicit; nobody is talking about any quotas—"the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system."

With some charts and with some numbers, I will be able to talk about this amendment, as will other Senators. I want, for the record, to make it clear that since we are in a debate about whether or not we are ready to proceed, I am on the floor with an amendment. I am ready to go.

This particular amendment says that in our past juvenile justice legislation, most recently an amendment that was adopted by the Senate and the House in 1993, we said to States, including my own State of Minnesota: You have a situation where you have kids, young people, minorities incarcerated all out of proportion to the percentage of the population in your State. So that if you have, let's say, a 7 or 8 or 10 percent minority population but, in your juvenile justice system or correctional facilities, close to 40 or 50 percent of the kids incarcerated are kids of color, what we said back in 1993, based upon some very good work by some very good people in this field was, States, please take a look at your situation. Please collect the data. Please look at the why of this and see what kind of strategies and programs you can develop and implement to improve upon the situation. That is what this is all about.

For some reason in this bill that is before us, this language has been

dropped. There are some 40 States that are working on this. There are some States that are doing a very good job, but as a Senator, I am not about to let the Senate turn the clock back. I am not about to let us, all of a sudden, say that we no longer are interested in calling upon States to deal with this problem of disproportionate minority confinement. I do not think we should do so. We cannot pass quotas. We never should. We cannot tell States how many kids should be incarcerated, for what crimes and all the rest.

What we can say is when you have disproportionate minority confinement, when you have a situation where all too many times kids of color are given much stiffer sentences for having committed the same offenses as white kids, we want to know what is going on.

What this legislation does—and it purports to be juvenile justice legislation—is take the justice out. It takes the justice out. The justice would be to make sure there is no discrimination. The justice would be to make sure there is fairness. The justice would be to make sure there is justice.

The reason I mention this is that not only do the kids of color all too often find themselves way out of proportion to their numbers in the State to be incarcerated but also to wind up in adult facilities. Moreover, these corrections facilities, if you want to call them corrections facilities, all too often become the gateway to kids then being imprisoned in adult life.

It is astounding, but in 1999, going into a new century, one-third of all African American men, I think ages 20 to 26, are either in prison or on parole or they are waiting to be sentenced.

I did not make an argument here on the floor of the Senate that we should not hold all citizens, regardless of color of skin, accountable for crimes committed. That is not my argument. But my argument is, when we have some concern about possible discrimination, then let's at least be willing to study the problem.

I see my colleague coming in. I want to, when the Senator from Utah gets settled in, try to explain the situation. I will give my colleague time to catch his breath.

I say to Senator HATCH, I did not want to ask unanimous consent to offer an amendment because I did not see anybody on the other side. I was saying to the Chair that I am ready to go forward with an amendment, this one dealing with disproportionate minority confinement, because I know you want to move the bill forward.

I have been in contact with Senator KENNEDY, and if you are ready, I am certainly ready to debate it, and we will try to do it within a reasonable time limit.

Mr. HATCH. If the Senator will yield, I believe the majority leader is going to propound a unanimous consent request. I am hopeful the minority will agree to this request so we can move

this forward. If I could suggest the absence of a quorum so we can get this done, and as soon as that is granted, if that is granted, then we will move on to his unanimous consent and then try to work out the time for the Senator.

Mr. WELLSTONE. Let me say to my colleague that I think I will continue to, rather than go into a quorum call, speak about the subject matter.

Mr. HATCH. Sure.

Mr. WELLSTONE. That might help. I want to make it crystal clear that I am ready to go forward with this amendment. I am not asking unanimous consent that I be able to send this amendment to the desk because I guess until we have this agreement, then it most likely would be rejected. But I am ready for debate on this amendment.

Let me just say that when we get into the thick of this debate, I want to just bring to the attention of Senators, Democrats and Republicans alike, the strong support, the strong passionate support for this amendment on the part of the civil rights community in this country, broadly defined, on the part of children's organizations, broadly defined, and on the part of lawyers and people who have been down in the trenches working with kids for years.

This is an extremely important amendment that speaks to a fundamental flaw in this legislation. So, for the record, I am ready to offer this amendment. I will wait for the majority leader to come out.

I ask my colleague from Utah, who is leaving, could I ask unanimous consent that when we go to amendments on the juvenile justice bill, that this be the first amendment up?

Mr. HATCH. If the Senator would withhold, right now we are trying to work out a unanimous consent agreement. We are trying to work out some other matters, but I am certainly going to try to work with the Senator on this. It is an important amendment, and we have to face it. So, if the Senator will just work with me, I will try to get this so that it works.

KOSOVO

Mr. WELLSTONE. Mr. President, while we are waiting, let me just repeat a little bit of what I said yesterday. I have been speaking with some other Senators about this as well. While I understand that we have a very crowded schedule, I do believe that the Senate should take some time this week to discuss or to debate our military action in Kosovo.

I have spoken now for the last several weeks about this. I will not repeat all that I have said. Next time I come to the floor with specific proposals and ideas, I hope to be able to do that with other Senators. And I see my colleague from Washington is on the floor, so I am going to yield in about 30 seconds, if I can. But quite apart from what specific proposals I want to make as a Senator about where we are and where I believe we must go as a nation, I

want to make a larger point right now, which is I believe the Senate ought to be debating this question. I believe we should have full discussion and full debate.

One thing I am certain of—and I mentioned this yesterday—when we voted on authorizing airstrikes, I asked my colleague, Senator BIDEN, what is the purpose? I read yesterday from the RECORD; and in the RECORD it was stated hopefully to be able to stop the slaughter, hopefully to be able to get Milosevic to the bargaining table, and to degrade the military force.

I think in light of the last 8 weeks and what has happened, in many ways the objectives have changed. The objectives have changed. The bombing is more than just degrading the military force. It has a different set of goals.

I am not even right now going to argue about the pluses and the minuses of all that. I think it is irresponsible for the Senate not to take up this question and not to have positive—not hateful, not demagogic—really thoughtful, substantive discussion and debate.

I know we have other business right now, but I am going to come back very soon and try to push this question much harder.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

Mrs. MURRAY. Thank you, Mr. President.

BOMBING OF THE CHINESE EMBASSY

Mrs. MURRAY. Mr. President, the Senate is focused on many important issues this week, including youth violence, the important Y2K issue, emergency appropriations for our Nation's farmers, victims of Hurricane Mitch, and funding NATO's efforts in the Balkans. These are all very timely and important debates, and I look forward to joining my colleagues in discussing these important issues.

For a moment, though, I would really like to focus the Senate on the recent accidental bombing of the Chinese embassy in Belgrade and on the U.S.-China relationship.

The bombing of the Chinese embassy in Belgrade cannot be trivialized. As President Clinton has repeatedly expressed, the U.S. and NATO accepts full responsibility for this terrible mistake. We all extend our apologies to the Chinese people and the families of those who were killed and injured.

I am prepared to accept that this unfortunate accident caused a lot of anger among the Chinese Government and the Chinese people. That is to be expected. Certainly our country would be outraged and saddened if our embassy had been bombed under such circumstances.

But our regret and apologies to the Chinese people do not diminish the fact that we cannot accept the deliberate harassment of U.S. citizens and destruction of U.S. property in China. The reports from China—the television images of our embassy targeted by orchestrated mobs—troubled me a great deal.

Americans are dismayed at the growing animosity of the Chinese people towards the United States. For the U.S.-China relationship to succeed, both countries must take strides to ensure that the presentation of the relationship is balanced and fair. Clearly, this did not happen in the days before or after the tragic embassy bombing.

I am heartened that things do seem to have calmed down throughout China. It is encouraging that President Clinton and President Jiang have spoken and resumed high-level discussions over the bombing and other important U.S.-China issues.

Some of my colleagues have mentioned the phenomenal work of our Ambassador in China, Jim Sasser, who is our former Senate colleague and a close friend. He has served our country with great honor. I commend him and all of our embassy and consulate officers who are serving in China.

Ambassador Sasser has given us great insight as he addressed the tragic bombing of the Chinese Embassy and the demonstrations and violence that followed in Beijing and other Chinese cities.

Let me share a few of Ambassador Sasser's comments with my colleagues as I do believe they serve as a reminder that the U.S.-China relationship is, in my opinion, one of our most difficult and most important relationships.

Ambassador Sasser said,

When all the emotion has drained out of this terrible tragedy, then wiser heads in both China and the United States are going to realize it's in both countries' interest to try and resume constructive ties. . . . When we are all through grieving over this very tragic event that occurred, the United States will still be the economic superpower in the world and China will still be the most populous nation in the world and an emerging power in this region.

Once again, our former colleague has offered wise counsel to the Senate that will be very important to future China debates.

The unfortunate Embassy bombing should not be used by those in China as a justification for severing or postponing ties with the U.S. Nor should China think that this incident will lessen America's resolve as we address the issues of human rights, weapons proliferation, or the issues related to espionage targeted at U.S. nuclear facilities.

One of my hometown papers offered the following in an editorial last week, the editorial reads, "China is furious and rightly so. The test, however, is whether China plays the incident like the country it wants to be, a world leader that sees events and relationships in a larger context." I completely

agree and I believe that many in Congress will judge China's ability to play a larger role on the international scene by her handling of this temporary crisis in the relationship with the U.S.

The United States, and particularly the Congress, must also demonstrate our commitment to responsible global leadership. We should be cautious as last week's unfortunate events enter the contentious political debates over U.S.-China relations. I continue to believe a mature and stable relationship with China is in our national interest. It is not a goal we should be prepared to abandon. A mature and stable relationship is certainly in the best interest of the American and Chinese people. Though progress toward this goal has been hampered by the events of this last week, it is still a goal we should strive for. We must continue our dialogue with China.

China should expect continued U.S. interest and in fact, vigilance, on the variety of issues important to the U.S. government and the American people. There will not be widespread concessions granted by the United States. The Embassy bombing was a tragic mistake, not a propaganda tool to be deployed at the bargaining table.

Consistent with admitting the mistake and accepting responsibility, the United States and NATO should be prepared to enter into talks with China about appropriate compensation for individual and government losses. This is not unprecedented. In the late 1980's, Iraq paid compensation to the families of U.S. sailors killed in the accidental bombing of the U.S.S. *Stark* during the Iran-Iraq war. Following the downing of an Iranian passenger plane, the United States offered to compensate the victims families. And the U.S. is now in the midst of paying compensation for property damage and to the victims' families for last year's cable car accident in Italy.

The U.S. and China both stand to gain by closer relations. China has become one of our largest trading partners, creating high-wage jobs for thousands of American families and opening markets for American businesses that depend on overseas trade. While trade is the foundation of the U.S.-China relationship, my home state of Washington's relationship with China clearly illustrates the promise of broader ties between Americans and the Chinese people. Washington's many cultural, educational and commercial ties are fostering dramatic change in China; change led by and on behalf of the Chinese people.

With the recent visit to the United States by Chinese Premier Zhu Rongji and the ongoing negotiations between our two governments, the U.S. and China are poised to reach a truly historic agreement, paving the way for China's entry into the World Trade Organization this year. I support China's entry into the WTO on commercially viable terms and I encourage the United States Trade Representative

and her Chinese counterparts to resume negotiations at the earliest opportunity.

Because of the importance of the U.S.-China relationship, I believe a high-level U.S. delegation to China, headed by Secretary of Defense William Cohen, is warranted as soon as possible. I realize the difficulties of sending the Secretary of Defense half way around the world while the U.S. is prosecuting military action in the Balkans. But the U.S.-China relationship is so important, and we have been struggling with so many difficult issues within the context of that relationship, that I believe the maximum effort must be made to provide the Chinese leadership with a full and complete understanding of the accidental bombing of their embassy. I know that Secretary Cohen is well respected by the Chinese, and a trip by the Secretary to China would have the dual purpose of stressing to the Chinese the great importance we place on having a mature and stable relationship and underscoring the accidental nature of the Embassy bombing.

Much progress has been made on the U.S.-China relationship in recent years. The Zhu Rongji visit was important. This followed two Presidential Summits in Washington and Beijing. It is my hope that the recent tragic events do not derail the progress made toward building a strong and comprehensive U.S.-China relationship, based on trust and mutual understanding. The relationship can only exist if both governments and both peoples can deal with each other honestly and forthrightly. Now is the time to address the issues standing in the way of accomplishing this. Now is the time to move forward.

Mr. President, I yield the floor, and 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. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXPLANATION OF VOTE

Mr. INHOFE. Mr. President, I ask unanimous consent that the following brief statements be printed at the appropriate places in the permanent RECORD of May 14 immediately following Votes 118 and 119, respectively:

Mr. President, I was absent from the Senate today in order to be a pallbearer at a funeral in Tahlequah, Okla. Had I been present, I would have voted "no" on the Hatch-Craig amendment. This position is consistent with my vote to table the same amendment on May 13. The tabling motion failed 3-97, thus leading to the today. I believe my presence would not have changed the outcome since determined efforts were

being made to switch just enough votes to assure the amendment's passage.

Mr. President, I was absent from the Senate today in order to be a pallbearer at a funeral in Tahlequah, Okla. Had I been present, I would have voted "yes" on the vote to table the Shumer amendment.

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

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

Y2K

Mr. BYRD. Mr. President, I regret that, earlier today, I was compelled to vote against the Majority Leader's cloture motion with respect to S. 96, the Y2K litigation reform bill. I did so, however, for the simple reason that I believe it is vitally important that the Senate first complete its business on the juvenile justice bill before moving on to other business. We are on the verge of finishing our work on this much-needed legislation, and it would have been, in my opinion, a grotesque waste of time and effort to simply throw that away in some artificial rush to proceed to the Y2K bill. Despite my vote, I look forward to having the opportunity to turn our attention to the Y2K litigation problem as soon as we have finished our work on the issue of youth crime and violence.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

WILLIAM SAFIRE'S ARTICLE ON CHINA

Mr. LEAHY. Mr. President, yesterday, in the New York Times, William Safire had an essay called "Cut the Apologies." I am shortly going to ask unanimous consent that it be printed in the RECORD. It perhaps says some things beyond what I might, but I am concerned. I have watched what has happened and the reactions of China to the accidental bombing of their Embassy in Belgrade. I hold no brief for the totally negligent—I might even say stupid—mistake made in the bombing of that Embassy. It is as inexcusable and unexplainable as the maps that brought about the death of the people in the cable car in northern Italy.

Having said that, however, for the Chinese, who will not allow any kind of demonstrations—and haven't since Tiananmen Square—criticizing their own government, to whip people into a frenzy and let them go and destroy much of our Embassy and the British Embassy in Beijing, and to say how shocked they are that this is going on, and that we have done that, demanding all kinds of apologies, frankly, is irresponsible and unimaginable. I can't accept it. I don't know how many people would.

If the Chinese think that by doing this somehow we are now going to jump in and let them join the WTO and everything else, that is a sad mistake.

Their conduct is incomprehensible. We have apologized for bombing the Embassy, which we would expect somebody to do with a similar mistake damaging ours. This is a war going on, and things happen, as General Schwarzkopf said, in the fog of war.

China is not the one to lecture the world on free and open demonstrations. China is not the one to lecture us on how we should conduct our economy. China has a great deal to explain on everything from their attempt to steal our secrets, spying on our country, and human rights violations in their own country and their own repression.

Mr. President, I ask unanimous consent that Mr. Safire's column be printed in the RECORD.

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

[From the New York Times, May 17, 1999]

CUT THE APOLOGIES

(By William Safire)

WASHINGTON.—After a week of whipping hatred of Americans by accusing us of deliberately murdering Chinese journalists in Belgrade, President Jiang Zemin Deigned to accept a call from The Great Apologizer.

For the fifth time, President Clinton apologized, expressed regrets, sent condolences, kowtowed and groveled, begging to be believed that we did not bomb China's embassy on purpose.

But it is America that is owed an apology. After an accident of war, we have been falsely accused of killing Chinese with malice aforethought. That is a great insult, compounded by the calculated trashing of our embassy by a bused-in mob encouraged by police.

The truth is that Beijing's leaders, worried about demonstrations on the 10th anniversary next month of the Tiananmen massacre, are milking this mistake for all it is worth.

By lying about our intent and suppressing coverage of our prompt admission of error, the nervous rulers are diverting their people's anger toward us and away from themselves.

By demanding we investigate the accident, they seek to water down the current Congressional investigations of their nuclear spying—a series of penetrations of our laboratories and political campaigns that was no accident.

By making Clinton beg forgiveness, they are able to cancel human rights talks while extracting new trade concessions. The deal: they will accept Clinton's apologies when he caves in on their application to the World Trade Organizations.

No wonder that no reputable diplomat would accept the President's pleas to replace our fed-up ambassador in Beijing. Clinton is now trying to appoint an admiral whose amiable association with the Chinese military and U.S. arms contractors will be closely examined by the Senate.

Though Clinton is softer than ever on China, he's taken a hard line in resisting Congress's investigations into Beijing's penetration of our nuclear labs and our political process. His latest trick: the improper use of documents submitted for intelligence declassification to prepare advance refutations of evidence of security lapses.

The White House has delayed for four months the three-volume report on security laxity by the House select committee headed by Representative Chris Cox. Clinton spinners are already distributing a packet of reprints of derogations by offended scientists, China-defenders and favorite journalists.

Cox has used the "clearance" delay to rewrite the turgid prose and to enliven the report with photographs and diagrams showing what missiles and satellites were stolen; that might even awaken television interest.

The Senate Intelligence Committee, headed by Richard Shelby and Robert Kerrey, is not about to hold still for the abuse of clearance. After it submitted one of its reports on nuclear lab laxity for review to protect intelligence sources, it learned of a refutation of that bipartisan report in work by the National security Council response machine.

The White House was told that the submission of documents was for security clearance only. It was not to be used for (a) advance policy review so that "rapid response" would occur in the same news cycle as the reports' release, or for (b) leakage of portions to the press for "inoculation" to later reduce its impact as "old news."

The intelligence business is not the publicity business. National security reports are not to be equated with the Starr report about hanky-panky. The Shelby committee made plain to the Berger Rapid-Apology Center that if this undermining of inter-branch comity did not stop forthwith, "we're going to zero out the N.S.C. staff budget." (By withholding some \$15 million, Congress could force the spinners onto the Department of Defense payroll or cause agonizing layoffs in the White House basement).

In both House and Senate, bipartisan committees are discovering serious intelligence weaknesses: too little analysis of too much collection. "If there's a flare-up in Iraq, North Korea or the Andes," worries an investigator, "we could not handle it and Kosovo, too."

The most troubling breakdown is in counterespionage. The F.B.I. and C.I.A., which are not blameless, are telling Congress the weakest link is the Department of Justice. What began as corrupt political protection became dangerous national security laxity. Who will apologize for that?

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

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

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate resumed consideration of the bill.

Pending:

Lott (for Allard) amendment No. 351, to allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and to allow students, faculty, and administrative staff of a public school to hold an appropriate and constitutional memorial service on their campus to honor students and teachers who have been murdered at their school.

Kohl/Hatch/Chafee amendment No. 352, to amend chapter 44 of title 18, United States Code, to require the provision of a secure gun storage or safety device in connection with the transfer of a handgun.

Hatch/Feinstein amendment No. 353, authorizing funds for programs to combat gang violence.

Byrd/Kohl amendment No. 339, to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

Feinstein modified amendment No. 354, to modify the laws relating to interstate shipment of intoxicating liquors.

Frist amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms.

Wellstone amendment No. 356, to improve the juvenile delinquency prevention challenge grant program.

Sessions/Inhofe amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act.

Wellstone amendment No. 358, to provide for additional mental health and student service providers.

Sessions (for Ashcroft) amendment No. 348, to encourage States to prosecute violent juveniles as adults for certain offenses involving firearms.

Wellstone amendment No. 359, to limit the effects of domestic violence on the lives of children.

Hatch (for Santorum) amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation.

Ashcroft amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures.

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now resume S. 254, and that the first five amendments previously debated to the pending juvenile justice bill now be the pending question in the order in which they were offered, with up to 5 minutes for each side for additional debate prior to a vote on or in relation to those amendments.

I further ask that following the disposition of debate on each amendment, the amendment be laid aside, and at the hour of 3:50 p.m. today the Senate proceed to vote on or in relation to the amendments in the order in which they were offered, with 2 minutes prior to each vote for explanation.

Mr. LEAHY. Reserving the right to object—and I will not object because the distinguished Senator from Utah and I have been trying to move this forward—is the Senator from Vermont correct in understanding that we would do 10-minute votes? The 2 minutes is in addition to the 5 minutes? The reason I ask is that I think the Senator from Utah will have to adjust the time of the first vote.

I want to make sure I understand. Are we talking about 5 minutes on each side, but then an additional 2 minutes between the votes, so, in effect, 7 minutes on each side?

Mr. HATCH. The 2 minutes would be after the first vote.

Mr. LEAHY. Mr. President, I ask that the unanimous consent request be modified only to this extent: The distinguished Senator from Utah gave an opening time, and I think, because we had some time slip from when this was written, the Chair be allowed to start that initial vote at the time the various 5 minutes would run out.

Mr. HATCH. Mr. President, Let me modify my request to make it no later than 4 o'clock.

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

Mr. HATCH. The five amendments that are going to come up in this order, and I hope people will not use their 5 minutes, are: the Allard amendment on school memorials; the Kohl-Hatch amendment on safety trigger locks; the Hatch-Feinstein amendment on gangs; the Byrd amendment on interstate transportation of intoxicating liquor; and the Feinstein amendment to modify the laws pertaining to interstate shipment of liquor.

Senator KOHL, why don't we begin with the Kohl-Hatch amendment and we will use our 5 minutes.

AMENDMENT NO. 352

Mr. KOHL. Mr. President, our amendment is a reasonable, bipartisan measure that will help protect children from the countless accidental deaths, suicides and violent crimes that result from improperly stored handguns. Simply put, it would require that every handgun be sold with a child safety device, but leaves the decision about whether to use a safety device to individual gun owners. Here's why we believe you should support it.

First, we've added a section that extends limited liability protection to gun owners who lock up their handguns properly. This liability protection is very narrow—it does not extend any immunity to manufacturers, and it does not apply if the gun owner acted negligently. We believe that this provision actually improves the bill by creating incentives to use child safety locks.

Second, the American people overwhelmingly support it. According to a recent Newsweek poll, 85 percent of the American public backs legislation requiring the sale of child safety locks with new handguns.

Third, despite the pledges of some of the largest manufacturers to sell safety locks with every handgun, most manufacturers are still not including safety locks. In fact, the Los Angeles Times reported, "only a handful of the arms makers who eventually signed on are complying, according to industry insiders."

Fourth, and most importantly, child safety locks will help save lives. Each year, nearly 500 children and teenagers are killed in gun-related accidents, thousands are injured, and approximately 1,500 children and teenagers commit suicide with guns. Perhaps as disturbing, nearly 7,000 violent crimes each year are committed by juveniles using guns they found in their own homes.

Just last weekend, a 7-year-old Milwaukee boy named Brian Welch killed himself accidentally with a gun he found in his father's drawer. What do we say to Brian's family, if we cannot take steps as reasonable as this one?

You know, Mr. President, in the past few weeks there's been a lot of discus-

sion about Republicans and "gun control." Hardly a talk show goes by without a pundit opining on whether it's a true epiphany or a "poll-driven ploy." Well, cynics can believe whatever they want. But my sense is that, in the wake of Littleton, both sides have grown up a bit: Democrats in acknowledging that culture has something to do with juvenile violence today; and Republicans in endorsing reasonable measures to take handguns out of the hands of kids who shouldn't have them.

So I applaud all of those on both sides of the aisle who have "converted" on safety locks. I appreciate those who have been with us from the beginning, including our cosponsor Senator CHAFEE, who has been so resolute in support of reasonable gun control measures. And I credit Chairman HATCH, Senator LEAHY, and Senator CRAIG for their work in making this a better amendment. And one that we all believe will shortly become law.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this child safety device amendment will, first, provide qualified immunity to law-abiding gun owners who use a trigger lock or gun storage device, and two, it will require the sale of a child safety device lock or gun storage device with the sale of every handgun sold by a licensee.

In the past week it has been clear that some on the other side of the aisle believe that playing politics is more important than taking action. Some—but not all. So I am pleased to say that Senators KOHL, CHAFEE, and I have joined forces to produce a compromise on child safety locks that lays aside partisan rhetoric and demonstrates the positive steps that can result from putting aside such rhetoric and focusing on protecting our children.

Under the Kohl-Hatch-Chafee amendment, for the first time every handgun purchased from a manufacturer, importer, or licensed dealer will have to be sold with a storage or child safety lock device.

This amendment will not change the fundamental principle that governmental action cannot be used to micro-manage specific methods of parental responsibility. We do not expect parents to let their small children drive a car or play with matches, and we do not expect them to permit their children to have unsupervised access to firearms. This amendment will provide parents with a tool to help prevent such access.

Last year the Senate overwhelmingly agreed to an amendment that funded gun safety education by State and local entities. It also required gun dealers to stock safety devices. These efforts encouraged people to lock up their guns and to act safely and responsibly. This amendment is another step in enhancing this successful effort.

I should add that no child safety lock or gun safe will ever make our society safe from gun violence if criminals who

use firearms are not aggressively prosecuted and punished. No safety device will stop a felon, but jail will. So once again I call upon the Attorney General to start prosecuting criminals who use guns. Only then will we truly be able to create a safer environment for our children.

This amendment gives law-abiding gun owners the peace of mind of knowing their children are protected. Further, it will give law-abiding gun owners qualified immunity from civil suit if they use the child safety device or child safety lock.

This amendment is a good idea for gun owners and a good idea for children. I am pleased we have bipartisan support in the Senate for this amendment. I hope it will be agreed to.

Mr. CHAFEE. Mr. President, I am pleased to join with Senator KOHL in support of the commonsense child safety lock amendment. The amendment we had offered last Friday addresses a shameful—and uniquely American—tragedy: that of children finding handguns, and accidentally causing great harm to themselves or others.

Most of these terrible shootings occur in the home, when a curious youngster finds a parent's loaded handgun in the closet, under the couch cushions, or in a bedside table drawer. The child then shoots a sibling, a friend, or him- or herself. And all too often the result is death, or permanent injury.

One of the most tragic examples of children accidentally shooting other children occurred last year in Greensboro, North Carolina. A 4-year-old who was attending the sixth birthday party of a friend, found a loaded gun in a purse in the house where the party was taking place. The 4-year-old shot and killed the 6-year-old.

The National Center for Health Statistics tells us that every day in America 13 children are shot and killed, and every day at least one of those deaths is accidental. Every year in America, approximately 1,500 children and teens commit suicide with guns. The Bureau of Alcohol, Tobacco and Firearms estimates that about 7,000 violent crimes are committed by juveniles each year with guns they found in their own homes. Today, in few other countries are children so affected by gun violence, accidental or otherwise: CDC tells us that the rate of death among children under age 15 from guns in this country is 12 times that of the other 26 major industrialized nations combined.

A 1995 study by the Journal of the American Medical Association found that there is a gun in approximately half of all U.S. households. Another 1995 study by the SAFE KIDS Campaign found that 59 percent of parents with guns admitted that they don't lock-up their guns.

The statistics about children who are harmed accidentally by handguns are appalling. They are a national shame. And to grieving parents, siblings, and friends, they are not just statistics.

For them, the loss or serious injury of a child is absolutely devastating. Yet these accidents are wholly preventable.

That is why we are taking action today. The child safety lock amendment, No. 352, that we are proposing would require that all future sales of handguns be accompanied by a locking device—a mechanism that prevents the guns from being discharged without a key or combination lock.

Earlier in the debate on S. 254, the Senate voted overwhelmingly to approve an amendment offered by Senators HATCH and LEAHY that requires internet services providers to give parents a tool to filter violent material their children could be exposed to on the internet. It was an amendment to provide parents with a tool to help keep their children safe. The amendment Senator KOHL and I are offering with Senator HATCH is identical in its purpose. It is meant to provide parents with a tool—the trigger lock for a handgun—to keep their children safe.

I appreciate the support of the Judiciary Committee chairman and urge my colleagues to show the same level of support for this amendment as they showed for the internet filtering amendment last week.

Mr. KYL. Mr. President, I rise for the purpose of entering into a colloquy with the Senator from Wisconsin, Senator KOHL, regarding his Safe Handgun Storage and Child Handgun Safety Amendment (#352) to S. 254, the juvenile crime bill.

The amendment makes it unlawful for any licensed manufacturer, importer or dealer to sell, deliver or transfer any handgun to any person (other than under certain exceptions) unless the transferee is provided with a secure gun storage or safety device. I am interested in clarifying the intent of the amendment with regard to gun safety devices.

