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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Dr. John Yates II, Falls Church Baptist Church. Incidentally, he is the pastor of Holly Richardson who works with me and of whom I am so proud.

We are glad to have you with us.

PRAYER

The guest Chaplain, Rev. Dr. John Yates II, offered the following prayer:

Let us pray:

Our Father in heaven, You are the King Eternal. You rule over all. Your light divides the day from night.

Thank You for the gift of this new day. Give us a spirit of gratitude and wonder at Your creation. Drive from us all wrong desires; guide us in the way of peace and justice that, having done Your will with cheerfulness during the day, we may, when night comes, rejoice to give You thanks and rest in Your care.

We pray today for statesmen, leaders, and rulers everywhere and especially for the Members of this United States Senate and their fellow workers.

May they be quiet in spirit, clear in judgment, able to understand the issues that face them. May they think often of the people on whose behalf they speak and act. May these Senators remember You. May they remember that keeping Your laws bring us only good and happiness. Grant them patience; grant them courage; grant them foresight and great faith. In their anxieties, be their security; in their opportunities, be their inspiration. By their plans and their actions, may Your kingdom come; may Your will be done.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Idaho is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, the Senate will be in a period of morning business until 12:30 p.m. unless an agreement is reached for the consideration of the energy and water appropriations conference report. It is hoped the Senate will begin that conference report at approximately 11 a.m. for 45 minutes of debate. If that agreement is reached, Senators may anticipate that the first rollcall vote will occur at approximately 11:45 a.m.

Following the party conference meetings, the Senate may begin consideration of the digital millennium legislation or any conference reports or appropriations bills available for action while waiting for the continuing resolution from the House. Therefore, Senators may anticipate votes throughout the day.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

FACING THE DEADLINE

Mr. DURBIN. Mr. President, we are facing a deadline this week—October 1. Every family in America knows about deadlines: April 15, you had better get your taxes in. A deadline is coming for shopping for Christmas, for Hanukkah. We are faced with many deadlines. October 1 is another deadline; that is our fiscal year. If Congress does nothing else during the course of a session, we are supposed to pass spending bills so when the fiscal year starts, the agencies know how much money they have and can go about the business of conducting their affairs and managing the Government.

Now, I will have to be honest with you; in the 17 years I have been on Capitol Hill, in the House and Senate, rarely, if ever, has any party in control of the Senate or the House really met that deadline, had everything in place by October 1. Sometimes it takes a little extra time to put it together. But I would have to tell you that in my experience on the Hill, I can never recall a time when we reached October 1, as we will this week, with such chaos. There appears to be no plan in place, no conversation between the leaders on Capitol Hill and the White House, and we will be asked today to vote on what is called a continuing resolution; that is, an extension of about 3 weeks so we can continue the business of Government while the leaders of the House and Senate get down to the business of leading. I hope that happens because, frankly, to date, we have seen precious little leadership when it comes to the important issues facing our country.

I am going to yield the floor at this point to my colleague from the State

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



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of Washington, Mrs. MURRAY, who is a member of the Labor-HHS appropriations subcommittee, a very important subcommittee when it comes to spending money for education. She comes to the Senate floor speaking not only as a Senator from Washington but as a former classroom teacher. So her perspective on education and what we are doing to either meet our obligations or fail to meet them is especially important.

At this point, I reserve the remainder of my time and yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair and my colleague from Illinois for defining for us what our challenge is in this week as we reach the October 1 deadline and our commitment to make sure the budget is enacted and appropriations bills are passed. Clearly, we are going to be unable to do that.

LABOR-HHS APPROPRIATIONS

Mrs. MURRAY. Mr. President, what is most appalling to me is that we have left the Labor, Health, and Human Services bill to the very last. This bill is extremely important to every family in this country. It funds everything from health care to NIH research to education, key programs that we are responsible for at the Federal level, being a partner in making sure every child in this country gets an education so they can be successful.

Last night, we referenced the Subcommittee on Labor, Health, and Human Services. We were unable to offer any amendments, and I was disappointed in that. I was pleased that the Republicans put forward a budget that does appear—and I use the word “appear”—to fund education at much better levels than the House, and we are grateful for that. We have been out here on the floor innumerable times saying education is a top priority and in this budget we want to make sure that happens. Surely our colleagues have listened to this, and the numbers on the paper show they have. However, what is underneath those numbers is very disconcerting to me, and it should be very disconcerting to every parent and every family across this country.

Let me talk for a minute about a very important initiative we passed last year to reduce class size in the first, second, and third grades.

It was a bipartisan effort. We negotiated with our Republican colleagues. Every Member in the Senate and House voted for it and agreed with us that reducing class size would make tremendous gains in education across this country. In the budget that is put forward that the Labor Committee will be hearing this afternoon, I do not see any class-size money. This money has been taken away. The 30,000 new teachers who have been hired this year who are in our classrooms looking our children in the eyes as we speak will be fired if

we pass this Labor bill as it now appears before us.

I do see \$1.2 billion for something called teacher assistance initiative. We have no idea what that is. Clearly, it is not class-size reduction. We do not have any idea what it is, and it is subject to authorization, meaning essentially those dollars will never come forward. If that is the case, this bill is terribly underfunded when it comes to education and the needs of families across our country. But I am very concerned that the class-size money has been taken out of this budget.

I simply cannot support going out and firing 5,000 teachers across this country. These teachers are in place today. This was a commitment we made in the Senate 1 year ago when we told them we were going to work with them to reduce class size.

Why did we say we wanted to reduce class size? Because we know that students from small classes enroll in more college-bound courses such as foreign languages, advanced math, and science. This has been proven. We know students in small class sizes in first, second, and third grades have higher grade point averages. We know they have fewer discipline problems. And we know they have lower drop-out rates.

We knew that last year so we said as a Federal Government we were going to begin a process of hiring 100,000 new teachers across this country so students in the first, second, and third grade can have the attention they need and the teacher time they need to learn the basic skills of English, math, and science. We know those kids who come from those classes will do better.

Smaller class sizes mean higher grades, more kids will be able to compete when they graduate from high school, more kids will be successful, and more students will less likely have discipline problems and, as we all know, turn to violence as a means of making their voices heard.

We are going to fight for class size on this side of the aisle. We want those teachers who have been hired and those children in those classrooms to know what we said a year ago will not be taken away because it is a new year. We want them to know we are committed to education, we are committed to being the partner we are supposed to be, and it is not just for today, it is for tomorrow.

Numbers and rhetoric on a piece of paper do not educate a child. Making sure our kids are in classes that are small enough and that we have the dollars and commitment is critical, and making sure school construction is part of what we do—and there is no money in this bill for school construction—and making sure each child knows we care about them is critical. The Senator from California has been out on the floor many times to talk about afterschool programs, which are funded in this bill but less than what the President requested.

We are pleased the Republicans have brought us a budget with the numbers

on a piece of paper, but we want to know that those commitments are real, that those teachers are not going to lose their jobs because of some rhetoric on the floor this year and smoke and mirrors and no funding, and we do not know how it is all going to happen in the end and, gee, 6 months from now, gosh, the program is gone. We want it real, we want language now, we want numbers now, and we want to tell our kids we care about them in a manner that is true. That is for what the Democrats are going to be fighting. I thank my colleagues on this side of the aisle.

Mrs. BOXER. Will my colleague yield for a few questions?

Mrs. MURRAY. I will be happy to yield.

Mrs. BOXER. First, I thank the Senator from Illinois for setting the stage for this conversation, and I thank him for yielding such time as she needed to the Senator from Washington because, as he has stated, she has been a leader in this whole area of education.

Education, in my view, is the No. 1 issue in this country today. Why? Because we know that if we do not give our children a good education, a series of bad things happen: They will not be productive, they will drop out, they will get into trouble, and all the rest.

We are now in the global marketplace. We all know this. I daresay everyone on both sides of the aisle says that education is important. I want to probe my friend a little bit because she sits on that all-important appropriations subcommittee on education. I want to make sure I understand exactly what she has told the Senate.

My understanding is that the Senate, on paper, is spending more than the House and even exceeds the President's number on paper; is that correct?

Mrs. MURRAY. That is correct. If one looks at the numbers, that is what it looks like.

Mrs. BOXER. But is it not true that out of that increase there is \$1.2 billion for a program that does not exist and the funds will not be spent unless the program is authorized? And is it not true that \$1.2 billion is supposed to replace the lower classroom size initiative that my friend has been pushing in the Senate?

Mrs. MURRAY. The Senator from California is absolutely correct. They took the number of \$1.2 billion, which we passed last year and were supposed to continue this year, to reduce class size, only our commitment was to increase that to \$1.4 billion so we would add on to those 30,000 teachers until we reached our verbal commitment of having 100,000 new teachers.

On paper, they took the \$1.2 billion and put it into something called teacher assistance initiative. I have never heard of that. I do not know what it is. I have seen no language about it. I can tell my colleague one thing: sitting on the education committee in the Senate, it is not a program anyone knows about, and the language in the bill says

it is authorized, meaning we are going to have to go through hearings, pass a bill through the Senate and the House, and have it signed by the President before we leave in a few short weeks, and I just do not see that happening. Really it is smoke and mirrors.

Mrs. BOXER. It seems as if there is a shell game being played with money that is not behind the piece of paper, and they have completely zeroed out this important class-size reduction plan which we began.

Is my friend saying to me that unless we can change that, school districts are going to have to fire teachers? Can my friend elaborate on that? How many teachers is it, and is it all around the country?

Mrs. MURRAY. The Senator is correct. If this bill passes as written and we go home, what will happen is next year, beginning in September, those 30,000—it is actually 29,000—teachers who have been hired will no longer be there.

Mrs. BOXER. So this bill that purports to do something for our children, in essence, is a pink slip for 29,000 teachers across this country who were hired under the Clinton-Murray initiative to lower classroom size; is that correct?

Mrs. MURRAY. The Senator from California is correct. I was out in one of my school buildings last Monday, a school in Tacoma, where they have taken their class-size money for first, second, and third grades and put it all into the first grade, and the first grade teachers have 15 students.

Each one of those kids in those 57 classrooms will read at the end of this year. You can see it in 10 days of classroom instruction. These kids were moving ahead rapidly, and they were going to be reading. Contrast that with a class of 30 kids where maybe part will be able to read at the end of the year and, obviously, some will not. They move on to second grade, and the second grade teacher starts all the way back at the beginning with the kids who are at the bottom.

These 57 classrooms and those 15 kids in each of those classrooms will know how to read, and that second grade teacher next year can move them on from there. It is going to make a tremendous difference.

Those teachers pleaded with me not to lose funds so they can continue to do the job they have been trained to do.

Mrs. BOXER. If we do not make changes and if the President does not prevail with the Republicans and this bill passes as it is, we will not only lose 29,000 teachers out of the classrooms, but next year a lot of those kids who were in classroom sizes of 15 will now find themselves in classroom sizes of 30, and we are back to where we were and we have wiped out this advantage we have given some of our children.

I have two more other questions.

Mrs. MURRAY. That will take away the promise we have given to students

across this country, and their families, that we are going to invest in education. Essentially, this \$1.2 billion put in there as a teacher assistance initiative will never go out to districts, never be seen, and everyone will lose.

Mrs. BOXER. I think it gets back to what our colleague from Illinois said: There is a lot of chaos. Imagine the chaos. Last year we passed this school reduction effort, and then we turn around—the Republicans do—and walk away from it. Talk about chaos—chaos on Capitol Hill because we do not know what we are doing, chaos in the classrooms—a terrible message.

I have two other areas I want to ask the Senator about. One that she mentioned is very near and dear to my heart, which is afterschool care. We know it works. We know that juvenile crime peaks at 3 o'clock and starts to go down at 6 or 7 in the evening when the kids go home. We know if they do not have a place to go after school, they get in trouble.

All of these things are so obvious. The smaller class sizes—it does not take a degree in sociology or education or psychology to understand if a teacher can give you one-on-one help, you are going to do better. If you have a safe place to go after school, you are not going to get in trouble. Again, we can track academic performance.

In this bill, the Republicans did put more money into afterschool care, but they underfunded it by \$200 million less than the President's request. The President requested \$600 million; they came in with \$400 million. That \$200 million affects thousands and thousands of children.

I know my friend taught in the classroom. I know how she supports afterschool care. Is it not a fact, I say to my friend, that she was unable to offer an amendment on afterschool care or school construction or smaller class sizes, that she was prohibited by the Republicans under the rules of their markup?

Mrs. MURRAY. The Senator from California is correct. We did not even vote. We are moving to full committee this afternoon, and I intend to offer my amendments. I hope my colleagues will support us. If they don't, we are going to be debating this again and again and again.

Mrs. BOXER. Exactly.

Mrs. MURRAY. Because the investments we make in our children, as the Senator from California knows, pay dividends far into the future. Putting down numbers on a piece of paper—that is not reality, that does not provide teachers, that does not provide classroom space, that does not provide afterschool care—does not mean anything to anybody.

We want to make sure the budgets we pass are real, that they are funded in reality, that those programs are there, and that this country makes sure that our kids get the education we ought to be providing in our schools.

Mrs. BOXER. The last question I have for my friend is in regard to

school construction. I read in the paper today that the President was in a school in Louisiana. It was a school that was built before the turn of the century. The school is falling down. The tiles are falling down from the ceiling. When it rains, the rain comes into the classrooms.

It reminded me of a school I visited in Sacramento where the same thing was happening. I could not believe it. We were in the gym, I say to my friend from Washington, and I looked at the ceiling. Tiles were gone. I said to a construction worker: What has happened to the tiles on the ceiling? He said: They fell down. I said: Do they ever hit a student? He said: Yes.

I have to ask my friend, what kind of message are we sending to our kids when, on the one hand, we say to them as parents that education is crucial to them in this incredibly important global marketplace where they are in competition with students from Europe and Asia and all over the world, and then we send them to a school where the tiles are falling on their heads? Can my friend tell me again, how much do the Republicans have in their education bill for this important and worthy project of school construction and fixing up our schools? How much do they put in?

Mrs. MURRAY. The Senator from California is correct. There is zero for school construction. What kind of message is that for our young kids, who are sitting in public schools, to show that we care about them, and that we are paying attention to them, and that we believe their education is important.

It is hard to pass that message along when you are sitting in classrooms with a leaky roof, with no new desks, with materials that are inappropriate, that are not good for education. A child goes home and says: The adults in my world don't care about me.

We all know the results of that. There is not a dime in this bill for school construction.

Mrs. BOXER. So in my sum up, from what I get from the Senator from Washington, there is no money for school construction, there is no money for class size reduction, and there is \$200 million less for afterschool care.

I say to my friend, please, when you are in that committee this afternoon, do what you did on the floor; lay out the situation. I hope all of America is going to learn that despite the moving of the numbers and the smoke and mirrors and all the rest of it, the things that need to be done are not done in this bill.

I thank my colleague for yielding.

Mrs. MURRAY. I thank the Senator from California and urge all of our colleagues to look at this and past rhetoric and put the numbers in reality for our children in our country.

I yield my time back to the Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 5½ minutes remaining.

Mr. DURBIN. I thank the Chair for that information.

Four years ago, we had a Government shutdown. Congress failed so miserably in its responsibilities to fund the agencies of Government, we actually shut down agencies. We sent Federal employees home. They were paid later on even for the time they missed. We barred the door when they wanted to come back to work, and the Republican leaders in Congress said: We're going to prove a point.

They certainly did. They proved they could not pass the spending bills on time; they could not maintain the orderly flow of Government services to the people of America. That was 4 years ago.

You would think that over time the Republican leadership in the House and Senate would have learned from that experience. Last year, we had a little different experience. In the closing minutes of the session, we were presented with a 4,000-page budget bill, an appropriations bill, which literally no Member of Congress was able to read, and we were told: Take it or leave it. We either pass this and go home or sit around here for weeks, if not months.

The bill passed. A lot of us, with regret, voted for it saying: What is the alternative?

This year, we are going into a new phase, a new chapter in the Republican congressional leadership when it comes to budgetary responsibility. October 1—this week on Friday—is the new fiscal year. It is, in fact, Republican Responsibility Day. As leaders in Congress, they are responsible for passing spending bills or at least charting out a course so we can see an orderly process to result in spending and budget bills that do serve America.

As I stand here today, we do not have it. We will pass a continuing resolution which says we will continue Government for another 3 weeks, with no end in sight. Neither the leaders on Capitol Hill nor anyone on the Republican side have suggested how we are going to end this.

Instead, to quote a friend of mine with whom I served in the House, Congressman DAVE OBEY of Wisconsin, we hear the Republican leadership posing for holy pictures as they stand and say: We will not breach the caps on spending which led to the balanced budget. And we certainly will never touch the Social Security trust fund.

The facts do not back that up. What we find is they have broken the caps already. They have already reached deep into the Social Security trust fund to fund their favorite projects, and we still have no end in sight.

It is one thing to beat your chest and say you are going to stand up for certain principles, but it is hollow rhetoric when you cannot produce the spending bills.

You heard the Senator from Washington and the Senator from California. Imagine, if you will, in this time of prosperity, when the Repub-

licans have said we are so awash in money in Washington that we can offer a \$792 billion tax cut—and thank goodness the President did not sign that and explained it to the American people—at the same time the Republicans are calling for a massive tax cut, primarily for wealthy people, they cannot fund education, sending 29,000 teachers home.

Imagine families across America that get a note from the school saying: Mrs. Smith will not be here next year. She may not be here next month because Congress failed to continue a program to provide teachers in our school, teachers to make sure that class sizes are smaller.

Is that what this is all about, that we have gone on for month after weary month with all of this rhetoric in Washington, and at the end of the day we are going to send 29,000 teachers home and say to the schools: You have no choice but to increase the enrollment in each one of your classrooms.

That is as good as we can do for all the billions of dollars that we have to spend. I don't think so. I certainly hope the Republican leadership will sit down with the Democrats and the President and work out something that is good for the Nation and good for families across our country that are concerned about quality schools and quality health care.

I visited St. Francis Hospital in Peoria, IL, yesterday, a wonderful hospital that has faced Medicare cuts that, frankly, threaten this teaching hospital, this safety-net hospital, another item we have to address and should address before we go home.

I didn't run for the House and for the Senate to come here and punch the clock on my pension. I came here to work on the issues that are important to people in Illinois and across the Nation. To date, this Congress has failed miserably when it comes to addressing those issues, whether it is education or health care, the basic things we expect.