Senator KOHL, as you know, a company in my home state of Arizona has developed a handgun safety device called Saf-T-Hammer. It is a removable hammer which can be incorporated into new guns or retrofit most handguns now in circulation. When the top of the hammer is removed, the gun cannot be fired. Parents can take off the hammerhead and carry it with them when they leave home, secure in the knowledge that no unauthorized user—including children—will be able to fire the gun.

Because Saf-T-Hammer is a removable safety device, is it your intent, Senator KOHL, that Saf-T-Hammer would still qualify as a gun safety device for purposes of your amendment?

Mr. KOHL. Mr. President, I thank the Senator from Arizona for his question. I am indeed familiar with Saf-T-Hammer and share the Senator's enthusiasm for the promise of handgun safety that this device offers. I commend the intent of the developers of the device to safeguard the lives of innocent children and others who might otherwise be killed or injured by handguns.

I can assure the Senator from Arizona that it is indeed the intention of the amendment that devices such as Saf-T-Hammer, an easily removable hammer, are included within the purview of the amendment. I also believe that on its face the definition of a safety device in 18 U.S.C. 921(34) would include a device such as Saf-T-Hammer. Accordingly, when a handgun is manufactured or retrofitted with Saf-T-Hammer, it would be, under the terms of the amendment, exempt from the amendment's prohibitions on transfer. Handguns so equipped with a Saf-T-Hammer may be freely transferred under the amendment.

I hope this answers your question and clarifies the legislative intent of the amendment.

Mr. KYL. I thank the distinguished Senator from Wisconsin for his time and clarification of the amendment regarding this important issue.

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. LEAHY. Mr. President, I know the distinguished Senator from Wisconsin and distinguished Senator from Utah have worked in good faith on this amendment. My one concern is that the immunity provision does not define the term "person," so it could include not only individual gun owners but also dealers, manufacturers, possibly even governments. I mention that not to in any way deter this from being agreed to, but I say to the distinguished Senator from Utah and the distinguished Senator from Wisconsin, we will all be on the conference if this bill passes. That provision I suggest we may want to define more narrowly in a conference.

The PRESIDING OFFICER. The time on the amendment has expired.

The Senate will move to the next amendment.

The Senator from Colorado.

AMENDMENT NO. 351

Mr. ALLARD. Mr. President, I understand I have 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLARD. I will be talking about amendment No. 351, which is the Allard amendment.

Mr. HATCH. Will the Senator yield?

Mr. ALLARD. I yield to the Senator.

Mr. HATCH. The Senator will have 2½ minutes and the other side will have 2½ minutes.

Mr. ALLARD. I stand corrected. I thank the Senator from Utah.

Basically, there are two parts to this amendment. There is a part which we refer to as the "findings" part, and another part which deals with the actual statutory change.

The first part, in findings, just says the local school district, working with the school board and the administration and the parents and the students

in a school, if they decide to hold a memorial service or to erect a memorial, if they reach a local consensus, there is a finding by the Senate and by the Congress that it is OK for them to go ahead and do that. It is just a finding. It is not a change in law.

There is a second part that does deal with statutory changes where there is a change in law, and that says if there happens to be a lawsuit based on the first amendment or one of the other amendments, then on the first amendment it says the school district would pay for its own legal expenses and then the litigants would then pay for their own; whoever is suing would pay for their own legal expenses.

The second part of it says the U.S. Attorney General may defend the school district in the lawsuit. It is a very straightforward amendment.

The parents of Cassie Bernall recently contacted me about the difficulty they have encountered in establishing a memorial for their daughter. This is in relation to the Columbine High School tragedy. To quote Cassie's father:

Our Cassie was the young woman who boldly answered to a gunman "yes" when he asked if she believed in God, prompting him to pull the trigger. Cassie's response did not surprise us. . . . It was from her strong faith in [Jesus Christ] and His promise of eternal life that she was empowered to make her stand.

My wife . . . and I both believe any Columbine incident memorial should memorialize each individual in a personal way. Everyone knows . . . that Cassie was a very strong Christian. To leave this facet of her persona out would be to mis-memorialize her and others.

Mr. and Mrs. Bernall strongly support the amendment that I am proposing today because they have experienced already a threat to their first amendment rights.

I urge the Senate to vote yes for the Allard amendment.

I yield back the remainder of my time.

Mr. President, reclaiming my time, I have been informed that I have another 2½ minutes.

Mr. HATCH. I am sorry, I misstated.

Mr. ALLARD. I misunderstood.

Mr. HATCH. Will the Senator yield for a comment?

Mr. ALLARD. I will be glad to yield to the chairman.

Mr. HATCH. Mr. President, I commend Senator ALLARD for offering this amendment that conveys the Senate's heartfelt sympathy to the families and friends of all school shootings.

His amendment allows the families and friends of all victims of shootings to grieve and honor the victims at a memorial service held on school grounds. This amendment tells these families and friends that the Senate believes they have a right to congregate at a memorial service on school grounds to mourn the deaths of students and faculty.

Further, this amendment states that the Senate believes it is constitutional

for these memorial services to include spiritual aspects, including the reading of prayers and scripture and the performance of religious music.

This amendment also states that the Senate believes that an appropriate and constitutional permanent memorial can be erected on school grounds, a part of which can include religious symbols, motifs, or sayings.

This amendment will, hopefully, ease some of the pain associated with preparing memorial services for loved ones killed in any act of school violence. I thank the Senator from Colorado for offering this amendment and commend him for it.

Mr. ALLARD. Mr. President, I thank the chairman. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I cannot think of anything that a parent, a community, or a family would want to do more than to join in their expressions of grief if a disaster struck.

In my family, a disaster like Columbine—in fact, it is almost impossible to say how one would even get through it. I suspect we would gather as a family; we would gather with our community; we would go to our church. Expressions are made in schools, of course.

I do not question the concerns of the distinguished author of this amendment, which are heartfelt. I know him as a good and honest man. I worry, though, that we set a precedent involving our first amendment.

Our Constitution says everyone has equal access to the courts to assert constitutional rights. This amendment can be read to promote one constitutional viewpoint while depriving those who hold the opposing viewpoint of their day in court.

If this becomes law, those who complain of free exercise clause violations by public authorities that exclude religious observances from public spaces could do so with the benefit of additional fee-shifting, whereas those who make the opposite claim—that the establishment clause has been violated—will be disadvantaged.

The first amendment's religion clauses are meant to ensure that the Government is neutral in matters of religion. It says you can practice any religion you want or none if you want, but the Government will remain neutral, thus providing the diversity in this Nation of so many religions, a diversity which has greatly promoted our democracy.

This legislation, by offering the Attorney General's assistance to those who take one viewpoint, while depriving those who take the opposite viewpoint of normal civil rights law remedies, violates this most basic principle of neutrality.

The congressional finding paints with far too broad a brush. It could encompass a variety of activities that violate the first amendment.

While I joined in my own State in gatherings to express condolences to

those of the tragedy, I have been in memorial services, I have been in churches and in synagogues where we have prayed for those who have been the victims of tragedies. We have done it knowing that was an appropriate place to do it. I have gathered with families in public gatherings where we have expressed, within the context we do in a public setting, our feelings, and that is appropriate.

As I said, I do not know how the people, not only Columbine but so many communities which have been visited with tragedy, can even get through the tragedy. I do not know how a parent in these tragedies again, without fear, can ever send their child off to school.

Let us not, in our unified intent within this body to show our sympathy, in any way diminish the protections of our first amendment. It is too important to all of us.

I have great respect for the sponsor of this amendment. I have great respect for his honesty and his feelings of sympathy. I have joined with other Senators on the floor of the Senate in expressing my sympathy. I worry this is overly broadly against the first amendment, and because of that, I have to oppose it. I am perfectly willing to yield back time.

Mr. LEVIN. Mr. President, I have great sympathy for the motives and objectives of the Senator from Colorado in offering this amendment. We all want to support the appropriate service and memorial for victims of such tragic events. However, I did not support the Allard amendment because, in my judgement, it too broadly states a view regarding constitutionality under the First Amendment and arbitrarily singles out memorials for victims who are slain on the campus of a public school, excluding memorial services involving victims of slayings during a robbery or other event not on the school's campus or victims of a tragic accident, for example. Also, I do not believe that the Senate should take the step of authorizing the Attorney General to become involved in litigation on one side or the other.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I have a question to ask of the chairman. Is he ready for the yeas and nays on this amendment?

Mr. HATCH. We are going to vote in a stacked sequence.

Mr. ALLARD. I will wait for that.

Mr. HATCH. Why don't we ask for the yeas and nays. I ask unanimous consent that the yeas and nays be ordered on all five amendments.

The PRESIDING OFFICER. Is there objection to it being in order to order the yeas and nays? Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 353

Mr. HATCH. Mr. President, the amendment which I offered with the Senator from California, Mrs. FEINSTEIN, is a much refined version of legislation we offered last Congress to address the serious and troubling issues of interstate and juvenile gangs.

I commend Senator FEINSTEIN for her hard work and dedication to this issue.

Our amendment includes improvements to the current Federal gangs statute, to cover conduct such as alien smuggling, money laundering, and high-value burglary, to the predicate offenses under the penalty enhancement for engaging in gang-related crimes, and enhances penalties for such crimes.

It criminalizes recruiting persons into a gang, with tough penalties, including a 4-year mandatory minimum if the person recruited is a minor.

It amends the Travel Act, of 1952 18 U.S.C., to include typical gang predicate offenses.

It includes the James Guelff Body Armor Act, which provides penalty enhancements for the use of body armor in the commission of a Federal crime. This provision also prohibits the purchase, possession or use of body armor by anyone convicted of a violent felony, but provides an affirmative defense for bona fide business uses. However, our amendment places no duties or restrictions on the sellers of these legitimate personal safety products. Our amendment also enhances the availability of body armor to law enforcement. It includes penalties for teaching, even over the Internet, how to make or use a bomb, with the knowledge or intent that the information will be used to commit a Federal crime.

Finally, our amendment enhances penalties under the Animal Enterprise Terrorism Act (18 U.S.C. 43) to address the growing problem of attacks on businesses and research facilities, as well as establishes a clearinghouse to track such offenses. These crimes are increasingly being committed by some juvenile gangs, particularly in my State of Utah.

Gangs are an increasingly serious and interstate problem, affecting our crime rates and our youth. A 1997 survey of eighth graders in 11 cities found in 1997 that 9 percent were currently gang members, and that 17 percent said they had belonged to a gang at some point in their lives. These gangs and their members are responsible for as many as 68 percent of all violent crimes in some cities.

My home state of Utah continues to have a serious gang problem. In 1997, there were over 7,000 gang offenses reported to the police in Utah. Although we have seen some improvement from the unprecedented high levels of gang crime a couple of years ago, gang membership in the Salt Lake area has increased 209 percent since 1992. There are now about 4,500 gang members in the Salt Lake City area. 770 of these, or 17 percent, are juveniles.

During 1998, there were at least 99 drive by shootings in the Salt Lake City area. Also, drug offenses, liquor offenses, and sexual assaults were all up significantly over the same period in 1997. And in the first 2 months of 1999, there were 14 drive by shootings in the Salt Lake City area.

An emerging gang in Utah is the Straight Edge. These are juveniles who embrace a strict code of no sex, drugs, alcohol or tobacco, and usually no meat or animal products. Normally, of course, these are traits most parents would applaud. But these juveniles take these fine habits to a dangerous extreme, frequently violently attacking those who do not share their purist outlook.

There are 204 documented Straight Edgers in Salt Lake City, with an average age of 19 years old. Like most gangs, they adopt distinctive clothing and tattoos to identify themselves. Although not all Straight Edgers engage in criminal activities, many have become very violent prone. They have engaged in coordinated attacks on college fraternities, and a murder outside the Federal Building in downtown Salt Lake City last Halloween night was Straight Edge related. This crime, in which a 15-year-old youth named Bernardo Repreza occurred during a gang-related fight against the Straight-Edgers. Three Straight Edge gang members, have been charged with the murder.

And these gangs are learning some of their tactics on the Internet, which is why our amendment includes a provision making illegal to teach another how to make or use an explosive device intending or knowing that the instructions will be used to commit a federal crime, has passed the Senate on at least three separate occasions. It is time for Congress to pass it and make the law.

Sites with detailed instructions on how to make a wide variety of destructive devices have proliferated on the Internet. As many of my colleagues know, these sites were a prominent part of the recent tragedy in Littleton, Colorado.

Let me give my colleagues an example of one of these sites. The self-styled Animal Liberation Front has been linked to numerous bombings and arson across the country, including several in my home State of Utah. Posted on their Internet site is the cyber-publication, The Final Nail #2. It is a detailed guide to terrorist activities. This chart shows just one example of the instructions to be found here—in this case, instructions to build an electronically timed incendiary igniter—the timer for a time bomb.

And how do the publishers intend that this information will be used? The suggestion is clear from threats and warnings in the guide. One page in the site shows a picture of an industry spokeswoman, warning her to “take our advice while you still have some time: quit your job and cash in your

frequent flier points for a permanent vacation.” Now, on this chart, which comes from The Final Nail #2, we have redacted the spokeswoman’s address and phone number to protect her privacy. The publishers weren’t so considerate. And this is just the beginning. This same document has a 59 page list of targets, complete with names and addresses from nearly every U.S. State and Canadian province.

Let there be no mistake—the publishers know what they’re doing. For instance, the instructions on how to make milk jug fire bombs come with this caution: “Arson is a big time felony so wear gloves and old clothes you can throw away throughout the entire process and be very careful not to leave a single shred of evidence.”

It is unfortunate that people feel the need to disseminate information and instructions on bombmaking and explosives. Now perhaps we can’t stop people from putting out that information. But if they are doing so with the intent that the information be used to commit a violent federal crime—or if they know that the information will be used for that purpose, then this amendment will serve to hold such persons accountable.

Unfortunately, kids today have unfettered access to a universe of harmful material. By merely clicking a mouse, kids can access pornography, violent video games, and even instructions for making bombs with ingredients that can be found in any household. Why someone feels the need to put such harmful material on the Internet is beyond me—there certainly is no legitimate need for our kids to know how to make a bomb. But if that person crosses the line to advocate the use of that knowledge for violent criminal purposes, or gives it out knowing it will be used for such purposes, then the law needs to cover that conduct.

Mr. President, the Hatch-Feinstein Federal Gang Violence Act incorporated in this amendment is a modest but important in stemming the spread of gangs and violence across the country and among our juveniles. I urge my colleagues to support it.

I am happy to yield to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

I thank the distinguished chairman of the Judiciary Committee. I want him to know it has been a great pleasure for me to be able to work with him on these three issues, and now on the gang bill, for the past 3 years.

Mr. President, I think the chairman has very accurately and adequately stated what these amendments do. I would like to just provide a little bit of filler material with respect to the need. There are over 23,000 youth gangs in all 50 States in the United States. I think it will come as no surprise for people to learn that California is the No. 1 gang State, with almost 5,000 different gangs, more than three times as

many as the next State. Overall, there are over 600,000 members of gangs. And they have increased tenfold since 1975.

This legislation is a direct result of the importuning of many in local law enforcement who have come to me and others in this body and said: Could the Federal Government give us a hand in fighting gangs?

In Los Angeles alone, over the past 16 years, 7,300 people were murdered from gang warfare—more people than have been killed in all the terrorist fighting in Northern Ireland.

Today, modern gangs are organized. Take, for one, the Bloods and Crips, which began in Los Angeles. They now have a presence in 119 American cities, as you can see on this chart. Take, for instance, Chicago's Gangster Disciples, which have expanded into 34 Midwest and Southern cities, with a board of directors inside prison and a board of directors outside prison.

These gangs operate very often as modern Mafia-type enterprises. They move across State lines. They move drugs. They practice a whole series of crimes. And they do so in a very organized way.

In Los Angeles alone, the 18th Street Gang now deals directly with Mexican and Colombian drug cartels. They have expanded their operations to Oregon, Utah, El Salvador, Honduras and Mexico. And it goes on and on and on; virtually every ethnic and racial group has some gang that is operating in the United States.

The chairman has accurately stated what this amendment would do. It increases sentences for gang members who commit Federal crimes. It enhances the ability of Federal prosecutors to prosecute gangs. It amends the Travel Act to include some offenses which gangs perpetrate. It adds serious juvenile drug offenses to the Armed Career Criminal Act. And it provides a 3-year mandatory minimum sentence to knowingly transferring a firearm for use in a violent crime or drug trafficking crime where the gun is transferred to a minor.

Let me move now to the second part of it. This has to do with bomb making on the Internet. In the Judiciary Committee not too long ago, I remember somebody presenting a manual called "The Terrorist Handbook" that could be pulled up on the Internet. I went back and we downloaded it from the Internet.

What I saw really chilled me, because what I saw was accurate information on how to steal chemicals, how to break into chemistry labs, what to buy in stores, and how to go home and make pipe bombs, telephone bombs, letter bombs, and mailbox bombs. Virtually every use in the manual is illegal. And you have to ask, Why?

The youngsters in Colorado who perpetrated the crime indicated they got the formula for the pipe bombs directly from the Internet. It well could have been from this very volume I hold up today.

Since Littleton, CO, there has been a rash of these. Police arrested five students in Brooklyn for possessing this manual that they found on the Internet.

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent just for one additional minute.

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

Mrs. FEINSTEIN. I will ask to print in the RECORD a list of counties and cities where we have had incidents directly following Littleton: Salt Lake; Cobb County in Georgia; Port Aransas, TX; Wichita Falls; Wimberley, TX. More than 50 threats of bombs and other acts of violence have occurred in the last few weeks since Littleton, CO.

This amendment essentially says it will become a Federal crime to teach or distribute information on how to make a bomb or other weapon of mass destruction if the individual intends the information be used to commit a Federal violent crime or knows that the recipient of the information intends to use it to commit a Federal violent crime.

The Justice Department has reviewed the legislation. We believe that it is constitutional. The Fourth Circuit has heard a case and has effectively declared the methodology herein as constitutional.

The final part of this bill is the James Guelff Body Armor Act. It speeds body armor of 10,000 surplus pieces from the FBI and the DEA to local and State governments. It makes body armor more difficult to obtain by felons. And we are very hopeful this will be included.

So we have the gang amendments, we have the lawmaking amendment, and the body armor.

I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, when the predecessor to this bill was introduced in the last Congress, I raised a number of concerns about the bill. I am glad to see that this amendment is much improved from the Hatch-Feinstein gang bill in the last Congress.

This amendment also contains proposals that Senator DEWINE and I have worked on together. For example, this amendment contains new procedures for law enforcement to obtain clone pagers. These are pagers held by law enforcement that duplicate the numeric messages received by a drug dealer or other criminal. This is a useful tool for law enforcement and I have long worked to streamline the procedures for the FBI, the DEA and other law enforcement agencies to obtain legal authorization to use clone pagers.

For including this clone pager proposal in the amendment, along with the other improvements made by the sponsors, they should be commended. I know they worked hard on this amendment.

I remain concerned about some of the penalties in this amendment. The

amendment calls for a new death penalty and new mandatory minimums that should be revised in conference.

Mr. CAMPBELL. Mr. President, I am pleased to see that an important provision that is based on a bill I introduced earlier this year has been included in the pending legislation.

This provision would provide Federal matching grants to help our state and local law enforcement officers acquire life saving bullet resistant equipment. This provision is based on S. 726, the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999. S. 726 is named in memory of Dale Claxton, a Cortez, Colorado, police officer who was fatally shot through the windshield of his patrol car last year. A bullet resistant windshield could have saved his life.

Unfortunately, incidents like this are far from isolated. All across our nation law enforcement officers, whether in hot pursuit, driving through dangerous neighborhoods, or pulled over on the side of the road behind an automobile, are at risk of being shot through their windshields. We must do what we can to prevent these kinds of tragedies as better, lighter and more affordable types of bullet resistant glass and other equipment become available.

While I served as a deputy sheriff in Sacramento County, California, I became personally aware of the inherent dangers law enforcement officers encounter each day on the front lines. Now that I serve as a U.S. Senator here in Washington, DC, I believe we should do what we can to help our law enforcement officers protect themselves as they risk their lives while protecting the American people from violent criminals.

One important way we can do this is to help them acquire bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving bullet resistant equipment. This assistance is especially crucial for small local jurisdictions that often lack the funds needed to provide their officers with the life saving bullet resistant equipment they need.

This Claxton bullet resistant equipment provision builds upon the successes of the Bulletproof Vest Partnership Grant Act, S. 1605, which I introduced in the 105th Congress and the president signed into law last June. This program provides matching grants to state and local law enforcement agencies to help them purchase body armor for their officers. This provision builds upon this worthy program by expanding it to help them acquire additional types of bullet resistant equipment.

The central part of the Claxton provision authorizes a new \$40 million matching grant program to help state, local, tribal and other small law enforcement agencies acquire bullet resistant equipment such as bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving equipment.

This matching grant program is authorized for fiscal years 2000 through 2002 and would be administered by the Bureau of Justice Assistance according to a formula that ensures fair distribution for all states, local communities, tribes and U.S. territories. To help ensure that these matching grants get to the jurisdictions that need them the most the bureau is directed to make at least half of the funds available to those smaller jurisdictions whose budgets are the most financially constrained.

Another key part of the Claxton provision allocates \$3 million over 3 years to the Justice Department's National Institute of Justice (NIJ) to conduct an expedited research and development program to speed up the deployment of new bullet resistant technologies and equipment. The development of new bullet resistant materials in the next few years could be as revolutionary in the next few years as Kevlar was for body armor in the 1970s. Exciting new technologies such as bonded acrylic, polymers, polycarbonates, aluminized material and transparent ceramics promise to provide for lighter, more versatile and hopefully less expensive bullet resistant equipment.

The Officer Dale Claxton provision also directs the NIJ to inventory existing technologies in the private sector, in surplus military property, and in use by other countries and to evaluate, develop standards, establish testing guidelines, and promote technology transfer.

Our nation's state, local and tribal law enforcement officers regularly put their lives in harm's way and deserve to have access to the bullet resistant equipment they need. The Officer Dale Claxton bill will both get life saving bullet resistant equipment deployed into the field where it is needed and accelerate the development of new life-saving bullet resistant technologies.

I urge my colleagues to join me in supporting this provision.

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

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator has 2 minutes 43 seconds.

Mr. HATCH. Mr. President, unless there is opposition, I would yield that 2 minutes to the Senator from California.

Has the Senator from California said all she wants to say on this?

Mrs. FEINSTEIN. I believe so, Mr. President. I thank the Senator.

AMENDMENT NO. 339

Mr. HATCH. Mr. President, the next amendment is that of Senator BYRD.

Mr. LEAHY. Mr. President, if the Senator will yield, I have been advised by the distinguished senior Senator from West Virginia that he will not require his time in favor of the amendment, other than the minute he has reserved just prior to the vote. I was prepared to yield back 5 minutes as a proponent. There may be, however, those who seek time as opponents.

Mr. HATCH. If the Senator will yield, I would like to take about a minute of Senator BYRD's time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. And then protect the right of the Senator from California to speak in opposition.

Mr. President, I am pleased to support this amendment, which is nearly identical to a bill I introduced earlier this year, S. 577, The Twenty-First Amendment Enforcement Act. If nothing else can be said about this issue—it is absolutely imperative that states have the means to prevent unlawful access to alcohol by our children.

If a 13-year-old is capable of ordering beer and having it delivered by merely "borrowing" a credit card and making a few clicks with her mouse, there is something wrong with the level of control that is being exercised over these sales and something must be done to address the problem.

I am a strong supporter of e-commerce. But the sale of alcohol cannot be equated with the sale of a sweater or shirt. We need to foster growth in electronic commerce, but we also need to make sure that alcohol control laws are respected.

The growth of many of our nation's wineries is tied to their ability to achieve name recognition and generate sales nationwide—tasks the Internet is uniquely suited to accomplish. I do not want to preclude them from using the Internet; I want to ensure that they use it responsibly and in accordance with state laws.

If there is a problem with the system, we need to fix the system, not break the laws.

The 21st amendment gives states the right to regulate the importation of alcohol into their states. However, efforts to enforce laws relating to the importation of alcohol have run into significant legal hurdles in both state and Federal courts.

The scope of the 21st amendment is essentially a federal question that must be decided by the federal courts—and ultimately the Supreme Court. For that reason, among others, I believe a federal court forum is appropriate for state enforcement efforts.

Most states do not permit direct shipping of alcohol to consumers. Therefore most Internet sales of alcohol are currently prohibited. If a state wants to set up a system to allow for the direct shipment of alcohol to consumers, such as New Hampshire and Louisiana have already done, then that is their right under the 21st amendment. But the decision to permit direct shipping, and under what conditions, is up to the states, not the purveyors of alcohol.

The bill is supported by a host of interests including, *inter alia*, Utah interests (Governor Leavitt, Attorney General Graham, Utah's Department of Alcoholic Beverage Control, the Utah Hospitality Association, numerous Utah Congressional Representatives

and Senator Bennett), SADD, the National Licensed Beverage Association, the National Beer Wholesalers Association, the Wine and Spirits Wholesalers, Geerlings and Wade (leading direct marketer of fine wines to 27 states and more than 81 percent of the wine consuming public), Americans for Responsible Alcohol Access, the National Association of Beverage Retailers, the National Alcohol Beverage Control Association, and the National Conference of State Liquor Administrators.

Having said that, I will yield back the remainder of any time the proponents have.

Mr. LEAHY. Mr. President, I commend the Senior Senator from West Virginia for his dedication to enforcing state liquor laws. But I must disagree with his approach. The Byrd amendment would permit the enforcement of state liquor laws in Federal court. This expansion of the jurisdiction of the Federal courts is not warranted and raises constitutional problems because one state may impose its laws on the citizens of another state under this amendment.

In the Judiciary Committee, we recently held a hearing on this issue of direct sales of alcohol products over the Internet and via mail order. In our hearing, several expert witnesses raised questions about a similar bill by Senator HATCH, S. 577. I would like to work with Senator BYRD, Senator HATCH and others on the Judiciary Committee to see if we can refine this legislation to make sure it will pass constitutional muster. I have my doubts about constitutionality of the language before us today and will have to vote against the Byrd amendment as currently drafted.

If the full Senate is to pass an amendment today on the interstate shipment of alcohol, I believe the amendment by Senator FEINSTEIN is a more targeted and sounder approach.

Her amendment would require clear labeling of alcoholic beverages shipped interstate and require the signature of an adult upon delivery of the alcoholic beverages.

The Feinstein amendment does not raise constitutional issues and is targeted at preventing any underage purchase of alcoholic beverages over the Internet or through other direct sales.

I will vote against the Byrd amendment and for the Feinstein amendment, because I believe that hers is constitutionally far more acceptable but also hits the problem far better.

Mr. HATCH. Mr. President, before I relinquish the floor to Senator FEINSTEIN, let me say that I think States need the ability to take action on their own to enforce their State liquor laws. Senator BYRD's amendment provides States with a Federal court forum to enjoin violations of their alcohol laws, denying violators the ability to hide behind a jurisdictional curtain.

Mr. President, this is a summary of the Byrd amendment:

First, it permits the chief law enforcement officer of a state to seek an

injunction in federal court to prevent the violation of any of its laws regulating the importation or transportation of alcohol;

Second, allows for venue for the suit where the defendant resides and were the violations occur;

Third, no injunctions issued without prior notice to the opposing party;

Fourth, requires that injunctions be specific as to the parties, the conduct and the rationale underlying the issuance of the injunction;

Fifth, allows for quick consideration of the application for an injunction; conserves court resources by avoiding redundant proceedings; and

Sixth, mandates a bench trial.

Having said that, I probably will support both the Byrd amendment and the next amendment by the distinguished Senator from California, Mrs. FEINSTEIN.

Mrs. FEINSTEIN. I thank the ranking member for his comments. My views parallel his. I think the Byrd method is very well intentioned. I happened to be on the floor when the Senator presented it. However, I must say I believe it is overly broad. It would essentially permit States to deputize the Federal courts which exist to enforce Federal laws, not State laws. I believe it would have the unintended consequence of dramatically expanding the power of any one State in a matter which would diminish consumer choice and really harm legitimate businesses.

This is more or less an intra-industry fight. California is home to 90 percent of the domestic wine industry. The vast majority of these wineries are small family farms. The wine industry is certainly vital. Many of these small wineries essentially have wine tastings. Individuals come in, taste the wine. They do not have shelf space. The wine is expensive, and they will use the Internet to be able to ship this wine.

The problem which has been presented for remedy is children obtaining this kind of alcoholic beverage through the Internet. I happen to doubt that children would buy \$90 bottles of wine, but, nonetheless, the second amendment I will present in essence tackles the question at hand by saying that any of these shipments must be clearly labeled, and they must be received by someone who has the qualification to receive them, identification showing that that individual is entitled to receive them and is in fact an adult.

Therefore, I do not believe this throwing of State alcohol law into the Federal courts is necessary to solve the problem at hand.

I urge a no vote on the Byrd amendment and an aye vote on the Feinstein amendment.

The PRESIDING OFFICER. All time on the amendment has expired.

AMENDMENT NO. 354, AS MODIFIED

The PRESIDING OFFICER. The Senate will now move to the debate on the Feinstein amendment.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I may, I ask unanimous consent to modify my amendment No. 354.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 354), as modified, is as follows:

At the appropriate place, add the following:

SEC. ____ INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

(a) IN GENERAL.—Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting “a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a” after “accompanied by”; and

(B) by inserting “and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,” after “contained therein,”; and

(2) in section 1264, by inserting “or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,” after “consignee.”.

Mrs. FEINSTEIN. Mr. President, the modification I have sent to the desk changes the penalty, and I will explain that in a moment.

The amendment, as I have just described it, would require persons who ship alcoholic beverages across State lines to: First, clearly and prominently label the contents as alcoholic beverages; second, state the full name of the person causing the package to be shipped; i.e., the seller; and third, state that an adult's signature is required. It would require the shippers—for example, Federal Express—to not deliver a package so labeled unless they can: One, verify that the person receiving the delivery is of legal age for purchasing alcoholic beverages; and, two, obtain that person's signature.

Mr. President, the amendment I sent to the desk to modify would simply provide that existing penalties would apply to this bill. Those are criminal penalties of up to 1 year imprisonment and fines of up to \$200,000 for organizations or \$100,000 for individuals. A seller who violates this requirement on three or more occasions may have their ATF basic permit revoked. That is the effect of the law today, and we would repeat that penalty in this particular instance.

I thank the Chair.

The PRESIDING OFFICER. Does any Senator wish to speak in opposition?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am prepared to yield back all the time in opposition to this amendment on our side. We are prepared to vote.

VOTE ON AMENDMENT NO. 351

The PRESIDING OFFICER. The question is on agreeing to amendment No. 351. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBAC) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote “no.”

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

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—85

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

NAYS—13

Bingaman	Hollings	Murray
Boxer	Kerrey	Reed
Durbin	Lautenberg	Wellstone
Feingold	Leahy	
Harkin	Levin	

NOT VOTING—2

Brownback Moynihan

The amendment (No. 351) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator will withhold. The Senate will be in order. The Senator from Utah.

Mr. HATCH. Mr. President, we are making headway. I ask unanimous consent that the remaining votes in this series be limited to 10 minutes in length.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, just a point of clarification before we start to vote. Each side gets 1 minute before these votes. I urge Senators on both sides to give attention to both proponents and opponents so they can be heard. Senator HATCH and I have worked very hard to get it down to this list, so we should make sure both sides are protected and can be heard.

AMENDMENT NO. 352

The PRESIDING OFFICER. There are 2 minutes equally divided on the Kohl-Hatch amendment. Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, let me just make one quick comment and then yield to Senator KOHL.

The Kohl-Hatch amendment provides qualified immunity to law-abiding gun owners who use a child safety lock or gun storage unit and requires that all handguns be sold with a child safety lock or gun storage unit.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, none of us is naive enough to believe today's vote signals a bipartisan consensus on all gun control issues, or even most of them. But after a week of back-and-forth—and forth-and-back—over firearms, it is good to see a consensus developing on at least this commonsense measure to keep handguns away from children. Simply put, the Kohl-Hatch-Chafee amendment will ensure that a child safety device—or trigger lock—is sold with every handgun.

This proposal will move us forward today, and it will help save lives. I hope we can all support it.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. HATCH. We yield back the time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the Hatch-Kohl amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announced that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 78, nays 20, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—78

Abraham	Fitzgerald	Lott
Akaka	Frist	Lugar
Baucus	Gorton	McCain
Bayh	Graham	McConnell
Bennett	Grassley	Mikulski
Biden	Gregg	Murkowski
Bingaman	Hagel	Murray
Boxer	Harkin	Reed
Breaux	Hatch	Reid
Bryan	Hollings	Robb
Byrd	Hutchinson	Roberts
Campbell	Hutchison	Rockefeller
Chafee	Inouye	Roth
Cleland	Jeffords	Santorum
Cochran	Johnson	Sarbanes
Collins	Kennedy	Schumer
Conrad	Kerrey	Smith (OR)
Daschle	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Voinovich
Edwards	Levin	Warner
Feingold	Lieberman	Wellstone
Feinstein	Lincoln	Wyden

NAYS—20

Allard	Crapo	Nickles
Ashcroft	Enzi	Sessions
Bond	Gramm	Shelby
Bunning	Grams	Smith (NH)
Burns	Helms	Thomas
Coverdell	Inhofe	Thompson
Craig	Mack	

NOT VOTING—2

Brownback Moynihan

The amendment (No. 352) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 353

Mr. HATCH. Mr. President, this next amendment is the Hatch-Feinstein amendment. It is an amendment to give enhanced authority to combat gang violence. In addition to combating gang violence, this also is an amendment that bans bombmaking information on the Internet or information on the Internet with intent to injure.

I described this rather fully in my opening remarks earlier in the day. I give the rest of my time to the distinguished Senator from California.

Mrs. FEINSTEIN. Thank you very much, I say to the Senator. And thank you, Mr. President.

This amendment essentially has four parts. One relates to gangs that move across interstate lines practicing criminal enterprise, the second is body armor, the third is bombmaking, and the fourth is animal terrorism.

Essentially, with respect to gangs, this bill will increase sentences for gang members who commit Federal crimes. It will enhance the ability of Federal prosecutors to prosecute gangs for this crime. And it will add serious juvenile drug offenses to the Armed Career Criminal Act.

With respect to body armor, there are about 10,000 surplus pieces of body armor that the FBI and DEA have.

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

Does anyone yield time in opposition to the amendment? The Senator from Vermont.

Mr. LEAHY. Mr. President, it is not in opposition, but I will use that time if nobody else is seeking it.

This is much improved from what it was last year. It has included a proposal that Senator DEWINE and I have worked on together. My one concern is the penalties. It does call for a new death penalty and new mandatory minimum.

I will tell the distinguished Senator from California and the distinguished Senator from Utah, these are issues that will be raised in conference.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 353. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—85

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

NAYS—13

Biden	Harkin	Murray
Conrad	Inouye	Thompson
Dodd	Kennedy	Wellstone
Dorgan	Lautenberg	
Feingold	Levin	

NOT VOTING—2

Brownback Moynihan

The amendment (No. 353) was agreed to.

AMENDMENT NO. 339

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, this proposal by Senator KOHL and myself simply authorizes the attorney general of a State to go into Federal district court and seek an injunction against any person importing alcohol into that State in violation of that State's law. Unfortunately, recent Federal court decisions have held that States do not necessarily have the power to seek such an injunction despite the fact that the 21st amendment to the Constitution and the Webb-Kenyon Act give States the power to prohibit alcohol importation. As a consequence, many States are at a loss when it comes to enforcing their own laws.

For those who may have concerns with this proposal, let me state unequivocally that the amendment will not restrict the lawful manufacture, advertisement, sale, transportation, or importation of any alcoholic beverage. As long as a distiller, or a brewer, or a winemaker complies with the laws of the given State, they will have no additional restrictions placed upon them by this amendment. The only ones who need to fear this amendment are those who are conducting their business in an unlawful manner, particularly those who are willing to sell alcohol to our children.

Mr. President, as the Senate considers this juvenile justice bill, designed to reduce the scourge of youth violence and crime, I beseech my colleagues to remember that alcohol use and abuse constitute an important facet of this national problem. Let us not overlook the pernicious effects that alcohol has on our young people. Let us not turn our backs on them by foregoing this opportunity to put a stop to those who choose to evade our laws. I urge my colleagues to support this amendment.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the amendment. The amendment really is developed because of problems with alcohol being shipped to minors, and the amendment has major concern to the California wine industry. We believe it opens the Federal courts to State law. It does not focus on underage drinking, it is not supported by Mothers Against Drunk Driving, and it is opposed by the largest Internet trade group and by the wine industry.

Rather, my amendment would focus directly on underage drinking by requiring that any shipment be clearly marked with a label as to what the contents are and require that the recipient be qualified to receive it—in other words, be able to present identification that that person is, in fact, an adult.

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 339.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCAIN (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBAC) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—80

Abraham	Dodd	Hollings
Akaka	Domenici	Hutchinson
Ashcroft	Dorgan	Hutchison
Baucus	Durbin	Inhofe
Bennett	Edwards	Inouye
Biden	Enzi	Jeffords
Breaux	Feingold	Johnson
Bryan	Fitzgerald	Kennedy
Bunning	Frist	Kerry
Burns	Gorton	Kohl
Byrd	Graham	Kyl
Cleland	Gramm	Lautenberg
Cochran	Grams	Levin
Conrad	Grassley	Lieberman
Coverdell	Gregg	Lincoln
Craig	Hagel	Lott
Crapo	Harkin	Lugar
Daschle	Hatch	McConnell
DeWine	Helms	Mikulski

Murkowski
Nickles
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes

Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens

Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—17

Allard
Bayh
Bingaman
Bond
Boxer
Campbell

Chafee
Collins
Feinstein
Kerrey
Landrieu
Leahy

Mack
Murray
Reed
Roth
Torricelli

NOT VOTING—2

Brownback

Moynihan

ANSWERED "PRESENT"—1

McCain

The amendment (No. 339) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 354, AS MODIFIED

The PRESIDING OFFICER. The question now is on the Feinstein amendment. There are 2 minutes equally divided.

Who seeks recognition?

Mr. HATCH. May I ask the distinguished Senator from California, since everybody understands this, why don't we yield back the time?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. HATCH. If I could ask the distinguished Senator from California—I certainly support this amendment; I believe everyone understands that—why don't we just yield back the time?

Mrs. FEINSTEIN. I will be happy to.

Mr. HATCH. I yield back the time on this side.

Mr. GRAMM. Can't we just voice vote it?

The PRESIDING OFFICER. The question now is agreeing to the amendment.

Mr. HATCH. Can we voice vote this amendment? I ask unanimous consent that the yeas and nays be vitiated.

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

Mr. HATCH. I thank the Chair.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 354), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, in just a few minutes we believe we can get consent to have three more votes this evening and we will put over a stacked group of amendments for tomorrow, but we are just a few minutes away

from having that consent. I suggest the absence of a quorum while we get it.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now resume S. 254, and the amendments, in this order tonight: Amendment No. 358, followed by amendment No. 348; that these will be the next two amendments, previously debated, to the pending juvenile justice bill, which will now be the pending question, in the order in which they were offered, with up to 5 minutes equally divided for additional debate prior to a vote on or in relation to these two amendments.

I further ask that notwithstanding a vote in relation to an amendment, if any amendment is not tabled or skipped in the voting sequence, it then be laid aside for additional votes in the sequence, with the amendments reoccurring at the end of the sequence ending with amendment No. 361.

I further ask that following the disposition of each debate on each amendment, the amendment be laid aside, and at the hour of 5:50 p.m. today the Senate proceed to vote on or in relation to the amendments, in the order in which they were offered, with 2 minutes prior to each vote for explanation.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not—

Mr. HATCH. Will the Senator yield for one other question? I believe I said amendment 358, but the two amendments tonight will be 359 and 348, in that order. I ask unanimous consent.

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As I understand, the Senator has asked for rollcalls on those two votes, but then he asked for consent after that to sequence which amendments and in what order?

Mr. HATCH. To sequence the remaining amendments, the skipped amendments, in the order in which they were following amendment No. 361. In other words, we are putting them at the end of the group of amendments.

Mr. KENNEDY. I have no objection.

I understand that Senator HARKIN is not here.

Mr. HARKIN. I am here. I am trying to figure it out myself.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. What this does, I tell Senators on my side of the aisle, is say we will have two votes tonight. They have to go out of the sequence, but then we go back to the sequence. It is my understanding, from the distinguished Senator from Mississippi, that

those will be the only two rollcall votes we will have tonight, and then we will be back on the sequence tomorrow, if I am correct.

Mr. LOTT. That is correct.

If I could get recognition, if the Senator desires to have some debate on his amendment tonight, that will be fine and will be anticipated also. So we will do these two out of sequence, with the last vote occurring probably around 6:15 or so.

Mr. LEAHY. Or earlier.

Mr. LOTT. Or perhaps earlier. That will be the last vote tonight. The next amendment in order will be the amendment the Senator from Iowa is concerned about. And if he would like to debate that tonight, that would be fine.

Mr. HARKIN. Reserving the right to object, it is my understanding that for 359 and 348, we will have those two votes. That will be all tonight?

Mr. LOTT. Right.

Mr. HARKIN. Then what will occur after that? What is the next thing in sequence?

Mr. HATCH. Could I make it clear? After that will occur No. 360, then No. 361, then No. 356, then No. 357, and last will be No. 355, which is the amendment the distinguished Senator is concerned with.

Mr. HARKIN. And your unanimous consent did not put any time limit on that?

Mr. LEAHY. No.

Mr. HATCH. We did not. I ask unanimous consent that they be put in that order, with No. 355, the one with which the distinguished Senator is concerned, last on the list.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, is there a time limit?

Mr. HATCH. There is not.

Mr. HARKIN. On any of these?

Mr. HATCH. No.

Mr. LEAHY. No. It is my understanding that there is a time limit on only the two this evening.

Mr. HARKIN. I see.

Mr. HATCH. We are hoping we can set aside basically the other controversial, but not seriously controversial, amendments to be stacked tomorrow at some time, in accordance with the wishes of the majority and minority leaders, and they will proceed in the same way these have. But we understand on No. 355 there is not a time limit.

Mr. HARKIN. I will not object as long as I understand and the record is clear that on amendment No. 355, the Frist-Ashcroft amendment on IDEA, there is no time limit.

Mr. HATCH. No time limit. It will be the last of the amendments in the order we are listing them.

I ask unanimous consent that that be so.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I hope we can move to these two amendments. We have 5 minutes to debate them.

AMENDMENT NO. 359

Mr. HATCH. The first amendment coming up will be Senator WELLSTONE's on domestic violence for 2½ minutes.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Might I ask a question first? I am sorry. I do not intend to take a lot of time.

Is there a time limit on this amendment tonight?

Mr. HATCH. The time limit of 5 minutes equally divided.

Mr. LEAHY. Could we have order.

The PRESIDING OFFICER. The Senator will be in order.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, this amendment goes right to the heart of this legislation. If we are serious about youth violence, one of the things we want to do is help kids before they get into trouble.

This amendment would authorize grant money which would go to the community level for counselors and courts and schools and health care providers and teachers and battered women programs to provide support and help to those children who witness violence in their homes.

We have focused on the violence against the adult—usually the woman, I am very sorry to say. But one of the things I found around the country, I say to my colleagues, is that we have not provided the support for kids. If you care about this issue of family violence, and if you care about trying to get more support for children who witness this and see it all the time and then cannot do well in school and are in trouble, then you need to support this amendment.

In the bill right now, the language is not specific; it is very weak. It just simply talks about kids at risk, but it does not focus specifically on the problem of violence in homes and the effects on children who witness this violence. This is one of the best amendments we could support.

For those of you who have done this work dealing with the issues of family violence, for those of you who care about reducing violence in families and supporting children, this is really an important amendment. I hope it will have strong support.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HATCH. Mr. President, I yield back the remainder of my time on this amendment, except let me just say this: I very much appreciate the efforts of the Senator from Minnesota. As I read it, it provides for six new grant programs totaling \$170 million.

Mr. President, as you know, the issue of domestic violence, including its impact on children, is one that has been of paramount concern to me over the past 10 years. Working with Senator BIDEN, and the Senate, the Senate acted decisively in 1994 by passing the

Violence Against Women Act. Moreover, in the years following passage of this landmark legislation, this Senate has consistently funded programs authorized by that legislation.

I do agree with my colleague; we probably could do more. We certainly can do better. For that reason, Senator BIDEN and I have begun working on a significant and thorough review of the act.

In 1994, we created many new programs, and we have spent hundreds of millions of dollars to fund them. I think it is time to examine what works and what doesn't as we look to reauthorizing this Act. Further, I think we need to examine carefully whether and what kind of additional programs are necessary and appropriate.

The Senator's amendment raises an important issue—the impact of domestic violence on children and what can be done to alleviate this problem. I am not prepared, however, at this time, to endorse his solutions.

I understand why the Senator would try to use this bill as a vehicle for his amendment, but I disagree. Rather, these suggestions, along with others, ought to be considered in the context of reauthorizing the Violence Against Women Act. For example, several of the NEW grant programs proposed sound to me as if they ought to be considered as a discretionary use of funds in existing VAWA programs. Further, whereas we have a major Act on the books that deals with domestic violence, the new Wellston grant programs contain a new and different definition of domestic violence. Mr. President, these are not the kind of changes we should be making in the context of a juvenile crime bill.

Let me close by commending the Senator from Minnesota. But for the reasons stated, I will at the appropriate time move to table his amendment because I think we are going to work this out in the future. And let's work it out in the appropriate bill.

I yield back any further time we have.

AMENDMENT NO. 348

Mr. HATCH. Mr. President, we now move to the Ashcroft amendment No. 348.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, thank you very much.

Mr. President, 50 percent of all arson, 37 percent of all burglaries are committed by juveniles, 17 percent of all forcible rapes.

Our juvenile justice system is no longer being asked to deal with chewing gum and spitballs in the hall but real violent crime.

This amendment is very straightforward and simple. It says that while juveniles are committing adult crimes with firearms, they should be treated as adults; that if juveniles are going to be involved in rapes, murders, armed robberies, armed assaults, that kind of violent crime, using firearms, that we

want to provide the encouragement, incentive, and resources from the Federal level for States to treat those individuals as adults. So this amendment provides States with incentives to try juveniles as adults when they commit armed violent crimes.

Specifically, this amendment encourages States to try juveniles as adults when youth over 14 use firearms. This is not just any kind of crime, but when youth over 14 use firearms to commit murder, forcible rape, armed robbery, armed assault, and use firearms in major drug crimes. We have a real serious situation where young people are committing crimes that we once thought were reserved to adults.

Juveniles should understand that we will not consider this to be some sort of status offense or delinquency, that the commission of real violent crime by juveniles will be treated as adult crime. The unpleasant fact is that all too many juveniles commit serious armed crime. The answer is to prosecute these crimes vigorously to the full extent of the law.

This amendment provides States with substantial incentives to give adult time to juveniles who commit adult crimes. The purpose and thrust of this amendment, thus, is very narrow. For a narrow range of crimes—murder, rape, robbery, assault, major drug crimes—committed with a firearm, we provide Federal incentives and resources to try those criminals as adults with adult penalties.

It is with that in mind that this amendment obviously is one which I believe merits the support of all the Members of the Senate.

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

Mr. ASHCROFT. Yes.

Mr. DURBIN. How many States presently have laws on the books which impose the penalty of add-ons for children, those under the age of 14, for these crimes?

Mr. ASHCROFT. First of all, this amendment refers to children 14 or over, not under the age of 14.

Mr. DURBIN. How many States?

Mr. ASHCROFT. I don't know the exact number of States, but a number of States do.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, I will tell the Senator from Illinois, there are only two States, Kentucky and Mississippi, that would be in compliance with this amendment's mandate, only two States in the whole country. Basically, the amendment would tell all the other States, your legislatures are irrelevant. We know better here.

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

Mr. LEAHY. Surely.

Mr. DURBIN. Do I understand, then, that 48 other States would be disqualified from Federal grants?

Mr. LEAHY. That is right. In fact, the National Governors' Association

wrote to both the Republican and Democratic leaders of the Senate last year and asked them to oppose this kind of intrusion into the domain of State legislatures.

Mr. DURBIN. So under the provision of this amendment, only two States, Mississippi and Kentucky, could receive Federal funds to try to deter juvenile crime?

Mr. LEAHY. That is right. The other 48 States would be cut out.

Mr. DURBIN. This is a good idea for Mississippi and Kentucky. I don't know about the rest of us.

Mr. LEAHY. It kind of hurts the rest of us.

Mr. President, how much time remains?

The PRESIDING OFFICER. One minute 27 seconds.

Mr. LEAHY. Mr. President, I have to oppose this. I have to oppose this, because, one, it would help only two States in the country, Kentucky and Mississippi. It conditions the juvenile accountability block grant in the bill to the other 48 States only if their legislatures did something that they have all refused to do.

We are telling these other States that their legislatures are totally irrelevant; they must change their law because we know better here. I really don't think that is the way to go. I come from a State that has probably the toughest juvenile laws in the country, but I am not going to tell my State how they must do. Frankly, Mr. President, I oppose the amendment. I hope the 48 States that would be cut out by this would listen to what the National Governors' Association said when they, Republicans and Democrats alike, urged the Senate not to go forward with this.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I made a mistake in the sequence. Number 358 should follow immediately after No. 357, so I ask unanimous consent that that be so.

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

The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Hlavacek, a fellow on my staff, be granted the privilege of the floor for the pendency of this matter.

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

The Senator from Utah.

VOTE ON AMENDMENT NO. 359

Mr. HATCH. Mr. President, I move to table the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 359. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—55

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee	Hollings	Smith (OR)
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Enzi	Mack	
Fitzgerald	McCain	

NAYS—44

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Murray
Bingaman	Harkin	Reed
Boxer	Inouye	Reid
Breaux	Johnson	Robb
Bryan	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Snowe
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NOT VOTING—1

Moynihan

The motion was agreed to.

Several Senators addressed the Chair.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that at 12:20 p.m. on Wednesday the Senate resume the following amendments previously debated to the pending juvenile justice bill: No. 357, No. 358, No. 360, and No. 361, with 10 minutes equally divided for additional debate prior to the vote on or in relation to these amendments.

I further ask following disposition of debate on each amendment, the amendment be laid aside and at the hour of 1 p.m. Wednesday, the Senate proceed to vote on or in relation to the amendments in the order in which they were offered, with 2 minutes prior to each vote for explanation.

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

Mr. HATCH. Mr. President, for the information of all Senators, the Senate will resume the juvenile justice bill at 10 a.m. on Wednesday, with Members offering new amendments from the list

of amendments. However, votes will occur on previously offered amendments, beginning at 1 p.m. on Wednesday, so I urge my colleagues to offer their amendments in the morning for swift passage of the juvenile justice bill.

Mr. LEAHY. If the Senator will yield, if there are things we can do on the bill tonight we will still do them but without recorded votes, is that correct?

Mr. HATCH. We are going to be working on the managers' amendment this evening.

AMENDMENT NO. 348

The PRESIDING OFFICER. There is to be 2 minutes equally divided on the Ashcroft amendment No. 348. Who yields time?

Mr. HATCH. Could I ask the Senator to yield back his time?

Mr. ASHCROFT. Mr. President, I am prepared to yield back my time if the other side is prepared to yield back theirs.

Mr. LEAHY. In fairness to the Senator from Missouri, I will speak for 30 seconds on this.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, violent crime by juveniles is a major problem: forcible rape, murder, armed robbery, armed assault. This amendment simply says if you are going to commit armed robbery, forcible rape with the use of a firearm, murder using a firearm, assault using a firearm, or major drug crimes using a firearm, you should be tried as an adult. This is a way of sending the clearest message that adult crime deserves adult time and that use of a firearm is unacceptable. Chapter 44 in the code addresses the use of a firearm over and over again. Use of firearms is something we care about federally. We spend a lot of time debating it.

The question is, are we serious about curtailing the use of firearms, especially among young people? I think we should be. This amendment provides for trying those as adults and provides access to resources in return for so doing.

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

Mr. LEAHY. Mr. President, the reason the Governors of these States, all of them, wrote to the Democratic and Republican leaders in opposition to this is it would knock out the juvenile accountability block grant in the bill to 48 of the States—48 of the States. The only two that would get anything would be Kentucky and Mississippi. It would tell the other 48 States that their legislatures are irrelevant, their laws are irrelevant. We know better. That is true even in some States that have tougher laws than this would propose.

Because of that, I agree with the Governors, Republican and Democrat; we should not override our States this way. I oppose it.

The PRESIDING OFFICER. The question is on agreeing to the Ashcroft

Amendment No. 348. The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN), is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote "no."

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—26

Abraham	Craig	Johnson
Allard	Domenici	Lott
Ashcroft	Fitzgerald	Lugar
Bond	Frist	McConnell
Bunning	Gramm	Murkowski
Byrd	Helms	Smith (NH)
Campbell	Hutchinson	Thurmond
Cochran	Hutchison	Warner
Coverdell	Inhofe	

NAYS—73

Akaka	Gorton	Murray
Baucus	Graham	Nickles
Bayh	Grams	Reed
Bennett	Grassley	Reid
Biden	Gregg	Robb
Bingaman	Hagel	Roberts
Boxer	Harkin	Rockefeller
Breaux	Hatch	Roth
Brownback	Hollings	Santorum
Bryan	Inouye	Sarbanes
Burns	Jeffords	Schumer
Chafee	Kennedy	Sessions
Cleland	Kerrey	Shelby
Collins	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Crapo	Kyl	Specter
Daschle	Landrieu	Stevens
DeWine	Lautenberg	Thomas
Dodd	Leahy	Thompson
Dorgan	Levin	Torricelli
Durbin	Lieberman	Voinovich
Edwards	Lincoln	Wellstone
Enzi	Mack	Wyden
Feingold	McCain	
Feinstein	Mikulski	

NOT VOTING—1

Moynihan

The amendment (No. 348) was rejected.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CLELAND. Mr. President, Winston Churchill once said that we build our homes, then our homes build us. I can say happily that my home built me! I was fortunate to have had a great childhood—with two wonderful parents, a great church, and more than a few wise and supportive teachers throughout my school years. I grew up in Lithonia, Georgia, in a community that cared. Unfortunately, not all children growing up in America today are so blessed. Not all children have homes that shape and prepare them to deal with the culture of violence in the world today.

Back in the 50s, my action heroes were Roy Rogers, the Lone Ranger, and Gene Autry. They were the good guys, who righted wrong and always got the girl. A witness at a Commerce Committee hearing 2 weeks ago described today's action heroes: Teenage Mutant Ninja Turtles and Mighty Morphin Power Rangers, whose TV show, we were told, averaged 100 acts of violence every single episode.

When I was in school, the strongest drug around was aspirin, and the most lethal weapon was a sling shot. Last year, over 6,000 students were expelled for carrying a weapon to school—and most said they carried the weapon "out of a need for protection." So far this year—and the year is only 5 months old—19 young people have met a violent death while in school. Our schools were once safe havens in this country, and there is something very wrong, as President Clinton points out, "when kids are more worried about guns and violence than math and science."

The underlying fear of Littleton is that it is symptomatic of a broader pattern of youth violence in this country. Events at Columbine High echo the school shootings in Springfield, OR, when a student invaded the cafeteria, killed a fellow student, and wounded 22 others. It echoes events in Jonesboro, AR, where two Middle School students opened fire, killing five students all under the age of 13 and wounding 10 others. One of the young killers was reportedly angry over the breakup with his girlfriend. It echoes the West Paducah, KY murders in which a fourteen-year-old student stormed a prayer group meeting before school, killed three teenaged girls, and wounded five more students. It was reported that the teen killer may have been teased by members of the prayer group as well as members of the school's football team.

In interviews with the neighbors of the Littleton killers, each one—almost without exception—saw little sign of the tragedy that lay ahead. These are the words of one of those neighbors:

I turn on the news and I see their house, and I think, "That's my house! . . . It's the exact same house, the same windows, same driveway, same trim, everything except the color. I lie in bed thinking: 200 feet from my bedroom is where the guy conceived this idea to destroy everything we thought we had. Everything you thought you knew about your neighborhood, your schools, your churches—all just shattered. Vaporized. We feel like we are at ground zero."

What causes two seemingly "normal" teenagers to go on a killing rampage? Is it a change in our culture? Is it our marketing of violent movies like "The Basketball Diaries" and gory video games like "Doom"? Is it access to Internet recipes for building bombs? Is it the plight of "latchkey" kids who come home every day after school to an empty house? What is the WHY of Littleton? What are the toxic factors that are producing the alarming trend in this country where young people settle their grievances with mass murders?

I am proud to be a cosponsor of the amendment by Senator LIEBERMAN which would create a National Commission on Youth Violence. It will bring together religious leaders, educators, Cabinet heads, experts in parenting, in law enforcement, and psychology all focused on a single mission: To understand what factors conspire to create a Littleton and what actions we can take to address the possible causes of youth violence. The task will not be easy and the answers will not be simple. But this amendment is a critically important step in addressing the culture of violence that is pervading every segment of our society.