We had the Columbine School massacre a few months ago; it shocked the Nation. We passed a juvenile justice bill because Vice President GORE came and broke the tie. We said we need sensible gun control, background checks, to make sure fugitives, felons, and stalkers don't get their hands on guns. We passed that bill over to the House, and it disappeared, never seen again.

We are now in another school year. We still want safe schools. We still want sensible gun control. This Congress has failed miserably when it comes to bringing that issue through, passing a law, and sending it to the President. It hasn't happened.

Time and again we have made the speeches; we have punched the clock; we have gone home without meeting our responsibilities. If last year's Congress was a do-nothing Congress, this Congress has done less, less to meet the challenges the American people have given to us, challenges which include a responsible budget, education, and

health care, challenges which include, of course, a Patients' Bill of Rights so those who have health insurance through managed care companies have a decision made by a doctor and not by an insurance bureaucrat.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the time until 11 a.m. shall be in the control of the Senator from Maine, Ms. SNOWE, or her designee.

Ms. SNOWE. Mr. President, I yield 5 minutes of my time to the distinguished Senator from Arizona, Mr. KYL, at the conclusion of my 25 minutes.

I further ask unanimous consent that following the expiration of my control of the time, Senator ROBERTS be recognized for up to 15 minutes.

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

Ms. SNOWE. Will the Chair inform me when I have consumed 10 minutes?

The PRESIDING OFFICER. The Chair will do so.

SENIORS PRESCRIPTION INSURANCE COVERAGE EQUITY ACT

Ms. SNOWE. Mr. President, I rise today, along with my distinguished colleague from Oregon, Senator WYDEN, to discuss legislation we introduced in July concerning prescription drug coverage. The legislation is known as the Seniors Prescription Insurance Coverage Equity Act, or SPICE.

We have come to the floor to address a number of questions that have been raised with respect to our legislation. We want to answer some of those questions so the Members of this body can be informed in terms of what our legislation is all about on this most critical issue.

I am also pleased to announce Representatives ROUKEMA and PALLONE have introduced a companion bill to our legislation in the House of Representatives.

I have always believed, as being part of the elective process, we have an obligation to serve the people by addressing the problems that are the most immediate and most critical. We are not here solely for the purpose of creating issues so our parties can run on those issues in the next election. Yet it seems all too often now Congress is only focusing on the difference between the two parties, the difference between Congress and the President, instead of focusing on how we can achieve a consensus on the most significant issues facing this country, where we can make a meaningful difference in the lives of our constituents. The people of this country rightfully expect us to legislate good public policy on those issues, to address problems facing this country.

Yet, time and again, it seems the more critical issues we face in Congress and in this country are the ones that are the most polarized. Time and time

again, we fail to achieve a consensus on the key issues. The most notable, recently, of course, is the tax cut bill. While we might all have differences in terms of what kind of tax cut bill we should have or how much, there was no difference of opinion with the President or with Congress in terms of having a tax cut but, rather, what the size of that tax cut package should be. People say to me: Where is it going from here? I say: That is a good question.

Inevitably, there will be another train wreck, and it doesn't have to be so. We ought to be able to demonstrate to the American people we are very serious about creating solutions, rather than issues, as a platform and a basis for the next election, which, by the way, is more than a year away. It is almost as if compromise has become a lost art.

So here we are in September, approaching October, closer and closer to adjournment, and the only thing that will be falling faster than the leaves will be our legislative agenda and the public's faith. America expects us to build bridges and not to draw lines. So often bipartisanship has become a joke. It may well be within the beltway, but I can tell my colleagues, in the real world, it is no laughing matter.

That is why Senator WYDEN and I are taking the floor, not only to discuss our legislation but to urge the Members of the Senate and of the Congress, and the President, to come together on this most vital of issues to our Nation's citizens. That is why we are here, because we have introduced a bill that puts the interests of the American people over the best interests of politics, a bill that gives us a chance to show America's seniors and the American people that, yes, we can come together on an issue of great significance to our constituency.

I believe that how a society treats its seniors speaks volumes. What does it say that while America is 4 or 5 months shy of its longest expansion ever in the history of this country, while this Nation enjoys an era of unprecedented wealth and prosperity and growth, a third of Medicare recipients still have no insurance coverage whatsoever on one of their most basic health needs, prescription drug coverage? What does it say, when seniors are cutting prescription medications out of their budgets and their lives simply because they cannot make ends meet; they cannot afford to pay for them?

What does it say when the New England Journal of Medicine reports that poor elderly persons without Medicaid coverage spend about 50 percent of their total income on out-of-pocket health care costs such as Medicare premiums and prescription drugs? It says: Wait until next year.

Wait until next year? That may be good and may be acceptable in the world of sports and elections, but it is not acceptable when it comes to America's seniors and a matter of life and

death. For them the status quo is a bitter pill to swallow.

Our plan—the only bipartisan one, I might add, in the Senate—represents a straightforward, comprehensive, responsible approach. It will appeal to anyone who wants seniors to have coverage, to have choice, to pay for it in a responsible fashion, to get it done this year, regardless of whether or not we have Medicare reform.

How does it work? Instead of reinventing Medicare, because we know that is complicated and contentious, we created a program that builds on the existing medigap system, using the basis and the model of the Federal Employees Health Benefit Plan, the one that benefits Members of Congress and all Federal employees, and we have choice. So why shouldn't seniors have the same choices that are afforded Members of Congress and Federal employees with respect to their health insurance and to this prescription drug coverage?

All Medicare-eligible individuals will have the option of purchasing this plan. It will be voluntary, a supplemental insurance program. It will be similar to medigap. We create a board that will disseminate the information on the choices available. Not only is this approach better for Medicare beneficiaries, but it keeps the costs down by encouraging competition because we have a potential pool of 39 million Medicare beneficiaries. All seniors will receive some premium support assistance on a sliding scale: 100 percent for those with incomes under 150 percent of the poverty level and under, and then it phases out to 175 percent and above to 25 percent, so at least at a minimum 25 percent premium support, and 100 percent for those under 50 percent of poverty level.

Individuals will pay for the copayments and the deductibles. The policies will be the threshold standard developed by the board, which will include consumers and State representatives, insurance representatives, commissioners, designed with the seniors' needs in mind. There will be a number of choices based on the need and based on encouraging competition among a number of insurance companies across America because of the size of the pool.

The question people ask the most about our plan is, Are you changing seniors' current Medicare program? No. SPICE will not be a part of Medicare. What is more, it is completely optional. Best of all, we pay for it with a reasonable and reliable funding mechanism that would not in any way affect the solvency of Medicare or dip into Social Security surpluses, which is a key issue, both on the Social Security and Medicare question.

Senator WYDEN and I, as members of the Budget Committee, last March offered an amendment to the budget resolution. At that time we had an amendment that allowed for the use of surpluses for the financing of a prescription drug program, predicated on

the Senate Finance Committee and the House Ways and Means, to report out a Medicare reform package. This seemed a great way to create an incentive for Medicare reform and also a way of financing a prescription drug program, given that we will have projected surpluses of a trillion dollars over the next 10 years.

But in the event we don't have a reform package—and I hope we do work on it because it is critically important and we should not be deferring this issue, but given the fact that we might not, and given the precarious state of the projected surpluses, Senator WYDEN and I decided to offer another alternative of financing a prescription drug program when the budget came up.

We offered an amendment based on the President's proposal to increase the tobacco tax by 55 cents and also accelerate the scheduled tax increase of 15 cents on tobacco. Even though we were defeated on a budgetary point of order that required 60 votes, we got 54 votes. We had a majority of support for financing a prescription drug program through tobacco tax revenues. It makes good policy sense. Columbia University did a study in 1995, and it showed, in that year alone, smoking-related illnesses cost the Medicare program \$25 billion or 14 percent of the total expenditures of the Medicare program. There is no reason whatsoever to think those costs have diminished at all. So we think this is a reasonable, logical way to finance a prescription drug program.

People may have differences and say: We don't want to raise any kind of tax, even if it is a tobacco tax. But I urge my colleagues that there are other alternatives. We have to have funding. It isn't responsible to introduce a prescription drug program and have no financing mechanism. What we don't want to do with the SPICE program is to add layers of bureaucracy. We are minimizing bureaucracy by creating a board that will maximize oversight. But HCFA will not be presenting this program. We will not affect current Medicare benefits, and we won't be affecting the solvency of the program.

I urge the Members of the Senate to give careful consideration to the legislation we are offering. It is critically important. We have the luxury, so to speak, of deferring issues, but our seniors in this country—certainly in the State of Maine—don't have the luxury of deferring their well-being. A third of Medicare enrollees have nothing, not to mention the patchwork quilt involved in the coverage for all the other seniors.

Now, if you think it is acceptable for 15 million enrollees in the Medicare program not to have any coverage whatsoever, then fine. But if you are truly concerned about the fact that 15 million Americans have nothing, then I urge you to consider this legislation.

Some of our opponents have said, well, the lack of prescription drug coverage isn't a crisis; it is a mirage. They

label our bill, and other bills for prescription drug coverage, a "solution in search of a problem." They use words such as "misguided," "regressive," "unnecessary," and "fictitious." They say our claims about seniors having to choose between drug coverage and filling their cupboards are simply not true.

Ask the seniors in my State and all across this country who have written to us and said they are cutting their pills in half, or cutting dosages, or skipping dosages, and not simply filling prescriptions when they get them from the doctor because they are unable to pay for them. That is the bottom line. It will be a big surprise to older Americans if you say it is not a problem.

Mr. President, I yield to my colleague, Senator WYDEN from Oregon, 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, it has been a pleasure to listen to my colleague from Maine. I think she has said it superbly. It has been a pleasure to be working with her over the last few months. The reality is that nothing important in the Congress gets done unless it is bipartisan. It is just that simple.

What Senator SNOWE and I have said repeatedly is that we want to get beyond some of the squabbling that goes on in Washington, DC, and really come together as a Congress, across the political aisle, and get prescription drug coverage added to the Medicare program.

I think it is especially important now to hear from the Nation's senior citizens. For the last few months, we have been hearing from all of these beltway experts. Some of them, as Senator SNOWE mentioned, have actually said seniors don't need these benefits. They say, well, this isn't a very serious problem, in spite of the fact that we have more than 20 percent of the Nation's elderly spending \$1,000 a year out of pocket on their prescription medicine. We have some of these self-styled experts in Washington, DC, going to conferences and programs and saying seniors really don't need this coverage.

So what we want to do is take this debate about prescription drug coverage and the need to assist seniors out of the beltway, get it out beyond Washington, DC, and start hearing from seniors and their families.

Maybe some of these experts have good coverage and that is why they don't think it is important to cover the needs of seniors. Maybe they are not talking to their parents. But I can tell you, the seniors who come out to town meetings in Maine and Oregon are saying they can't afford prescription medicine and, very often, they will leave an order that has been phoned in by their physician at a pharmacy because they can't afford to pick it up. They are told to take three pills as part of their program to recover, but they start off tak-

ing two; they can't afford that; and then they take one; and eventually they get much sicker and end up needing much more expensive care.

So we want to make sure in the days ahead, in our effort to pass a bipartisan prescription drug bill, that the Senate and the Congress hear from the Nation's older people. We would like to say today that we hope senior citizens and their families across this country who want to see the Congress pass a bipartisan bill to add prescription drug coverage—we hope those seniors and their families, just as this chart next to me indicates, will send copies of their bills to their Senator and their Member of Congress.

Right next to me is a chart showing how simple it is for seniors and their families to make sure their voices aren't drowned out by some of these experts saying we don't need prescription drug coverage as part of Medicare. Just as this chart shows, a simple note to a Member of Congress, a Member of this body, can help us forge a bipartisan coalition and actually get this done. We hope when we hear from seniors and their families, they will support the SPICE legislation. But what is really important is that the Congress hear from those older people and their families.

We think ours is a good bill. For example, under our legislation, seniors will have the bargaining power and the clout in the marketplace the way the big health maintenance organizations have, so we can keep the costs of prescription drugs down.

A lot of our colleagues, both in the Senate and in the House, are touting studies about how seniors spend a lot more when they walk into a pharmacy for their prescription drugs than would a big buyer such as a health maintenance organization. That is true. Seniors get hit by a double whammy: They can't afford prescription drug coverage. Yet when they walk into a pharmacy, they subsidize those big buyers, the purchasers through a health maintenance organization who get a discount.

Well, Senator SNOWE and I think that if a health plan is good enough for Members of Congress and their families and that health plan uses marketplace forces to hold costs down, let's use a model such as that to serve the needs of older people. We are not reinventing the wheel. We are not having the Federal Government take over health care. We are using a system that Members of Congress and their families know well, a system that ensures that seniors will be in a position to hold down the costs of their medicine as well as be able to obtain coverage.

I am very pleased to have a chance to work with Senator SNOWE and to spend a few minutes discussing issues with her. I think the big challenge is to get this issue out of the beltway and to work in a bipartisan fashion. Senator SNOWE and I have been trying to do that in the Budget Committee. There are some who want to make this a po-

litical issue for the 2000 campaign. We are not naive. We recognize that.

Certainly if there were no good ideas to tackle this problem, it would be an issue that would come up in the campaign. However, Senator SNOWE and I think because more than half of the Senate has already voted for the funding plan that we propose, because we are relying on a model we know works for Members of Congress and their families, we shouldn't wait another 2 years for another election to act. We think the time to act is now.

I will address my colleague by way of saying, Senator, what strikes me as missing is the voice of seniors and their families. We have heard from all the experts in Washington, DC. What has been missing is the voices of seniors and their families. I want them to start sending in their bills and telling Members what they think about the crushing costs of prescription medicine.

Perhaps the Senator could comment. Ms. SNOWE. Will the Senator yield?

Mr. WYDEN. I am happy to yield to the Senator.

Ms. SNOWE. Mr. President, I commend Senator WYDEN for his idea on having seniors in this country send their prescription drug bills to the Members of the Senate and to their Representatives. It is absolutely critical for people to understand the significance of this issue in the daily lives of our seniors.

Doesn't the Senator find it somewhat remarkable there are some in Washington saying there is no crisis among our Nation's seniors when it comes to prescription drug coverage, that this is a fictitious problem? My seniors are telling me: We cannot afford to pay for our prescription drug bills.

I met with a senior recently who said she is reducing the number of pills she takes every day because she cannot afford to fill the entire prescription. So she tries to make it last longer. That is a real story. It is happening all across America.

I find it somewhat amazing people are suggesting it is not a problem. On average, the seniors will spend \$642 a year on drugs. That is on average. Prescription drug access in America, for most seniors, is out of reach. I think we have to impress upon Members of this body, Congress, and the President, this is an issue we all need to come together on, to work out now, not 2 years from now.

People say: After the election. The election is a year from November. Then it will be another year, at the minimum, before we can get anything passed. That is 2 years.

The American seniors cannot defer their health, their well-being. In many instances, it is the difference between life and death. Much sicker seniors are being discharged from hospitals today than ever before. That is why prescription medication becomes all the more compelling and urgent in helping our seniors.

Mr. WYDEN. We know new prescriptions are right on the forefront of preventive medicine. What is exciting about the new medicines is they help to lower blood pressure and they can be helpful in dealing with a wide variety of health concerns, including cholesterol and other problems seniors have.

Could the Senator tell Members a little bit about how the model SPICE benefit was devised? It seems to me the Senator is trying to focus on wellness, holding costs down, and making prescriptions affordable.

Ms. SNOWE. The Senator raises an important question about the choices that would be available to seniors by creating this board. We look at the needs of seniors. What are the prescription drugs seniors most use? What is most available? What is out there already for insurance coverage? Where are the gaps? This board will have the ability to devise a number of plans across the board and make it available to seniors. Then they can make decisions as to whether or not that plan is tailored to their needs, similar to what Members of Congress get.

Members of Congress can avail themselves to an array of plans that provide for prescription drug coverage. The seniors in America should have the same choices. We want them to have choices and to avail themselves, as Senator WYDEN indicated, to the state-of-the-art, advanced developments in prescription drugs and medications.

We did not rely on Government programs, a big bureaucracy of price controls in order to achieve prescription drug coverage because there are bills out there in the House and the Senate that will either control the price of drugs or create a huge Government bureaucracy or impinge on the Medicare Program that already has significant financial problems.

Could the Senator tell Members how our bill will help seniors without relying on Government price controls but at the same time giving them the ability to have access to the most advanced prescription drug coverage in America?

Mr. WYDEN. I appreciate my colleague's question. We use marketplace forces. We use a dose of free enterprise, how our Federal employee health plan works.

What troubles me is a lot of those other bills focus on an approach of Government purchasing the medicine, but that will shift the costs onto a lot of other people.

I am very fearful that under some of those approaches, particularly the ones in the House, because Medicare essentially would control prices, they will shift the costs. What will happen is an African American woman who is 27, maybe single with a couple of children, will end up with a higher prescription drug bill because that person will end up seeing the costs shifted when prices are controlled just for the Medicare Program.

I think we ought to use marketplace forces, competitive principles. That is

what our legislation does. It will prevent cost shifting and help to hold down costs for all Americans.

I yield the floor.

Ms. SNOWE. Mr. President, I compliment my colleague, Senator WYDEN, for the comments he made. It is critically important to understand the differences in our approach as compared to others for controlling the price of drugs which will have an impact on the developments that have occurred in prescription drugs in America.

Most importantly, Senator WYDEN and I have come together on an approach we think is reasonable both from a fiscal standpoint as well as from a policy standpoint. We are allowing competition; we are allowing choice. We don't create a bureaucracy; we don't affect Medicare. We provide a financing mechanism.

It truly is a reasonable solution to a crisis that is facing America's seniors. I encourage my colleagues to take a very close look at this bipartisan proposal, the only one that has been introduced in the Senate, to talk to Members to see if we can come together so we can address this issue this year in this Congress.

I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Arizona is now recognized. The Chair will note the time allocated to the Senator from Arizona was to expire at 11 o'clock. The additional time has been taken by unanimous consent that has almost brought us to that time.

Mr. KYL. Mr. President, I ask unanimous consent to complete a statement, which is about 5 minutes.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. Without objection, the Senator is granted 5 minutes. Is there objection?

Mr. BRYAN. May I ask my colleague to yield for a unanimous consent request?

Mr. KYL. Certainly.

Mr. BRYAN. The Senator from Nevada asks unanimous consent that following Senator KYL and following Senator ROBERTS, the Senator from Nevada have 20 minutes to speak.