It is obvious to me that we are in a cultural war in this country for the hearts and minds of our young people. And in anything and everything we can do to help and strengthen our children through safe schools, through smaller classrooms, through greater adult interaction and support, we should absolutely do. This Congress has a role. And one of the things we can—and should do—is to adopt the Lieberman amendment. The national commission will seek answers to the perplexing questions of how we deal with the hearts and minds of our youngsters in this cultural war. And, sadly enough, like real war, there are casualties. Littleton, CO is an example of that. Our hope is that we can take some positive action that mitigates the death and destruction of the Columbine tragedy.

What is at stake is no less than this Nation's most precious resource, our number one asset—our children. As the writer James Agee said, "In every child who is born, under no matter what circumstances, and of no matter what parents, the potentiality of the human race is born again." Mr. President, on behalf of America's children, I am very pleased that the Lieberman amendment has been accepted by both sides and is part of this important legislation.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 17, 1999, the federal debt stood at \$5,587,730,041,115.05 (Five trillion, five hundred eighty-seven billion, seven hundred thirty million, forty-one thousand, one hundred fifteen dollars and five cents).

Five years ago, May 17, 1994, the federal debt stood at \$4,588,709,000,000 (Four trillion, five hundred eighty-eight billion, seven hundred nine million).

Ten years ago, May 17, 1989, the federal debt stood at \$2,781,561,000,000 (Two trillion, seven hundred eighty-one billion, five hundred sixty-one million).

Fifteen years ago, May 17, 1984, the federal debt stood at \$1,486,043,000,000 (One trillion, four hundred eighty-six billion, forty-three million).

Twenty-five years ago, May 17, 1974, the federal debt stood at \$469,577,000,000 (Four hundred sixty-nine billion, five hundred seventy-seven million) which reflects a debt increase of more than \$5 trillion—\$5,118,153,041,115.05 (Five trillion, one hundred eighteen billion, one hundred fifty-three million, forty-one thousand, one hundred fifteen dollars and five cents) during the past 25 years.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report, my first for fiscal year 1999, shows the effects of congressional action on the budget through May 7, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. The estimates show that current level spending is above the budget resolution by \$0.6 billion in budget authority and above the budget resolution by \$0.2 billion in outlays. Current level is \$0.2 billion above the revenue floor in 1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$52.4 billion, less than \$50 million above the maximum deficit amount for 1999 of \$52.4 billion.

I ask unanimous consent that the report and transmittal letter dated May 12, 1999, be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 12, 1999.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report, my first for fiscal year 1999, shows the effects of Congressional action on the 1999 budget and is current through May 7, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

Sincerely,

DAN L. CRIPPEN,
Director.

Enclosures.

TABLE 1.—FISCAL YEAR 1999 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MAY 7, 1999
(In billions of dollars)

	Budget resolution S. Res. 312	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,452.5	1,453.1	0.6
Outlays	1,411.3	1,411.5	0.2
Revenues:			
1999	1,358.9	1,359.1	0.2
1999-2003	7,187.0	7,187.7	0.7
Deficit	52.4	52.4	(¹)
Debt Subject to Limit	(²)	5,620.2	NA
OFF-BUDGET			
Social Security Outlays:			
1999	321.3	321.3	0.0
1999-2003	1,720.7	1,720.7	0.0
Social Security Revenues:			
1999	441.7	441.7	(¹)
1999-2003	2,395.6	2,395.5	-0.1

¹ Less than \$50 million.

² Not included in S. Res. 312.

NA = Not applicable.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 1999 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MAY 7, 1999
(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues			1,359,099
Permanents and other spending legislation	919,197	880,664	
Appropriation legislation	820,578	813,989	
Offsetting receipts	-296,825	-296,827	
Total previously enacted	1,442,950	1,397,826	1,359,099
Entitlements and Mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	10,143	13,661	
Totals:			
Total Current Level	1,453,093	1,411,487	1,359,099
Total Budget Resolution	1,452,512	1,411,334	1,358,919
Amount remaining:			
Under Budget Resolution			
Over Budget Resolution	581	153	180

Source: Congressional Budget Office.

DAIRY POLICY REFORM

Mr. LUGAR. Mr. President, Secretary of Agriculture Glickman recently announced reforms for the Federal milk marketing order system. These reforms were authorized by the 1996 farm bill in an effort to modernize and streamline an out-dated and arcane structure for pricing the nation's milk. As was the case with other commodities, the farm bill intended that Federal dairy policy be more modern and market-oriented to reflect innovations in the milk industry and to position the United States to become a major trader in world markets. In announcing the reforms, Secretary Glickman said, "These reforms will help make sure that America's dairy farmers receive a fair price and that American consumers continue to enjoy an abundant, affordable supply of milk. Our changes will also simplify the wholesale milk pricing system, making it more market-oriented and more equitable." The changes are positive

steps toward accomplishing the goals stated by the secretary. The new structure is more market-oriented, more beneficial to consumers and more equitable to farmers across the Nation.

During consideration of the 1996 farm bill, Congress could not agree on a policy to modernize milk marketing orders. The task of designing a consumer-friendly and market-oriented program was turned over to the Department of Agriculture. The Secretary was given until 1999 to design this new policy. In the interim between 1996 and 1999, Congress allowed the northeast region of the country to set up a dairy compact in which producers could receive a higher price for their milk. Authority for the compact was scheduled to end with the implementation of the new milk marketing order policy.

On January 2, 1998, as Secretary Glickman prepared to consider changes to federal dairy policy, I wrote to him suggesting several ways to make dairy policy more consumer friendly and market oriented. Included in my recommendations was an overhaul of Class I differentials which set the prices that farmers receive for fluid milk. Shortly thereafter, USDA released its proposed rule for milk marketing order reform. The proposed rule contained seven different options for pricing structures and noted Secretary Glickman's preference for the more market-oriented "Option 1B" for pricing Class I milk. On February 25, 1998, I again wrote to Secretary Glickman in support of his commitment to a more market-oriented approach and made recommendations for other changes that modernize federal dairy policy.

The contents of the final rule were highly controversial. No one interested in dairy policy—producers, processors or consumers—was satisfied. Contradictory bills to amend portions of the final rule were introduced in both chambers of Congress. If I had written the final rule, I would have made some changes also.

However, we should reflect on the entire rule and the process that led to its promulgation. Because of the complexity of, and controversies surrounding, dairy policy, Congress, in the 1996 farm bill, gave USDA the responsibility to draw upon its expertise, consult with the public and design a thoughtful milk marketing reform policy. USDA spent three years formulating the reforms contained in the final rule. During this process, the department received more than 8,000 comments from interested parties. The final rule, though not perfect, is more equitable to all the nation's dairy farmers and pro-consumer. It is a good first step toward a policy that places the nation's dairy industry in a position to better meet the challenges of the global markets of the new century.

When we begin deliberations on the next farm bill, we will have an opportunity to review and develop additional market-oriented reforms for dairy policy. But, I am convinced that the Con-

gress cannot improve upon the department's good-faith, balanced effort either in committee or on the Senate floor. If dairy farmers approve the new policy in referenda in their order areas, we should allow the final rule to be implemented on October 1, as scheduled, without intervening legislation and I will work toward that end.

PARTICIPATION IN CLINICAL TRIALS—A BASIC HEALTH CARE RIGHT

Mr. KENNEDY. Mr. President, a recent article in the New York Times demonstrates the importance of clinical trials in treating cancer and the serious problems that patients and researchers are now facing because of the lack of adequate enrollment in these trials.

Clinical trials are the primary means of testing new therapies for serious diseases. In fact, these trials may be the only available treatment for patients whose conditions have failed to respond to conventional therapies.

The survey by the American Society of Clinical Oncologists discussed in the article found that less than five percent of cancer patients in the country are enrolled in clinical trials—although 20 percent are eligible to participate and would often receive better quality care if they did. As the article points out, "Patients who participate receive at least state-of-the-art treatment and often get to take advantage of otherwise unavailable approaches."

Several barriers exist to enrolling patients in clinical trials. But a critical element is the increasing reluctance of HMOs and other managed care plans to allow their enrollees to participate in such trials or to pay the routine hospital costs of their participation is a critical element. Until recently, health insurance routinely paid for the doctor and hospital costs associated with clinical trials. But managed care is reducing that commitment. Today, managed care plans often will not permit their patients to enroll in clinical trials, and they will not pay for their participation when they choose to do so on their own.

The American Association of Health Plans—the HMO trade association—has recognized that plans should encourage patients to participate in clinical trials, where medically appropriate. But, too often, there is little or no participation.

The decision to enter a clinical trial should be made by the treating physician and the patient. Yet the survey showed that only about half of eligible patients are even told such trials are available.

S. 6, the Patients' Bill of Rights, and its companion bill, HR 358, require health insurance plans to allow their enrollees to participate in quality clinical trials sponsored by the NIH, the Department of Defense, and the Veterans Administration. The lack of access highlighted by the article clearly

demonstrates the need for passage of the Patients' Bill of Rights. Without the protections in that bill, patients will not be guaranteed the right to participate in these life-saving trials. Virtually every major cancer group in the nation has endorsed the Patients' Bill of Rights, and highlighted the clinical trials provision as a major reason for enactment.

Patients are dying and cures of the future are being delayed. Patients deserve this opportunity for life. The rights guaranteed in the Patients' Bill of Rights are essential for patients with cancer, congestive heart failure, lupus, Alzheimer's Disease, Parkinson's Disease, diabetes, and many other deadly illnesses. Every day we delay more patients suffer. Congress has an obligation to act.

I ask unanimous consent that the article from the New York Times may be printed in the RECORD.

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

[From the New York Times, May 16, 1999]

FEW TAKE PART IN CANCER TESTS, SLOWING RESEARCH, SURVEY FINDS

ATLANTA, May 15 (AP).—Fewer than 5 percent of cancer patients in the nation take part in experiments to test new treatments, a figure at least four times lower than ideal if the most pressing cancer questions are to be answered quickly, according to a survey released today.

"We need clinical trials to know what works and what doesn't," said Dr. Allen Lichter, president of the American Society of Clinical Oncology.

Cancer experts almost universally endorse the need for patients to participate in formal studies, but data on how many do so have been scarce. So the oncology society, the nation's largest group of cancer practitioners, commissioned a survey of about 7,000 of its members and released the results at its annual meeting here.

The survey found that about 40,000 Americans—3 percent to 5 percent of those found to have cancer each year—are enrolled in studies of the disease. Far more patients could take part in the experiments, which doctors call clinical trials, the study found.

The survey estimated that about 20 percent of cancer patients would be eligible to participate in the studies taking place of their kinds of conditions.

Dr. Ezekiel Emmanuel of the National Institutes of Health, the study's primary author, said doctors should try to enroll the entire 20 percent.

The experiments typically test new medicines or combinations of drugs to see whether they work better than standard approaches. Patients who participate receive at least state-of-the-art treatment and often get to take advantage of otherwise unavailable approaches.

Only about half of eligible patients are told the studies are available. And only 20 percent of cancer specialists have time set aside to do this kind of cancer research.

The survey found that a doctor's cost of enrolling and keeping a single patient in a clinical trial averages \$2,000.

The National Cancer Institute, the single largest sponsor of these studies, pays doctors \$750 a patient for this work, while pharmaceutical companies' average payment is about \$2,500.

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.)

NOTICE ON CONTINUATION OF EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT—PM 29

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 Burma is to continue in effect beyond May 20, 1999.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 18, 1999.

MESSAGES FROM THE HOUSE

At 2:23 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1555. An act to authorize appropriations for fiscal year 200 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 1555. An act to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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-3024. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments; Bell Helicopter Textron Canada Model 407 Helicopters; Docket No. 99-SW-16-AD" (RIN2120-AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3025. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 98-NM-163-AD; Amendment 39-11106; AD 99-08-02" (RIN2120-AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3026. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes; Docket No. 98-CE-82-AD" (RIN2120-AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3027. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes; Docket No. 97-NM-315-AD; Amendment 39-11128; AD 99-08-20" (RIN2120-AA64), received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3028. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters; Docket No. 99-SW-24-AD" (RIN2120-AA64), received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3029. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328-100 Series Airplanes; Docket No. 98-NM-157-AD; Amendment 39-11114; AD 99-08-08" (RIN2120-AA64), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3030. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes; Docket No. 99-NM-93-AD; Amendment 39-11159; AD 99-10-05" (RIN2120-AA64), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3031. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes; Docket No. 98-CE-81-AD" (RIN2120-AA64), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3032. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 230 Helicopters; Docket No. 98-SW-48-AD" (RIN2120-AA64), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3033. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes; Docket No. 98-CE-79-AD" (RIN2120-AA64), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3034. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters; Docket No. 99-SW-25-AD" (RIN2120-AA64), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3035. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Macon-Fowler Municipal Airport Class E Airspace Area, MO; Direct Final Rule; Request for Comments; Docket No. 99-ACE-204-20 (4-22)" (RIN2120-AA66) (1999-0142), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3036. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Stockton Municipal Airport Class E Airspace Area, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-75-7 (5-6)" (RIN2120-AA66) (1999-0173), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3037. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Galveston, TX; Request for Comments; Docket No. 99-ASW-09/5-5 (5-6)" (RIN2120-AA66) (1999-0171), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3038. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Shreveport, LA; Request for Comments; Docket No. 99-ASW-10/5-5 (5-6)" (RIN2120-AA66) (1999-0172), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3039. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Barter Island, AK; Docket No. 99-AAL-21/4-20 (4-22)" (RIN2120-AA66) (1999-0140), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3040. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Soldatna, AK; Docket No. 99-AAL-22/4-20 (4-22)" (RIN2120-AA66) (1999-0139), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3041. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Port Heiden, AK; Docket No. 98-AAL-25/4-20 (4-22) 4/20/99" (RIN2120-AA66) (1999-0137), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3042. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Lake Charles; Direct Final Rule; Correction; Docket No. 99-ASW-04/4-20 (4-22)" (RIN2120-AA66) (1999-0136), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3043. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Eielson Air Force Base, AK; Docket No. 99-AAL-1/4-20 (4-22)" (RIN2120-AA66) (1999-0138), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3044. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FAA Policy on Enforcement of the Hazardous Materials Regulations; Penalty Guidelines; General Statement of Policy" (RIN2120-ZZ18), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3045. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Harlan Municipal Airport

Class E Airspace, IA; Request for Comments; Docket No. 99-ACE-22/5-7 (5-6)" (RIN2120-AA66) (1999-0174), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3046. A communication from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the annual report of the Coastal Zone Management Fund for fiscal year 1998; to the Committee on Commerce, Science, and Transportation.

EC-3047. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, a report relative to prisoner transfers; to the Committee on Armed Services.

EC-3048. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commuted Travel-time Periods: Overtime Services Relating to Imports and Exports", received May 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3049. A communication from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Retailer Integrity, Fraud Reduction and Penalties", received May 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3050. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Market Loss Assistance Program" (RIN0560-AF67), received May 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3051. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Rule: 1998 Single-Year and Multi-Year Crop Loss Disaster Assistance Program" (RIN0560-AF75), received May 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3052. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diphenylamine; Pesticide Tolerance" (FRL # 6077-3), received May 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3053. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Iprodione; Pesticide Tolerance" (FRL # 6064-5) and "Myclobutanil; Extension of Tolerance for Emergency Exemptions" (FRL # 6074-9), received May 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3054. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Azoxytobin; Extension of Tolerance for Emergency Exemptions" (FRL # 6074-2) and "Halosulfuron; Pesticide Tolerance" (FRL # 6078-5), received May 6, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3055. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethomorph,

(E,Z) 4-(3-(4-chlorophenyl)-3-(4-dimethoxyphenyl)-1-oxo-2-propenyl)morpholine; Pesticide Tolerances" (FRL # 6079-5), received May 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3056. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Methacrylic Copolymer; Exemption from the Requirement of a Tolerance" (FRL # 6077-7) and "Sulfosulfuro; Pesticide Tolerance" (FRL # 6078-4), received May 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3057. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emamectin Benzoate; Pesticide Tolerance" (FRL # 6079-7), received May 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3058. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan, Six California Air Pollution Control Districts" (FRL # 6337-8), "Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport" (FRL # 6336-9), "Guidelines Establishing Test Procedures for the Analysis of Oil and Grease Non-polar Material Under the Clean Water Act and Resource Conservation and Recovery Act; Final Rule" (FRL # 6341-9) and "Technical Amendment to Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group (OTAG) Region for Purposes of Reducing Regional Transport of Ozone" (FRL # 6338-6), received May 10, 1999; to the Committee on Environment and Public Works.

EC-3059. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Clean Air Act Approval and Promulgation of New Source Review Provisions Implementation Plan for Nevada State Clark County Air Pollution Control District" (FRL # 6336-6), "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL # 6338-5), "Revisions to the Clean Water Regulatory Definition of 'Discharge of Dredged Material'" (FRL # 6338-9) and "Technical Amendment to Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group (OTAG) Region for Purposes of Reducing Regional Transport of Ozone" (FRL # 6338-6), received May 5, 1999; to the Committee on Environment and Public Works.

EC-3060. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Appendix A—Test Methods: Three New Methods for Velocity and Volumetric Flow Rate Determination in Stacks or Ducts" (FRL # 6337-1), "Approval and Promulgation of Air Quality Plans; Maine; Approval of Fuel Control Program under Section 211(c)" (FRL # 6338-2), "Approval and Promulgation of Air Quality Implementation Plans; Utah; Foreword and Definitions, Revision to Definition for Sole Source of Heat and Emissions Standards

Nonsubstantive Changes; General Requirements, Open Burning and Nonsubstantive Changes; and Foreword and Definitions, Addition of Definition for PM10 Nonattainment Area" (FRL # 6340-1), "Approval and Promulgation of Implementation Plans under Section 112(l); State of Iowa" (FRL # 6340-3) and "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions, Mojave Desert Air Quality Management District and Tehama County Air Pollution Control District" (FRL # 6334-5), received May 6, 1999; to the Committee on Environment and Public Works.

EC-3061. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Approval and Promulgation of Air Quality Plans; Georgia; Revised Format for Materials Being Incorporated by Reference" (FRL # 6335-9), "Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable" (FRL # 6344-4) and "National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Products" (FRL # 6344-7), received May 13, 1999; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

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

POM-119. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts relative to Social Security; to the Committee on Finance.

SENATE RESOLUTION

Whereas, the Congress of the United States, as part of its efforts to address the financial crisis confronting the Social Security System, is considering a proposal mandating Social Security coverage for public employees, including public employees in Massachusetts who presently do not participate in the Social Security system; and

Whereas, the Commonwealth of Massachusetts and its cities and towns provided retirement benefits to employees prior to the creation of Social Security and, after being explicitly precluded from participation in the Social Security System, adopted a retirement structure providing adequate retirement and survivor benefits to employees including vital benefits for those permanently disabled in the line of duty; and

Whereas, in the early 1980's the Commonwealth of Massachusetts and its cities and towns were confronted by a similar financial crisis in retirement funding which, through the adoption of aggressive funding and investment policies following major statutory reforms, has been averted resulting in the secure financing of retirement benefits; and

Whereas, conservative estimates indicate that such public employee mandated Social Security coverage would impose billions of dollars in added costs on public employers in the Commonwealth of Massachusetts thereby diverting public resources from education, public safety, public works, health care and child care without having a serious impact on the fiscal condition of the Social Security System; and

Whereas, it has been determined that nationally such mandatory Social Security coverage would provide a short term fiscal solution that ultimately would extend the Social Security trust fund solvency by only two years; and

Whereas, the mandating of Social Security coverage for non-federal public employees may raise significant legal issues; now therefore be it

Resolved, that the Massachusetts Senate hereby urges the Congress of the United States to reject any proposal to reform Social Security that includes mandatory Social Security coverage for public employees; and be it further

Resolved, that a copy of these resolutions be transmitted by the clerk of the Senate to the President of the United States, the presiding officers of both Houses of Congress and the entire congressional delegation from the Commonwealth.

POM-120. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to Social Security; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 203

Whereas, an administrative fee to process the state supplement for Supplemental Security Income was implemented by section 5102 of the Balanced Budget Act of 1997; and

Whereas, the administrative fee to process the state supplement for Supplemental Security Income increases annually, and in fiscal year 2003 will increase to coincide with the Consumer Price Index; and

Whereas, there is no increase in the services provided by the Social Security Administration; and

Whereas, therefore, in fiscal year 1999, Hawaii is paying \$7.60 to issue a supplement of \$4.90; and

Whereas, Hawaii must continue to pay the administrative fee to avoid jeopardizing Medicaid reimbursements; and

Whereas, the contracting of the state supplement for Supplemental Security Income to a private vendor will decrease eligibility for Aged, Blind, and Disabled individuals because the Social Security Administration will allow the State to use only the Supplemental Security Income Federal Benefit Rate as the standard of assistance for all individuals regardless of living arrangement; now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, the Senate concurring, That this body urges the United States Congress, the President of the United States, and the Secretary of Health and Human Services to support United States Senator Daniel K. Akaka, United States Senator Daniel K. Inouye, United States Representative Neil Abercrombie, and United States Representative Patsy T. Mink's federal legislation to amend the Social Security Act in the following manner:

(1) To allow Hawaii to not issue a state supplement for Supplemental Security Income;

(2) To limit the cost of the administrative fees to process the state supplement for Supplemental Security Income by determining a maximum fee;

(3) To prohibit the Social Security Administration from increasing the amount of administrative fees to process the state supplement for Supplemental Security Income without any increase in services; and

(4) To allow Hawaii to contract the processing of state supplements for Supplemental Security Income to a private vendor without being penalized by decreasing the standard of assistance to the Federal Benefit Rate only; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, the Secretary of the United States

Department of Health and Human Services, and the members of Hawaii's congressional delegation.

POM-121. A joint resolution adopted by the Legislature of the State of Maine relative to the proposed "Prescription Drug Fairness for Seniors Act"; to the Committee on Finance.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

Whereas, the elderly of the United States are 14% of the population and consume 30% of the prescription drugs and Medicare does not cover the cost of prescription drugs except in a very few cases; and

Whereas, the House Government Reform and Oversight Committee conducted studies in 20 congressional districts in 1998 and discovered there are vast differences between prices that pharmaceutical companies charge their favored customers, such as HMOs, large hospitals and the Federal Government, and the prices they charge uninsured senior citizens; and

Whereas, older Americans, who are often on fixed and limited incomes, pay on the average nearly double the price for prescription drugs that the favored customers of the pharmaceutical companies pay; and

Whereas, there is now before Congress legislation that would address this inequity by protecting the elderly from drug price discrimination and making prescription drugs available to Medicare beneficiaries at substantially reduced prices; and

Whereas, the Prescription Drug Fairness for Seniors Act, sponsored by Representative Tom Allen of the First District in Maine and cosponsored by countless others, would not establish new federal bureaucracy but would utilize an existing pharmacy distribution system; and

Whereas, this important legislation would ensure that no older American would need to choose between buying food or medicine or paying the basic bills or choosing to live in pain and anxiety; now, therefore, be it

Resolved, That We, your Memorialists, request that the President of the United States and the United States Congress work together to pass this important and far-reaching legislation that would help the elderly and, in turn, all Americans; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 1034. A bill to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 1063. A bill to amend title XVIII of the Social Security Act to provide for a special rule for long existing home health agencies with partial fiscal year 1994 cost reports in calculating the per beneficiary limits under the interim payment system for such agencies; to the Committee on Finance.

By Mr. THURMOND:

S. 1064. A bill to provide for the location of the National Museum of the United States Army; to the Committee on Armed Services.

By Mr. DODD:

S. 1065. A bill to authorize negotiation for the accession of Chile to the North American Free Trade Agreement, to provide for Fast Track Consideration and for other purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. MURKOWSKI, Mr. GRAMS, Mr. HAGEL, and Mr. CRAIG):

S. 1066. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. CHAFEE, Mr. DEWINE, Ms. COLLINS, Ms. LANDRIEU, Mr. LEVIN, Mr. MOYNIHAN, Mr. KERREY, Mr. DORGAN, Mr. CONRAD, Mr. INOUE, Mr. BREAUX, Mr. DURBIN, and Mr. TORRICELLI):

S. 1067. A bill to promote the adoption of children with special needs; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. BOND, Mr. HOLLINGS, Mr. WELLSTONE, Mr. TORRICELLI, Mr. MOYNIHAN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. LEVIN):

S. 1068. A bill to provide for health, education, and welfare of children under 6 years of age; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE (for himself, Mrs. MURRAY, and Mr. SCHUMER):

S. 1069. A bill to provide economic security and safety for battered women, and for other purposes; to the Committee on Finance.

By Mr. BOND (for himself, Mr. ENZI, Mr. JEFFORDS, Mr. BURNS, Mr. VOINOVICH, Ms. SNOWE, Mr. ASHCROFT, Mr. MCCONNELL, Mr. LOTT, Mr. NICKLES, Mr. HUTCHINSON, Mr. MACK, Mr. COVERDELL, Mr. SHELBY, Mr. KYL, Mr. FITZGERALD, Mr. ABRAHAM, Mr. GREGG, Mrs. HUTCHISON, Mr. HELMS, Mr. BUNNING, Mr. CRAPO, Mr. BENNETT, Mr. DEWINE, Mr. HAGEL, Mr. SESSIONS, Mr. CHAFEE, Ms. COLLINS, and Mr. BROWNBACK):

S. 1070. A bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1071. A bill to designate the Idaho National Engineering and Environmental Laboratory as the Center of Excellence for Environmental Stewardship of the Department of Energy Land, and establish the Natural Resources Institute within the Center; to the Committee on Armed Services.

By Mr. DEWINE (for himself, Mr. HELMS, and Mr. VOINOVICH):

S. 1072. A bill to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.); to the Committee on Governmental Affairs.

By Mr. ASHCROFT (for himself, Mr. INOUE, Mr. BURNS, Mr. GRASSLEY,

Mr. ROBERTS, Mr. ENZI, and Mr. HAGEL):

S. 1073. A bill to amend the Trade Act of 1974 to ensure that United States industry is consulted with respect to all aspects of the WTO dispute settlement process; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON (for himself, Mr. WELLSTONE, Mr. FEINGOLD, Mr. SMITH of New Hampshire, Ms. COLLINS, Mr. BUNNING, Mr. KYL, Mr. ABRAHAM, Mr. SESSIONS, Mr. GRASSLEY, Ms. SNOWE, Mr. JEFFORDS, and Mr. BROWNBACK):

S. Res. 103. A resolution concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 1063. A bill to amend title XVIII of the Social Security Act to provide for a special rule for long existing home health agencies with partial fiscal year 1994 cost reports in calculating the per beneficiary limits under the interim payment system for such agencies; to the Committee on Finance.

MEDICARE HOME HEALTH TECHNICAL CORRECTIONS LEGISLATION

Ms. COLLINS. Mr. President, I rise today to introduce legislation that would make a technical correction to a provision of the Balanced Budget Act of 1997 that is causing great unfairness to long-established home health agencies and their patients. It would provide for a special rule for long-existing home health agencies that have been classified as "new" home health agencies for purposes of the Interim Payment System (IPS) simply because they happened to change the ending date of their fiscal year, and, as a consequence, do not have a full 12-month cost reporting period in federal fiscal year 1994.

Under the complicated formula for the Medicare Interim Payment System for home health agencies, Medicare determines a limit for most established agencies using a formula that recognizes the agency's historical costs and blends them, in a proportion of 75 percent to 25 percent, with regional norms. For new home health agencies without a historic record of cost reports, the per-beneficiary limit is set at the national median.

In defining the difference between new and existing agencies, the Administration focused on fiscal year 1994 and established a general rule that the national median per-beneficiary limit would apply to "new providers and providers without a 12-month reporting period ending in fiscal year 1994." Congress did, however, specifically exclude from the "new" category any home health agency that had changed its name or corporate structure.

Nevertheless, one of the home health agencies in my State—Hancock County HomeCare—has been classified as a "new" home health agency, even though it has been serving the people of rural Down East Maine for more than 60 years. I am sure that there are other long-standing home health agencies across the country that have found themselves in a similar situation as a consequence of this provision.

Hancock County HomeCare is a division of Blue Hill Memorial Hospital, a charitable, tax-exempt hospital. Hancock County HomeCare emerged as a result of a merger of the hospital with the Four Town Nursing Service and Bar Harbor Public Health Nursing, both non-profit home health agencies that have provided uninterrupted service to residents of Hancock County, Maine for more than 60 years. The unified agency, which provides skilled home nursing and therapies to residents of 36 towns, has been part of Blue Hill Memorial Hospital since 1981.