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

Mr. BRYAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes. Following the Senator from Arizona, the Senator from Kansas will be recognized for 15 minutes. Following that, the Senator from Nevada will be recognized for 20 minutes.

The Senator from Arizona.

JUSTICE SANDRA DAY O'CONNOR

Mr. KYL. Mr. President, Sandra Day O'Connor was born on March 26, 1930, the first of three children of Harry A. Day and Ada Mae Wilkey Day. After attending secondary school in El Paso,

she pursued her undergraduate education at Stanford University.

Justice O'Connor initially studied economics at Stanford with the ultimate goal of running her family ranch. She was uninterested in the law until she took a business law class her junior year. She fell in love with law. Justice O'Connor enrolled in Stanford law school, and was able to graduate with her undergraduate and law degrees in 6 years. She excelled in law school, becoming a member of the Stanford Law Review's board of editors and graduating third in her class. While in Stanford Law School, she met her future husband, John Jay O'Connor III, as well as future Chief Justice William Rehnquist.

Upon graduating, the only job offer she received was for a position as a legal secretary. Unable as a female attorney to find employment with a private firm, she became a deputy county attorney in California. Soon after, her husband joined the Judge Advocate General's office for the U.S. Army and was stationed in Germany. Justice O'Connor joined her husband overseas as a civilian lawyer for the Quartermaster Corps.

The young couple returned to the United States in 1957, settling in Phoenix, Arizona. Within 6 years, the O'Connor's had three sons: Scott, Brian, and Jay. In 1958, after the birth of her first child, Justice O'Connor and a friend started their own law firm. Two years later, after the birth of her second child, Justice O'Connor became a full-time mother and immersed herself in volunteer work. She was a volunteer juvenile-court referee, chair of a juvenile home visiting board, and she organized a lawyer-referral service. In 1965, she returned to public service as an assistant state attorney general for Arizona.

In 1969, Justice O'Connor was appointed to a vacated seat in the Arizona Senate by the County Board of Supervisors. She won reelection to the Senate for two successive terms. Not surprisingly, she excelled as a state senator, and in 1972 she was elected majority leader. As would become standard for her, she was the first woman to hold such a senior legislative office anywhere in the United States.

In 1974, Justice O'Connor was elected to the Maricopa County Superior Court, where she served for 5 years. She was later encouraged to run for Governor, but declined. In 1979, Governor Bruce Babbitt's first appointee to the Arizona Court of Appeals was Sandra Day O'Connor.

On August 19, 1981, President Reagan nominated Justice O'Connor to become the 102nd Supreme Court Justice, replacing the retiring Justice Potter Stewart. She was the first woman nominee to the Supreme Court. She was confirmed by a vote of 99 to 0, and took the oath of office on September 25, 1981.

Justice O'Connor's tenure on the Court has been marked by her defense

of states' rights, equal protection, and religious liberty. Justice O'Connor is known as a restrained jurist, a strong supporter of federalism, and a cautious interpreter of the Constitution.

She has been described not only as committed and intense, but also as warm and down-to-earth, and a loving mother and grandmother.

Last Wednesday, September 22nd was the 18th anniversary of their confirmation as Justice of the United States Supreme Court, and last Saturday was the 18th anniversary of the day she took the oath of office. To honor her service to this nation and to the law, Senator MCCAIN and I have introduced a bill to name the new Phoenix courthouse in her honor as the "Sandra Day O'Connor United States Courthouse."

Obviously Justice O'Connor, being extremely modest, has repeatedly declined my overtures to have the courthouse named after her. However, in the face of my continued campaign and my obvious determination to see that she is given the recognition she has earned—and because the timeline of the courthouse's construction and dedication next spring require immediate action on the Senate's schedule—the Justice finally relented and allowed me to go forward with this legislation.

Justice O'Connor's place in history is set: she has been a trailblazer for women in the law—rising to the top in every area in which she has worked. Justice O'Connor is one of the most important jurists in our nation's history. It is fitting that a beautiful, yet very functional new Federal courthouse in Phoenix, Arizona, be dedicated in her honor.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Chair recognizes the Senator from Kansas for 15 minutes.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2605

Mr. ROBERTS. Mr. President, I ask unanimous consent that following Senator BRYAN's remarks, the Senate then proceed to consideration of the conference report to accompany H.R. 2605, the energy and water appropriations bill. I further ask consent that reading of the report be waived and there then be 1 hour of debate equally divided between the chairman and ranking member.

I finally ask consent that at 2:15 today the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

USDA'S APPROACH TO EMERGENCY FARM LEGISLATION

Mr. ROBERTS. Mr. President, I rise today to read a statement I am sending to Secretary of Agriculture Dan Glickman regarding USDA's approach to emergency farm legislation. The letter goes like this:

"Dear Mr. Secretary"—Dear Dan, we are personal friends—

We all agree that we need to get the emergency agriculture bill out of conference, passed and get the assistance to our farmers as fast as possible. In this regard, I am concerned with recent comments you have made regarding how these payments should be funded and made available to farmers. Instead of using the current Agriculture Marketing Transition Act—[and the acronym for that is AMTA—instead of using that] payment system that farmers and their lenders were promised and banked on several months ago, you and others within the Administration have recommended alternative payment plans.

In your September 15 testimony before the House Agriculture Committee, you said:

"There is an immediate need to provide cash assistance to mitigate low prices, falling incomes, and in some areas, falling land values."

But then you said:

"Congress should enact a new program to target assistance to farmers of 1999 crops suffering from low prices. The Administration believes the income assistance must address the shortcomings of the farm bill by providing counter-cyclical assistance. The income assistance should compensate for today's low prices and therefore they should be paid according to this year's actual production of the major field crops, including oilseeds."

[Mr. Secretary—] Dan, I know the Administration, the Farmer's Union and some Democrats in the Congress want to change the farm bill in the emergency legislation. And I know some of the budget [folks, I call them] "wonks" in the Office of Management and Budget—[I do not mean to perjure their intent, what they do, but they are] sending mixed signals and I know the politics of the issue. [There has been a lot of that.] Nevertheless, I urge you to reconsider for the following reasons:

First: The very farmers who need the assistance [and who would receive the assistance] oppose this plan.

The commodity organizations representing producers of soybeans, wheat, corn, cotton, grain sorghum, sunflowers, canola and rice and the American Farm Bureau—the very farmers you stressed in your statement—strongly disagree with your philosophy and proposal. In a letter to the chairman of the Senate Appropriations Committee, Senator Ted Stevens, they said and I quote:

"We strongly disagree with that [and I am saying] (your) philosophy. The current economic distress is partly a result of the unfulfilled promises of expanded export markets, reduced regulations and tax reform that were part of the promises made during deliberation of the 1996 farm bill. The costs of these unfulfilled promises fall upon those people who were participating in farm programs at that time."

[They go on to say, and I am quoting:

"The current AMTA payment process is in place and can deliver payments quickly. The administration costs of developing an alternative method of payments would be very high and eat into funds that should go to farmers. Given the 7½ months it took the Department to issue weather disaster aid last year, we are unwilling to risk that producers might have to wait that long for development and implementation of a new farm program and disaster aid formula. Time is also critical for suppliers of goods and services to producers. They need payments for supplies now to stay in business, not just promises that something will happen in the future."

"Supplemental AMTA payments provide income to producers of corn, wheat, cotton, rice, barley and grain sorghum."

Again, these are the very organizations, the commodity groups that represent the producers, that would receive the assistance. They go on to say:

"Soybean producers will receive separate payments under the Senate language. Crop cash receipts for these producers in 1999 will be down over 20 percent from the 1995-97 yearly average. Producers who have smaller than normal crops due to weather problems will receive normal payment levels. This is better than using the loan deficiency payment program which are directly tied to this year's production."

Finally they say:

"We urge you to retain the \$5.5 billion in supplemental AMTA payments as the method of distribution for farm economy aid in the agriculture appropriations conference agreement. Any alternative would certainly take additional time to provide assistance to producers—time which we cannot afford."

My second reason for opposing these alternative plans:

Changing the payment plan will mean farmers will not receive their payments until next year.

The term you used, Mr. Secretary, in your statement regarding the emergency payments was "immediate." The difference between using the AMTA payment system—

That is the current one—

and the several alternative methods you have suggested is: Three weeks or 3 months. Or this year or next.

Last week, Farm Service Agency official Parks Shackelford said: "All the king's horses and all the king's men could not get the payments made as quickly as Congress desires."

Well, Dan, last year the USDA was able to distribute payments through the AMTA system in less than 3 weeks after passage of the legislation by Congress. They began on November 3, the date of the election, by the way, and farmers received their payments before Thanksgiving.

Last year, in delivering disaster assistance, through a formula developed by the Department, it took 7½ months to receive these payments.

I say to the Secretary with no disrespect:

Dan, you are the "king" and you have the horses, just do it.

Third: No specific or formal plan has been presented and in terms of the actual farming practices, the criticism, in my view, just doesn't add up.

Staff on both the authorizing and the appropriations committees tell me no formal plan for an alternative distribution plan has been developed or submitted. What has been developed and submitted, however, is repeated criticism of current policy.

That has been ongoing for sometime, not only at the Department, not only by one major farm organization, but certainly on the floor of the Senate and the House, for that matter.

However, these comments show either naivete from people who do not understand the current legislation or worse, that the Department is breaking the law.

In recent weeks, the USDA and Office of Management and Budget officials have criticized plans to distribute income assistance through the AMTA system.

Their first complaint was, "Payments actually go to people who planted no crops."

I respectfully ask are producers who lost their crops due to hail, disease, drought, or flooding in better financial condition than

those producers who had crops to harvest in 1999? Yes, our farmers can receive AMTA payments without planting a crop. That is part of the flexibility of the farm bill. But you and I know, Mr. Secretary, they must plant a cover crop for conservation requirements, and you and I also know that farmers have shifted the crops they plant and the current price crisis affects all crops. I know of no farmers who have quit planting altogether.

Farmers don't do that.

Last Friday, you said these payments are being made on many acres that are no longer planted to crops but rather have been switched over to pasture and to grassland. If that is the case, certainly hard hit livestock producers will also benefit from the AMTA payments. But more to the point, you, some in the Department and many of our friends across the aisle have urged production and/or acreage controls because farmers have allegedly planted "fence row to fence row" under the 1996 farm bill. The dramatic changes in production figures on major crops you cited arguing the administration's new payment distribution proposal clearly shows the large grain surpluses did not come from U.S. farmers. However, the current AMTA payment plan is, in fact, a paid diversion if the farmer wishes to make that decision.

Those who propose acreage or production controls should embrace AMTA payments in that it affords farmers the opportunity to be paid for shifting to other crops or putting the ground into good conservation practices. They won't, of course, because the controls are not mandatory and did not simply come out of Washington.

The second complaint we have heard is, "Payments are being made to those who share no risk in farm production," or the landlords.

Dan, if they are, both the USDA and the recipient are simply breaking the law. The 1996 farm bill clearly states that payments can be made only to those who "assume part or all of the risk of producing a crop." If payments are indeed being made to those who share no risk in production, it is a clear violation of the law and disciplinary action should be taken for any official approving payments in an illegal manner.

The third complaint was, "The income assistance component must address the shortcomings of the farm bill by providing countercyclical assistance."

I am not going to go into a detailed description of a portion of the farm bill that we call the Loan Deficiency Payment Program—

And the acronym for that is LDPs— but what on Earth is the loan deficiency payment if it is not countercyclical? As a matter of fact, your own Department estimated last week that at least \$5.6 billion in loan deficiency payments will be going out to farmers this year because prices are low and the lower prices are, the higher the LDP payments—

i.e., they are countercyclical—even to the point of exempting them from payment limitations.

That is how much money is going out under the LDP Program.

How can you get more safety net countercyclical than that?

Fourth: The alternative plans that you have proposed—

And there have been several of them—

have problems in regard to how they would work.

While no formal alternative plan has been submitted—

And I emphasize the word "formal" and specific—

you have indicated such a plan would base payments off of a State average yield or off of a 5-year production average that farmers would have to prove.

On one hand, you are telling farmers their payment will be based on "actual production yields" while on the other you state you intend to use the 1999 State averages or 5-year average yields. We both know that widespread discrepancies can occur in yields from one region of a State to another. We do not need western Kansas versus eastern Kansas arguments in regard to equity or similar arguments with any State or region throughout the country.

Fifth: Our farmers, and their lenders, will not know the amount of payment not to mention when they will receive it.

Any change in the AMTA distribution payments also changes what farmers and their lenders are promised and they banked on several months ago when we passed the bill in the Senate. We should use the current AMTA system where the producers and the lenders know exactly what their payments will be.

Finally, Dan, as we have discussed, no farm bill is set in stone and none is perfect by any means.

Certainly the current bill fits that description.

That debate is and should be taking place but not on an emergency bill. It has been 6 months now since you requested an emergency bill. To date, I still don't know the administration's budget position, and I have not seen a specific plan. Some within OMB tell the appropriators they want less lost income payments and more disaster and others just the opposite.

Summing up, with all due respect, Mr. Secretary, your proposal:

1. Is opposed by the very farmers who will receive emergency assistance.
 2. Will delay the payments until next year.
 3. Is based upon comments from those who apparently do not understand the legislation (and, I might add, not to mention farming) or if their comments are true, mean the USDA is breaking the law.
 4. Has yet to be formally presented to staff and involves serious distribution and equity problems.
 5. Breaks the commitment made to farmers and lenders when the Senate passed the emergency bill months ago.
- With all due respect, Mr. Secretary, I don't think we should be in the business of changing horses after the stage left.

I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from Nevada.

Mr. BRYAN. I thank the Chair.

LOWERING THE RADIATION PROTECTION STANDARD

Mr. BRYAN. Mr. President, in what has become one of the more unpleasant annual rituals here in the Senate, the majority leader has once again put the Senate on notice that we may soon consider legislation related to the disposal of high-level nuclear waste at the Yucca Mountain site in Nevada.

Since the Senate last considered this subject, the sponsors of this legislation have realized that the Senators from Nevada, and the Clinton administra-

tion, will never yield to the outrageous and dangerous—in my view very dangerous—demands of the nuclear power industry.

This year, it appears that the industry and its advocates here in the Senate have finally conceded defeat, and dropped their misguided attempts to require "interim" storage of high-level nuclear waste in Nevada.

We have been fighting the "interim" storage proposal since 1995, and its demise is a major victory not only for Nevadans, but for millions of other citizens, and taxpayers across the country.

Some of what remains in the current nuclear waste proposal, S. 1287, is reasonable.

In particular, I have long supported providing financial relief to utilities, and their ratepayers, who are financially damaged by the Federal Government's failure to begin removing waste from reactor sites in 1998.

Under the leadership of Secretary Richardson, the administration has offered to work with the utilities to provide such financial relief, and several of the provisions of this legislation are intended to give the Secretary the legal authority he needs to carry out this proposal.

If financial relief for the utilities was all we were talking about, I believe we could pass a bill today.

Other provisions of the bill, will, I expect, continue to draw a veto threat from the White House.

Should the Senate actually attempt to move to the bill in the coming months, I will have a lot more to say about the unsafe and irresponsible changes this legislation would make to the Federal high-level waste program, but today I want to focus briefly on one particular provision that in my view is threatening and dangerous and that is the attempt to lower the radiation protection standard to be applied to a potential repository site at Yucca Mountain.

The starting point for any fair evaluation of a potential repository is a fair and protective radiation release standard.

Since it is against this standard that the predicted performance of a repository is measured, the health and safety of the public depend on a strict and comprehensive standard.

The legislation reported by the Senate Energy Committee, if enacted, would emasculate current law and the Environmental Protection Agency's effort to establish a fair Yucca Mountain standard by shifting the responsibility for setting the standard to the NRC, the Nuclear Regulatory Commission, and establish, by legislative fiat, a standard far less protective of the public and the environment.

Since its creation by President Nixon nearly 3 decades ago, the Environmental Protection Agency has been the Federal agency charged with developing radiation release standards.

The EPA was created for a sound reason, which still holds true today: to

consolidate the Federal Government's effort to protect the environment in one Federal agency.

As the lead Federal Agency for environmental protection, the EPA has, for many years, set standards for a wide variety of pollutants, including radiation, to be applied by a wide variety of Federal agencies and regulatory bodies.

In addition to its general authority to set radiation standards, the EPA was specifically charged, by statute, with setting standards for high-level waste disposal by the original Nuclear Waste Policy Act of 1982.

Under the Nuclear Waste Policy Act, the EPA is charged with setting the standard, the NRC is charged with implementing the standard, and the DOE is charged with characterizing and building a repository.

When the Nuclear Waste Policy Act was amended in 1987, numerous changes were made, but the EPA's role as the standard setting agency was left untouched.

In 1992, the Nuclear Waste Policy Act was amended once again, and over my objections, this time the statute relating to the standard was changed.

In an effort by the nuclear power industry to influence the outcome of the EPA's work, the National Academy of Sciences was instructed to make recommendations to the EPA regarding the standard, and the EPA standard was required to be consistent with the NAS recommendations.

In 1992, Congress nevertheless was still unwilling to set the dangerous precedent of taking the standard setting authority away from the EPA.

To the disappointment of the nuclear industry and its supporters, however, this attempt in 1992 to have legislative changes to modify the law in an attempt to prejudice the EPA's work backfired—the industry was unhappy with the NAS's 1995 study, and renewed its effort to jerryrig a legislative standard that gutted the EPA provisions in the original Nuclear Waste Policy Act.

Recently, after years of work, and numerous delays, the EPA issued a proposed radiation release standard for Yucca Mountain.

The EPA is currently accepting comments on the proposed standard, and will continue to work with all parties interested in developing a final standard in the next few years.

But supporters of the industry's efforts to target nuclear waste for Nevada do not want a fair standard. They want a standard so low that Yucca Mountain, or any other site, simply could not fail.

The industry wants a standard that will provide a path around the many failings of the site, irrespective of the effects on public health and safety.

Although the radiation release standards are technical in nature, and quite complicated, the major issues of contention between the EPA, the NRC, and industry, however, are not.

First, what is the maximum increase in exposure to radiation Nevadans should be expected to bear due to the operation of the repository? And the second question is, should we protect a major aquifer that lies underneath the proposed repository site?

On the first subject—the level of protection—the report prepared by the National Academy of Sciences provides some helpful guidance.