Despite its 60-year history of service to the community, Hancock County HomeCare has been classified as a "new" agency simply because it happened to change the ending date of its fiscal year during 1994, when Blue Hill Memorial and its affiliate changed theirs. Solely because it changed its fiscal year from a period ending June 30 to a period ending March 31, this 60-year old agency is being treated as a new agency by HCFA. Given the care taken by Congress to exclude name changes and corporate structure changes from the definition of a "new" agency, I simply do not believe that it was our intent to visit radically different treatment upon an agency that simply changed its financial reporting practices, but otherwise has a continuous history of operation and is fully able to provide 12 months of reliable data in accordance with Medicare cost reporting requirements.

I believe that the statute gives the Health Care Financing Administration sufficient discretion to deal with this situation administratively. Unfortunately, however, HCFA does not agree with that interpretation and insists that further legislative action is necessary if Hancock County HomeCare is to be considered an "old" agency for purposes of the Interim Payment System.

The legislation that I am introducing today to clarify the law was prepared with technical assistance from HCFA. Essentially, the bill would provide for a special rule for home care agencies that were in existence and had an active Medicare provider number prior to fiscal year 1980, but which had less than a 12-month cost reporting period in fiscal year 1994 because the agency changed the end date of its cost reporting period in that year. For these agencies, Medicare could, upon the request of the agency, use the agency's partial-year cost report from fiscal year 1994 to

determine the agency-specific portion of the per beneficiary limit. As a consequence, the agency could then be treated as an "old" agency for purposes of the Interim Payment System.

Mr. President, this legislation is simply a technical correction to address a specific problem that Congress clearly did not intend to create when it enacted the Balanced Budget Act of 1997. The legislation is narrowly drafted and, in all likelihood, will not affect more than a few home health agencies, but it will make a critical difference in the ability of those agencies to continue to serve their elderly clients.

Home health agencies across the country, however, are experiencing acute financial problems due to other problems with a critically-flawed payment system that effectively penalizes our most cost-efficient agencies. These agencies are finding it increasingly difficult to cope with cash-flow problems, which inhibit their ability to deliver much-needed care. As many as twenty organizations in Maine have either closed or are no longer providing home care services because their reimbursement levels under Medicare fell so far short of their actual operating costs. Other agencies are laying off staff or are declining to accept new patients with more serious health problems. The real losers in this situation are our seniors, since cuts of this magnitude cannot be sustained without ultimately affecting patient care.

Moreover, these payment problems have been exacerbated by a number of new regulatory requirements imposed by HCFA, including the implementation of OASIS, sequential billing, medical review, and IPS overpayment recoupment. I will soon be introducing legislation to provide some relief for these beleaguered home health agencies and also plan to hold a hearing next month in the Permanent Subcommittee on Investigations to examine the combined effect that these payment reductions coupled with the multiple new regulatory requirements have had on home health agencies' ability to meet their patients' needs.

Mr. President, I ask unanimous consent that the text of this legislation providing a special rule for long-existing home health agencies with partial fiscal year 1994 cost reports be included in the RECORD.

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

S. 1063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RULE FOR LONG EXISTING HOME HEALTH AGENCIES WITH PARTIAL FISCAL YEAR 1994 COST REPORTS.

(a) IN GENERAL.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) is amended by adding at the end the following:

"(x)(I) If requested by an applicable agency, the limitation under clause (v) shall be determined for such agency by substituting

in subclause (I) of that clause 'the reasonable costs (including nonroutine medical supplies) for the agency's cost report for the most recent partial cost reporting period ending in fiscal year 1994' for 'the reasonable costs (including nonroutine medical supplies) for the agency's 12-month cost reporting period ending during fiscal year 1994'.

"(II) In this clause, the term 'applicable agency' means an agency that—

"(aa) was in existence prior to fiscal year 1980;

"(bb) had an active medicare provider number prior to such date; and

"(cc) had less than a 12-month cost reporting period ending in fiscal year 1994 because such agency changed the end date of its cost reporting period during fiscal year 1994.

"(III) The limitation determined for an applicable agency pursuant to this clause shall be excluded from any calculation under this subparagraph of—

"(aa) a standardized regional average of costs; or

"(bb) a national median of limits."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

By Mr. THURMOND:

S. 1064. A bill to provide for the location of the National Museum of the United States Army; to the Committee on Armed Services.

NATIONAL MUSEUM OF THE UNITED STATES
ARMY SITE ACT OF 1999

Mr. THURMOND. Mr. President, it is not an exaggeration to say that Washington, DC possesses one of the highest concentrations of museums, art galleries, research institutions, monuments, and memorials to be found anywhere in the world. This is a city where we chronicle our history, honor our heroes, and introduce people from around the world to the "American experience".

Each year millions of people travel to Washington to visit the many attractions that are located within the capital city. Some of the most popular destinations for visitors are the many excellent museums and galleries, located where individuals are able to gain a knowledge and perspective about the United States that they may not have possessed before their trip to Washington.

Sadly, one aspect of American history which is not told very well is that of the United States Army. While many of the museums in the Capital area address military history in general terms, the region lacks a museum dedicated solely to the purpose of telling the story of our Army. This absence is a discredit to those interested in American history as the story of our Army is the story of our Nation, and quite obviously the reverse is true. It is also a discredit to the millions who have served as soldiers, theirs is a story well worth telling to others.

The United States is a Nation born of battle, as a matter of fact, the Army is older than our country. The Army was formed in 1775, while the United States was formed in 1776. At every critical juncture of the history of the United States, we find the brave soldiers of the

Army. Whether it was earning our freedom from a colonial power; the mapping expedition of Lewis & Clark; the westward expansion of the nation; the Civil War, where the Army fought to maintain the unity of the young nation; the World Wars where we battled to preserve global peace; the Cold War where the Army stood vigilant against the expansionist desires of communist countries; in the Persian Gulf chasing a petty dictator and bully out of Kuwait; spearheading humanitarian relief efforts in any number of countries; or enforcing a fragile peace in Bosnia, the soldiers of our Army were there, doing their duty. Certainly this is a story worthy of chronicling through a museum, and the time has come to build such a facility.

What I propose is not new. Over the past two decades, many sites have been suggested and most are unsatisfactory because they have unrealistic development requirements, because their locations are unsuitable for such an esteemed building, or they lacked an appropriate Army setting. Since 1983, the process of choosing a site for the Army Museum has been a long and cumbersome undertaking. A site selection committee was organized and it developed a list of seventeen criteria which any candidate site is required to possess before it was to be selected as home to the Army Museum. Among other requirements, these criteria required such things as: an area permitting movement of large vehicles for exhibits and tractor trailer trucks for shipments; commanding an aesthetically pleasing vista; positive impact on the environment; closeness to public transportation; closeness to a Washington Tourmobile route; convenience to Fort Myer for support by the 3d Infantry—The Old Guard; accessibility by private automobile; adequate parking for 150 staff and official visitors; adequate parking for a portion of the 1,000,000 visitors-a-year that will not use public transportation; food service for staff and visitors; an area that is low in crime and is safe for staff and visitors; suitable space—at least 300,000 square feet—for construction; a low water table; good drainage; no history of flooding; and, suitability for subterranean construction.

Since 1984, more than 60 sites have been studied, yet only a handful have been worthy of any serious consideration.

The most prominent recent site suggestions have included Carlisle, Pennsylvania, the Washington Navy Yard, the "Marriott property" in northern Virginia, and Fort Belvoir, Virginia. Three of these sites clearly have characteristics which are directly contrary to the established criteria for site selection. The extraordinary distance of Carlisle from Washington speaks for itself. The "Marriott property" was carefully studied numerous times, and though it was the Army's first choice, it was always determined that the site was too small and that the cost of the

property too high. The suggestion that the Army locate its museum in Washington's Navy Yard is also directly contrary to prerequisites for site selection. The Washington Navy Yard is situated in a difficult to get to part of the District, on the Anacostia River, as well as on a precarious 50-year flood plain. Because this area floods so often, a "Washington Navy Yard Army Museum"—I will repeat this awkward location—a "Washington Navy Yard Army Museum", might well suffer the embarrassment of being closed due to flooding. Furthermore, the Navy Yard is simply too small to allow the construction of a facility that can chronicle the more than 225-year history of the Army. From even before the first blueprint is drawn, architects and historians trying to create a museum that will be recognized as a world-class facility for the study of the American Army and military history will be limited by the lack of space available at the Navy Yard. Secondly, the Navy Yard is situated in a part of the District of Columbia well off the circuit that visitors travel when they come to Washington. The Navy Yard abuts a residential district with narrow streets which means it will be confusing for people to drive there, streets will be congested with traffic, and there will be a lack of parking for cars and tour buses. Additionally, the Navy Yard has become less military in character and more of a patchwork home to various government offices. To locate the Army Museum in an old Navy yard, which sometimes may be under water, would send a clear signal to visitors that choosing a home to their history was nothing more than an afterthought. Finally, it is simply not appropriate to have a museum chronicling the history of the Army at a Navy facility. The Army museum belongs on an Army installation.

As an interesting footnote, the April 27, 1999 issue of the Washington Post carried an article about the search for a new location to house the headquarters for the Bureau of Alcohol, Tobacco & Firearms and reported that a site on New York Avenue seemed to be the first choice. It mentioned that another site in the District had previously been considered as the new home of the BATF, that of the Southeast Federal Center, "... a huge development envisioned for the Anacostia River waterfront south of Capitol Hill, next to the Washington Navy Yard." Not surprisingly, the article also reported that BATF had resisted that option because it was considered—and I quote—"... too remote". If the Navy Yard is too remote a site for the BATF, how is it any more convenient for the Army Museum or those hundreds of thousands of people who will visit it every year?

In 1991, the Deputy Secretary of Defense directed that the site searches include the Mount Vernon Corridor as a possible location for the Army Museum. Fort Belvoir quickly became a

very attractive location. Fort Belvoir offers a 48-acre site; it is only five minutes from Interstate 95, which is traveled by more than 300 million vehicles each year; it is only three minutes from the Fairfax County Parkway; it is served by Metro Bus; and Richmond Highway is next to the main gate of Fort Belvoir.

Beyond its ideal location, Fort Belvoir is also a winner historically. It is on a portion of General George Washington's properties when he was Commander-in-Chief of the Continental Army. It is located on the historical heritage trail of the Mount Vernon Estate, Woodlawn Plantation, Pohick Church, and Gunston Hall. Situating the Army Museum at Fort Belvoir is a natural tie to a long established military and historic installation that has already been approved by the National Capital Planning Commission to be used for community activities, which includes museums, as a part of the Fort Belvoir Master Plan. The Fort Belvoir site meets all 17 criteria originally established by the Army. With the Marine Corps planning to build its heritage center at nearby Quantico, these two facilities would most certainly complement each other.

Indeed, the planned Marine Corps museum is an excellent example of a carefully contemplated facility that not only will capture the rich history of that service, but make the complex an attractive tourist destination. The Marines' heritage complex will be 460,000 square feet and will include a museum, a welcome center, an IMAX theater, a conference center, and a hotel. Clearly, the Marine Corps has come up with a winning equation for a facility that will tell the story of that service and the Army should be allowed to do the same. Placing the Army Museum at the Navy Yard will not only inhibit efforts to present the history of the Army, but it will also force the establishment of a museum that is inferior and not all that it can be. Finally, co-locating the Army and Marine museums in the same geographic area would create a military history "zone", so to speak, and greatly increase the number of visitors that will take time to stop at both museums to learn more about our armed services and the valuable contributions they have made to the nation.

Mr. President, we have been trying to find a suitable site for the Army Museum since 1983. While I find it hard to believe that it should take 16-years to identify a suitable site, I am willing to concede that we should spare no effort in making certain that we find the perfect place to locate the Army Museum. I fear that citizens would hesitate visiting the Navy Yard if designated as the home for the Army Museum. Simply put, Fort Belvoir enjoys every advantage over the Navy Yard, the Marriott property, Carlisle Barracks, or any other site, as a place to build the Army Museum.

The bill I am introducing today names Fort Belvoir as the site for the

Army Museum. Fort Belvoir is the best location in the Washington area to host the Army Museum. Army veterans want to remember and show their contribution to history in an Army setting and culture in which they themselves once served. Fort Belvoir is the perfect place to do this and it qualifies on every criterion established in 1983 by the Army's Site Selection Committee. Fort Belvoir is Army and should host Army history. Therefore, I ask that my colleagues support this bill and bring the 16-year search for a home for the Army Museum to a close by selecting a worthy home for one of this nation's greatest institutions.

Mr. President, Thomas Jefferson wrote to John Adams in 1817, "A morsel of genuine history is a thing so rare as to be always valuable." I am pleased to see that the National U.S. Army Museum is a task for this Congress at the beginning of a new century, at a time when all Americans are proud of their nation's accomplishments and those who made it all possible. I am absolutely concerned that all our veterans are honored and honored appropriately. Every year, Army veterans bring their families to Washington and are disappointed that no museum exists as a tribute to their service and sacrifice. Time is running out for many Army veterans, especially those of World War II. I urge my colleagues to review this important piece of legislation and support its passage. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1064

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 "National Museum of the United States Army Site Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Nation does not have adequate knowledge edge of the role of the Army in the development and protection of the United States.

(2) The Army, the oldest United States military service, lacks a primary museum with public exhibition space and is in dire need of a permanent facility to house and display its historical artifacts.

(3) Such a museum would serve to enhance the preservation, study, and interpretation of Army historical artifacts.

(4) Many Army artifacts of historical significance and national interest which are currently unavailable for public display would be exhibited in such a museum.

(5) While the Smithsonian Institution would be able to assist the Army in developing programs of presentations relating to the mission, values, and heritage of the Army, such a museum would be more appropriate institution for such programs.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for a permanent site for a museum to serve as the National Museum of the United States Army;

(2) to ensure the preservation, maintenance, and interpretation of the artifacts and history collected by such museum;

(3) to enhance the knowledge of the American people to the role of the Army in United States history; and

(4) to provide a facility for the public display of the artifacts and history of the Army.

SEC. 3. LOCATION OF NATIONAL MUSEUM OF THE UNITED STATES ARMY.

The Secretary of the Army shall provide for the location of the National Museum of the United States Army at Fort Belvoir, Virginia.

By Mr. DODD:

S. 1065. A bill to authorize negotiation for the accession of Chile to the North American Free Trade Agreement, to provide for Fast Track Consideration and for other purposes; to the Committee on Finance.

CHILE FAST TRACK ACT OF 1999

• Mr. DODD. Mr. President, nearly five years ago, a bipartisan majority of this body ratified the North American Free Trade Agreement. Since then the promises of new jobs, increased exports, lower tariffs and a cleaner environment have all come true. In other words, Mr. President, NAFTA has succeeded despite the predictions of some that America could not compete in today's global economy.

With the success of NAFTA as a backdrop, it is now time to move forward and expand the free trade zone to other countries in our hemisphere. To help accomplish that important goal, I am introducing legislation today which will authorize and enable the President to move forward with negotiations on a free trade agreement with Chile.

Chile, Mr. President, is surely worthy of membership in NAFTA. In fact, Chile already signed a free trade agreement with Canada in 1996. Today, the Chilean economy is growing at a healthy annual rate of more than 7 percent. Chile is noted for its concern for preserving the environment and has put in place environmental protections that are laudable. Chile's fiscal house is in order as evidenced by a balanced budget, strong currency, strong foreign reserves and continued inflows of foreign capital, including significant direct investment.

Chile has already embraced the ideals of free trade. Last January, the Chilean tariff on goods from countries with which Chile does not yet have a free trade agreement fell from 11 percent to 10 percent. That tariff is scheduled to continue to fall gradually to 6 percent in 2003. While some goods are still assessed at a higher rate, the United States does a brisk export business to Chile, sending approximately \$4.5 billion in American goods to that South American nation. That represents 25 percent of Chile's imports. That \$4.5 billion in exports represents thousands of American jobs across the nation. Furthermore, the United States currently runs a trade surplus of nearly \$3 billion per year.

Our firm belief in the importance of democracy continues to drive our for-

eign policy. After seventeen years of dictatorship, Chile returned to the family of democratic nations following the 1988 plebiscite. Today, the President and the legislature are both popularly elected and the Chilean armed forces effectively carry out their responsibilities as spelled out in Chile's Constitution. American investment and trade can play a critical role in building on Chile's political and economic successes.

It is unrealistic to think that the President will be able to negotiate a free trade agreement without fast track authority. Nor should we ask Chilean authorities to conduct negotiations under such circumstances. Therefore, the bill I am introducing today will provide him with a limited fast track authority which will apply only to this specific treaty. I believe that fast track is key to enabling the President to negotiate the most advantageous trade agreements, and should therefore be re-authorized. At this point, however, there are stumbling blocks we must surmount before generic fast track can be re-authorized. Those stumbling blocks should not be allowed to stand in the way of free trade with Chile.

Naysayers claim that free trade prompts American business to move overseas and costs American workers their jobs. They will tell you that America, the nation with the largest and strongest economy, the best workers and the greatest track record of innovation cannot compete with other nations.

Mr. President, the past five and a half years since we ratified NAFTA have proven them wrong. Today, tariffs are down and exports are up. The environment in North America is cleaner. Most importantly, NAFTA has created 600,000 new American jobs all across the nation.

The successes of NAFTA are an indication of the potential broader free trade agreements hold for our economy. Furthermore, trade and economic relationships foster American influence and support our foreign policy. In other words, Mr. President, this bill represents new American jobs in every state in the nation, a stronger American economy and greater American influence in our own Hemisphere. Mr. President, I urge my colleagues to support this bill. •

BY Mr. ROBERTS (for himself,
Mr. MURKOWSKI, Mr. GRAMS,
Mr. HAGEL, and Mr. CRAIG):

S. 1066. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act to 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH ACT

Mr. ROBERTS. Mr. President I rise today to introduce an important com-

ponent to further the scientific understanding of the earth's role as it relates to the environment, specifically the carbon cycle. What sparked my interest in introducing a carbon cycle research bill was a 1998 finding by academic and federal researchers that the North American continent from 1988 to 1992 absorbed an equivalent amount of the carbon dioxide emitted from fossil fuel emissions during the same time. Scientists know it happened, but cannot pinpoint the mechanisms of the process. Although you cannot watch carbon dioxide move into soil, you can see soil with high levels of carbon like river bottomland that has rich dark soil. Naturally, the question arises of how agriculture supplements this natural process.

By introducing this bill, it is my intention to follow through on the advice of climate scientists that there is a need for more research because the carbon cycle issue is complex. The bill makes sure that USDA is researching voluntary agricultural best practices such as conservation tillage, buffer strips, the Conservation Reserve Program, and new technology like precision sprayers that have multiple environmental benefits.

These voluntary agricultural best practices increase soil carbon levels also tend to reduce soil erosion, reduce fuel costs for producers, improve soil fertility, and increase production. It's a win win win. Nonetheless, there are agencies and individuals with agendas that believe agriculture is a source of greenhouse gas emissions and do not care about the multitude of benefits accruing from production agriculture. Therefore, we must arm agriculture with sound science on the carbon cycle.

This bill is intended to give producers and policymakers better understanding of the link between the carbon cycle and voluntary best practices. It authorizes USDA to conduct basic research on the mechanics of carbon being stored in soil and applied research to fine tune voluntary agricultural practices to increase the storage of carbon in soils. Furthermore, research will be helpful in finding out if agriculture can be a tool to solve the challenge of climate change.

I also want to make clear that this is a research bill. It has nothing to do with trading carbon credits or setting up a scheme for early action rewards if the Protocol becomes effective. The whole point of this bill is that there needs to be an understanding of the science and examining methods to meet the challenge of climate change without an international treaty. This bill compliments other legislation, such as Mr. MURKOWSKI's bill, that calls for increased energy efficiency research.

The bill taps into USDA's broad research capabilities as it relates to production techniques and soil databases, but I have also incorporated state-of-the-art research tools including satellite-based technology. Satellite based

remote sensing is becoming more useful as an agricultural production component. Right now, satellites measure the greening up of wheat during spring months, making more precise estimates of wheat harvests. In discussions with remote sensing leaders at the University of Kansas, remote sensing has a role in providing the "big picture" as it relates to what agriculture is doing as it relates to the carbon cycle, such as mapping vegetation and estimating the amount of carbon it can store in soil.

Because of the National Oceanic and Atmospheric Administration's initial research that shows the North American Continent is a net carbon sink, I have included bill language to use air monitors to study the regional interaction of carbon dioxide. For instance, measure the movement of air from Denver to Kansas City. If the carbon dioxide level is lower in Kansas City than Denver, Kansas agriculture and land is absorbing carbon. With this data, scientists can start looking at specific ag practices.

It is my hope that the Senate can enact this legislation to be proactive in meeting the climate challenge, encouraging voluntary agricultural best practices and technology that have multiple benefits. This is a strategy that is based on commonsense, not suggestions made by the International Panel on Climate Change that would halt production agriculture as we know it. Producers can use technology to feed a troubled and hungry world, plus absorb carbon dioxide.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1066

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 "Carbon Cycle and Agricultural Best Practices Research Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) agricultural producers in the United States—

(A) have, in good faith, participated in mandatory and voluntary conservation programs, the successes of which are unseen by the general public, to preserve natural resources; and

(B) have a personal stake in ensuring that the air, water, and soil of the United States are productive since agricultural productivity directly affects—

(i) the economic success of agricultural producers; and

(ii) the production of food and fiber for developing and developed nations;

(2) in addition to providing food and fiber, agriculture serves an environmental role by providing benefits to air, soil, and water through agricultural best practices;

(3) those conservation programs and Federal land provide the United States with an enormous potential to increase the quantity of carbon stored in agricultural land and commodities through the carbon cycle;

(4) according to the Climate Modeling and Diagnostics Laboratory of the National Oceanic and Atmospheric Administration, North American soils, crops, rangelands, and forests absorbed an equivalent quantity of carbon dioxide emitted from fossil fuel combustion as part of the natural carbon cycle from 1988 through 1992;

(5) the estimated quantity of carbon stored in world soils is more than twice the carbon in living vegetation or in the atmosphere;

(6) agricultural best practices can increase the quantity of carbon stored in farm soils, crops, and rangeland;

(7) although there is a tremendous quantity of carbon stored in soil that supports agricultural operations in the United States, the quantity of carbon stored in soil may be increased by using a strategy that would benefit the environment without implementing a United Nations-sponsored climate change protocol or treaty;

(8) Federal research is needed to identify—

(A) the agricultural best practices that supplement the natural carbon cycle; and

(B) Federal conservation programs that can be altered to increase the environmental benefits provided by the natural carbon cycle;

(9) increasing soil organic carbon is widely recognized as a means of increasing agricultural production and meeting the growing domestic and international food consumption needs with a positive environmental benefit;

(10) agricultural best practices include the more efficient use of agriculture inputs and equipment; and

(11) tax credits should be offered in order to facilitate the widespread use of more efficient agriculture inputs and equipment and to increase environmental benefits.

SEC. 3. AGRICULTURAL BEST PRACTICES.

Title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following:

"Subtitle N—Carbon Cycle and Agricultural Best Practices

"SEC. 1490. DEFINITIONS.

"In this subtitle:

"(1) AGRICULTURAL BEST PRACTICE.—The term 'agricultural best practice' means a voluntary practice used by 1 or more agricultural producers to manage a farm or ranch that has a beneficial or minimal impact on the environment, including—

"(A) crop residue management;

"(B) soil erosion management;

"(C) nutrient management;

"(D) remote sensing;

"(E) precision agriculture;

"(F) integrated pest management;

"(G) animal waste management;

"(H) cover crop management;

"(I) water quality and utilization management;

"(J) grazing and range management;

"(K) wetland management;

"(L) buffer strip use; and

"(M) tree planting.

"(2) CONSERVATION PROGRAM.—The term 'conservation program' means a program established under—

"(A) subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.);

"(B) section 401 or 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201, 2202);

"(C) section 3 or 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003, 1006a); or

"(D) any other provision of law that authorizes the Secretary to make payments or provide other assistance to agricultural producers to promote conservation.

"SEC. 1491. CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH.

"(a) IN GENERAL.—The Department of Agriculture shall be the lead agency with respect

to any agricultural soil carbon research conducted by the Federal Government.

"(b) RESEARCH SERVICES.—

"(1) AGRICULTURAL RESEARCH SERVICE.—The Secretary, acting through the Agricultural Research Service, shall collaborate with other Federal agencies to develop data and conduct research addressing soil carbon balance and storage, making special efforts to—

"(A) determine the effects of management and conservation on carbon storage in cropland and grazing land;

"(B) evaluate the long-term impact of tillage and residue management systems on the accumulation of organic carbon;

"(C) study the transfer of organic carbon to soil; and

"(D) study carbon storage of commodities.

"(2) NATURAL RESOURCES CONSERVATION SERVICE.—

"(A) RESEARCH MISSIONS.—The research missions of the Secretary, acting through the Natural Resources Conservation Service, include—

"(i) the development of a soil carbon database to—

"(I) provide online access to information about soil carbon potential in a format that facilitates the use of the database in making land management decisions; and

"(II) allow additional and more refined data to be linked to similar databases containing information on forests and rangeland;

"(ii) the conversion to an electronic format and linkage to the national soil database described in clause (i) of county-level soil surveys and State-level soil maps;

"(iii) updating of State-level soil maps;

"(iv) the linkage, for information purposes only, of soil information to other soil and land use databases; and

"(v) the completion of evaluations, such as field validation and calibration, of modeling, remote sensing, and statistical inventory approaches to carbon stock assessments related to land management practices and agonomic systems at the field, regional, and national levels.

"(B) UNIT OF INFORMATION.—The Secretary, acting through the Natural Resources Conservation Service, shall disseminate a national basic unit of information for an assessment of the carbon storage potential of soils in the United States.

"(3) ECONOMIC RESEARCH SERVICE REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Economic Research Service, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that analyzes the impact of the financial health of the farm economy of the United States under the Kyoto Protocol and other international agreements under the Framework Convention on Climate Change—

"(A) with and without market mechanisms (including whether the mechanisms are permits for emissions and whether the permits are issued by allocation, auction, or otherwise);

"(B) with and without the participation of developing countries;

"(C) with and without carbon sinks; and

"(D) with respect to the imposition of traditional command and control measures.

"(c) CONSORTIA.—

"(1) IN GENERAL.—The Secretary may designate not more than 2 carbon cycle and agricultural best practices research consortia.

"(2) SELECTION.—The consortia designated by the Secretary shall be selected in a competitive manner by the Cooperative State Research, Education, and Extension Service.

"(3) DUTIES.—The consortia shall—

"(A) identify, develop, and evaluate agricultural best practices using partnerships composed of Federal, State, or private entities and the Department of Agriculture, including the Agricultural Research Service;

"(B) develop necessary computer models to predict and assess the carbon cycle, as well as other priorities requested by the Secretary and the heads of other Federal agencies;

"(C) estimate and develop mechanisms to measure carbon levels made available as a result of voluntary Federal conservation programs, private and Federal forests, and other land uses; and

"(D) develop outreach programs, in coordination with extension services, to share information on carbon cycle and agricultural best practices that is useful to agricultural producers.

"(4) CONSORTIA PARTICIPANTS.—The participants in the consortia may include—

"(A) land-grant colleges and universities;

"(B) State geological surveys;

"(C) research centers of the National Aeronautics and Space Administration;

"(D) other Federal agencies;

"(E) representatives of agricultural businesses and organizations; and

"(F) representatives of the private sector.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2000 through 2002.

"(d) PROMOTION OF AGRICULTURAL BEST PRACTICES.—The Secretary shall promote voluntary agricultural best practices that take into account soil organic matter dynamics, carbon cycle, ecology, and soil organisms that will lead to the more effective use of soil resources to—

"(1) enhance the carbon cycle;

"(2) improve soil quality;

"(3) increase the use of renewable resources; and

"(4) overcome unfavorable physical soil properties.

"(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report that describes programs that are or will be conducted by the Secretary, through land-grant colleges and universities, to provide to agricultural producers the results of research conducted on agricultural best practices, including the results of—

"(1) research;

"(2) future research plans;

"(3) consultations with appropriate scientific organizations;

"(4) proposed extension outreach activities; and

"(5) findings of scientific peer review under section 103(d)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(d)(1)).

"SEC. 1492. CARBON CYCLE REMOTE SENSING TECHNOLOGY.

"(a) CARBON CYCLE REMOTE SENSING TECHNOLOGY PROGRAM.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall develop a carbon cycle remote sensing technology program—

"(A) to provide, on a near-continual basis, a real-time and comprehensive view of vegetation conditions; and

"(B) to assess and model agricultural carbon sequestration.

"(2) USE OF CENTERS.—The Administrator of the National Aeronautics and Space Administration shall use regional earth science application centers to conduct research under this section.