This exhibit, as reflected in the chart, reflects that range. The white brackets here indicate the standard range from 2 to 20. The NRC standard, as one can see, in S. 1287, the current legislation, is far beyond the parameters of what the NAS, the National Academy of Sciences, has recommended. The EPA standard, on the other hand, set at 15 millirems, is well within those standards. So that is consistent with what the 1992 legislative changes mandated.

The exposure levels suggested by the NAS and the EPA were not simply plucked out of thin air. Both agencies relied heavily on similar standards established in the United States and by other countries. As this chart indicates, again, at the top is S. 1287, 30 millirems, which is far beyond the standard of most other countries; EPA at 15, the United Kingdom at 2; Switzerland, Sweden, Norway, Iceland, Denmark, and Finland at 10.

Once again, the EPA standard lies well within the midrange of standard practices around the world, while the standard included in S. 1287, as I indicated, lies at the extreme upper end of the range of existing practice.

More technical, but just as important, is the issue of what population the standard is measured against.

For the EPA proposal, the standard will be applied to the group of people most likely to be harmed—using reasonable assumptions regarding distance from the repository, and average eating and other personal habits, the EPA standard protects the "maximally exposed individual." S. 1287 would apply the standard to an "average" member of what could be a very large group of individuals—leading to the possibility of very large exposures to members of the group who are at greater than "average" risk from the repository.

Proponents of gutting the radiation release standard, and of taking the EPA out of the process, claim that Nevada's concerns are meaningless, and that natural variations in background radiation between regions render our concerns with an increased millirems a year meaningless.

That argument shows a blatant disregard for the health and safety of the people of Nevada.

We all live with whatever background radiation we may be exposed to; there is nothing we can do about that.

What we can do, as a matter of sound public health policy, is limit the amount of radiation exposure we add to background from manmade sources.

An ordinary chest x-ray—something we all subject ourselves to when necessary, but certainly don't consider a desirable event to occur on a regular basis—results in an exposure of about 5 millirems.

Under the legislation reported by the Energy Committee, Nevadans would be subjected to the equivalent of at least 6 additional, and unnecessary, chest x-rays each and every year.

We don't really know what the full health related effects of this type of exposure can result in, but I doubt that any member of the Senate would volunteer to subject his or her state, or family, to that type of risk.

Even under the EPA's proposed standard, individuals could expect to be subjected to future exposures equivalent to three chest x-rays a year—a proposal which, while more suitable than the alternatives offered by the nuclear power industry over the years, provides little comfort to Nevadans.

The second major issue which has raised such outrage by the nuclear power industry, the NRC, and their supporters here in Congress is the EPA's insistence upon requiring compliance with a separate groundwater standard.

Under the EPA's proposed standard, the repository would need to be in compliance with the goals of the Safe Drinking Water Act, which, in effect, limits radiological contamination of the groundwater to 4 mrems.

The proposed Yucca Mountain site lies over a major, if largely untapped, aquifer.

Water from the aquifer is currently a source of drinking water for several small communities in the vicinity of Yucca Mountain; it could, in the future, provide a drinking water source for several hundred thousand people.

While it is clearly not now a cost-effective source of drinking water on a large scale, it is incomprehensible to someone from the desert Southwest to intentionally contaminate such a large potential source of drinking water.

The EPA has been charged with protecting our nation's drinking water sources, and it takes that responsibility very seriously.

It has established standards to protect drinking water sources in a wide variety of regulatory programs, including those related to hazardous-waste disposal, municipal-waste disposal, underground injection control, generic spent nuclear fuel, high level waste, and transuranic radioactive waste disposal, and uranium mill tailings disposal.

All of these, and other, EPA standards and programs work together to protect groundwater resources throughout the nation, and the Yucca Mountain standard is merely another piece of this important regulatory framework.

The bottom line is simple: the groundwater under Yucca Mountain needs to be protected.

The standard proposed earlier this year by the NRC, and the standard included in S. 1287, encourage the intentional contamination of a potentially important aquifer running under the proposed repository site.

The EPA is duty bound to protect this aquifer, and has done so in its proposed standard.

It would be unconscionable for Congress to step in and reverse course on what has been a nearly 30 year effort by the EPA, and numerous other federal, state, and local governmental agencies, to protect and preserve our valuable natural resources.

While the Yucca Mountain standard is controversial, this is not the first time the federal government has gone through the exercise of setting radiation release standards.

Most recently, the EPA established standards for the Waste Isolation Pilot Project in New Mexico.

Like the proposed Yucca Mountain standard, the EPA's WIPP standard provides a maximum exposure of 15 millirems/year, and includes a separate 4 millirems groundwater standard.

It is not unreasonable for Nevadans to expect the same level of protection offered the citizens of New Mexico—and that is exactly what the EPA has proposed.

Fair treatment of Nevadans, of course, is not something that appears on the nuclear power industry's list of priorities.

Unfortunately for Nevadans, the nuclear power industry does not care much about the justification behind the EPA proposed standard.

For the industry and its supporters, the EPA is nothing more than an impediment to their ultimate plan to ship high-level nuclear waste to Nevada, no matter what the cost.

For the nuclear power industry, the test of whether or not a standard will be acceptable is not how protective it may be of the public health and safety, it is whether or not it allows a repository to be licensed.

Instead of focusing its attention on whether or not the Yucca Mountain site can meet a fair radiation release standard, the nuclear power industry is attempting to rig the standard to comport to what is being found at Yucca Mountain.

This cynical approach to public health and safety has led the industry along a strategy that seeks to undo decades of federal environmental protection policy, and to ask Congress to establish a very dangerous precedent of "forum shopping" for environmental protection standards and regulation.

Mr. President, Nevadans have the most at stake with the development of the Yucca Mountain standard.

The health and safety of future generations of Nevadans depend on a fair, protective standard.

There are, however, broader issues at stake here as well.

The integrity of our system of federal environmental protection is at risk.

The fundamental reason the EPA was created was to consolidate and coordinate federal environmental protection in a single agency.

Reassigning important standard setting authority to a more sympathetic agency on the whim of a particular industry could well mark the unraveling of decades of progress in protecting our environment.

Should the nuclear power industry have its way with Congress, and succeed in its efforts to undermine the EPA's long standing authority to set standards, who is next? Should we start down a path of returning to the days before 1970, when environmental protection was a hit or miss proposition for the federal government, leading to events such as 1969 fire near Cleveland, where sparks from a passing train actually ignited the polluted Cuyahoga river? I hope not.

Some in Congress continue to claim that Nevadans' concerns are foolish, that the shipment and burial of 80,000 metric tons of high-level nuclear waste are nothing to worry about.

Anyone subscribing to that line of reasoning should talk to some of the downwinders suffering genetic and cancer effects from our atmospheric nuclear testing; or the thousands of children suffering thyroid and other problems due to the 1986 Chernobyl accident; or the thousands of DOE workers at the Gaseous Diffusion Plant in Paducah, Kentucky, now agonizing over the effects of 40 years of mismanagement and coverup.

As Secretary Richardson has said about the situation in Paducah "we weren't always straight with them in the past."

Mr. President, the Senate has plenty of work to do this fall.

Only one Appropriations bill has been signed into law, and the fiscal year ends this week.

Important measures that most of us agree need to pass, such as the Bankruptcy bill, or the FAA reauthorization, sit on the calendar awaiting action.

The nuclear waste bill reported by the Energy Committee is an environmental travesty which stands no chance of being enacted, and I hope the Majority leader will come to the conclusion that we should not waste any more of the Senate's time on this irresponsible special interest legislation.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000, which the clerk will report.

The legislative assistant read as follows:

The committee on conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 2605) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 27, 1999.)

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate equally divided between the chairman and ranking member.

The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask the Senator from Nevada, my ranking member, does he have any time problems that would make his schedule better if he went first?

Mr. REID. I have some things to do, as does the chairman, but I think the chairman should go first.

Mr. DOMENICI. I thank the Senator.

We have before us the Energy and Water Development Act, which is the appropriations bill for the year 2000. Last night, the House passed this conference report by a vote of 327-87, and I hope the Senate will also overwhelmingly support this conference report.

Incidentally, while this is a small bill in terms of total dollars in comparison to some of the very large bills, such as Labor-Health and Human Services, and many others, this is a very important bill. A lot of Senators don't know, and a lot of people don't know, that the title of this subcommittee and this bill—energy and water development—is kind of a misnomer because if you wanted to put in the major things that are in this bill that are of significance to America's well-being and security, you would hardly think that an energy and water development bill would have that in it.

But this bill funds the entire research, development, maintenance, and safety of the nuclear weapons of the United States. It funds the three major National Laboratories which are frequently called America's treasures of science. One is in Los Alamos, NM. The history of why it got started is well known and why it was selected to be up on that mountain. A sister institution is in California, which is called Lawrence Livermore, and there is an engineering facility that is different from those two. The other two labs are used to design and develop the weapons themselves; that is, the bombs.

Incidentally, we are not building any new bombs now. People keep challenging us when we put money in this bill, asking us how many weapons we are building. The argument is that Russia keeps building them and we are not building them. We are not terribly frightened about that. They build them differently, and they have a different philosophy about how to build them than we do.

These National Laboratories are engaged in the mission of maintaining these nuclear weapons indefinitely, without underground testing. For all of

the history of the building and development of nuclear weapons, the State of Nevada could be added as the fourth site that was of significance for America to keep its weapons of a nuclear nature safe, sound, reliable, and capable of doing what we expect them to do. That is because we tested these weapons underground, in cavernous underground facilities loaded with all kinds of equipment that did measurements, and that was in the great State of Nevada. Now, those are shrunk because we have adopted a policy, sometimes called the Hatfield amendment, by a vote in the Senate, signed by the President, which says we don't do any underground testing.

The question is, If we are not going to do any testing, how do we make sure the weapons are reliable, safe, efficient, and effective? So there is a new concept and these three laboratories, in conjunction with the Nevada underground test site, which does some lesser experiments—not the nuclear blasts—are engaged in trying to prove that our weapons are safe and sound. If parts need to be replaced over time, we are able to know which ones, how, why, and that is called science-based stockpile stewardship—science-based stockpile stewardship—instead of science-based underground testing.

So we have to develop new kinds of activities at these laboratories, and it is about a 5-year venture. This is the sixth year of funding. Maybe this year, we will have put it into the lexicon of programs that America has on the nuclear weapons side, where maybe it will be permanent and accepted.

As we discuss the international treaty prohibiting underground testing, there will be a lot of discussion about whether this approach is adequate over time to let us sign a treaty that we will never do underground testing again. That will be a separate debate, but it will turn, to some extent, on the credibility and reliability of this science-based stockpile stewardship. So I am very pleased we were able to fund that at a very healthy level, and I am pleased that we have been able to get this bill to this point. The House and Senate passed versions of their respective bills and had very different priorities. I am not critical, but for some time I worried whether we simply would be able to reach an agreement because we were so far apart in terms of the amount of funding for this bill and the amount of money for the nuclear weapons side.

However, a very distinguished California legislator who has been in the House a long time is Chairman PACKARD. He chairs the subcommittee in the House. We met 2 weeks ago and dedicated ourselves to a chairmen's recommendation on all items. I will tell you that I have the greatest respect for Chairman PACKARD. He is new at this job, but he is not new at being a legislator. Together, we have overcome differences that, had they occurred between two other chairmen, might have been irreconcilable.

I must acknowledge openly that this subcommittee has a wonderful minority leader in the name of the minority whip for the Democratic Party, Senator REID. Senator HARRY REID understands these issues. He is growing, and if he is not already, he will be a national spokesman when we get off track, and don't worry about maintaining this nuclear stockpile until we have a different world or until we have a different policy about what we are going to do with our nuclear weapons and how many we are going to have, et cetera.

So in the conference report before you, we have recognized that the Senate is as interested in water projects as is the House, and the conference has provided water projects. We all know what those are. They are in every State. They are flood protection projects, Corps of Engineers projects, dams and the like; they are the dredging of the harbors of America to keep them sound and in an appropriate maintenance of depth and the like. We have moved in their direction by increasing the water projects in our bill \$415 million over the level proposed in the Senate.

However, as we have done this, we have been very strict about not including newly authorized projects included in the Water Resources Development Act of 1999 or any that might be brought to our attention. Even those that were authorized in that act are so numerous and so expensive that, if we started to give one Senator one piece of that, either Democrat or Republican, or similarly in the House, there would be no end to how many projects we would have to fund.

So we stuck to our guns in that regard and we did not put any of those projects, and we did not put in any unauthorized projects, which I think many people urged us to do over time, and we are pleased to make that announcement. As I indicated, if we tried to add those, we would be overwhelmed and we probably would not be here today.

As we have increased water projects, we decreased funding for some of the accounts the Senate proposed. The weapons activities of the environmental management, science, and energy research accounts have borne a portion of the reduction. I am here to say that we have done quite well, and I believe those programs can continue at a pretty good level, in particular, those centering on science-based stockpile stewardship.

Finally, we had to deal with a number of very onerous, general provisions in the House bill, and I believe those issues have been resolved to our satisfaction. I don't believe, on many of them, there is any concern at this point about the way we wrapped them up, be it on power marketing or on the nuclear weapons or the laboratories. I need to address Secretary Richardson's views.

First of all, I am very pleased the President of the United States has in-

dicated that he will sign the Defense authorization bill. That is the bill that authorizes the entire funding for the military of the United States, which also bears an amendment that will establish within the Department of Energy a new entity, a semiautonomous agency that will be in charge of all the nuclear weapons activity—the most significant reform in perhaps 28 to 30 years in a department that has grown like Topsy and is filled with programs that don't necessarily relate one to another. We will carve out of it a management scheme that will be far more accountable, reliable, and trustworthy than we had before.

Now, obviously, those specifics in that new scheme are not funded precisely, but they are funded in the general sense, and we hope Secretary Richardson and the President will begin quickly to implement that new management scheme so we can show the American people that there is a better way to do it. None of this casts any aspersions on Secretary Richardson. He inherited this department, which has no accountability to speak of, with reference to secret activities. It is very hard to find who is responsible if something goes wrong. In many other respects, it is very dysfunctional in terms of the way it manages things. We have attempted to pursue with vigor some new management projects in terms of major projects.

Secretary Richardson in his press release of last night said we did not do well enough, we deny that \$35 million in cybersecurity upgrades. I want to address the situation in two regards. First, in response to the problems at the Department, whether cybersecurity or other problems, Secretary Richardson has taken an oversight approach. That means more independent, internal watchdogs, security czar, a counter-intelligence czar.

As many as my colleagues know, more layering at more levels of management, while well intentioned, can have the opposite effect. Making watchdog groups responsible for safety, health, or security removes that from the day-to-day responsibilities of the Department employees.

I want to address cybersecurity in another manner with reference to the specific item the Secretary raised about not funding \$35 million in new money. Let me say what we have funded in that regard: Nuclear safety guards and security, \$69.1 million, \$10 million over the request to protect against physical and cyberintrusions; security investigations, \$35 million, \$3 million over the request; independent oversight, \$5 million to support the new office reporting directly to the Secretary.

We believe when those are added up, that is about all a Department can assimilate unless one assumes there is a renewed vigor in security by overlapping of these new pieces of the Department that the Secretary has announced. We believe when they begin

to reorganize this, they will find this is plenty of money to do the security work under the new streamlined agency. We never intended to do anything but fund adequately the notions expressed in the Secretary's letter.

He mentioned a project in the State of Tennessee, the Spallation Neutron Source, a new project of high excitement in the science community. It has had difficulty meeting its goals of meeting scheduled attainment of construction, and it may very well be a case of overruns where it will spend more than expected. Nonetheless, it is important we proceed. The House only funded it for \$50 million. We funded it for \$150 million. I regret to say I could only split the difference—\$100 million plus \$17 million to operate. Obviously, the Secretary would like \$130 or \$140 million. I couldn't do it. I hope the project can continue in this scaled-down number. I remain committed. I believe the subcommittee remains committed to it. I think everybody ought to know we will eventually take care of it. It will not be delayed very long based upon underfunding this year.

With reference to other matters in this bill, I have worked with the Department on various issues the administration is considering with reference to a possible supplemental request. I suggest it is impossible to fund the Department of Energy request regarding their computers in the weapons complex. They indicate it would cost approximately \$450 million next year. That is \$150 million per laboratory and \$150 million for the production complex. There is no way we could fund that kind of money in these appropriations. We leave it to the administration. If they seek this in a supplemental next year, we will look at it carefully. We stand ready eventually to fund that. It is not possible in a budget of this size to fund this year \$450 million for cybersecurity. It is not possible.

DOE has also reviewed its fiscal security. I am hearing reports of substantial costs that may need to be incurred in the coming year to improve fiscal security. However, in our conference with the House, it was made clear we have never before been told cybersecurity or fiscal security problems were the result of lack of funding. The problem may very well be more than that and may be a combination of things. We stand ready and willing to help.

Senators KYL and MURKOWSKI have proposed, along with this Senator, reform in the Department which I outlined early in my remarks. When that reform is made and we begin to implement the so-called National Security Administration, I will be open to reviewing all costs necessary to ensure our nuclear weapons complex is safe. I am not going to try to resolve this problem solely by putting huge amounts of new money in before we have the new agency beginning to

streamline itself pursuant to the new bill which will soon be signed by the President when he puts his signature on the defense authorization.

Regarding wetlands provisions contained in the House version, I will summarize the conference agreement which I think is acceptable to the administration. It is a very difficult issue, and it is very dear to many House Members. The legislation contains \$5 million for the Corps to fully implement an administrative appeals process for their regulatory reform. This is the so-called 404 permitting of the Corps: The process shall provide for a single level of appeal for jurisdictional determination.

The conferees dropped the language proposed by the House which would have made the determinations the final agency action under the Administrative Procedure Act, thus permitting early appeal to the Federal court system.

The conference agreement also includes language proposed by the House requiring the Corps to prepare a report regarding the impacts of proposed replacement permits for the nationwide permit of 25 on the regulatory branch workload and compliance costs.

The conference dropped language that would require the report be submitted to Congress by December 30, 1999, and dropped language that would hold matters in abeyance until the report was forthcoming. This part of the bill was worked out carefully with representatives of the executive branch, and I believe it is acceptable to them.

I had one other issue I wanted to state here for the RECORD because my colleagues from the State of Arkansas, Senators HUTCHINSON and LINCOLN, wanted to have explained a project called Grande Prairie in the State of Arkansas which is not funded in this bill.

The Grande Prairie project in Arkansas, which has an overall long-term Federal cost of perhaps as much as \$245 million, will provide ground water protection for agricultural water supply and environmental restoration in rural areas of Arkansas. Funding at \$8 million was provided in 1999 to initiate construction. Since the appropriation, the Corps of Engineers has used only \$3.8 million, with \$5 million being reprogrammed from the project for use in other activities. This leaves about \$1.2 million for use in the year 2000.

The Corps has been having problems with local sponsors finalizing their cost-sharing agreement which is reviewed before construction can begin. Some local interests believe it is cheaper for them to find other options rather than to come up with their cost share. For the project to proceed, the cost share agreements must be entered into. The attitude of some is, this is complicating efforts to execute a local cost-sharing agreement.

We have clearly indicated that the Corps of Engineers has not been able to use the \$8 million appropriated and it

is unlikely significant funds can be used in 2000. The conference agreement leaves an estimated \$1.2 million as carryover funding, and the managers' statement states that the conferees' expectation is that if issues surrounding the project are resolved, conferees expect the Corps to reprogram funding back to the project for construction.

I hope that is satisfactory. I have indicated the same in a letter to Senator HUTCHINSON, who inquired about this.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 28, 1999.

Senator TIM HUTCHINSON,
Washington, DC.

DEAR TIM: I want to assure you of my personal commitment to the success of the Grand Prairie project in Arkansas.

This year's Energy and Water Development Act was especially hard to craft. In short, we simply did not have sufficient resources to fund all deserving water projects at the optimum level. In the case of Grand Prairie, it is my understanding that additional funds will not be needed in the coming year because of the availability of funds appropriated last year that have not been spent due to problems negotiating a project cost-sharing agreement.

I've attached the language from the conference report that clearly indicates the conferees' action was taken without prejudice. If additional funds are needed in the coming year, the Corps has authority to reprogram funds into the project.

Sincerely,

PETE V. DOMENICI,
Chairman, Subcommittee on Energy
and Water Development.

Mr. DOMENICI. Mr. President, with that, I am ready to answer any questions. I think it is a good bill. We are within the budget. There is no significant increase over last year, for those who were wondering, in the total cost. So I think we have a bill that ought to get very strong support.

I yield the floor.

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

Mr. REID. Mr. President, I am very fortunate to be the ranking member on this subcommittee because I always have a hole card and that hole card is the chairman of the subcommittee. I say that because not only does he serve on this very important subcommittee as chairman, he is also chairman of the Budget Committee, which helps when we run into money problems—No. 1, for understanding the budget issues in their entirety, since he has been in the process over the many years of setting the budget, the process that we have here, but the chairman of the Budget Committee also is able to work with the Office of Management and Budget, able to work with the Congressional Budget Office, and other people who make this bill one that has been able to move through the process. It is a very difficult process.

So I say to my friend, the chairman of the subcommittee, the chairman of

the full Budget Committee, I appreciate very much his including me in matters when I would not have to have been included. The chairman of the subcommittee, the manager of this bill, and this Member, can be about as partisan as anybody can be or needs to be. We do what we need to do to protect our two parties. But when it comes to matters where you have to set aside your partisan differences and move forward for the good of the country, I think we have set a pretty good example. We have been able to work through a very difficult process. This is an important bill—\$22 billion. I understand the awesome responsibility I have to satisfy the needs of my State, the needs of the respective Democratic Senators who come to me for assistance, and Republican Senators who come to me for assistance; and I understand the importance of this bill to the country. This is a very important bill. I repeat, I express my appreciation to the chairman of this subcommittee for working with the minority in coming up with this bill.

This is a tough bill because there are so many very good projects, good measures we were unable to take care of; there simply was not enough money. It is hard to go to a Member and say: We couldn't do this.

Why?

We had a formula set up and you didn't fall within the formula.

Why couldn't you do this for me?

If we did it for him, we would have to keep doing it for some other people. We set up some standards, we kept to those standards as best we could, and we came up with what we think is a very good bill.

This bill deals with many important matters. I believe, as does Senator Simon, who served in this body and has since leaving here written a book on water, that future wars are not going to be fought over territory. They are going to be fought over water. In this country of ours, we have a lot of water problems developing. This subcommittee has a tremendous responsibility to handle those water problems.

We do not have much in this bill dealing with the water problems of the southern part of the United States, but we are going to get them. As a result of Hurricane Floyd, North Carolina has been devastated. North Carolina has water problems they never dreamed of having. There is talk that their different aquifers are being polluted as a result of the tremendous discharge of human and animal waste as a result of this hurricane. We are going to get some of those problems in this bill next year.

I could go through this bill, and it is printed in the RECORD, and go to any place you wanted in this bill and pick projects that we have funded that are extremely important: Llagas Creek, CA; San Joaquin, CA; Caliente Creek, CA; Buffalo—Small Boat Harbor—NY; city of Buffalo, and on and on.

I just recounted a couple of these in alphabetical order. But there are many

projects we could talk about and we could spend our full time, our allocated hour, talking about one of these projects, how good it is for the region, how good it is for the country. We are not going to do that. But I repeat, we could also take considerable time talking about projects that were not funded that are also good for this country and good for the region that we simply did not have the dollars to fund.

The Corps of Engineers was founded by our Founding Fathers. It is an old institution within the military that is so essential to this country. In the State of Nevada, we have survived, certainly the growth in Las Vegas Valley has been able to go forward, as a result of the work of the Corps of Engineers handling floods.

We only get 4 inches of rain a year in Las Vegas. I hear on the radio and when I watch television I see in Eastern States you get 10, 12 inches a day in some places. One of these storms comes through dumping all kinds of water, but we do not get that in Nevada. But because of the Corps of Engineers handling flood control in Las Vegas—we may not get a lot of rain but we do not have places for it to drain. That is the way the desert is. So the Corps of Engineers has worked with us and we have been able to divert a lot of floodwater. We have detention basins. We have huge diversion tunnels. The Corps of Engineers has worked very hard to make Las Vegas safe.

I can remember, going back to the late 1960's, when we had a flood come through that washed hundreds of cars away at Caesar's Palace—it washed cars away. Anyway, we are doing much better.

The Corps of Engineers does a good job. They could do much better if we would fund them with more money. It is difficult to do all they are required to do.

The Bureau of Reclamation—I talked about water—this little, tiny agency does so much. It does so much for the arid West. The first Bureau of Reclamation project in the history of the country took place in Nevada. It was called the New Lands Project, started in 1902. There is good and bad coming from that New Lands Project. That is the way these projects have been, all the way, all over the western part of the United States. The Bureau of Reclamation was doing a good job, and they still are, but with limited resources. We would like to give them more money but we don't have it. We would like to keep the budget constraints that we have and we should have.

The defense part of this bill is extremely important. The safety and reliability of our nuclear arsenal is all within this bill—the safety and reliability. We have huge nuclear weapons. They are stored around the country. You cannot just leave them there and hope everything is going to be OK. You have to test them for safety and reliability. We cannot do the testing the

way we used to do it. We cannot do it in the underground tunnels and shafts all over the Nevada Test Site. Over 1,000 tests have been conducted in the Nevada Test Site. Now we have to do it in a more scientific manner.

This bill does more for science than any bill we have. Computers, we hear all that is going on in the private sector with computers, and I pat them on the back. I am glad we are moving forward the way we are. But this bill is accelerating the development of computers. Very powerful computers now exist, but they are going to pale in significance compared to the computers we will build as a result of the computer research we are funding in this bill. Why are we doing it? Because we want to be able to maintain a safe and reliable nuclear stockpile, and we are going to do that.

We are so scientifically correct now that we do not do testing the way we used to do it. To make sure our weapons are safe and reliable, we will start a nuclear reaction and we stop it before it becomes critical. But through the work we can do with computers, we can tell what would have happened had the test gone critical. That is how sophisticated we have become. We have to become more sophisticated. Our scientists tell us they need more computerization, and we are working on that in this bill.

This bill is important. The chairman of the committee, the manager of this bill, has talked about the wetlands rider. We worked very hard on that. We worked very hard on that to come up with something that is acceptable, and we have the assurance of the administration that they will sign this bill. I say to the chairman of the committee, we spent a lot of time Friday making sure the administration—Jack Lew was there and they indicated they would sign this bill. Is that not correct?

Mr. DOMENICI. That is correct.

Mr. REID. I think that is important. Everyone should know this bill meets the very stringent standards, as far as the wetlands rider and some other funding matters the administration set.

I also say to my friend, the manager of this bill, there was some question about the new structure that has been set up within the Department of Energy and whether they needed more money to comply with the strictures that we have set under the new legislation. I think everyone agreed, this conference, if it takes more money, then they can come back. We will have a supplemental down the road early next Congress. They can come back to us and make a case that, because of the new legislation, they have been required to do new things that they were unable to pay for out of the budget that they have, and we will look to that with favor. I think that is a fair way to go.

The path to this year's bill was rocky. It certainly was through no fault of the chairman. We spent a lot of

time trying to understand what the House wanted. We were able to work that out.

I also say to my friend from New Mexico, I came to Congress with the chairman of the House subcommittee in 1982. He is a very fine man. He is a good subcommittee Chair. He is going to be even better. I can see the progress since we did our supplemental to this bill. He is a fine man and is trying to do the right thing. That is Congressman RON PACKARD from the San Diego area.

Mr. DOMENICI. Will the Senator yield?

Mr. REID. I will be happy to yield.

Mr. DOMENICI. Mr. President, I say to the Senator, I have to leave the floor for a few minutes. He is probably going to be finished soon. There is nobody else seeking time.

Mr. REID. I ask the chairman to join with me in asking that as soon as I finish my remarks, all time be yielded back and the two leaders set a time to vote this afternoon.

Mr. DOMENICI. Has that time been agreed on?

The PRESIDING OFFICER. It has.

Mr. DOMENICI. What is that time?

The PRESIDING OFFICER. 2:15 p.m.

Mr. REID. That is fine. All time will be yielded back when I finish my remarks, and we will vote at 2:15.

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

Mr. DOMENICI. I yield back all remaining time I have.

Mr. REID. Mr. President, as I indicated, this was a rocky road. I am surprised we are where we are. Ten days ago I did not think this was possible. The House and Senate were apart by \$1 billion. We have worked that out. We have gotten more money in the bill. In fact, we have about \$1 billion which has made this possible.

The final conference report is very balanced among the needs of water projects. I indicated how important they are for the corps and the Bureau of Reclamation, as well as the very important science and national security responsibilities of the Department of Energy. These responsibilities, the water projects and the Department of Energy, could stand alone, but they do not stand alone. We have to balance them.

I have spoken a lot about the importance of this bill. I did that earlier. I do believe it is important. Year after year, I am amazed at what this bill does to meet the needs of this very complex country in which we live, with the natural resources that are different from one coast to the next.

Earlier this year, Congress passed the Water Resources Development Act of 1999. We call it WRDA. We have not been able to fund a single project that we authorized in that. That is unfortunate, but that is one of the rules we set. The bill passed after this bill started, and if we are going to have some limitations, this is a good place to start. Next year, we are going to re-

ceive a number of requests from this bill, as well we should. We need to look for a way to fund them.

On the energy side, this bill is a solid compromise. It has sizable gaps both technologically and fundingwise, but we are going to make progress. We have battles on the Senate floor every year this bill is before us with solar and renewable energy. We have to do better than we have. We were funded well below last year's request. We have made progress, and I think we can continue to make progress.

The conference compromise was the best we could do, given the available funds. It was not enough, but it was the best we could do.

This is a good bill. It is a bill that will next year, I hope, be even better. It is balanced. There are good things in it. We have hurricane protection for Virginia, funds for the Everglades in Florida, Chicago shoreline funding which will help keep the Great Lakes out of downtown Chicago, healthy funding for our National Labs, and dozens of other examples throughout this conference report that do help this country. My frustration is merely that there is so much more to be done that we cannot do.

Each year this bill is the product of hundreds and hundreds of hours of staff work on both sides of the aisle and in both Chambers. The staff worked very well together and produced the best possible result for the American people. That is what it is all about.

As I indicated, there comes a time—and we should do it much more often—when we must set aside our partisan differences and move forward with positive results. This bill is good for the country. We could have chosen to be partisan and neither of us budge and wind up with nothing, and that is what the American people would have gotten—nothing. We think setting aside our partisan differences has been a positive accomplishment.

The staff set the example. They worked to produce the best possible result for the American people, and I am very grateful to all our staff. I thank some of the key members of the Senate staff who made this bill possible: Gregory Daines, my energy and water clerk; Sue Fry, an Army Corps of Engineers detailee to the Appropriations Committee; Bob Perret, a fellow on my personal staff; Liz Blevins, an Appropriations Committee staff member; and Andrew Willison, who is on my personal staff who has worked very hard on this bill; and Alex Flint, David Gwaltney, and Lashawnda Leftwich of the majority staff who have been very helpful to us on this bill.

As always, as I have indicated, it is a pleasure to work with my counterpart, the chairman of this subcommittee, the chairman of the Budget Committee. I hope we are able to work on this bill for many years to come.

I yield back my time.

DOE ENVIRONMENTAL MANAGEMENT FUNDS

Mr. CRAIG. Mr. President, I would like to engage my colleague, the dis-

tinguished chairman of the Energy and Water Appropriations Subcommittee, in a colloquy to discuss the importance of research as it relates to Environmental Management (EM) in the Department of Energy.

Mr. DOMENICI. I would be glad to engage in such a colloquy with my colleague, the Senator from Idaho and a member of the Energy and Water Appropriations Subcommittee.

Mr. CRAIG. It is very important there be research conducted at the Idaho National Engineering and Environmental Laboratory (INEEL) that supports the EM mission of the Lab. I would point out that the INEEL has been designated as the lead Environmental Lab in the DOE Lab complex. If INEEL is to lead, there must be funds available to exert such leadership.

Mr. DOMENICI. I agree with my colleague on the importance that such funding be available.

Mr. CRAIG. With that need in mind, I ask my colleague if he would be supportive of increased funding in the EM-50 account to assure that such research can be conducted?

Mr. DOMENICI. I say to my colleague from Idaho that I would support such funding in the EM-50 account and encourage the DOE to make such funding available.

Mr. CRAIG. I thank the Senator.

Mr. GORTON. Mr. President, I rise to support the energy and water development appropriations conference report. Within this bill is funding for a critical effort that is essential to the long-term future for citizens of the Northwest: the cleanup and restoration of the Hanford site in the State of Washington.

The citizens near the Hanford area played a major role in the Nation's successful effort to win the cold war. Now it is the responsibility of our Federal Government to conduct environmental remediation so that the site will not threaten the health of future generations. This bill appears to fully fund the cleanup effort based on the priorities presented in the administration's February budget request.

One unresolved Hanford-related concern pertains to the Fast Flux Test Facility (FFTF). This is one of the world's premier research reactors, and last month the Secretary of Energy made the right decision to proceed with an Environment Impact Statement (EIS) on future missions for this facility. The FFTF holds the potential to create a sufficient and dependable source of medical isotopes used to cure cancer; it can also meet the needs of a variety of other missions, including the production of needed material for deep space missions.

In the administration's budget request, an inadequate amount of funding was requested for the FFTF. Subsequently the Secretary's decision to proceed with an EIS will require additional funds to complete this necessary analysis. I call on the Secretary to address this situation immediately so that the necessary reprogramming of

funds can be approved expeditiously, something he has not yet done.

This conference report also wisely deletes or fixes several provisions that were attacks on the Power Marketing Agencies generally and the Bonneville Power Administration (BPA) specifically. Report language asks BPA to report on fish and wildlife costs that will be incorporated within the upcoming BPA rate case. The timing of this request is awkward as it calls for a report prior to the end of the rate case; I request that BPA only make this report if it has no negative consequences on the rate case process.

Another area of concern pertains to the solar and renewable energy portion of this report. Due to budget restrictions, the amount of funding available for this program is less than ideal. Not only has this area of energy development seen recent dramatic breakthroughs in cost-effectiveness, it holds great promise for developing nations and emerging economies. My State of Washington is home to many of the Nation's leading solar and renewable energy companies and projects. I hope we will be able to give greater emphasis to this program next year.

On this subject, the conference report also references a specific appropriation to develop a materials center pertaining to photovoltaic energy systems. I hope the Department of Energy is aware that Washington State University has been leading an effort—along with 14 other top-tier universities and the National Renewable Energy Laboratory—specific to this area of research. DOE should proceed with these efforts in a competitive process, allowing the WSU-led consortium to remain under serious consideration for leading this area of research.

Mr. JEFFORDS. Mr. President, I am forced to vote against the Energy and Water conference report. Not to do so would be to break a commitment to small businesses across America, to hurt farmers and ranchers and rural communities, and to threaten the energy security of the United States.

The people across the United States demand increased funding for renewable energy. Poll after poll shows that our citizens believe we should spend more on renewable energy.

A majority of the United States Senate—54 Senators—believe we should increase funding for renewable energy.

This bill defies the will of the American people and a majority of U.S. Senators. It does not provide more money for renewable energy. It provides less money. It provides 130 million dollars less than the administration's request. It cuts funding for renewable energy by 30%.

Mr. President, by decreasing funding for renewable energy, we jeopardize the security of our Nation, we hurt small businesses, ranchers, farmers, and rural communities, we hurt our ability to compete internationally, and we hurt the environment.

Mr. President, our Nation needs to increase domestic energy production—

not cut funding for developing an unlimited source of energy made in America. Our Nation needs a lower balance of payments—not an increased trade deficit. We need to help farmers, ranchers, and rural communities develop affordable, reliable, locally produced energy—not cut it off. We need to stand up for U.S. companies selling U.S. manufactured energy technologies in overseas markets—not leave them dangling in the wind while the Japanese and Europeans grossly outspend us. We need to spur job markets in every state in the Nation—not send our good jobs overseas.

Apparently there are still some who fail to realize that clean, domestic energy production is important. Perhaps they have not noticed that the U.S. has a trade deficit larger than any other nation, ever. Or maybe they have forgotten that imported foreign oil is the number one contributor to our trade deficit. Or maybe they just do not realize what the rest of the nation has long ago realized—that clean, made in America renewable energy can give us the energy security, jobs, and healthy environment that our people demand.

I am deeply disappointed in the severe cuts to renewable energy in this bill. I vow to fight even harder next year to give renewable energy the funding it deserves.