"(3) RESEARCHED AREAS.—The areas that shall be the subjects of research conducted under this section include—

"(A) the mapping of carbon-sequestering land use and land cover;

"(B) the monitoring of changes in land cover and management

"(C) new systems for the remote sensing of soil carbon; and

"(D) regional-scale carbon sequestration estimation.

"(b) REGIONAL EARTH SCIENCE APPLICATION CENTER.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall carry out this section through the Regional Earth Science Application Center located at the University of Kansas (referred to in this section as the 'Center'), if the Center enters into a partnership with a land-grant college or university.

"(2) DUTIES OF CENTER.—The Center shall serve as a research facility and clearing-house for satellite data, software, research, and related information with respect to remote sensing research conducted under this section.

"(3) USE OF CENTER.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall use the Center for carrying out remote sensing research relating to agricultural best practices.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal years 2000 through 2002.

"SEC. 1493. CONSERVATION PREMIUM PAYMENTS.

"In addition to payments that are made by the Secretary to producers under conservation programs, the Secretary may offer conservation premium payments to producers that are participating in the conservation programs to compensate the producers for allowing researchers to scientifically analyze, and collect information with respect to, agricultural best practices that are carried out by the producers as part of conservation projects and activities that are funded, in whole or in part, by the Federal Government.

"SEC. 1494. ASSISTANCE FOR AGRICULTURAL BEST PRACTICES AND NATURAL RESOURCE MANAGEMENT PLANS UNDER CONSERVATION PROGRAMS.

"(a) IN GENERAL.—In addition to assistance that is provided by the Secretary to producers under conservation programs, the Secretary, on request of the producers, shall provide education through extension activities and technical and financial assistance to producers that are participating in the conservation programs to assist the producers in planning, designing, and installing agricultural best practices and natural resource management plans established under the conservation programs.

"(b) INFORMATION TO DEVELOPING NATIONS.—The Secretary shall disseminate to developing nations information on agricultural best practices and natural resource management plans that—

"(1) provide crucial agricultural benefits for soil and water quality; and

"(2) increase production.

"SEC. 1495. CARBON CYCLE RESEARCH MONITORING SYSTEM.

"(a) ESTABLISHMENT.—The Secretary, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration and the United States Global Change Research Program, may establish a nationwide carbon cycle monitoring system (referred to in this section as the 'monitoring system') to research the flux of carbon between soil, air, and water.

"(b) PURPOSE OF SYSTEM.—The monitoring system shall focus on locating network monitors on or near agricultural best practices that are—

"(1) undertaken voluntarily;

"(2) undertaken through a conservation program of the Department of Agriculture;

"(3) implemented as part of a program or activity of the Department of Agriculture; or

"(4) identified by the Administrator of the National Oceanic and Atmospheric Administration.

"(c) MEMORANDUM OF UNDERSTANDING.—The Secretary may enter into a memorandum of understanding with the Administrator of the National Oceanic and Atmospheric Administration to ensure that research goals of programs established by the Federal Government related to carbon monitoring are met through the monitoring system.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subtitle \$10,000,000."

By Mr. ROCKEFELLER (for himself, Mr. CHAFEE, Mr. DEWINE, Ms. COLLINS, Ms. LANDRIEU, Mr. LEVIN, Mr. MOYNIHAN, Mr. KERREY, Mr. DORGAN, Mr. CONRAD, Mr. INOUE, Mr. BREAUX, Mr. DURBIN, and Mr. TORRICELLI):

S. 1067. A bill to promote the adoption of children with special needs; to the Committee on Finance.

THE ADOPTION EQUALITY ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Adoption Equality Act of 1999. I would like to thank Senator CHAFEE for his leadership on behalf of vulnerable children, including our bipartisan work on this legislation. He joins me today as an original co-sponsor of this legislation as do Senators DEWINE, COLLINS, LEVIN, LANDRIEU, MOYNIHAN, BREAUX, KERREY, DORGAN, CONRAD, INOUE, DURBIN and TORRICELLI. Work on this legislation is based on the bipartisan work of the Senate coalition that supported the 1997 Adoption and Safe Families Act.

A unique bipartisan coalition formed in 1997 worked hard to forge consensus on the Adoption and Safe Families Act of 1997 (ASFA). This law, for the first time ever, establishes that a child's health and safety must be paramount when any decisions are made regarding children in the abuse and neglect system. While this law was the most sweeping and comprehensive piece of child welfare legislation passed in over a decade, more work needs to be done to truly achieve the goals promoted in the Act of safety, stability and permanence for all abused and neglected children. Senator CHAFEE and I and all of the other co-sponsors I have named committed ourselves to continuing that work and that is why we are here today.

Throughout the process of developing the Adoption Act we heard about the challenging circumstances facing children described as having "special needs". These include children who are

the most difficult to place into permanent homes, often due to their age, disability or status as part of a group of siblings needing to be placed together. I spent time learning about the special needs children in my own state of West Virginia. Prior to the passage of ASFA, there were 870 children, most with special needs, awaiting adoption in West Virginia. Today, I am proud to report that this number has been reduced to 621. The dedication of our state adoption staff, when combined with the incentives and focus on permanence provided in ASFA have successfully effected the placement of nearly a third of the waiting children.

One of the most significant provisions of ASFA was the assurance of ongoing health care coverage for all children with special needs who move from foster care to adoption. The Adoption Equality Act is an essential second step in this ongoing process. This important legislation will promote and increase adoptions by making all children with special needs eligible for Federal adoption subsidy. The bill is designed to "level the playing field" by ensuring that all children with special needs, and the loving families who adopt them, have the support they need to grow and develop.

Current law provides for the payment of federal adoption subsidies to families who adopt only those special needs children whose biological family would have been qualified for welfare benefits under the old 1996 AFDC standards. Federal adoption subsidy payments provide essential income support to help families finance the daily costs of raising these special children (food, clothing) and also special services (equipment, therapy, tutoring, etc.). Federal adoption subsidies are a vital link in securing adoptive homes for special needs children who by definition would not be adopted without support.

Under current law, a child's eligibility for these important benefits is dependent on the income of his or her biological parents even though these parents' legal rights to the child have been terminated, and these are the parents who either abused or neglected the child. This is, simply, wrong. The Adoption Equality Act will eliminate this anomaly in Federal law by making all special needs children eligible for Federal adoption subsidies.

First, the bill removes the requirement that an income eligibility determination be made in regard to the child's biological parents, whom the child is leaving, thereby allowing Federal adoption subsidy to be paid to all families who adopt children who meet the definition of special needs.

Second, the bill gives States flexibility in determining their own criteria, which may, but need not, include judicial determination, to the effect that continuation in the home would be contrary to the safety or welfare of the child, as well as their own definition of which of the children in their state are children with special needs.

Third, the bill requires that states re-invest the monies they save as a result of this bill back into their state child abuse and neglect programs.

When we talk about how to help abused and neglected children in this country, many complex questions are raised about what constitutes best policy, and how Federal tax dollars should be spent. Yet, at the heart of it all are the children who desperately want a family to call their own, and the families who want to adopt them. The lack of adequate financial resources to support these adoptions is often the only barrier that stands between an abused child and a safe, loving and permanent home. With the numbers of abused and neglected children rising dramatically—in West Virginia alone child abuse reports have doubled—from 13,000 in 1986 to over 26,000 in 1996—we need to remove every barrier in our efforts to make a difference. A West Virginia family recently told me:

I knew we had enough love to give a child with special needs—even siblings. But could we afford it? More children means more of everything. This obstacle was removed through the adoption subsidy program and we now have four children in our lives. Our lives have truly changed. Special needs for us was a very special way to adopt a waiting child.

Federal adoption subsidies are designed to encourage adoption of children with special needs—those children who have the hardest time finding permanent, adoptive families. It is an absurd policy to discriminate against thousands of children with special needs based upon the income of their biological (and often abusive) parents. It is time to create a Federal policy that levels the playing field and gives all children with special needs an equal and fair chance at being adopted.

I am confident that the Adoption Equality Act will do just that, and at the same time, with the re-investment requirement, states should have the incentive to make additional improvements in their child welfare systems. These will be valuable steps in our efforts to be more able to effectively address the needs of our Nation's most vulnerable children. I urge my colleagues join us in co-sponsoring and passing this bill.

I ask unanimous consent that the text of the bill and a brief fact sheet be printed in the RECORD.

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

S. 1067

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 "Adoption Equality Act of 1999".

SEC. 2. PROMOTION OF ADOPTION OF CHILDREN WITH SPECIAL NEEDS.

(a) IN GENERAL.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by striking paragraph (2) and inserting the following:

"(2)(A) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if such child—

"(i)(I) at the time of termination of parental rights was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to a voluntary placement agreement, relinquishment, or involuntary removal of the child from the home, and the State has determined, pursuant to criteria established by the State (which may, but need not, include a judicial determination), that continuation in the home would be contrary to the safety or welfare of such child;

"(II) meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; or

"(III) was residing in a foster family home or child care institution with the child's minor parent (pursuant to a voluntary placement agreement, relinquishment, or involuntary removal of the child from the home, and the State has determined, pursuant to criteria established by the State (which may, but need not, include judicial determination), that continuation in the home would be contrary to the safety or welfare of such child); and

"(ii) has been determined by the State, pursuant to subsection (c), to be a child with special needs, which needs shall be considered by the State, together with the circumstances of the adopting parents, in determining the amount of any payments to be made to the adopting parents.

"(B) Notwithstanding any other provision of law, and except as provided in paragraph (7), a child who is not a citizen or resident of the United States and who meets the requirements of subparagraph (A) shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).

"(C) A child who meets the requirements of subparagraph (A), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made), and who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii)."

(b) EXCEPTION.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by adding at the end the following:

"(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any child that—

"(i) would be considered a child with special needs under subsection (c);

"(ii) is not a citizen or resident of the United States; and

"(iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

"(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for a child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of such child by the parents described in such subparagraph."

(c) REQUIREMENT FOR USE OF STATE SAVINGS.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)), as amended by subsection (b), is amended by adding at the end the following:

"(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2) on and after the

effective date of the amendment to such paragraph made by section 2(a) of the Adoption Equality Act of 1999 to provide to children or families any service (including post-adoption services) that may be provided under this part or part B.”.

(d) DETERMINATION OF A CHILD WITH SPECIAL NEEDS.—Section 473(c) of the Social Security Act (42 U.S.C. 673(c)) is amended to read as follows:

“(c) For purposes of this section, a child shall not be considered a child with special needs unless—

“(1)(A) the State has determined, pursuant to a criteria established by the State (which may or may not include a judicial determination), that the child cannot or should not be returned to the home of his parents; or

“(B) the child meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; and

“(2) the State has determined—

“(A) that there exists with respect to the child a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX; and

“(B) that except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

THE SOCIAL SECURITY ACT, TITLE IV, PART E—FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE, FACT SHEET AND EXPLANATION, ADOPTION ASSISTANCE PROGRAM, SECTION 473

PRESENT LAW

Current law provides for the payment of federal adoption subsidies to families who adopt “special needs” children whose biological family would have been qualified for welfare benefits under the old 1996 AFDC standards. Federal adoption subsidy payments provide essential income support to help families finance the daily costs of raising these special children (food, clothing) and also special services (equipment, therapy, tutoring, etc.). Federal adoption subsidies are a vital link in securing adoptive homes for special needs children who by definition would not be adopted without support.

Under current law, a child’s eligibility for these important benefits is dependent on the income of his or her biological parents even though these parents’ legal rights to the child have been terminated, and these are the parents who either abused or neglected the child.

Current law also allows for the payment of federal adoption subsidies to families who adopt a “special needs” child who meets all the requirements of title XVI with respect to eligibility for supplemental security income benefits (SSI), again, linking a child’s eligibility for subsidy to the income and assets of the biological parents as well as to the child’s disability.

Current law defines a child with special needs, as a child who has a specific factor or

condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX, and that except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.

Under current law, the amount of payments to be made are determined through an agreement between the adoptive parents and the State or local agency. This agreement takes into account both the special needs of the child and the circumstances of the adopting parents. It may be periodically adjusted, and can continue to be paid until the child reaches the age of 18 (or 21 if the child has a physical or mental handicap which warrants that the payments continue). The amount of payment may never exceed the amount that would be paid as a foster care maintenance payment if the same child had remained in foster care.

EXPLANATION OF PROVISION

This bill makes all special needs children eligible for Federal adoption subsidies by “delinking” a child’s eligibility from the archaic AFDC guidelines, or other income-eligibility determinations that would be based upon the income of the biological parents, whom the child is leaving.

First, the bill removes the requirement that an income eligibility determination be made in regard to the child’s biological parents, thereby allowing Federal adoption subsidy to be paid to all families who adopt children who meet the definition of special needs.

The bill does NOT change the definition of special needs as described above. Nor does this bill change the method by which the payment amount is determined.

Second, the bill gives States flexibility in determining their own criteria, which may, but need not, include judicial determination, to the effect that continuation in the home would be contrary to the safety or welfare of the child.

Third, the bill allows for Federal adoption subsidy to be paid to families who adopt special needs children who meet the medical/disability requirements, without requiring that they, or their biological parents, meet the income standards, of title XVI with respect to supplemental security income benefits.

Fourth, the bill requires that states reinvest the monies they save as a result of this bill back into their state child abuse and neglect programs.

REASON FOR CHANGE

Federal adoption subsidies are designed to encourage adoption of children with special needs—those children who have the hardest time finding permanent, adoptive families. It is an absurd policy to discriminate against thousands of children with special needs based upon the income of their biological (and often abusive) parents. It is time to create a Federal policy that levels the playing field and gives all children with special needs an equal and fair chance at being adopted.

The proposed changes will do just that. They are designed to remove a significant barrier to the adoption of these children by making all special needs children eligible for

Federal adoption subsidies, regardless of income of the biological (and often abusive) parents whom they are leaving.

At the same time, with the re-investment requirement, states should have the incentive to make additional improvements in their child welfare systems.

By Mr. KERRY (for himself, Mr. BOND, Mr. HOLLINGS, Mr. WELLSTONE, Mr. TORRICELLI, Mr. MOYNIHAN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. LEVIN):

S. 1068. A bill to provide for health, education, and welfare of children under 6 years of age; to the Committee on Health, Education, Labor, and Pensions.

EARLY CHILDHOOD DEVELOPMENT ACT OF 1999

• Mr. KERRY. Mr. President, in the aftermath of the tragic school shootings in Littleton, and in this debate here in the Senate about juvenile justice, we’ve heard a great deal about efforts to keep guns out of the hands of violent students, we’ve heard about efforts to try juvenile offenders as adults, about stiffer sentences, about so many answers to the problem of kids who have run out of second and third chances—kids who are violent, kids who are committing crimes, children who are a danger to themselves and a danger to those around him. Mr. President, I was a prosecutor in Massachusetts before I entered elected office. I’ve seen these violent teenagers and young people come to court, and Mr. President let me tell you there is nothing more tragic than seeing these children who—in too many cases—have a jail cell in their future not far down the road, children who have done what is, at times, irreparable harm to their communities.

And Mr. President, I keep asking myself, why is it we only start to care about these kids at that point—after the violence, after the arrest, after the damage has been done, when it may be too late—when we could have started intervening in our kids’ lives early on, before it was too late. Mr. President, we can’t say that we’re having a real debate about juvenile justice if we’re not talking about early childhood development efforts.

The truth is that early intervention can have a powerful effect on reducing government welfare, health, criminal justice, and education expenditures in the long run. By taking steps now we can reduce later destructive behavior such as dropping out of school, drug use, and criminal acts like the ones we have seen in Littleton and Jonesboro.

A study of the High/Scope Foundation’s Perry Preschool found that at-risk toddlers who received pre-schooling and a weekly home visit reduced the risk that these children would grow up to become chronic law breakers by a startling 80 percent. The Syracuse University Family Development Study showed that providing quality early-childhood programs to families until children reached age five reduces the children’s risk of delinquency ten years later by 90 percent. It’s no wonder that

a recent survey of police chiefs found that nine out of ten said that "America could sharply reduce crime if government invested more" in these early intervention programs.

Let me tell you about the Early Childhood Initiative (ECI) in Allegheny County, Pennsylvania—an innovative program which helps low-income children from birth to age five become successful, productive adults by enrolling them in high quality, neighborhood-based early care and education programs ranging from Head Start, center-based child care, home-based child care, and school readiness programs. ECI draws on everything that's right about Allegheny County—the strengths of its communities—neighborhood decision-making, parent involvement, and quality measurement. Parents and community groups decide if they want to participate and they come together and develop a proposal tailored for the community. Regular review programs ensure quality programming and cost-effectiveness. We're talking about local control getting results locally: 19,000 pre-school aged children from low-income families, 10,000 of which were not enrolled in any child care or education program. By the year 2000, through funding supplied by ECI, approximately 75% of these under-served pre-schoolers will be reached. Early evaluations show that enrolled children are achieving at rates equivalent to their middle income peers. And as we know, without this leveling of the playing field, low-income children are at a greater risk of encountering the juvenile justice system. That's a real difference.

These kinds of programs are successful because children's experiences during their early years of life lay the foundation for their future development. But in too many places in this country our failure to provide young children what they need during these crucial early years has long-term consequences and costs for America.

Recent Scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and our nation. The electrical activity of brain cells actually changes the physical structure of the brain itself. Without a stimulating environment, the baby's brain suffers. At birth, a baby's brain contains 100 billion neurons, roughly as many nerve cells as there are stars in the Milky Way. But the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains 20 to 30 percent smaller than normal for their age.

Mr. President, reversing these problems later in life is far more difficult and costly. We know that—if it wasn't so much harder, we wouldn't be having this difficult debate in the Senate. Well I think it's time we talked about giving our kids the right start in their lives they need to be healthy, to be successful, to mature in a way that

doesn't lead to at-risk and disruptive behavior and violence down the road.

We should stop and consider what's really at stake here. Poverty seriously impairs young children's language development, math skills, IQ scores, and their later school completion. Poor young children also are at heightened risk of infant mortality, anemia, and stunted growth. Of the 12 million children under the age of three in the United States today, three million—25 percent—live in poverty. Three out of five mothers with children under three work, but one study found that 40 percent of the facilities at child care centers serving infants provided care of such poor quality as to actually jeopardize children's health, safety, or development. In more than half of the states, one out of every four children between 19 months and three years of age is not fully immunized against common childhood diseases. Children who are not immunized are more likely to contract preventable diseases, which can cause long-term harm. Children younger than three make up 27 percent of the one million children who are determined to be abused or neglected each year. Of the 1,200 children who died from abuse and neglect in 1995, 85 percent were younger than five and 45 percent were younger than one.

Literally the future of millions of young people is at stake here. Literally, that's what we're talking about. But is it reflected in the investments we make here in the Senate? I would, respectfully, say no—not nearly enough Mr. President.

Unfortunately, Mr. President, our government expenditure patterns are inverse to the most important early development period for human beings. Although we know that early investment can dramatically reduce later remedial and social costs, currently our nation spends no more than \$35 billion over five years on federal programs for at-risk or delinquent youth and child welfare programs.

That is a course we need to change, Mr. President. We need to start talking in a serious and a thoughtful way—through a bipartisan approach—about making a difference in the lives of our children before they're put at risk. We need to accept the truth that we can do a lot more to help our kids grow up healthy with promising futures in an early childhood development center, in a classroom, and in a doctor's office than we can in a courtroom or in a jail cell.

Mr. President, these questions need to be a part of this juvenile justice debate, but they're not being included to the extent to which they should. My colleague KIT BOND and I are introducing our Early Childhood Development Act to move us forward in a bipartisan way towards that discussion—and towards actions we can take to provide meaningful intervention in the lives of all of our children. KIT BOND and I are appreciative of the deep support we've found for this legislation,

evident in the co-sponsorship of the Kerry-Bond bill by Senator HOLLINGS, Senator JOHNSON, Senator LANDRIEU, Senator LEVIN, Senator MOYNIHAN, Senator WELLSTONE, and my colleague from New Jersey, Senator BOB TORRICELLI. We are looking forward to working with all of you, from both sides of the aisle, to make that debate on the Kerry-Bond bill a productive one, a debate that leads to the kind of actions we know can make the difference in addressing violence ten years before it starts, in getting all our children off to the right start towards full and productive lives.●

● Mr. BOND. Mr. President, I rise today to introduce the "Early Childhood Development Act of 1999" with my friend and colleague from Massachusetts, Senator KERRY.

Through this legislation, we are seeking to support families with the youngest children to find the early childhood education and quality child care programs that can help those families and parents provide the supportive, stimulating environment we all know their children need.

Recent research shows that the first few years of life are an absolutely crucial developmental period for each child with a significant bearing on future prospects. During this time, infant brain development occurs more rapidly than previously thought, and the sensations and experiences of this time go a long way toward shaping that baby's mind in a way that has long-lasting effects on all aspects of the child's life.

And parents and family are really the key to this development. Early, positive interaction with parents, grandparents, aunts, uncles, and other adults plays a critical role.

Here's what's going on during these amazing early years that in so many ways are crucial to each child. At birth, a baby's brain contains 100 billion neurons, roughly as many nerve cells as there are stars in the Milky Way. But the wiring pattern between these neurons develops over time. Most things happening in the surrounding world—such as a mother's caress, a father's voice, even playing with a brother or sister—helps this wiring pattern expand and connect. A baby with a stimulating environment will make these connections at a tremendous rate. However, infants and children who play very little or are rarely touched or stimulated develop brains that can be 20 to 30 percent smaller than normal for their age.

Really we shouldn't be surprised that parents have known instinctively for generations some of these basic truths that science is just now figuring out. Most parents just know that babies need to be hugged, caressed, and spoken to.

Of course, the types of interaction that can most enhance a child's development change as the baby's body and mind grow. The types of behavior that are so instinctual for the youngest babies may not be quite so obvious for

two- and three-year-olds. Raising a child is perhaps the most important thing any of us will do, but it is also one of the most complicated.

And parents today also face a variety of stresses and problems that were unheard of a generation ago. In many families, both parents work. Whether by choice or by necessity, many parents may not be able to read mountains of books and articles about parenting and child development to keep perfectly up-to-date on what types of experiences are most appropriate for their child at his or her particular stage of development. They also must try to find good child care and good environments where their children can be stimulated and educated while they work. Simply put, most parents can probably use a little help.

Many communities across the country have developed successful early childhood development programs to meet these needs. Most of the programs work with parents to help them understand their child's development and to discuss ways to help further develop the little baby's potential. Others simply provide basic child care and an exciting learning environment for children of parents who both have to work.

In a report released in 1998, the prestigious RAND Corporation reviewed early childhood programs like these and found that they provide higher-risk children with both short- and long-run benefits. These benefits include enhanced development of both the mind and the child's ability to interact with others, they include improvement in educational outcomes, and they include a long-term increase in self-sufficiency through finding jobs and staying off government programs.

Of course, it's no mystery to many people from Missouri that this type of program can be successful. In Missouri, we are both proud and lucky to be the home of Parents as Teachers. This tremendous initiative is an early childhood parent education program that has been designed to empower all parents to give their young child the best possible start in life. Expanding Parents as Teachers to a statewide program was perhaps my proudest accomplishment when I was Missouri's Governor.

With additional resources, these programs could be expanded and enhanced to improve the opportunities for many more infants and young children. And we have found that all children can benefit from these programs. Economically successful, two-income families can benefit from early childhood programs just as much as a single-parent family with a mother seeking work opportunities.

The legislation that Senator KERRY and I are introducing will support families by building on local initiatives like Parents as Teachers that have already been proven successful in working with families as they raise their infants and toddlers. The bill will help improve and expand these successful

programs, of which there are numerous other examples, such as programs sponsored by the United Way, Boys and Girls Clubs, as well as state initiatives such as "Success by Six" in Massachusetts and Vermont and the "Early Childhood Initiative" in Pennsylvania.

The bill will provide federal funds to states to begin or expand local initiatives to provide early childhood education, parent education, and family support. The bill will also expand quality child care programs for families, especially infant care. Best of all, we propose to do this with no federal mandates, and few federal guidelines.

Many of our society's problems, such as the high school dropout rate, drug and tobacco use, and juvenile crime can be traced in part to inadequate child care and early childhood development opportunities. Increasingly, research is showing us that a child's social and intellectual development as well as their likelihood to become involved in these types of difficulties is deeply rooted in the early interaction and nurturing a child receives in his or her early years.

Ultimately, it is important to remember that the likelihood of a child growing up in a healthy, nurturing environment is the primary responsibility of his or her parents and family. Government cannot and should not become a substitute for parents and families, but we can help them become stronger by equipping them with the resources to meet the everyday challenges of parenting.●

By Mr. WELLSTONE (for himself, Mrs. MURRAY, and Mr. SCHUMER):

S. 1069. A bill to provide economic security and safety for battered women, and for other purposes; to the Committee on Finance.

BATTERED WOMEN'S ECONOMIC SECURITY AND SAFETY ACT

Mr. WELLSTONE. Mr. President, today, I am joined by Senator MURRAY and Senator SCHUMER in introducing the Battered Women's Economic Security Act. Battered women face tremendous economic barriers when they leave their abusive relationships and set out to make a new life for themselves and their children. Our bill addresses the numerous and critical issues that victims of domestic violence face as they try to escape the violence in their lives.

I know that Senator MURRAY joins me in applauding Senator BIDEN's efforts in crafting legislation to reauthorize the programs in the Violence Against Women Act. As I and many of my colleagues have heard from folks back home, these programs have provided invaluable and life saving resources to battered women and their families. I am proud to be an original co-sponsor of the bipartisan bill that Senator BIDEN has developed to build on the success of VAWA I and expand those programs.

As a result of VAWA I, we now have an infrastructure in place that helps

the community respond to this violence. VAWA provides the resources to enable local law enforcement and the courts prosecute those who batter women. And many other programs are now in place to help women leave their abusers.

But, when a woman does take the initial step to leave her abuser and seek help, she is beginning a journey that is filled with obstacles, largest of which are economic. All too often battered women stay with their abuser because of the economic support he provides for her and her children. Now that we have begun to build an infrastructure that provides for the initial immediate needs of shelter and legal services, we need to look at the bigger picture. We must provide economic supports that allow battered women to provide for themselves and their children, and keep them safe after they leave temporary shelters. That is the reason Senator MURRAY and I are introducing the Battered Women's Economic Security Act.

The Battered Women's Economic Security Act addresses the economic obstacles women who are victims of domestic violence face when trying to leave their abuser. For example, finding affordable and safe housing is critical for all battered women and their children, but particularly for low-income women. A 1998 report funded by the Ford Foundation found that of all homeless women and children, 50 percent of them are fleeing domestic violence. Let me say that again, half of all homeless women and children leave their home because the violence there threatens their lives.

Not only are over half of homeless women fleeing violence, but too many of them do not find shelter that they need. A report from the U.S. Conference of Mayors found that homeless shelters are finding an increasing need for women and children. Of that growing need, 1 out of every 3 families that shows up at a homeless shelter is turned away, and ends up on the street for the night.

It is simply unacceptable for us to allow women and children, who are fleeing violence, to be turned out into the streets. When are we as a society going to stand up and say no more? Without safe shelter, women and their children will continue to stay in violent relationships because at least they have a roof over their heads. Such a situation is shameful in such a prosperous country as our own, and in such a booming economy as this one.

Our bill makes sure that money goes directly to shelters for victims of domestic violence so that the people who are directly involved with helping battered women can help them find new housing. We also made sure that our bill provided resources to find that new housing by boosting the McKinney Homeless Act to provide funding for battered women and their children.

Anyone who has known someone fleeing a violent relationship or has talked

to advocates knows that safe shelter and housing are the first and immediate needs. But women cannot stay in shelters or transitional housing indefinitely. Women also need to find work to keep them on that path to independence and safety. Our bill protects women in the workplace so that they can keep their job and continue to deal with the multitude of issues that arise when a woman flees a violent relationship.

All too often, domestic violence follows women to work. According to recent studies, between 24 and 30 percent of women surveyed had lost their job, due at least in part, to domestic violence. Many victims lose their jobs because of their batterer's disruptive behavior. Many miss work because they are beaten. Others miss work because their abusers force them to stay home.

Many companies are poorly educated about the impact of domestic violence on women at work. Employers may fail to grant sufficient time off to attend civil or criminal legal proceedings or for safety planning. Some battered women find themselves penalized by their abuser's actions when employers dismiss or otherwise sanction employees once they learn they are in an abusive relationship. One study found that 96% of the women who were working while involved in an abusive relationship had problems at work. Problems run the gamut from being late to missing work to having difficulty performing their job. More than 50 percent of these women reported being reprimanded at work for such problems and more than a 1/3 of them said they had lost their jobs as a result.