BURBANK HOSPITAL REGIONAL CANCER CENTER

Mr. KERRY. Mr. President, I appreciate the chairman's willingness to engage in a colloquy regarding the FY00 Energy and Water conference report. The conference report, which passed the House last night and is being considered in the Senate Chamber this morning, includes \$1 million in Department of Energy's Biological and Environmental Research (BER) account for cancer research at the Burbank Hospital Regional Cancer Center. It is important that the word "research" be addressed in the RECORD, since the original request by my Massachusetts colleague in the House, Representative JOHN OLVER, asks that funds be made available for the Burbank Hospital Regional Cancer Center in Fitchburg, MA.

Since this is a small hospital serving a rural area, I and my colleague in the House want to stress the importance of the \$1 million's being dedicated to the hospital for the underserved population, rather than for research purposes. If the chairman could clarify to the Department that the \$1 million should be made available to the Burbank Hospital in Fitchburg, MA, without its being contingent on "research," it would be greatly appreciated. I thank the gentleman very much for his time and effort.

Mr. DOMENICI. I appreciate the Senator's interest and wish to clarify to the Department of Energy that the \$1 million should be made available to the Burbank Hospital in Fitchburg, MA, for the under-served population.

BUDGETARY IMPACT OF H.R. 2605, THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FISCAL YEAR 2000

Mr. DOMENICI. Mr. President, I submit for the RECORD the official Budget Committee scoring of the pending bill—H.R. 2605, the energy and water development appropriations bill for fiscal year 2000.

The conference agreement provides \$21.3 billion in new budget authority (BA) and \$13.3 billion in new outlays to support the programs of the Department of Energy, the U.S. Army Corps of Engineers, and the Bureau of Reclamation, and related Federal agencies. The bill provides the bulk of funding for the Department of Energy, including Atomic Energy Defense Activities and civilian energy research and development (R&D) other than fossil energy R&D and energy conservation programs.

When outlays from prior-year budget authority and other completed actions are taken into account, the conference report totals \$21.3 billion in BA and \$20.8 billion in outlays for FY 2000. The conference report is at the subcommittee's 302(b) allocation for BA, and \$29 million below the 302(b) allocation for outlays.

The conference report is \$0.1 billion in BA and \$0.5 billion in outlays above the 1999 level. The conference report is \$0.3 billion in both BA and outlays below the President's budget request for FY 2000.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the FY 2000 Energy and Water Development Appropriations bill conference report be printed in the RECORD following my remarks.

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

H.R. 2605, ENERGY AND WATER APPROPRIATIONS, 2000, SPENDING COMPARISONS—CONFERENCE REPORT (Fiscal year 2000, in millions of dollars)

	General purpose	Crime	Mandatory	Total
Conference Report:				
Budget authority	21,280	.....	.....	21,280
Outlays	20,839	.....	.....	20,839
Senate 302(b) allocation:				
Budget authority	21,280	.....	.....	21,800
Outlays	20,868	.....	.....	20,868
1999 level:				
Budget authority	21,177	.....	.....	21,177
Outlays	20,366	.....	.....	20,366
President's request:				
Budget authority	21,557	.....	.....	21,557
Outlays	21,172	.....	.....	21,172
House-passed bill:				
Budget authority	20,190	.....	.....	20,190
Outlays	19,674	.....	.....	19,674
Senate-passed bill:				
Budget authority	21,277	.....	.....	21,277
Outlays	20,868	.....	.....	20,868
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation:				
Budget authority .....	.....	.....	.....	.....
Outlays	-29	.....	.....	-29
1999 level:				
Budget authority	103	.....	.....	103
Outlays	473	.....	.....	473
President's request:				
Budget authority	-277	.....	.....	-277
Outlays	-333	.....	.....	-333
House-passed bill:				
Budget authority	1,090	.....	.....	1,090
Outlays	1,165	.....	.....	1,165
Senate-passed bill:				
Budget authority	3	.....	.....	3

H.R. 2605, ENERGY AND WATER APPROPRIATIONS, 2000,
SPENDING COMPARISONS—CONFERENCE REPORT—
Continued

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Manda- tory	Total
Outlays	-29			-29

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. BREAUX. Mr. President, I want to express my personal appreciation to all the conferees who participated in the fiscal year 2000 energy and water development appropriations conference for including funding and language for Louisiana projects.

Flood control, hurricane protection and navigation are all vital to the safety and well-being of our citizens. These water-related infrastructure projects are of major economic importance to the state. A number of them are of major importance to the nation.

Of the Louisiana projects in the fiscal year 2000 report and the Statement of Managers, there are two Louisiana projects which I would like to discuss further at this time: the Inner Harbor Navigation Canal Lock Project and the Bayou Darrow Floodgate, Aloha-Rigolette Flood Control, Red River Project.

I appreciate all that the conferees have done for these projects. I am taking this opportunity to express my views to the Senate on some key issues affecting them. Resolution of these issues is critical to the two projects being built in a timely manner to provide the protection and service for which they have been authorized.

With regard to the Inner Harbor Navigation Canal Lock, I am most appreciative of the funding which the conferees have included for it and its mitigation. On the related key project issue, it is of the highest importance that the Corps of Engineers use the full replacement cost to value the real estate and facilities which it acquires from the Port of New Orleans as part of the project.

The Port of New Orleans had expected the Corps to use full replacement value when it acquires the Port's properties. I am told that full replacement cost is the value which the Corps is using to acquire other similarly-situated property and facilities for the lock project.

Senator LANDRIEU and I contacted the conferees about this full replacement cost issue.

As I understand and which I appreciate very much, the conferees noted that there are significant differences in the estimates used by the Corps and the Port to value the Port's properties to be acquired. As I also understand, conferees expect the Corps to work in good faith to arrive at an equitable solution to this issue in accordance with current law, which I also appreciate very much.

If, indeed, the Corps is using, in accordance with current law, full replacement cost for other similarly-situated

properties which it will acquire for the lock project, then it is only equitable and fair that, in accordance with current law, it use full replacement cost to acquire the Port's properties for the project.

With regard to the Bayou Darrow Floodgate, Aloha-Rigolette Flood Control, Red River Project, I am most appreciative that the conferees have provided FY 2000 funding for the project. I also appreciate their consideration of the request by Senator LANDRIEU and I which was not able to be included as part of the conference agreement, that is, to authorize full federal responsibility for project costs which are in excess of those anticipated in the 1994 Project Cooperation Agreement.

The excess costs have arisen due to extenuating circumstances which included, as I understand, project-related contract negotiations, but about which the Town of Colfax, the non-federal sponsor, says it was not consulted. The Town, which is a very small rural community, says it is unable to pay the share of the excess costs assigned to it by the Corps.

I am most concerned about this situation. I hope that the Corps of Engineers will work very closely with the Town of Colfax to resolve the excess cost issue soon and that this much-needed flood control project will be able to be completed in a timely manner.

This concludes my statement, Mr. President.

Ms. LANDRIEU. Mr. President, I rise today to commend Chairman DOMENICI, Senator REID, and the other Conferees for addressing vitally important issues for Louisiana in this bill. As you know, Mr. President, the annual Energy and Water Appropriations Bill provides funding to the U.S. Army Corps of Engineers to protect our citizens from flooding and to facilitate the flow of maritime commerce through our many waterways. Both of these endeavors are very important to Louisiana and our nation.

The FY 2000 Energy and Water Appropriations Conference Report (H. Rept. 106-336) addresses the Inner Harbor Navigational Canal (IHNC) Lock Replacement Project in New Orleans which is very important to maritime commerce. I thank the Conferees for providing \$15.9 million for this project. I also thank the Conferees for including report language that would expedite the community mitigation plan and ensure that the Corps work in good faith to arrive at an equitable solution in determining the value of property to be transferred by the Port of New Orleans to the Corps to complete the project. Notably, I understand that the Corps is also acquiring nearby property from another landowner for this project and that the Corps is employing a replacement cost methodology to determine the value of this nearby property. Therefore, I believe that an equitable solution to determining the value of the Port's property requires a

valuation in the same manner as that employed for the nearby property.

Additionally, the Conference Report addresses the Aloha-Rigolette Project. I thank the Conferees for providing \$581,000 for this project. Although not included, I also thank the Conferees for considering my request for bill and report language that would authorize full federal responsibility for project costs in excess of what was anticipated in the Project Cooperation Agreement issued in 1994 in connection with the Bayou Darrow Floodgate portion of the project. I sought this language at the request of the local project sponsor, the Town of Colfax. Mayor Connie Youngblood of Colfax informed me that the Corps negotiated a no-cost termination with the project contractor without consulting the Town and is now expecting the Town to cost-share the additional costs that have resulted. Because the Town of Colfax is a very small rural community and unable to pay the unanticipated additional costs which it did not consent to, I remain very concerned about this matter. Accordingly, I ask the Corps to work with the Town of Colfax to resolve this matter so that the project can be completed in a timely manner.

In closing, I again thank the Conferees for their work on the FY 2000 Energy and Water Appropriations Bill and the attached Conference Report.

• Mr. MCCAIN. Mr. President, I congratulate my respective colleagues on both sides of the aisle for successfully completing work on this important spending bill. I regret that I was not able to be here to vote on the final Energy and Water conference report for fiscal year 2000.

The conferees deserve credit for their notable efforts in forging this conference agreement and continuing funding for the Department of Energy, the Army Corps of Engineers, the Bureau of Reclamation and other critical energy programs important to our nation. I am disappointed to say that, just as this final report ensures that necessary functions and programs of the Federal Government are funded, the practice of pork-barrel spending also continues.

When the Senate passed its version of the energy and water appropriation bill just 2 months ago, I found \$531 million in low-priority, unnecessary, and wasteful spending. While a half a billion dollars is an incredible amount of pork, it is remarkable that this final conference report has been fattened up with an additional \$200 million in pork barrel projects.

A lot of this pork is concentrated in sections of the bill detailing projects to be funded by the Army Corps of Engineers. While I am certainly supportive of our water infrastructure and civil works programs, I am appalled at the process by which the conferees have directed money in these accounts. A majority of the projects do not appear to be funded based on a competitive or merit-based review, but instead funding is clearly directed toward projects

which are not requested in the budget and more closely resemble special interest projects.

We would like to curb Federal spending and reduce our tremendous deficit by passing the 1997 Balanced Budget Act. However, because we now enjoy a robust economy and balanced budget, we have detracted from our important goal of spending tax-payer's hard-earned dollars prudently.

A clear example of this fiscal irresponsibility is exemplified by the "emergency spending" bills we have enacted over the past two years. Why did we have to pass these supplemental appropriations bills? Because those areas of the country which are not the recipients of these special interest earmarks are suffering because there is not a realistic chance to compete for federal funding through established normal procedures and guidelines when budgetary spending is based more on parochial actions.

Over the years, I have reported to the American taxpayers the pork-barrel spending that continues through our annual appropriations process. I believe we owe it to the American public to report how we spend their taxpayer dollars. Sadly, the taxpayers will have to shoulder the burden of financing pork barrel projects to the tune of \$759 million included in this energy and water spending measure.

I will not waste the time of the Senate going over each and every earmark. I have compiled a list of the numerous add-ons, earmarks, and special exemptions in this conference report. Due to its length, the list I compiled of objectionable provisions included in this conference report cannot be printed in the RECORD. This list will be available on my Senate webpage.●

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:17 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent to proceed for 1 minute as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PARLIAMENTARIAN OF BELARUS

Mr. CAMPBELL. Mr. President, as the cochair of the House-Senate Commission on Security and Cooperation in Europe, known as the Helsinki Commission, I had the privilege in July to go to St. Petersburg, Russia, to participate, with other Senators, in the annual meeting of the OSCE Parliamentary Assembly.

During the proceedings, our 17-member congressional delegation heard a very powerful speech by Mr. Anatoly Lebedko, who is a leader of the opposition party in Belarus. He is a very strong force for democracy in Belarus. He is here with us today. He is often faced with overwhelming opposition. Yet he has led the fight for the kind of principles on which our own Nation was founded.

RECESS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes to greet Mr. Lebedko, Parliamentarian from Belarus.

There being no objection, at 2:15 p.m., the Senate recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000—CONFERENCE REPORT—Continued

Mr. STEVENS. Mr. President, I ask for the yeas and nays on the conference report.

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 conference report. 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 Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—96

Abraham	DeWine	Kennedy
Akaka	Dodd	Kerrey
Allard	Domenici	Kerry
Ashcroft	Dorgan	Kohl
Baucus	Durbin	Kyl
Bayh	Edwards	Landrieu
Bennett	Enzi	Lautenberg
Biden	Feingold	Leahy
Bingaman	Feinstein	Levin
Bond	Fitzgerald	Lincoln
Boxer	Frist	Lott
Breaux	Gorton	Lugar
Brownback	Graham	Mack
Bryan	Gramm	McConnell
Bunning	Grams	Mikulski
Burns	Grassley	Moynihan
Byrd	Gregg	Murkowski
Campbell	Hagel	Murray
Chafee	Harkin	Nickles
Cleland	Hatch	Reed
Cochran	Helms	Reid
Collins	Hollings	Robb
Conrad	Hutchinson	Roberts
Coverdell	Hutchison	Rockefeller
Craig	Inhofe	Roth
Crapo	Inouye	Santorum
Daschle	Johnson	Sarbanes

Schumer	Snowe	Thurmond
Sessions	Specter	Torricelli
Shelby	Stevens	Voinovich
Smith (NH)	Thomas	Warner
Smith (OR)	Thompson	Wyden

NAYS—3

Jeffords	Lieberman	Wellstone
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NOT VOTING—1

McCain

The conference report was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. WELLSTONE. Reserving the right to object, I want to ask the majority leader a question before we move forward. I have been waiting with amendments that speak to the pain and suffering of farmers in my State. Are there going to be opportunities for me, as a Senator from an agricultural State, to bring forth substantive amendments that will speak to what has happened to the farmer? Will there be vehicles or opportunities to come to the floor and introduce amendments and pass legislation that will help farmers in my State?

Mr. LOTT. Mr. President, I was under the impression we had already done the Agriculture appropriations bill for this fiscal year, and it did include some disaster and drought money.

That conference is meeting right now, or will be meeting during the day and has been meeting, to make sure we are giving proper consideration to the negative impact of low prices on agriculture in America and also to assess as best we can the impact of the drought. The Senate has already considered that. It was subject to amendment. We do also wish to make sure bankruptcy laws are applicable and necessary action is taken. I know Senator GRASSLEY is working, along with colleagues on both sides of the aisle, to make sure the bankruptcy laws and their benefits are available to our farmers.

We certainly are working very aggressively to try to make sure we address these problems appropriately. I don't think we need to revisit a whole number of amendments in this area on the bankruptcy bill itself. I think when we get to bankruptcy we should be on bankruptcy and not use that as an "in basket" for every problem that may be on some Member's mind.

However, I think I have answered the question. We are working on agriculture needs. Hopefully, within the week we will have an agreement, and we will be voting on that bill either later on this week or early next week.

Mr. WELLSTONE. Reserving the right to object, let me simply follow up with a question. My understanding is the conference committee has not met for the past week; second, I know Senator BYRD and Senator DORGAN will speak about what is or is not in the

bill. In this appropriations bill, we were not able to come out with any legislation that dealt with the price crisis, the whole question of concentration of power that dealt with what is happening to the family farmers.

Is the bankruptcy bill the pending business after the morning business? Will we bring the bankruptcy bill to the floor with opportunities for Senators to introduce amendments that will make a difference for family farmers? Will we have that opportunity?

Mr. LOTT. I cannot answer that question at this time.

Mr. WELLSTONE. Reserving the right to object, I will do everything I can between now and however long it takes, if I am the last person standing, to insist I have a right as a Senator from Minnesota to come to the floor and introduce legislation that will speak to the pain and suffering of family farmers in my State. I will not stop colleagues from speaking in morning business, but forthwith I will have to stay on the floor until I have a chance to make a difference for farmers.

Mr. LOTT. I wonder if the Senator might want to take this up in the Agriculture Committee and with Members of the Senate who are involved and work with the appropriators on both sides of the aisle. They are working now to try to deal with these issues.

Mr. WELLSTONE. Reserving the right to object, Democrats have not been involved in that Appropriations Committee to my knowledge in terms of any meeting over the last week. Second, with all due respect to the majority leader, we are an amending body. Quite often we come to the floor with amendments. We especially come to the floor with amendments when we are dealing with a crisis situation.

We are dealing with a crisis situation in rural America. It is not business as usual. I am going to insist that I have the right to come to this floor with amendments that will speak to farmers in Minnesota and around the country to make a difference.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, I will not object, but I want to correct a misimpression on the floor. The conference committee in the agricultural appropriations area has not been meeting. I am a conferee. I would know if they are meeting. There is no meeting. It adjourned in the middle of last week. There has been no meeting since. I read the speculation in the newspapers and in the press that there have been agreements made. In fact, one suggestion indicated the majority leader had signed off on certain things. I have no idea who is reaching these agreements. I have no idea whether that is accurate.

It is not accurate to say the conference committee is meeting. The conference committee is not meeting. No Democratic member of the conference committee is able to meet because the conference is not in session.

I will not object either, but I will say there are some who think it is appropriate to have a conference between the House and the Senate on something this important—and it is one of the most important issues to my State dealing with this farm crisis—and it be done behind closed doors with one party in secret, and an agreement is brought to the floor of the Senate which says take it as it is or leave it.

That is not the way it will work. I do not have the capability to make things happen that I want to have happen, but I can slow things down.

I wanted to correct the impression left when the majority leader said the conference has been meeting. The conference has not been meeting. It adjourned nearly a week ago. We passed our bill in the Senate August 4. It is now October. With the urgent crises in farm country, we have slow motion going on and no conference at all. I hope the majority leader can agree with me that the way we are supposed to legislate is to have a conference; that when we call meetings with conferees, we have Republicans and Democrats there, we debate the issues, and we take votes. I wanted to correct the misimpression there has been a conference committee meeting. I am a conferee. That committee has not been meeting, and it should.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 68

Mr. LOTT. Mr. President, I ask unanimous consent that following morning business the Senate proceed to consideration of the joint resolution at the desk making continuing appropriations for the Federal Government; further, that there be 2 hours of debate between the chairman and ranking member of the Appropriations Committee, with no amendments or motions in order; and, following the conclusion or yielding back of that time, the Senate proceed to third reading and adoption of the joint resolution, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, has this request been cleared with the minority leader?

Mr. LOTT. Yes, it has been cleared with the minority leader.