Our bill allows women to use the Family and Medical Leave Act to take time off to deal with the problems arising from leaving a violent relationship. Women need to deal with the court and legal system when they file for protective orders. Many times women need counseling for themselves and their children to support them as they establish a life separate from their batterers. Allowing women to use the FMLA to take this necessary time off will help women become more productive workers and give them the financial independence they need to begin a new, violence free life.

Not only do we need to provide women with the flexibility that they need, but need to ensure that their rights are protected should they unfairly lose their job. This bill prohibits discrimination against an employee based on her status or experience as a victim of domestic violence. It recognizes that we need not only policies that prohibit discrimination, but teeth to give those policies some bite. Our bill would give women the legal means to challenge any discrimination they may have faced as a result of being a victim of domestic violence.

As many of you know, we are still struggling to get all sectors of society to understand that domestic violence affects all aspects of a battered wom-

an's life. Too many times women who have applied for health insurance are denied or charge exorbitant rates when insurance companies find out that they are victims of domestic violence. This is outrageous! Insurance discrimination penalizes victims of domestic violence for the actions of their abusers. Our bill makes sure that this form of discrimination will not be allowed.

VAWA I took the first step in dedicating federal resources to addressing the domestic violence crisis, but its focus is law enforcement and emergency response. We need to go to the next level to truly end violence against women. We need to address their economic needs and problems. I believe our legislation meets this test and will eliminate many of the economic barriers that trap women and children in violent homes and relationships.

I ask unanimous consent that 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:

BATTERED WOMEN'S ECONOMIC SECURITY AND SAFETY ACT OF 1999—LEGISLATIVE SUMMARY

TITLE I.—DOMESTIC VIOLENCE PREVENTION

Subtitle A. Domestic Violence and Sexual Assault Victims' Housing.—Makes funding available for supportive housing services through the McKinney Homeless Assistance Act, including rental assistance to victims trying to establish permanent housing safe from the batterer.

Subtitle B. Full Faith and Credit for Protection Orders.—Clarifies VAWA's full faith and credit provisions to ensure meaningful enforcement by states and tribes; provides grants to states and Tribes to improve enforcement and record keeping.

Subtitle C. Victims of Abuse Insurance Protection.—Prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination.

Subtitle D. Access to Safety and Advocacy.—Issues grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes.

Subtitle E. Battered Women's Shelters and Services.—Amends the Family Violence Prevention and Services Act to authorize \$1 billion to battered women's shelters over the next five years; includes additional oversight and review; caps spending for training and technical assistance by State coalitions with the remaining money to go to domestic violence programs; adds new proposals for training and technical assistance; allots money for tribal domestic violence coalitions.).

Subtitle F. Battered Immigrant Women's Economic Security and Safety—Addresses gaps, errors and oversights in current legislation that impede battered immigrant women's ability to flee violent relationships and survive economically; ensures that battered immigrants with pending immigration applications are able to access public benefits, Food Stamps, SSI, housing, work permits, and immigration relief.

TITLE II. VIOLENCE AGAINST WOMEN AND THE WORKPLACE

Subtitle A. National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace Grant.—Establishes clearinghouse and resource center to give informa-

tion and assistance to businesses, employers and labor organizations in their efforts to develop and implement responses to assist victims of domestic violence and sexual assault.

Subtitle B. Victims' Employment Rights.—Prohibits employers from taking adverse job actions against an employee because they are the victims of domestic violence, sexual assault or stalking.

Subtitle C. Workplace Violence Against Women Prevention Tax Credit.—Provides tax credit to businesses implementing workplace safety programs to combat violence against women.

Subtitle D. Employment Protection for Battered Women.—Ensures eligibility for unemployment compensation to women separated from their jobs due to circumstances directly resulting from domestic violence; requires employers who already provide leave to employees to allow employees to use that leave for the purpose of dealing with domestic violence and its aftermath; allows women to use their family and medical leave or existing leave under state law or a private benefits program to deal with domestic abuse, including going to the doctor for domestic violence injuries, seeking legal remedies, attending court hearings, seeking orders of protection and meeting with a lawyer; provides for training of personnel involved in assessing unemployment claims based on domestic violence.

TITLE III.—PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE UNDER PROGRAMS AUTHORIZED UNDER THE SOCIAL SECURITY ACT

Section 301. Waivers for Victims of Domestic Violence under the TANF Program.—Finds that Congressional intent of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was to allow states to take the effects of domestic violence into consideration by allowing good cause, temporary waivers of the requirements of the program for victims of domestic violence; places no numerical limits upon States in the granting of good cause waivers; provides that individuals granted good cause waivers shall not be included in the participation rate for purposes of applying limitations or imposing penalties on the States; allows for Secretarial review and possible revocation of good cause waivers granted in States where penalties have been imposed.

Section 302. Disclosure Protections under the Child Support Program.—Protects victims fleeing from domestic violence from disclosure of their whereabouts through the federal child support locator service.

Section 303. Bonus to Encourage Women and Children's Well-Being.—Amends the Social Security Act to provide bonuses to States that demonstrate high performance in operating their State welfare programs by providing recipients and low-income families with adequate access to affordable and quality child care; by effectively placing recipients in sustainable wage, non-traditional employment; and by adequately addressing domestic violence in the lives of recipients of assistance; requires HHS and others to develop a formula for measuring State performance.

TITLE IV.—MISCELLANEOUS PROVISIONS

Contains technical amendments to assure access to services by tribal women.

Mrs. MURRAY. Mr. President, I am pleased to be joined today by Senator WELLSTONE to introduce the Battered Women's Economic Security Act. This has been a seven year effort and one that I will continue to pursue. I want to thank Senator WELLSTONE for his efforts on this important legislation. I also need to recognize the leadership of

Senator BIDEN regarding the Violence Against Women Act. Without his work on this historic legislation since 1994, we could not be here today talking about the economic needs of victims of domestic violence.

In 1994, we enacted the landmark Violence Against Women Act. For the first time, Congress said violence against women was a national disgrace and a public health threat. We had to act. This was no longer just a family matter or a family dispute, this was and is a serious threat against women and a serious threat to the community. We have had police officers in Washington state killed responding to domestic violence calls. We have seen too many women in the emergency room and too many families devastated by violence.

VAWA set in motion a national response to this crisis. We are now in the process of reauthorizing and strengthening VAWA. This is my major priority. Reauthorization of VAWA cements the foundation we need to build the structure that will ultimately end domestic violence and abuse.

The Battered Women's Economic Security Act takes the next logical step. As a result of the work that I have done concerning family violence, I have come to understand that the real long-term solution is to tear down the economic barriers that trap women in violent homes and relationships.

Our legislation addresses many of the economic barriers that I know force a cycle of violence. I have met with many of the advocates in the state of Washington and heard from them first hand, about how these barriers make long term security for women and their children difficult. From housing to child care to job protection to welfare waivers, our legislation attempts to deal with the long term economic problems.

Women should not have to be forced to choose between job security and violence. Each year one million individuals become victims of violent crimes while working on duty. Men are more likely to be attacked at work by a stranger, women are more likely to be attacked by someone they know. One-sixth of all workplace homicides of women are committed by a spouse, ex-spouse, boyfriend or ex-boyfriend. Boyfriends and husbands, both current and former, commit more than 13,000 acts of violence against women in the workplace every year. This does not include harassment or the threat of violence. Clearly, women face a serious threat in the work place and yet if they leave to avoid harm, they are denied workers compensation. Perhaps even more offensive is the fact that some states require victims of domestic violence to seek employment in order to receive TANF benefits. To have any economic safety net some women are forced to jeopardize their own safety.

This is not just an issue that effects victims of domestic violence. We all suffer the economic consequences of vi-

olence. It has been estimated that work place violence resulted in \$4.2 billion in lost productivity and legal expenses for American businesses. From what I have heard from victims and advocates, this is a very conservative estimate. The health care costs are also equally staggering. Both the American Medical Association (AMA) and the Surgeon General have labeled violence against women a public health threat. Violence is the number one reason women ages 19 to 35 end up in the emergency room. One out of every three women can expect to be the victim of violence at some point in her life.

Our legislation would also prohibit discriminating against victims of domestic violence in all lines of insurance. If a woman seeks treatment in an Emergency Room and reports this as domestic violence, she should not be denied disability or life insurance. If an estranged husband burns the house to the ground the woman should not be denied compensation simply because it was an act of domestic violence. To say that victims of domestic violence engage in high risk behavior similar to sky diving or race car driving is simply outrageous. It is the ultimate example of blaming the victim.

Our legislation is not the final solution, but it begins the process of addressing long term economic needs. I am hopeful that once we have secured reauthorization of VAWA we can begin to focus on these economic problems. Without VAWA we have no foundation.

I will be working with PAUL and other Members of the Senate towards enactment of key provisions of the bill. I am also committed to continuing my work with Senator BIDEN in an effort to enact Violence Against Women Reauthorization during this session.

I urge all of my colleagues to review the Battered Women's Economic Security Act. I encourage all of you to talk to your advocates and your police, ask them what issues keep women trapped in a violent home or relationship. Ask them what needs to be done to provide long term solutions. I know that after careful review and consideration, you will reach the same conclusions. There are economic barriers that must be torn down. I hope that many of you will join in cosponsoring this legislation and work with me to enact this comprehensive solution to ending the cycle of violence that too many women and children face every day.

By Mr. BOND (for himself, Mr. ENZI, Mr. JEFFORDS, Mr. BURNS, Mr. VOINOVICH, Ms. SNOWE, Mr. ASHCROFT, Mr. MCCONNELL, Mr. LOTT, Mr. NICKLES, Mr. HUTCHINSON, Mr. MACK, Mr. COVERDELL, Ms. COLLINS, Mr. SHELBY, Mr. KYL, Mr. FITZGERALD, Mr. ABRAHAM, Mr. GREGG, Mrs. HUTCHISON, Mr. HELMS, Mr. BUNNING, Mr. CRAPO, Mr. BENNETT, Mr. DEWINE, Mr. HAGEL, Mr. SESSIONS, Mr. CHAFEE, and Mr. BROWNBACK):

S. 1070. A bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics; to the Committee on Health, Education, Labor, and Pensions.

SENSIBLE ERGONOMICS NEEDS SCIENTIFIC EVIDENCE ACT

Mr. BOND. Mr. President, I rise today as chairman of the Senate Committee on Small Business to introduce the Sensible Ergonomics Needs Scientific Evidence Act of SENSE Act. This bill calls on the Occupational Safety and Health Administration (OSHA) to do the sensible thing—wait for sound science before imposing new ergonomics regulations on small businesses. If enacted, the SENSE Act would require OSHA to wait for the results of a study by the National Academy of Sciences (NAS) before issuing proposed or final regulations, standards or guidelines on ergonomics. As a native of Missouri, the "Show Me State," waiting for the NAS study makes good sense to me.

In introducing the SENSE Act, I am pleased to be joined by numerous colleagues from all across the country—including Senators ENZI, JEFFORDS, BURNS, VOINOVICH, SNOWE, ASHCROFT, MCCONNELL, LOTT, NICKLES, HUTCHINSON, MACK, COVERDELL, COLLINS, SHELBY, KYL, FITZGERALD, ABRAHAM, GREGG, HUTCHISON, HELMS, BUNNING, CRAPO, BENNETT, DEWINE, HAGEL, SESSIONS, and CHAFEE. These Senators, like me, agree with their small business constituents that it makes good sense for OSHA to wait for the results of the NAS study before proposing additional regulatory requirements for small businesses.

Just last year, Congress and the President agreed to spend \$890,000 for NAS to undertake a thorough, objective, and de novo review of the scientific literature to examine the cause-and-effect relationship between repetitive tasks in the workplace and musculoskeletal disorders. The study is intended to achieve a scientific understanding of the conditions and causes of musculoskeletal disorders. The NAS has selected a panel of experts to conduct the study. The panel will examine the scientific data on the multiple factors and influences that contribute to musculoskeletal disorders and answer seven questions provided by Representatives BONILLA and Livingston. The NAS will complete its study by January 2001. As intended by Congress and the President, the NAS study will assist OSHA and the Congress in determining whether sound science supports a comprehensive ergonomics regulation as envisioned by OSHA.

In theory, an ergonomics regulation would attempt to reduce musculoskeletal disorders, such as Carpal Tunnel Syndrome, muscle aches and back pain, which, in some instances, have been attributed to on-the-job activities. However, the medical community is divided sharply on whether scientific

evidence has established a true cause-and-effect relationship between such problems and workplace duties. We need to understand the relationship between work and these injuries before moving forward.

Regrettably, rather than waiting for NAS' findings, OSHA now plans to publish a proposed rule by September of 1999. In fact, OSHA officials have suggested that a final rule could be issued by the end of 2000—just a few months before NAS will complete its study. This simply doesn't make sense. The NAS study should identify scientific and medical studies that are based on sound science and provide solid scientific evidence regarding the causation of ergonomics injuries. Our intent is simply to ensure that the requirements of any ergonomics program proposed by OSHA are based on sound science and are effective to improve workplace safety and health. It only makes sense for OSHA to wait for the scientific and medical information needed to know whether it is headed down the right path.

Waiting for the NAS study won't stop the progress being made as ergonomic principles are applied to the workplace. And, progress is being made. According to recent data from the Bureau of Labor Statistics, the number of injuries and illnesses involving repeated trauma, strains, sprains, tears, and carpal tunnel syndrome are all on the decline. Employers are actively implementing measures to address ergonomic risk factors. The SENSE Act is in no way intended to discourage employers from continuing to implement voluntary measures where appropriate and effective. Similarly, the SENSE Act does not prevent OSHA from continuing to work on ergonomics. In fact, I would encourage OSHA to use the time prior to the completion of the NAS study to research ergonomics further, identify successful prevention strategies, and provide technical assistance. For those who would argue that waiting for the NAS study will result in more employees being injured, OSHA can exercise its enforcement authority under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act, to ensure a safe workplace and address any significant ergonomic hazards. My bill doesn't change that authority provided under current law.

Simply put, the SENSE Act requires OSHA to wait for NAS to complete its study and submit the findings in a report to Congress. Congress would then have 30 days to review the final report before OSHA issues proposed or final regulations, standards or guidelines. From where I stand, it only makes sense for Congress and OSHA to have the benefit of the NAS study before OSHA proposes to require employers to implement a comprehensive program addressing musculoskeletal disorders.

Tomorrow in the other body, the companion bill to the SENSE Act is scheduled for mark up. H.R. 987, known

as the "Workplace Preservation Act," was introduced by Representative ROY BLUNT from Missouri on March 4. Representative BLUNT is doing an excellent job shepherding his bill through the other body. In fact, his efforts have produced a bipartisan list of 138 cosponsors. I expect the Senate to show similar support for our Nation's small businesses.

I urge my colleagues in the Senate to take a good look at the SENSE Act and join us in supporting legislation to ensure that the federal government does not propose an ergonomics regulation for small businesses until Congress can assess the findings of the NAS study.

I ask unanimous consent that the Sensible Ergonomics Needs Scientific Evidence (SENSE) Act be printed at this point in the RECORD.

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

S. 1070

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 "Sensible Ergonomics Needs Scientific Evidence Act" or the "SENSE Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Department of Labor, through the Occupational Safety and Health Administration (referred to in this Act as "OSHA"), has announced that it plans to propose regulations during 1999 to regulate "ergonomics" in the workplace. A draft of OSHA's ergonomics regulation became available in February 19, 1999.

(2) In October, 1998, Congress and the President agreed that the National Academy of Sciences shall conduct a comprehensive study of the medical and scientific evidence regarding musculoskeletal disorders. The study is intended to evaluate the basic questions about diagnosis and causes of such disorders. Given the uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study by the National Academy of Sciences, it is premature for OSHA to propose a regulation on ergonomics as being necessary or appropriate to improve workers' health and safety until such study is completed.

(3) An August, 1998, workshop on "work related musculoskeletal injuries" held by the National Academy of Sciences reviewed existing research on musculoskeletal disorders. It showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions.

(4) A July, 1997, report by the National Institute for Occupational Safety and Health (NIOSH) reviewing epidemiological studies that have been conducted of "work related musculoskeletal disorders of the neck, upper extremity, and low back" showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions. Such evidence would be necessary to write an efficient and effective regulation.

SEC. 3. DELAY OF STANDARD, REGULATION OR GUIDELINE.

The Secretary of Labor, acting through the Occupational Safety and Health Administration, may not propose or issue in final form any standard, regulation, or guideline on ergonomics until—

(1) the National Academy of Sciences—

(A) completes a peer-reviewed scientific study, as mandated by Public Law 105-277, of

the available evidence examining a cause and effect relationship between repetitive tasks in the workplace and musculoskeletal disorders or repetitive stress injuries; and

(B) submits to Congress a report setting forth the findings resulting from such study; and

(2) the expiration of the 30-day period beginning on the date on which the final report under paragraph (1)(B) is submitted to Congress.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1071. A bill to designate the Idaho National Engineering and Environmental Laboratory as the Center of Excellence for Environmental Stewardship of the Department of Energy land, and establish the Natural Resources Institute within the Center; to the Committee on Armed Services.

ENVIRONMENTAL STEWARDSHIP AND NATURAL RESOURCES ACT OF 1999

• Mr. CRAPO. Mr. President, I rise in support of the Environmental Stewardship and Natural Resources Act which I am introducing today with Senator CRAIG as cosponsor.

The nuclear defense capability of the United States has protected our form of government and ensured our freedoms since its inception during World War II. In order to sustain and develop our nuclear deterrence, a vast industrial complex was established. This complex of facilities was built under the auspices of the Atomic Energy Commission and its successor agency, the Department of Energy. Uranium mines, factories, laboratories, and reactors were located throughout the country to provide nuclear and conventional components for weapons. These facilities were mostly located on large tracts of land, which also included surrounding buffer areas for security.

With the end of the cold war, and the mutual reduction of the United States and Russian nuclear arsenals, many of our nuclear facilities are closing, changing or reducing their missions. Land management at these facilities, throughout their production lives was limited to accomplishing their missions and providing isolation and security. Protection of the ecosystems and natural resources, on which our nuclear arsenal was built, did not rate high priority in the agency's planning. Any environmental benefits or natural resources protection on these facilities was truly incidental to their isolation.

In addition to lack of natural resource planning, there exists a contamination legacy which has resulted in the largest and most expensive cleanup program in the federal government. Regardless of the effectiveness and efficiency of the cleanup program, some levels of contaminants will remain, and will need to be monitored and managed. Long term stewardship is the process of managing and protecting the natural resources that are unaffected by contamination, and also the continual monitoring and stabilization of contaminants that remain in place following mediation. Even after a

facility is cleaned up and closed, no matter how effective the remediation effort, the federal government is still liable for any subsequent action that may be necessary to insure that no harm will come to humans or the environment.

The Idaho National Engineering and Environmental Laboratory, INEEL, has a long history with the Atomic Energy Commission and the Department of Energy. Originally known as the National Reactor Testing Station, this site constructed, tested, and operated 52 reactors for various defense and civilian purposes since the early 1950's. All but a handful of these reactors have been decontaminated and dismantled. In addition to this nuclear mission, the INEEL has developed expertise and experience in the modeling the movement of contaminants in the environment; and research and development of technologies necessary for the detection, monitoring, stabilization, and mediation of contamination. I propose, with this bill, to establish the INEEL as the Department of Energy Center of Excellence for the development of technologies, techniques, and methodologies for the implementation of an effective Long Term Stewardship program throughout the nuclear weapons production complex.

I also propose the establishment of a Natural Resource Institute at the INEEL. This institute will bring together scientists, scholars, and others in the field of natural resources management, to study complex issues that affect natural resources policy. The institute will also work on specific natural resource and environmental issues and problems, by utilizing the resources of the INEEL, northwest universities, states, and various federal agencies. The INEEL is a national laboratory, not is just a laboratory for the Department of Energy. The expertise, experience, and resources of this site must be made available to all. The natural Resource Institute will be the conduit for bringing expertise to the INEEL and for making information, data, and good science available for the solution of natural resource issues throughout the inland northwest. •

By Mr. ASHCROFT (for himself,
Mr. INOUE, Mr. BURNS, Mr.
GRASSLEY, Mr. ROBERTS, Mr.
ENZI, and Mr. HAGEL):

S. 1073. A bill to amend the Trade Act of 1974 to ensure that United States industry is consulted with respect to all aspects of the WTO dispute settlement process; to the Committee on Finance.

WORLD TRADE ORGANIZATION ENFORCEMENT
ACT OF 1999

Mr. ASHCROFT. Mr. President, developing trade policy that will increase Americans' competitiveness in the 21st century must be a priority of this Congress and of the administration. That is why I rise today, joined by Senators DANIEL INOUE, CHUCK GRASSLEY, CONRAD BURNS, PAT ROBERTS, CHUCK HAGEL, and MIKE ENZI, to introduce the

World Trade Organization Enforcement Act of 1999. It is a bill that will increase transparency and give the public more input into the dispute settlement process of the WTO. It is analogous to a "Sunshine Law" for the WTO.

The United States plays a major role in leading the world and shaping its economy and must continue to do so. We must be leaders, not simply participants. Our leadership as a country will be effective only if our trade policy is clearly defined and is based on the vital interests of the American people, because if Americans do not accept our leadership on trade policy, neither will the rest of the world.

Our success of more than 200 years has been because American is a nation dedicated to We the People. We are a nation whose greatness flows not from government, but from the creativity and ingenuity of the American people. Our service providers, manufacturers, retailers, farmers and ranchers, and investors are top notch compared with their competitors, and it is time for us in public service to lay aside the values and priorities of Washington, D.C., and promote the values and priorities of the American people.

As I have traveled around Missouri, one thing is clear: citizens want America to be defined today as she was 100-plus years ago. We have been known as a land of ascending opportunity, that every generation in America has more opportunity than the previous generation. This is a definition of America that we must maintain—"the best is yet to come."

Already, U.S. companies are first-class in their production, processing, and marketing at home and abroad—always responding to the challenges of our competitive free-market system. While the United States can produce more goods and provide more services than any other country, we account for only five percent of the world's consuming population. That leaves 95 percent of the world's consumers outside of our borders—this is an astounding statistic when we put it in terms of creating opportunities.

For example, nearly 40 percent of all U.S. agricultural production is exported, but in September of last year, American farmers and ranchers faced the first monthly trade deficit of U.S. farm and food products since the United States began tracking trade data in 1941. Our farmers, or any other sector, simply will not succeed if they face descending opportunity. With manufacturing productivity increasing and with the consuming capacity of the world largely outside of our borders, our companies need equally increasing access to foreign demand. The prosperity of the next generation of Americans is tied to our current competitiveness in global markets.

We must develop policies that will shape opportunities for the 21st century—opening new markets, ensuring that our trading partners live up to their commitments, and to the great-

est extent possible avoiding sanctions that hurt only our market opportunities abroad.

I still believe we must make a concerted effort to pass fast track trade negotiating authority. Because fast track has languished, U.S. businesses are increasingly being put at a competitive disadvantage. While Canada has already concluded a free trade agreement with Chile, and Mexico is expanding its free trade arrangement with Chile, the United States lags behind. Our companies clearly are being put at a competitive disadvantage in our own hemisphere. America must lead, not follow—in our back yard and around the world.

As we approach the next round of negotiations in the WTO, fast track is crucial to U.S. businesses. Clearly, trade negotiations designed to reduce or eliminate barriers and trade distorting practices have benefited our companies and our economy, and we need to continue our leadership role in multiple trade fora.

However, support for fast track and new negotiations is tied in the public mind to the benefit they receive from existing trade agreements. It is of utmost importance that the United States closely monitor and vigorously enforce our trade agreements. The private sector must be able to rely on U.S. agreements to be productive and long-lasting.

Opening foreign markets looms before us as a brick barricade. With the same will and authority of President Reagan before the Berlin Wall when he said—"Mr. Gorbachev, tear down this wall"—we must face head-on the barricades before our exporters. It's not an easy task, but then again, neither was dismantling the Evil Empire. As John Wayne said in "The Big Trail": "No great trail is ever blazed without hardship. You've got to fight. That's life."

Just last week, the Europeans stood on their massive wall of protectionism built across the trail of free trade and simply rejected U.S. beef, even in the face of having lost the WTO case. We've got a trail to blaze—the Europeans cannot be allowed to make a mockery of the competitive spirit of our cattle ranchers. In this case, results, not words, count the most.

Failing to implement agreements already negotiated creates an environment of descending opportunity. It is imperative, therefore, that the Administration follow through with enforcing the decisions the U.S. has won in the WTO. What good is winning a case if we are unable to enforce the judgment?

It is clear that the most contentious issues ever to be brought before the WTO—whether it is negotiating new agreements or suing the dispute settlement process to enforce existing ones—have been about the agricultural policies of the United States and the European Union.

One of the significant changes in the dispute settlement process in 1994 was that panels would be set up and panel

decisions would be adopted but for a consensus against doing so. Also, strict time lines were built into the process. Soon thereafter, the U.S. took two agriculture cases against the EU through the new WTO dispute process—the banana case and the beef case (which had already been before the GATT panel). The new dispute settlement changes in the WTO worked, and the United States won these two agriculture cases without the EU having the ability to block unilaterally the cases from moving forward.

For every triumph, however, the United States has suffered multiple defeats. Our most recent triumphs were getting the EU to accept a WTO dispute settlement process that is quick and binding, and winning agriculture cases against the EU in that settlement process. However, the EU is now denying U.S. farmers and ranchers the benefits of the WTO cases we won by stalling endlessly in the implementation of those decisions.

If the EU, or any other country, is allowed to use delaying tactics, there could be detrimental effects on these agriculture cases and on future cases regardless of the sector litigated. Also, the public support for the WTO system and its ability to benefit U.S. interests will be undermined.

It is essential that the administration make the EU beef ban a top priority. The United States has won this case against the EU numerous times, and we are clearly within our rights to benefit from the cases we litigate and win.

We must take the position that if the EU insists on “paying” for its protectionism, the EU should “pay” at the highest levels allowable and on products that will hurt it the most. While U.S. ranchers can never be compensated fully for the EU’s protectionist policies, the value of concessions withdrawn from the EU must at least equal the value of the beef producers current damage.

Beef producers in Missouri will not benefit if the level of retaliation is not such that will induce the EU to change its protectionist policies. A strong response to the EU’s treatment of U.S. agricultural products is long overdue. We must have reciprocity in our cross-Atlantic agricultural trade. If U.S. meat is not welcome in the EU, then EU meat should not be accepted in the United States.

The EU’s repeated, damaging actions against America’s cattlemen must not go unanswered—that is why I have called on the Administration to retaliate with authority and that is why I am introducing the WTO Enforcement Act.

The WTO Enforcement Act has two major objectives: ensure that the U.S. government affords adequate transparency and public participation in the U.S. decision-making process, and begin multilateral negotiations with a view toward incorporating more transparency and consultation in the multi-

lateral context of the WTO dispute settlement process.

If the farm groups and U.S. companies were to increase their public comment in the implementation and post-implementation stages of the WTO dispute settlement process, this will heighten the pressure on the foreign country to comply with the Panel decisions. Currently, while the USTR, Congress, and industry groups consult during the implementation stages of Panel decisions, making the comment and reporting requirements more established and anticipated will increase accountability. The WTO system needs to be given a chance to work, but the best way to do so is to increase pressure on those countries that would try to circumvent the implementation of panels. This is imperative not only for agriculture and our relations with the EU, it could affect all sectors that are litigated under the WTO dispute settlement process.

The proposed modifications to U.S. domestic rules regarding dispute settlement will prove more effective if the losing party to a WTO dispute provides to the winning party its plan to comply with the WTO decision and if the winning party is given meaningfully opportunity to comment on the plan prior to its implementation.

The WTO is currently in the midst of a review of the organization’s dispute settlement procedures. Therefore, under the WTO Enforcement Act, the United States must request reforms that would oblige member governments to submit a proposed remedy well in advance of the deadline to comply to the decision and as well as consult with the other parties to the proceeding on the proposal.

If the WTO Enforcement Act is passed, the U.S. public would be able to obtain more information about the foreign government’s plans for compliance with WTO panel decisions and would be afforded a more formal opportunity to comment on how the process is working. If we negotiate trade agreements for American citizens wishing to do business in foreign markets, they have every right to voice their support for or objections to the way foreign governments or the U.S. government is making those agreements beneficial.

It is time for us to enact policies that reflect our support for U.S. companies’ efforts to reach their competitive potential internationally and policies that create ascending opportunity for Americans for the 21st century so that we can say, with confidence, “the best is yet to come.”

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. GRAMS, the name of the Senator from Kentucky (Mr. McCONNELL) was added as a cosponsor of S. 3, a bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 10 percent.

S. 15

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 15, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

S. 30

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 30, a bill to provide countercyclical income loss protection to offset extreme losses resulting from severe economic and weather-related events, and for other purposes.