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

Mr. LOTT. I thank my colleague, Senator BYRD. I thank you for your patience.

The PRESIDING OFFICER. The Senator from West Virginia.

DROUGHT EMERGENCY IN WEST VIRGINIA

Mr. BYRD. Mr. President, I will be very brief. I should be in a markup of

the Appropriations Committee on the Labor-HHS appropriations bill right at this moment.

Mr. President, as we quickly approach the end of Fiscal Year 1999, there is a portion of the American population that is not faring very well. The small family farmers of the North-Eastern and Mid-Atlantic States have been struggling to survive a fifteen-month-long drought. With all fifty-five of our counties receiving an emergency drought declaration on August 2 from the Secretary of Agriculture, farmers in West Virginia are no exception. These farmers have been waiting for a significant and timely response to their emergency, a feeling I imagine would be similar to dialing nine-one-one and getting a busy signal.

Yet, over the years, this Congress has responded quickly to provide the necessary resources to help the victims of national disasters, not only in this country, but around the world. From the \$1 billion for the victims of Mount Saint Helens in 1980; to the \$2.7 billion for the victims of Hurricane Hugo in 1989; to the nearly \$3 billion for the Loma Prieta earthquake victims, also in 1989; to the more than \$10 billion for Hurricanes Andrew and Iniki in 1992; to the \$6.8 billion in disaster funds for victims of the Mississippi floods in the Summer of 1993; to the North Ridge earthquake victims in 1994, for which almost \$12 billion was appropriated. Throughout the 1990's, emergency disaster assistance has also been provided to the victims of tornadoes, tropical storms, droughts, floods, wildfires, blizzards, and so on.

In 1999, emergency aid has gone to Central American and the Caribbean nations needing assistance with reconstruction after hurricane damage, to Kosovo military and humanitarian operations, and to American farmers suffering from low commodity prices. I voted for all of these. I have been willing to support emergency aid in these instances—all of them. However, I cannot understand why the drought emergency goes ignored. I cannot understand why we are not answering the emergency calls of long-suffering Northeast and Mid-Atlantic farmers.

The drought has devastated—devastated—the lives of thousands of family farmers in this region. I know that the word devastated is used so often that one expects it to be pure hyperbole, but West Virginia farmers work hard on land most often held in the same family for generations. They farm an average of 194 acres in the rough mountain terrain, and they earn an average of just \$25,000 annually. That is \$25,000 annually for 365 days of never-ending labor. Farming is an every-day, every-week, every-month, 365-day operation every year with no time off. West Virginia farmers average \$68.50 a day for days that begin at dawn and run past sunset. These small family farmers are the last to ask for assistance. They are hard-working, they are self-reliant individuals. They

have a sense of pride that prevents them from requesting federal aid unless they are in a desperate situation. These farmers are now in a desperate situation, and they are asking us to respond to them in their time of need. Now is the time that we must assist them and assist them by not by burdening them with more debt—they are over their heads in debt all right, many of them, so they are not asking for more loan programs. They need help. By providing grants, we can give them help that will help them to recover from the drought.

For many farmers it is already too late. They are disposing of their herds. They have sold off their livestock from land that has been farmed by their family for generations. Their pastures are grazed to stubble and will need fertilizer, lime, and reseeded if they are to support cattle again in the Spring. In the meantime, cattle must still be fed, and what little hay could be cut locally has already been eaten. The West Virginia Commissioner of Agriculture informs me that of the 21,000 surviving small family farms in West Virginia—and there were 90,000 back when I was in the State legislature in 1947. There were 90,000 farmers in West Virginia. Now there are 21,000 surviving, and over half of these are at risk as a result of drought. America cannot afford to let the small family farm die. A small family farming operation is the foundation on which America is based. We cannot afford not to help drought-stricken farmers.

Granted, in this area the drought seems to be a thing of the past. The water restrictions to conserve water in the Washington, D.C. metropolitan area have recently been lifted. Lawns have greened up again, and the drone of lawn mowers again dominates the weekend. Schools canceled classes in this area two weeks ago because hurricane Floyd threatened to deluge the city with too much rain too quickly. However, I assure you that the drought in West Virginia continues. Hurricane Floyd's rains did not scale West Virginia's mountains. The drought is so far-reaching that schoolchildren in Fayetteville, WV, had their classes canceled last week and the Fayette County Courthouse has postponed arraignments until October 1 because the city's reservoir has gone dry. The grass in West Virginia is not getting greener, as it is here in the Washington area. It is simply not growing.

Seventeen North-Eastern and Mid-Atlantic States have received a Secretarial drought emergency declaration this year and five more are awaiting a decision. Yet, the emergency aid package that the Agriculture Conference Committee is still negotiating includes a mere \$500 million in general aid for all disasters declared by the Secretary of Agriculture throughout 1999. The Secretary of Agriculture estimates that losses due to the drought of 1999 may total \$2 billion. Losses in West Virginia alone are estimated at \$200

million—and we are not a big farming State, not a big farming State. Most of ours are small farms, but these are people who have been on the land for generations. These farms have been handed down through the line of several generations.

Mr. President, what happened to the small family farmers in ancient Rome is happening in this country. They are leaving the land, and with them will go our family values.

The Secretary of Agriculture estimates, as I say, that the losses due to the drought of 1999 may total \$2 billion, and in West Virginia alone they are estimated at \$200 million. So the emergency aid package now attached to the Agriculture appropriations bill falls short by some \$1.5 billion.

I want colleagues to understand that although a drought is a slow-paced disaster, it nevertheless deserves much-needed attention as an emergency and merits a response much greater and faster than the one we have so far given. A drought can, and this one has, caused farmers to go out of business.

My farmers know that farming is inherently a risky business. It does depend on the weather. I urge this body to help with this natural disaster. American farmers merit federal assistance to ensure their future productivity, and, more importantly, to preserve a heritage that I believe essential to this nation's history, to its moral fiber and to its character. We regularly hear talk of the small family farmer. Now is the time to help small family farmers. Congress must act on this opportunity to direct emergency funds toward a real emergency with wide-reaching effects, that impacts our most treasured Americans, our farmers. The devastation of the drought will only be compounded if we do not offer assistance now. If fields are not treated now, they will not be productive come spring. Farmers normally finance this activity with profits from fall sales, or secure loans based on such sales. But this time they have nothing to sell.

We need to increase appropriations that will be directed to farmers suffering from the drought of 1999. I urge my fellow conferees on the Agriculture Appropriations Conference Committee and I urge the leadership in both Houses, to answer the call of the small family farmer and support increasing emergency assistance directed toward farmers suffering as a result of the drought of 1999. Do not let their 911 call for help be answered by a busy signal. Instead, let us answer the call of farmers by sending the signal that we are busy working for farmers.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Iowa is to go first. Is there an agreement as to the order?

Mr. GRASSLEY. There is not. I ask that Senator TORRICELLI go ahead of me on the issue of bankruptcy so he and I can speak together.

Mr. BAUCUS. Mr. President, will the Senator from Iowa yield for a question?

Mr. GRASSLEY. Yes.

Mr. BAUCUS. I wonder if the Senators will yield to me. I will be brief. I have 5 or 6 minutes. I know the Senators from Iowa and New Jersey are together on the same subject, and this Senator has been standing here for some time.

Mr. GRASSLEY. If Senator TORRICELLI has time, I have time.

Mr. TORRICELLI. Mr. President, if the Senator will yield, I think it is best we go next to each other.

Mr. TORRICELLI. Mr. President, I want to say, before Senator BYRD leaves the floor, however, how much I identify with his remarks. Like the Senator from West Virginia, year after year, with natural disasters around this country, in the House of Representatives and now in the Senate, I have come to the floor as an American, as part of a national union to respond to their emergencies.

Like the Senator from West Virginia in advocacy of his small farmers, I will not allow, as long as I serve in the Senate, the State of New Jersey to be a caboose on the train of the national union. We have a farming crisis. The Appropriations Committee not only reducing but eliminating any assistance for farmers who are being bankrupt and forced from the land is inexcusable. Like the Senator from West Virginia, at the appropriate time, I will come to the floor and if it requires standing here day after day, night after night, I will not see them abandoned.

I apologize for taking the time. I wanted to comment on the Senator's comments.

Mr. BYRD. I thank the distinguished Senator.

Mr. BAUCUS. I think the Senator from Iowa still has the floor.

The PRESIDING OFFICER. It is my understanding the Senators from Iowa and New Jersey have no objection to the Senator from Montana being recognized at this time. The Senator from Montana is recognized for up to 10 minutes.

Mr. BAUCUS. I very much appreciate the Senator from Iowa and the Senator from New Jersey for letting me go ahead of them.

I agree with the statement of the Senator from New Jersey complimenting the Senator from West Virginia, and, in the same vein, the earlier remarks of the Senator from Minnesota, Mr. WELLSTONE. The fact is, our farmers are in desperate straits, and this Congress is doing very little about it. It is that simple. No one can dispute that, and many of us are, quite frankly, concerned because the Senate is not doing enough. Because it looks as if the Senate might not do enough, we will be constrained to take extraordinary measures in the Senate to stand up for our constituents, the people who sent us here; namely, the farmers, in this instance, to pass as best we can appropriate and remedial legislation to help our farmers. It is that simple.

I compliment the Senator from West Virginia, the Senator from New Jersey, and others.

In fact, that is very relevant to the statement I am going to make concerning the introduction of a bill.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1648 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, I very much thank my colleagues and good friends, the Senator from Iowa and the Senator from New Jersey, for their courtesy.

The PRESIDING OFFICER. The Senator from New Jersey.

THE BANKRUPTCY REFORM BILL

Mr. TORRICELLI. Mr. President, I rise with some considerable regret to discuss the bankruptcy reform bill that was pulled from the floor of the Senate last week. Senator GRASSLEY and I have worked for over 8 months to craft what I believe is a broadly bipartisan bankruptcy bill. Indeed, Senator GRASSLEY has worked tirelessly for years to craft this legislation. He deserves the considerable gratitude of every Member of this institution.

I regret that after all these months of work, last week we were forced to vote on a cloture motion. I do not believe that the cloture vote was in any way indicative of support for the bill. It is important that that be understood.

Bipartisan support for this bankruptcy legislation is broad and it is deep. The legislation has seven cosponsors; five of them are Democrats. The legislation was voted successfully out of the Judiciary Committee with support from both parties. The inability to move forward on a bankruptcy reform bill is entirely due to unrelated events. The legislation on its merits still stands.

I believe it is important that Senator GRASSLEY and I make clear to people, both within the institution and outside the institution, that we are absolutely committed in this Congress, in this year, to continuing to have bankruptcy legislation considered and passed. Indeed, I believe if the majority leader brings bankruptcy reform to the floor of the Senate, in a matter of only a few days we can resolve the outstanding issues.

I also think it is important that our colleagues understand why we are so motivated to have this bankruptcy reform legislation passed. There are considerable reasons.

We are, to be sure, living in the most prosperous economic period in our Nation's history. The facts are renowned: Unemployment is low, inflation is low, the Nation has created 18 million new jobs, and now the Federal Government is having a burgeoning budget surplus.

But amidst all this prosperity, there are some troubling signs, things that deserve our attention. One is a rapidly declining personal savings rate. Indeed, that is what motivated me to vote for tax cut legislation: To stimulate pri-

vate savings in America so Americans will prepare for their own futures.

But second is an issue that relates to this legislation: A rapid, inexplicable rise in consumer bankruptcies. In 1998 alone, 1.4 million Americans sought bankruptcy protection—this is a 20-percent increase since 1996 and a staggering 350-percent increase in bankruptcy filings since 1980.

It is estimated that 70 percent of the petitions filed were in chapter 7, which provides relief from most unsecured debt. Only 30 percent of the petitions were filed under chapter 13, which requires a repayment plan.

No matter what the cause of so many bankruptcies, what every American needs to understand is that somebody is paying the price. If people are availing themselves of chapter 7, rather than chapter 13, which ultimately requires the repayment of many of these debts, the balance is going to be paid by somebody, and that somebody is the American consumer.

Indeed, I believe this is the equivalent of an invisible tax on the American family, estimated to cost each and every American family \$400 a year, as retailers and financial institutions adjust the prices of their products and their costs to reflect this growing tide of bankruptcy.

The reality is that the majority of people who file for bankruptcy—low- to middle-income, hard-working people—do so to manage overwhelming financial problems. That is as it should be. That is why the United States has always had a bankruptcy code—to protect people and allow them to reorganize their lives, to give people a second chance in American society.

But just the same, with these staggering numbers of increase—20 percent in only 3 years—there must be something else going on in our society. That something is revealed in a recent study by the Department of Justice indicating that as many as 13 percent of debtors filing under chapter 7—182,000 people each year—can, indeed, afford to repay a significant amount of their outstanding debt. That amounts to \$4 billion that would have been paid to creditors but is being avoided, inappropriately, by what amounts, in my judgment, to a misuse of the bankruptcy code.

I believe the Congress must act. This invisible tax impacts the health of our financial institutions, forces small business people to absorb these costs, forces some family businesses out of business, and it is a cost we can avoid.

The bankruptcy legislation that Senator GRASSLEY and I have crafted strikes an important balance, making it more difficult for the unscrupulous to abuse the system but ensuring that families who really need bankruptcy protection to reorganize their lives still have access to it.

At its core, the Grassley-Torricelli bill is designed to assure that those with the ability to repay a portion of their debts will be required to do so but

that judicial discretion will ensure that no one who is genuinely in need of debt cancellation is prevented from having a fresh start in American life.

When this legislation passed the Judiciary Committee, there were those who had legitimate concerns about some of its other provisions. I was among them and stated so at the time. These ranged from the liability of a debtor's lawyer to ensuring that low-income debtors with no hope of repaying their debts were not swept into the means test.

Colleagues should understand that Senator GRASSLEY and I are prepared, with a managers' amendment, both to ensure that the debtor's lawyers are protected from liability and that low-income people are not inappropriately subjected to this means test. That managers' amendment, I believe, will pass and will make this far better legislation than the Senate considered previously or the legislation that passed the Judiciary Committee.

I am very pleased that we have come so far with this bill. It is critical for our financial institutions and, indeed, it is critical for American families.

There remains one other central issue, however, that must be in this legislation, and that is dealing with the other half of this balance. It is the question of the abuse, I believe, of credit in the Nation itself.

The credit card industry last year sent out 3.5 billion solicitations—41 mailings for every American household; 14 for every man, woman, and child. No one wants to interfere with poor or working people getting access to credit. They should have the availability to do so, but there is something wrong when 14 solicitations per person are being received; when college students, juveniles, poor people are solicited again and again and again, often for high-interest credit. Indeed, these solicitations for high school and college students are at record levels.

The result of this solicitation is not surprising: Americans with incomes below the poverty line have doubled their credit usage; 27 percent of families earning less than \$10,000 have consumer debt that is more than 40 percent of their income. Indeed, it is not our intention to restrict access to credit for low-income people or even young people. Senator GRASSLEY and I have crafted legislation that will at least ensure that consumers are protected by giving them knowledge, by having full disclosure so people can make informed judgments, when receiving these solicitations, about how much debt they want and what it will take to repay it and on what kind of a schedule.

Taken as a whole—all of the provisions in the managers' amendment, the legislation from the Judiciary Committee—Senator GRASSLEY's work in consumer protection is a well-crafted and a very balanced bill.

My hope is it can receive early consideration but that, under any circumstances, this Senate does not adjourn for the year without providing

for American families this credit protection by full disclosure, by providing for American business protection against bankruptcy abuse, and by redesigning this code so that it is fair to our businesses and our consumers alike.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I know the Senator from New Jersey has to leave. But before he does, in front of all of my colleagues, I want to thank him very much for an outstanding statement that focuses on the complexity of the bankruptcy problem. Most importantly, he focused attention on the bipartisanship of this legislation and on our commitment to getting it passed not only this Congress, but this year. It can be done.

I encourage the Democratic and Republican leaders to have the necessary meetings and conversations it takes to bring this bill to the floor under a reasonable agreement so we can start work on it. In just a few hours, we can work our way through the disagreements that other Members might have and do it in a bipartisan way and get this bill on its way to the President of the United States.

So in public, I am happy to thank the Senator from New Jersey for his cooperation. He has worked with me in a truly bipartisan way. For constituents who might be listening anywhere in the United States who are concerned about this body or Congress as a whole or Washington, DC, being too partisan, this bankruptcy bill is an example of where bi-partisanship has worked. If I had tried to do this in a partisan manner, this bill would not even be as far as it is.

Mr. GRASSLEY. Before getting to the big bankruptcy bill, I want to touch on a related matter—the problem of the sunset of the agricultural provisions of the bankruptcy code, chapter 12. I believe it is the only section of the bankruptcy code that is sunset from time to time. It is not a permanent part of the bankruptcy code. It was passed about 13 years ago to meet the needs of agriculture in depression in the 1980s, and it has been renewed by Congress continually since then.

It has been a very successful part of the bankruptcy code because, of the farmers who have sought the protection of chapter 12, an Iowa State University study indicates that 84 percent are still in business farming, family farmers still farming.

We are at a situation where 1 year ago, about this period of time, chapter 12 actually sunset. It was extended for 6 months in the omnibus spending bill because the feeling was that we wanted to take it up at the very same time a revision of the entire bankruptcy code was taken up. The comprehensive bill is the bill that Senator TORRICELLI has spoken about and which I will discuss

shortly. Within that bill, there is a permanency brought to chapter 12 in the bankruptcy code so it will no longer sunset.

The March 31 deadline came, and this bill was not up. It was extended yet again for 6 months. I urged the majority leader to extend it for a year because I anticipated some of the problems we have recently faced regarding the bankruptcy code. It was thought by a lot of interests in this city that it was necessary to have chapter 12 not made permanent, separate from the entire bankruptcy law, because it was needed to help get the general bankruptcy revisions through. So it was extended for another 6 months.

This week it is going to expire again. It is ludicrous that the House of Representatives, just yesterday, passed only a 3-month extension of chapter 12 so that somehow if we don't get this permanent bankruptcy bill passed, we are going to have chapter 12 expiring again on New Year's Eve. That is a Y2K problem for agriculture we better be alerted to because Congress is not going to be in session on New Year's Eve to renew chapter 12. I hope that when the Senate considers the House version, we ignore it, and we move with a permanent extension of chapter 12 bankruptcy which I introduced last week and which is currently on the calendar.