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. McCONNELL) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 56

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. McCONNELL) was added as a cosponsor of S. 56, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 135

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 147

At the request of Mr. ABRAHAM, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 147, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 216

At the request of Mr. JEFFORDS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 216, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 311

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 333

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 335

At the request of Ms. COLLINS, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 337

At the request of Mr. HUTCHINSON, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 337, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 348

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 387

At the request of Mr. GRAHAM, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses.

S. 429

At the request of Mr. DURBIN, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 487

At the request of Mr. GRAMS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 566

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 622

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 664

At the request of Mr. CHAFEE, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 707

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 707, a bill to amend the Older Americans Act of 1965 to establish a national family caregiver support program, and for other purposes.

S. 741

At the request of Mr. GRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 757

At the request of Mr. LUGAR, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with

respect to trade, security, and human rights.

S. 758

At the request of Mr. ASHCROFT, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor 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. 789

At the request of Mr. MCCAIN, the names of the Senator from Georgia (Mr. CLELAND) the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 789, a bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

S. 817

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

S. 876

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 876, a bill to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

S. 878

At the request of Mr. TORRICELLI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 880

At the request of Mr. INHOFE, the names of the Senator from Alabama (Mr. SESSIONS) the Senator from Nebraska (Mr. KERREY) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting

and other activities are required under the risk management plan program

S. 895

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 895, a bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes.

S. 918

At the request of Mr. KERRY, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 926

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 941

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 941, a bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes.

S. 955

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 955, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

S. 960

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 960, a bill to amend the Older Americans Act of 1965 to establish pension counseling programs, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from Washington (Mr. GORTON) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of Senate Joint Resolution 21, A joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the names of the Senator from New Jersey

(Mr. TORRICELLI) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Concurrent Resolution 9, A concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from New Mexico (Mr. DOMENICI) the Senator from Idaho (Mr. CRAIG) the Senator from Wyoming (Mr. THOMAS) the Senator from Texas (Mrs. HUTCHISON) the Senator from Florida (Mr. MACK) the Senator from Iowa (Mr. GRASSLEY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of Senate Resolution 34, A resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 81

At the request of Mr. CRAPO, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of Senate Resolution 81, A resolution designating the year of 1999 as "The Year of Safe Drinking Water" and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the names of the Senator from Maryland (Ms. MIKULSKI) the Senator from Maryland (Mr. SARBANES) the Senator from South Carolina (Mr. THURMOND) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of Senate Resolution 92, A resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

AMENDMENT NO. 357

At the request of Mr. ROBB his name was withdrawn as a cosponsor of amendment No. 357 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

SENATE RESOLUTION 103—CONCERNING THE TENTH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE OF JUNE 4, 1989, IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. HUTCHINSON (for himself, Mr. WELLSTONE, Mr. FEINGOLD, Mr. SMITH of New Hampshire, Ms. COLLINS, Mr. BUNNING, Mr. KYL, Mr. ABRAHAM, Mr. SESSIONS, Mr. GRASSLEY, Ms. SNOWE, Mr. JEFFORDS, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 103

Whereas the United States was founded on the democratic principle that all men and women are created equal and entitled to the exercise of their basic human rights;

Whereas freedom of expression and assembly are fundamental human rights that be-

long to all people and are recognized as such under the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the death of the former General Secretary of the Communist Party of the People's Republic of China, Hu Yaobang, on April 15, 1989, gave rise to peaceful protests throughout China calling for the establishment of a dialogue with government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials;

Whereas after that date thousands of prodemocracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, when Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square;

Whereas nonofficial sources, a Chinese Red Cross report from June 7, 1989, and the State Department Country Reports on Human Rights Practices for 1989, gave various estimates of the numbers of people killed and wounded in 1989 by the People's Liberation Army soldiers and other security forces, but agreed that hundreds, if not thousands, were killed and thousands more were wounded;

Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were reportedly tortured;

Whereas human rights groups such as Human Rights Watch, Human Rights in China, and Amnesty International have documented that hundreds of those arrested remain in prison;

Whereas the Government of the People's Republic of China continues to suppress dissent by imprisoning prodemocracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner; and

Whereas June 4, 1999, is the tenth anniversary of the date of the Tiananmen Square massacre: Now, therefore, be it

Resolved, That the Senate—

(1) expresses sympathy to the families of those killed as a result of their participation in the democracy protests of 1989 in the People's Republic of China, as well as to the families of those who have been killed and to those who have suffered for their efforts to keep that struggle alive during the past decade;

(2) commends all citizens of the People's Republic of China who are peacefully advocating for democracy and human rights; and

(3) condemns the ongoing and egregious human rights abuses by the Government of the People's Republic of China and calls on that Government to—

(A) reevaluate the official verdict on the June 4, 1989, Tiananmen prodemocracy activities and order relevant procuratorial organs to open formal investigations on the June fourth event with the goal of bringing those responsible to justice;

(B) establish a June Fourth Investigation Committee, the proceedings and findings of which should be accessible to the public, to make a just and independent inquiry into all matters related to June 4, 1989;

(C) release all prisoners of conscience, including those still in prison as a result of their participation in the peaceful prodemocracy protests of May and June 1989, provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in the People's Republic of China;

(D) put an immediate end to harassment, detention, and imprisonment of Chinese citizens exercising their legitimate rights to the freedom of expression, freedom of association, and freedom of religion; and

(E) demonstrate its willingness to respect the rights of all Chinese citizens by proceeding quickly to ratify and implement the International Covenant on Civil and Political Rights which it signed on October 5, 1998.

• Mr. HUTCHINSON. Mr. President, today I, along with Senators WELLSTONE, FEINGOLD, BOB SMITH, BUNNING, COLLINS, KYL, SESSIONS, GRASSLEY, ABRAHAM, SNOWE, and JEFFORDS, am submitting a resolution commemorating the anniversary of the Tiananmen Square massacre. Ten years ago, the Chinese Communist government unleashed lethal force on peaceful demonstrators in Beijing. For ten years, demonstrators from Tiananmen have been suffering in prison.

The resolution that I am submitting today simply calls on the government of the People's Republic of China to make amends. To reevaluate the verdict of Tiananmen Square. To release the prisoners. To stop harassing Chinese citizens seeking freedom. It says that if they are serious about being a respected member of the international community, then they will implement and ratify the International Covenant on Civil and Political Rights. They will respect universal standards and they will respect their own citizens.

At the moment, there is a great deal of tension between the U.S. and China. Chinese espionage of sensitive technology, allegations of illegal campaign donations, competing security interests in the Asia-Pacific region, and disagreements over Kosovo are just a few problems—problems that illuminate the adversarial behavior of the Chinese Communist government.

Most recently, there has been a great deal of Chinese furor over the mistaken bombing of the Chinese embassy in Belgrade. I do not take lightly this egregious error and this tragic loss of life. But as regrettable as this mistake was, the Chinese government has been using this event as a catch-all refutation of the United States. It was no accident that the human rights dialogue and the ongoing arms talks were other casualties of the embassy bombing—the two areas where the Chinese government refuses to be responsible. It was no accident that the Chinese government bused demonstrators from universities to the U.S. embassy where they pelted rocks at American property, breaking windows, keeping Ambassador Sasser and his staff hostage at the embassy. It was no accident that the Chinese government used propaganda to inflame the emotions of the Chinese people.

But Mr. President, there is no moral equivalency in the accidental bombing of the embassy and the Tiananmen Square massacre. In the midst of the high stack of issues surrounding U.S.-China relations, I hope that human

rights does not tumble to the bottom. The well-being of the Chinese people, the ability to express themselves, is fundamental to any future relationship between the U.S. and China. That is why I am submitting this resolution.

Mr. President, the Beijing protests began in April 1989 as a call for the government to explain itself—to explain its dismissal of an official who had been sympathetic to students demanding political reform in 1986. The demonstrators, students and workers, asked that the government take action against corruption. They asked for freedom for the independent press. They asked for democratic reforms. These students from Beijing University and 40 other universities, these Beijing residents protested in and around Tiananmen Square. They held hunger strikes. They defied martial law. They were met with brutal repression.

On May 30, after almost a month of student demonstrations in support of increased democratization in the People's Republic of China, the protest leaders erected a symbol of their growing movement—a symbol to be a “powerful cementing force to strengthen our resolve” and to “declare to the world that the great awakening of the Chinese people to democratic ideas has reached a new stage.” The symbol these students chose was the Goddess of Democracy—a thirty-seven foot high monument of foam and plaster with a striking resemblance to the Statue of Liberty. This symbol of democracy gave those thousands of onlookers a hope for a future free of communism.

But on June 3, 1989, police officers attacked students with tear gas, rubber bullets, and electric truncheons. People's Liberation Army (PLA) officers armed with AK-47s opened fire on the innocent people who would dare stand in their way. But that was not enough for the government. They sent convoys of tanks to Tiananmen Square to absolutely crush the demonstrators. Their armored vehicles rammed the Goddess of Democracy, knocking it down, flattening it beneath their steel treads. They killed a symbol of democracy and massacred their own people. On June 4, the PLA and security forces killed 1,500 and wounded 10,000. By June 7, the Chinese Red Cross reported 2,600 people aspiring to democracy dead. In the end, the Chinese government killed and wounded thousands of demonstrators. They imprisoned thousands more for their participation.

But the nightmare did not end there. For the hundreds that remain in prison, for their families, each passing day is a living horror. This ten year terror must stop. The resolution that we are introducing today simply calls on the government of the People's Republic of China to do what is right—to do what is consistent with their constitution and international standards. It is a message to those fighting for democracy—we will not forget the massacre of pro-democracy demonstrators by police and PLA forces on June 3 and 4. We

will not forget the suffering of those who saw their friends die for freedom. We will not forget that with each passing day, hundreds of prisoners still languish in prison simply because they desire freedom in China.

Mr. President, I believe that it is time to move to a post-Tiananmen era. But this cannot happen without the release of Tiananmen Square prisoners. And it will not happen until we shed the scales of the Clinton Administrations' blind China policy and open our eyes.

Let me suggest four tenets for an open-eye China policy. First, we must re-engage our allies. Our relationship with China has come at the expense of our relationships with Japan, Taiwan, and South Korea. We need to rebuild a realistic picture of security in the Asia-Pacific and recognize China's aggressive military aims in the region—aims that will only be reached at the expense of our allies.

Second, we must protect our sensitive technology. Recent investigations show that we need increased security at our national labs and other facilities, common sense background checks, controls on technology transfers, and a Justice Department that does not hinder its own FBI's investigations. While espionage may be a fact of life, we can still take comprehensive measures to minimize foreign spying. Serious theft of nuclear and technological secrets have already increased China's military prowess.

Third, we must engage the people of China, rather than the Communist regime. We need sustained engagement, not just one time, highly publicized political visits. I therefore advocate increased funding for Radio Free Asia, the Voice of America, democracy building programs, and rule of law initiatives.

Finally, businesses must do their part and aggressively advocate human rights. The door for China's entry to the WTO is still open, but a WTO deal is not just a deal between the U.S. and China. It is also a deal between the U.S. government and American businesses. A WTO deal must include an understanding that American businesses in China must not be complicit with slave labor or other human rights violations. Instead, American businesses must be advocates for human rights, to the Beijing government and to the people. The simple fact is that China desperately wants American trade and American business. U.S. companies must use this leverage to advance more than profits.

Mr. President, I urge all of my colleagues to join with me in supporting this bipartisan resolution—to recognize this regime for what it truly is and to never forget the tragedy that occurred ten years ago on June 3 and June 4, 1989.●

• Mr. FEINGOLD. Mr. President, I rise today as an original co-sponsor of S. Res. 103, which marks the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in China.

The resolution conveys the sense of the Senate that the United States expresses its sympathy for those killed at Tiananmen Square and commends the Chinese citizens who have continued over the last decade to peacefully advocate greater democracy and respect for human rights in China. This resolution further calls on the authorities in China to reevaluate the events of June 1989, establish a commission to investigate what happened, release those still being held in connection with the democratic rally, and cease current harassment and detention of those still seeking democratic reform. This resolution makes a simple, clear request, one that the Senate has made many times before—free the Tiananmen Square democratic protesters and accept the legitimacy of the voices that still cry out for peaceful democratic reform in China.

Mr. President, first I would like this opportunity to express my deep regret at the unfortunate, and unintentional, bombing of the Chinese Embassy in Belgrade. Regardless of my continuing concerns with some of China's practices, I certainly feel great sorrow that innocent civilians were hurt under these circumstances.

Nevertheless, we can not, we will not, let this tragic accident, nor the impact it may have on our relations with China, silence our voices on the subject of democracy and human rights in China, or cause us to overlook the continuing ramifications of the events in Tiananmen Square ten years ago. China's human rights practices remain abhorrent, and we will not allow recent events to dampen our continued vigilance and willingness to condemn such practices. It is noteworthy that the demonstrations in China in reaction to the bombing are perhaps the largest since the Tiananmen Square protests. It is ironic that public protest is OK when it serves the government's interest, and not OK when it threatens the government's hold on power. This is an unacceptable double standard, and I believe we would be derelict in our duties if we did not keep our attention focused on the lack of freedom in China.

As we all know, this April, under considerable pressure from the Congress, the United States sponsored a resolution at the United Nations Commission on Human Rights to condemn China's ongoing abuses of human rights. As in past years, China's leaders aggressively lobbied against efforts at the Commission earlier and more actively than the countries that supported the resolution. Once again, Beijing's vigorous efforts have resulted in a "no action" motion at the Commission. While I commend the Administration's actions this year, I question whether our late and halfhearted support for condemnation of China doomed that resolution to failure. We must not allow China to believe that its human rights practices are acceptable. We must remember that it was only under the pressure of previous Geneva resolu-

tions that China signed in 1997 the UN Covenant of Social Economic and Cultural Rights and in October 1998 the International Covenant on Civil and Political Rights. We should also not overlook the fact that neither of these important international documents has yet been ratified or implemented.

Mr. President, while recent attention has been drawn to the Embassy bombing, repeated allegations of espionage and of efforts to influence our elections, and the negotiations for China's entrance to the WTO, these current concerns should not obscure our views of the ongoing human rights abuses that abound throughout China and Tibet. According to Amnesty International, the human rights situation in China shows no fundamental change, despite the recent promises from the government of China. At least 2,000 people remain in prison for counter-revolutionary crimes that are no longer even on the books in China. At least 200 individuals detained or arrested for Tiananmen Square activities a decade ago are also still in prison. By China's own statistics, there are nearly a quarter of a million Chinese people imprisoned under the "re-education through labor" system. This situation demonstrates that China has yet to learn the lesson of Tiananmen Square—that the aspiration of the Chinese people for human rights and democratic reform will not disappear with time or repression.

On this, the tenth anniversary of the traumatic Tiananmen Square massacre, we must remember the brave Chinese citizens who stood before the tanks and gave their lives to express their hopes for freedom. They breathed their last on the bloody pavement of Tiananmen, hoping that their sacrifice would help bring democratic reform and respect for human rights to their fellow countrymen. We must continue to honor those who made such dramatic sacrifices for their beliefs. In this momentous year in which China marks not only the tenth anniversary of Tiananmen Square, but also the fiftieth anniversary of the founding of the People's Republic of China, we must not choose silence on this issue. Only by repeating our demands for change, can we appropriately honor those who were willing to sacrifice all to achieve a better life for the people of China.

Mr. President, I strongly commend my friends, the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Minnesota (Mr. WELLSTONE) for their leadership on this important, long-standing issue.●

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet

on Tuesday, May 18, 1999, at 9:30 a.m. on TV violence and safe harbor legislation.

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

COMMITTEE ON FINANCE

Mr. GRAMS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, May 18, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Educating the Forgotten Half" during the session of the Senate on Tuesday, May 18, 1999, at 10:00 a.m.

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing on the Environmental Protection Agency's proposed sulfur standard for gasoline as contained in the proposed Tier Two standard for automobiles Tuesday, May 18, 9:30 a.m., Hearing Room (SD-406).

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

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION, AND REGULATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research, Development, Production, and Regulation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 18, for purposes of conducting a subcommittee hearing, which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 924, the Federal Royalty Certainty Act.

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

SUBCOMMITTEE ON FORESTRY CONSERVATION AND RURAL REVITALIZATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation and Rural Revitalization be allowed to meet during the session of the Senate on Tuesday May 18, 1999. The purpose of this meeting will be to discuss noxious weeds and plant pests.

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

ADDITIONAL STATEMENTS

OLDER AMERICANS MONTH

● Mr. GRASSLEY. Mr. President, it may be human nature to overlook the

hardships of previous generations. We don't think about suffering we don't have to endure. This is the way it should be. And this is the hope of America's innovators, who work to ease misfortune for our children and grandchildren.

One of those innovators is a 101-year-old woman from Sioux City, Iowa. Louise Humphrey was a leading light in the battle against polio, one of the most terrifying illnesses of our century. Because of her work, and the work of others devoted to finding a cure, polio is virtually non-existent in our country.

It's hard for anyone who didn't live through the 1940s and 1950s to understand fully the fear of polio. The disease was highly contagious and sometimes fatal. It attacked the lungs and the limbs. It immobilized its victims, made them struggle for breath and often forced them to breathe through mechanical iron lungs. Parents wouldn't allow their children to go swimming, or to drink out of public fountains, for fear of contagion. Those children fortunate enough to escape the illness saw their classmates return to school in leg braces and watched news reels of people in iron lungs.

At the height of the epidemic, during the late 1940s and early 1950s, polio struck between 20,000 to 50,000 Americans each year. In one year—1952—58,000 people caught the disease. Most of them were children.

Mrs. Humphrey of Sioux City became interested in polio before the height of the epidemic. In the 1930s, according to the Sioux City Journal, she saw firsthand the ravaging effects of polio after meeting a man who had been disabled by the disease. She and her husband, the late Dr. J. Hubert Humphrey, a Sioux City dentist, became leaders in the fight against polio. They headed the Woodbury County chapter of the National Foundation for Infantile Paralysis. Mrs. Humphrey was elected state chairman of the woman's division of the foundation.

The Humphreys raised thousands of dollars for equipment and therapy to battle the disease. They enlisted entertainers and circus performers in the cause, hosting these individuals at fund-raising parties. Their guests included Bob Hope, clown Emmett Kelly and a ham sandwich-eating elephant.

Their work contributed to a climate in which Jonas Salk developed the first polio vaccine. His vaccine, and another developed by Dr. Albert Sabin, soon became widely available. Polio is virtually non-existent in our country, although it remains a Third World threat.

Mrs. Humphrey has said she has no secret for living such a long life. She advises people to "just be happy and be well." She has never had an ache or pain. What she did have in abundance was empathy, kindness, generosity and devotion. Because of her contributions, millions of American children will live without a debilitating disease.

On June 3, Mrs. Humphrey will turn 102. In advance of her birthday, during Older Americans Month, I want to thank Mrs. Humphrey for helping to make our country strong. Mrs. Humphrey, with her clear vision and compassionate concern for America's children, perfectly illustrates the theme of Older Americans Month: "Honor the Past, Imagine the Future: Toward a Society for All Ages."•

TRIBUTE TO JOE TAUB

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to a great friend, Joe Taub, in celebration of his 70th birthday on May 19th. Joe is a tremendously hard worker and a world-class philanthropist, and I'm proud to say he's been my friend for almost 50 years.

Joe came from humble beginnings in Paterson, NJ to join me in founding Automatic Data Processing in 1949. Today, the company employs over 30,000 people in the U.S. and Europe. Even after leaving ADP in 1971, Joe continued to lead an active business life, starting his own company and becoming owner of the New Jersey Nets basketball team. Along the way, Joe donated his time to several charities and with his wife, Arlene, established the Taub-Gorelick Laboratory at Memorial Sloan Kettering Cancer Center to aid breast cancer victims.

Joe has always worked to improve the world around him. To help keep inner city kids off the streets, he financed several scholarships and started the Taub-Doby Basketball League. And he contributed to the redevelopment of Paterson by giving the city a museum documenting its history.

Mr. President, Joe isn't remarkable just for his business achievements and philanthropy. He's also been a loving, devoted husband for 45 years and has done a wonderful job as a father and grandfather.

I would like to extend my heartfelt best wishes to a long-time friend and former business partner in honor of his 70th birthday. Joe, on behalf of myself and all those whose lives you have touched, we wish you the best.•

HONORING SAMUEL STROUM

• Mr. GORTON. Mr. President, I submit the following letter to be printed in the RECORD.

The letter follows:

U.S. SENATE,

Washington, DC, June 19, 1999.

Mr. KERRY KILLINGER,
Honorary Chair, North West Industry Partnership, Seattle, WA.

DEAR MR. KILLINGER: tonight, you are gathered to recognize the outstanding accomplishments of Samuel Stroum. Nothing could give me more pleasure than to congratulate my friend, Sam Stroum, the 1999 recipient of the Donnell Thomas Medal of Achievement award. Dr. Thomas was a man of great vision, integrity, determination, and he possessed a strong commitment to helping his fellow citizens. Because Sam personi-

fies these same characteristics, it is only fitting that he should be the recipient of this award.

For half a century, Sam has been an established leader in our state. Sam has continued to give back to his community in immeasurable and invaluable ways. He has set the tone, led by example, and has propelled his peers to do better. Tonight as Sam is being lauded for his many accomplishments and contributions, I suspect that there as many untold stories where Sam has quietly made a difference.

In the past decade, our state has experienced tremendous developments in the high-tech industry. From the very beginning, Sam could see the future of that industry and knew how it would benefit Washington. He encouraged its development and became actively involved in expanding the software business in Washington, creating more jobs and spurring unprecedented economic growth.

More importantly, Samuel understands that there is more to life than business. There is art, community cohesion, and the need and desire to continue one's education. Sam has rescued community centers from financial disaster, expanded art galleries, and raised funds for hundreds of organizations.

Sam is an invaluable asset to our community for his vision, leadership, and compassion for those in need. I am convinced that Washington state is far better because of him.

Sincerely,

SLADE GORTON,
U.S. Senator.•

TRIBUTE TO THE RIGHT REVEREND MARION BOWMAN

• Mr. GRAHAM. Mr. President, I rise today to offer a solemn tribute to an educator and clergyman whose life spanned most of this great century: the Right Reverend Marion Bowman of Florida.

Father Marion Bowman passed away last week, and was buried on Friday, May 14, 1999, at the St. Leo Abbey Cemetery. As coach, teacher and president, Father Bowman was a guiding force at St. Leo College in St. Leo, FL. He is survived by a large and loving family, and a legion of alumni and friends of St. Leo College.

Born on June 30, 1905, in Lebanon, KY, he made his first profession of vows twenty years later, and was ordained as a priest in 1931. His association with St. Leo began as a young man; he graduated from St. Leo College Prep School in 1923.

Father Bowman served as the third abbot of St. Leo Abbey, from 1954-69. On April 27, 1970, Father Bowman was elected president of St. Leo College and served on the institution's Board of Trustees as well.

A versatile man, Father Bowman taught math, physics and chemistry at the prep school, and for four years was St. Leo's sole coach, heading the football, baseball, basketball and track teams. He also served as athletic director, and played a key role in converting St. Leo from a prep school to a college.

In 1971, St. Leo College bestowed an honorary Doctor of Humanities degree on Father Bowman.

Mr. President, as we approach a new millennium and look back on the all-but-completed Twentieth Century, we are reminded of the importance of the dedicated people who impart knowledge, teach values, coach athletes and manage our schools. Father Marion Bowman—teacher, cleric and friend of St. Leo College—did all those things and many more, and we salute his dedication and his multiple contributions.●

DEPLOYMENT OF A NATIONAL MISSILE DEFENSE

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 78, H.R. 4.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and the text of S. 257, as passed by the Senate, be inserted in lieu thereof. I further ask consent that the bill then be read a third time and passed, and the motion to reconsider be laid upon the table.

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

The bill (H.R. 4), as amended, was read the third time and passed.

PUBLIC SAFETY MEDAL OF VALOR ACT

Mr. HATCH. I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 95, S. 39.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 39) to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I commend, as a cosponsor, Senator STEVENS and the others who worked so hard on this.

Mr. HATCH. I feel exactly the same way.

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 at the appropriate place in the RECORD.

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

The bill (S. 39) was read the third time and passed, as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be referred to as the "Public Safety Medal of Valor Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Authorization of Medal of Valor.
- Sec. 3. Medal of Valor Review Board.
- Sec. 4. Board personnel matters.
- Sec. 5. National medal office.
- Sec. 6. Definitions.
- Sec. 7. Authorization of appropriations.
- Sec. 8. Conforming repeal.
- Sec. 9. Consultation requirement.

SEC. 2. AUTHORIZATION OF MEDAL OF VALOR.

The President may award, and present in the name of Congress, a Medal of Valor of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, upon the recommendation of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty. The Public Safety Medal of Valor is the highest national award for valor by a public safety officer.

SEC. 3. MEDAL OF VALOR REVIEW BOARD.

(a) ESTABLISHMENT OF BOARD.—There is hereby established a Medal of Valor Review Board (hereafter in this Act referred to as the "Board"), which shall be composed of 11 members appointed in accordance with subsection (b), and shall conduct its business in accordance with this Act.

(b) MEMBERSHIP.—

(1) MEMBERS.—The members of the Board shall be individuals with knowledge or expertise, whether by experience or training, in the field of public safety, of which—

(A) two shall be appointed by the Majority Leader of the Senate;

(B) two shall be appointed by the Minority Leader of the Senate;

(C) two shall be appointed by the Speaker of the House of Representatives;

(D) two shall be appointed by the Minority Leader of the House of Representatives; and

(E) three shall be appointed by the President, including one with experience in firefighting, one with experience in law enforcement, and one with experience in emergency services.

(2) TERM.—The term of a Board member shall be 4 years.

(3) VACANCIES.—Any vacancy in the membership of the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(4) OPERATION OF THE BOARD.—

(A) MEETINGS.—The Board shall meet at the call of the Chairman, who shall be elected by the Board, and shall meet not less than twice each year. The initial meeting of the Board shall be conducted not later than 90 days after the appointment of the last member of the Board.

(B) VOTING AND RULES.—A majority of the members shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the Board's business, if such rules are not inconsistent with this Act or other applicable law.

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among applications received by the National Medal Office. Not more than once each year, the Board shall present to the Attorney General the name or names of persons it recommends as Medal of Valor recipients. In a given year, the Board is not required to select any recipients, but is limited to a maximum number of 10 recipients. The Attorney General may in extraordinary cases increase the number of recipients in a given

year. The Board shall set an annual timetable for fulfilling its duties under this Act.

(d) HEARINGS.—

(1) IN GENERAL.—The Board may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Board considers advisable to carry out its duties.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out its duties. Upon the request of the Board, the head of such department or agency may furnish such information to the Board.

(f) INFORMATION TO BE KEPT CONFIDENTIAL.—The Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

SEC. 4. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF BOARD MEMBERS.—

(1) NON-GOVERNMENT.—Except as provided in paragraph (2), each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) GOVERNMENT.—All members of the Board who serve as officers or employees of the United States, a State, or local government, shall serve without compensation in addition to that received for those services.

(b) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 5. NATIONAL MEDAL OFFICE.

There is established within the Department of Justice a national medal office. The office shall generally support the Board and shall, with the concurrence of the Board, establish criteria and procedures for the submission of recommendations of nominees for the Medal of Valor.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the term "public safety officer" means a person serving a public agency, with or without compensation, as a firefighter, law enforcement officer (including a corrections or court officer or a civil defense officer), or emergency services officer, as defined by the Attorney General in implementing this Act; and

(2) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this Act.

SEC. 8. CONFORMING REPEAL.

Section 15 of the Federal Fire Prevention and Control Act of 1974 is repealed.

SEC. 9. CONSULTATION REQUIREMENT.

The Attorney General shall consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Attorney General shall also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department.

ORDERS FOR WEDNESDAY, MAY 19, 1999

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Wednesday, May 19. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. HATCH. For the information of all Senators, the Senate will convene at 10 a.m. and immediately resume debate on the juvenile justice bill. New amendments to that legislation can be offered until 12:20 p.m. during tomorrow's session. At 12:20 p.m., the Senate will begin debate on amendments Nos. 357, 358, 360, and 361, which were previously offered to the bill. Senators can expect a stacked series of four votes to begin at 1 p.m. I encourage my colleagues to offer their amendments tomorrow morning so that we can finish this important legislation in a timely manner.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Wednesday, May 19, 1999, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1999:

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JACK E. HIGHTOWER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1999, VICE ROBERT S. WILLARD, RESIGNED.

JACK E. HIGHTOWER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2004. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSON OF THE AGENCY INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

STEPHEN A. DODSON, OF TEXAS