As the Senators from West Virginia, New Jersey, and also the Senator from Montana were just speaking about the agricultural crisis, it is that way in agriculture any place in the United States. This is no time to play footsie with chapter 12 being extended for just a 3-month period of time. Those are games that don't need to be played. They don't do justice to agriculture in America, and they do not put the family farmer in the forefront of our policymaking or thinking in Washington.

I want to go to this issue about which Senator TORRICELLI spoke—the Senate not invoking cloture on the bankruptcy bill last week.

While this is unfortunate, I think it is important to say a few words in support of the bill outside of the adversarial context and the very political context of the cloture vote. I think it would really be a tragedy if both parties can't come together and deal with this bill, which has such broad support from Senators on both sides of the aisle. It was voted out of committee by a 14 to 4 vote, very bipartisan.

Bankruptcy reform is really all about a return to personal responsibility in a bankruptcy system which actively discourages personal responsibility by wiping away debts on a no-questions-asked basis.

Basic common sense tells you every time a debt is wiped away through bankruptcy, someone loses money. Of course, when somebody who extends credit has that obligation wiped away in bankruptcy, that creditor is forced to make a decision: Should this loss simply be swallowed as a cost of doing

business? Or, do you raise prices for other customers to offset those losses?

When bankruptcy losses are rare and infrequent, lenders may be able to swallow a loss. But when bankruptcies are very frequent and common, as they are today, lenders have to raise their prices to offset losses. For this reason, when Treasury Secretary Larry Summers testified at his confirmation hearing before the Senate Finance Committee, he said that bankruptcies tend to drive up interest rates.

If you believe Secretary Summers, bankruptcies are everyone's problem. Regular, hard-working Americans have to pay higher prices for goods and services as a result of bankruptcies. That is a real problem for the American people, and one which the Senate has an obligation to tackle.

Under our current bankruptcy laws, someone can get full debt cancellation in chapter 7 with no questions asked. If we pass our reform bill, if someone seeking bankruptcy can repay his or her debts, they will be channeled into chapter 13 of the bankruptcy code, which requires people to pay some portion of their debts as a precondition for limited debt cancellation.

The bankruptcy bill, which the Senate will hopefully consider soon, will discourage bankruptcies and, therefore, lessen upward pressure on interest rates and prices. Right now, under present bankruptcy laws, one of the richest captains of industry could walk into bankruptcy court and walk away with his debts erased. Of course, the rest of America will pay higher prices for goods and services as a result. If we pass this bill, higher-income people will be unable to use bankruptcy as a financial planning tool. All Americans will be better off. The message of Senate bill 625 is simple: If you have the ability to pay debt, you will not get off scot-free.

These are good times in our Nation, thanks to the fiscal discipline initiated by Congress, and the hard work of the American people—and more due to the hard work of the American people than what we have done in Congress. We have the first balanced budget in a generation, unemployment is low, we have a burgeoning stock market. Most Americans, except for the American farmers who are in a depression, are optimistic about the future. But in the midst of such prosperity, about one and a half million Americans declared bankruptcy in 1998. Based on filings for the first two quarters of 1999, it looks like there will be just under 1.4 million bankruptcy filings for this year. To put this in some historical context, since 1990, the rate of personal bankruptcy filings has increased almost 100 percent.

Now, I don't think anyone knows all of the reasons—I don't pretend to know either—underlying the bankruptcy crisis. But I think I can talk about what is not at the root of the bankruptcy crisis. I have a chart here that has four smaller charts on it that I think demonstrates it is not the economy that is

driving the crisis. Here we have the high rise in bankruptcies over the last 6 years, a very rapid near 100-percent increase in bankruptcy filings. We have, during that same period of time, a very dramatic drop in unemployment in the country. We have a very sharp rise in the Dow Jones Industrial Average. We have a rise in the average wage of American workers. This shows that it is not the economy that is causing so many bankruptcies.

The economic numbers tell us that the bankruptcy crisis isn't a result of people who can't get jobs; and the jobs that people do have are paying more than ever. So the bankruptcy crisis isn't about desperate people confronting layoffs and underemployment. With the economy doing well and with so many Americans with high-quality, good-paying jobs, we have to look deep into the eroding moral values of some people to find out what is driving the bankruptcy crisis. Some people flat out don't want to honor their obligations and are looking for an easy way out. In the opinion of this Senator, a significant part of the bankruptcy crisis is basically a moral crisis. Some people just don't have a sense of personal responsibility.

It seems clear to me that our lax bankruptcy system must bear some of the blame for the bankruptcy crisis. Just as the old welfare system encouraged people not to get jobs and encouraged people not to even think about pulling their own weight, our lax bankruptcy system doesn't even ask people to consider paying what they owe, particularly when they have the ability to pay. Such a system, obviously, contributes to the fray of the moral fiber of our Nation. Why pay your bills when you can walk away with no questions asked? Why honor your obligations when you can take the easy way out through bankruptcy? If we don't tighten the bankruptcy system, the moral erosion will certainly continue.

The polls are very clear that the American people want the bankruptcy system tightened up. In my home State of Iowa, 78 percent of Iowans surveyed favor bankruptcy reform, and the picture is the same nationally. According to the Public Broadcasting System program *Techno-Politics*, almost 70 percent of Americans support bankruptcy reform.

The American people seem to sense that the bankruptcy crisis is fundamentally a moral crisis. I have a chart that also deals with that. This chart is done by the Democratic polling firm of Penn & Schoen. It talks about the perceptions people have about bankruptcy. You can see here that 84 percent of the people think that bankruptcy is more socially acceptable than it was a few years ago. This is the same polling firm President Clinton uses; so I think this number is very telling, given that it was produced by a liberal polling firm. In my State of Iowa, the editorial page of the *Des Moines Register* has summed up the

problem that we have with the bankruptcy system by stating that bankruptcy "was never intended as the one-stop, no-questions-asked solution to irresponsibility." I totally agree.

I hope we can soon get to the bankruptcy bill, which has so much support in the Senate. As my colleague who worked so closely with me on this legislation, the Senator from New Jersey, has said, we are committed to bringing this bill to a vote this year and getting it done in a fashion that will show the bipartisanship that has operated throughout this year to bring us a 14-4 vote out of the Senate Judiciary Committee, to duplicate that wide margin on the floor of the Senate, to send a clear signal to people who use bankruptcy as financial planning that if you have the ability to pay, you are never going to get out of paying what you have the capability of paying. That is good for our country, it is good for the economy and, most important, it is good for the pocketbooks of honest Americans. Bankruptcies cost the average American family to the tune of \$400 a year. That's not fair to the American men and women working to pay taxes and make a better life to have to pay \$400 more per year because somebody else isn't paying their debts.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent morning business be closed.

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

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution by title.

The legislative assistant read as follows:

A joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2000, and for other purposes.

Mrs. BOXER. Mr. President, will the Presiding Officer explain what is before the Senate.

The PRESIDING OFFICER. House Joint Resolution 68 is before the Senate.

Mrs. BOXER. Mr. President, as I understand it, that resolution is the continuing resolution that will keep the Government running for the next 3 weeks based on the 1999 spending figures; am I correct?

The PRESIDING OFFICER. The Chair will not interpret the content of the legislation. However, that is the topic of the resolution.

Does the Senator seek recognition?

Mrs. BOXER. I do. I yield myself such time as I may consume from the Democratic leader's time.

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

Mrs. BOXER. Mr. President, I think we have reached a moment on the floor of the Senate that ought to be marked. Very sadly, it is a moment of failure for this Republican Congress, a moment of failure after promising a moment of success.

Why do I say that? There were three promises made by the Republican leader to the people of the United States of America. The first promise was that the spending bills, all 13 of them, would pass on time and within the context of the balanced budget; the second promise was that the Republicans would not touch the Social Security trust fund to pay for their programs; the third promise was that they would stay under the spending caps that were approved before.

In my opinion and in the opinion of many others, all three of those promises are being broken. In the lead story in the *New York Times* today, we read about the shenanigans going on in trying to get this budget accomplished.

I have proudly served on the Budget Committee in the Senate for 7 years; in the House, I served on the Budget Committee for a total of 6 years. I know there have been times when neither side has performed as it should. However, I never, ever remember it being this bad. I never, ever remember it being this chaotic. It is very sad because the rest of the country is doing great fiscally. This is the best economic recovery we have had. In my lifetime, these are the best statistics I can remember for low unemployment, low inflation, high home ownership. Things are going really well. Yet in that context, when things are going really well, we cannot get our act together around here. I have to say it is a failure of Republican leadership.

What is before us today is a bill that will continue the functions of Government for the next 3 weeks because, out of the 13 spending bills, only 1—only 1—has received a signature from this President. Therefore, we have to have a continuing resolution or the Government will shut down. I understand that. But let me simply say this. I think the reason my Republican friends are in so much trouble—and I hope some of them will come to the floor because this is their continuing resolution; I assume they are on their way so we can have a little bit of a debate here—I think the reason the Republicans are in so much trouble is, they have locked out the President, they have locked out the Democrats, and they are coming up with plans that are out of touch with reality and with what the American people want.

Let me give an example. Everyone around here says children are a priority and education is a priority. Yet the last bill my Senate friends have looked at in the Appropriations Committee, the one they saved until last, is education. HHS—Health and Human Services—includes education.

Why do I say the Republicans are out of step with the American people? I say it based on three simple facts.

There is nothing in that bill, not one penny, to continue to put teachers in the schools and to lower class sizes—nothing, not a penny, not even to continue what we started last year when Senator MURRAY and the President of the United States of America put before us a very important program to place 100,000 teachers in the schools.

Last year, as a result of our getting together, we compromised at 30,000 teachers. To be exact, 29,000 teachers have been hired under this program. There is not one penny in this education bill to continue that program. We were hoping we would have funding to continue the 29,000 and go forward with the rest of the 100,000. We know that when there are smaller class sizes, kids do much better. We know that. It is a fact. It is indisputable. Yet in their Republican budget, not only do they not expand this program but they do not put one penny in to pay for the 29,000 teachers all over the country who are already in the classroom. This Republican budget is a pink slip for 29,000 teachers. How does that comport with what the American people want? How does that comport with the reality the American people expect from us? It does not.

Another thing the American people say they want from us is to rebuild our crumbling schools. You do not have to have a degree in education or sociology to understand our schools are falling down. What kind of message is it to our children when we say how important education is in this global marketplace and their parents are telling them how important it is, and they walk into school, and what happens? The ceiling tiles are falling down on their heads. I saw it in Sacramento, CA. I saw it in Los Angeles County. Yesterday, the President was in a Louisiana school. He saw the same thing. We need to make sure we rebuild our crumbling schools. That is another issue the American people want resolved.

Third, after school; I have brought the issue of after school to the Senate for many years. I am very pleased to say we are moving forward. But we have thousands and hundreds of thousands of children on waiting lists for afterschool programs.

Why are they important? Because we know in many cases parents work and kids get in trouble after school. We know when they have good afterschool programs, they learn, they get mentoring, the business community comes in, the police community comes in, they learn about the dangers of drugs, they can get help with their homework, and they do important things. I have been to some fantastic afterschool programs, and I have seen the look on the kids' faces. I tell you, they are doing well. Studies show they improve their academic performance—by 80 percent in one particular program in Sacramento—if they have afterschool.

What does the Republican education budget do for after school? It comes in \$200 million below the President's re-

quest. What that means is that 387,000 children will be denied after school.

What I am saying is, we have a budget situation that is out of touch with what the American people want. I am just giving three examples—teachers in the schools, school construction, afterschool programs. Those are just examples. Guess how they pay for it. As I understand it—and it keeps changing every day—essentially they tap into the Social Security trust fund. They do it in a dance, and a bob and a weave that is impressive, but I understand it.

What I understand they are going to do is take \$11 billion in authorizing funds out of the defense budget—OK?—and put it into education. Follow me on this. And then, as soon as they have done that, they declare that \$11 billion of defense spending is an emergency. That is the way they get around the caps.

There is only one problem: It comes out of the Social Security trust fund. All emergency spending comes out of the Social Security trust fund. So, yesterday what was not an emergency in the military budget today will become an emergency, and the Social Security fund will be raided. I have to say, this is gamesmanship.

I think what we ought to do is pay as you go around here. If we want to spend more, we ought to pay for it. That is why the President's budget had well over \$30 billion of offsets to handle the new requirements. It doesn't dip into the Social Security trust fund, and it doesn't play shell games between defense and domestic priorities.

So here we are going to have a continuing resolution to get us through these next 3 weeks. I truly have not decided whether I am going to vote for it or not because, on the one hand, I understand we are coming down to the end of the fiscal year and we have to continue the Government; on the other hand, I believe, as the Senator from the largest State in the Union, the way they are doing this budget around here is something I do not want my fingerprints on. I really do not. I do not approve of it. I think it is wrong. I do not think it is honest. I do not think it is direct with the people. I do not think it is fiscally responsible. I think it takes us down the road we do not want to go down. I don't want more smoke and mirrors. We have had enough of that on both sides of the aisle. We are finally getting on our fiscal feet. We ought to stay on our fiscal feet.

I just want to say to my friends, I have a solution to their problem—because they are having problems on this. If they will open the door to this President and work with him on some compromises here, we can finish our work and be proud and go home. Will everyone get what he or she wants? No. That is what compromise is. But we will each get maybe halfway there, and we can feel good about ourselves, that we have reached across the party lines. This President has his strong priorities. The Republican Congress has its

strong priorities. I think if they add to that the Democratic leadership here, Senators DASCHLE and REID, and then on the House side Congressman GEPHARDT, Congressman BONIOR, and the other leaders, of both sides, I think we will find we can do business together.

One of the reasons I hesitate to vote for this continuing resolution is, as I said, I am not sure I want my fingerprints on what has happened so far. On the other hand, it is not too late. In the next 3 weeks, we could open up the doors. We could have a summit. We could bring everyone to it. We could all lay out what we want to have happen, show the American people we are willing to put them in front of politics, and come out with something we can be proud of, a true education plan that is going to meet their needs, a budget that is in balance, both in its actual numbers and in its priorities. I think we can go home and be very proud of ourselves.

I was on my feet for many hours last week over an issue called oil royalties. It is very interesting, in this continuing resolution, that moratorium on fixing the oil royalty problem is nonexistent. It is possible that the Interior Department could issue rules and stop the thievery that is going on. I hope they will do it. I really hope they will do it.

Talk about needing money. We estimate that \$66 million a year is being lost out of the coffers because the oil companies are not paying their fair share in oil royalties. We had a vote on this, a very close vote. Senator HUTCHISON was able to defeat me by 1 vote on the cloture vote, and I think the final vote was 51-47. I was unable to defeat her on the substance of her amendment. But JOHN MCCAIN wrote in and said he would have voted with me, which would have made it 51-48.

I hope Bruce Babbitt is watching this and he will take advantage of this 3-week hiatus we have in front of us where he is now able to fix this problem. I hope he will do it. I really appreciate the editorials across the country saying we have exposed a real scam and it ought to be fixed. I hope, again, if Secretary Babbitt is listening, perhaps he will do something good in these 3 weeks and move forward to resolve that issue.

Be that as it may, that is a relatively small issue compared to keeping this Government going. I know we will keep this Government going with or without my vote. We will move it forward. I once more appeal to my colleagues: You made three promises, you have not kept them. Why not open the door and see if we can help you out because you cannot obviously come to this decision on your own. You have not done the bills on time, you are dipping into Social Security, and, in essence, you are bypassing the caps by calling things emergency spending today that did not warrant emergency spending yesterday. Why don't we stop the smoke and mirrors and shell games? Why don't we

pass a budget that reflects all of us to a certain degree.

In the House of Representatives, there are only 11 votes that separate Republicans and Democrats. I have been over there. I was over there when we were in the majority. We probably had a 50-, 60-seat majority. The Republicans have an 11-seat majority in the House and a 10-seat majority in the Senate. They run the place. That is the way it is. Even if they had a 1-vote majority, they would run the place. I accept that. That is how the voters wanted it. But it is kind of tough when it is that close to do the right thing unless we all sit down together.

We have good people on both sides of the aisle. I have so many friends on the other side of the aisle whom I respect very much, including the Presiding Officer with whom I have worked on many issues. There is no reason why we cannot sit down in these next 3 weeks and find the answers and make the compromises. But we are never going to do it if we put politics ahead of bipartisanship. That is my plea before we have a vote.

I thank the Chair very much for his patience. I know it is sometimes hard to sit there and listen, and he has done that in a very fine way.

I yield the floor and, of course, retain the remainder of the leader's time on this side. I suggest the absence of a quorum, and I ask unanimous consent that it be charged equally to both sides.

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

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, I yield myself as much time as I may consume from the Democratic leader's time.

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

Mr. SCHUMER. I thank the Chair.

Mr. President, I very much appreciate the opportunity to speak on what I consider is perhaps the most important issue facing us, and that is the future of our educational system.

Everywhere I go in my State people are worried about the future of our education system. They are worried in the inner city; they are worried in the wealthy suburbs; they are worried in the rural areas; they are worried in the upstate cities. Everywhere we go, people are worried and concerned.

Their gut feeling, as usual with the American people, is right. They know we are entering a profound new time where ideas generate wealth. Alan Greenspan I thought put it best. He said: High value is added no longer by moving things but by thinking things.

America, God bless us, does very well in this type of ideas economy. In fact, if one looks at probably a core sentence

at the very key of our existence as Americans, it is competition of ideas. That is what the Founding Fathers fought for, that there could be a free and open competition of ideas, free speech, or in the spiritual sense, which is freedom of religion, or in a business sense which is capitalism, free enterprise, or in a political sense, which is democracy, all of which are at the core of this country.

In general, we are doing extremely well as an economy because we believe in the competition of ideas. It does not matter who you are, from where you come; if you have a good idea, you can either go out and make money or become an author or professor or whatever. It works. But when our world is becoming so focused on the competition of ideas and ideas in general, we cannot afford to have a second-rate educational system. When I read that we are 15th, say, in math of the 25 or 22 developed countries, or we are 18th in biology or 12th in geography, I worry, and I think every American worries, whether they voice it in these terms or in other terms.

We face a real problem, and that is the future of our educational system. It is not the best.

I can imagine a country, let's say an imaginary country, of, say, 20 million citizens, many fewer than we have. It can be a complete desert: No fertile fields, no wealth in the mines, but if they had the best educational system and churned out top-level people, they could become the leading economy in the world.

We have an imperative to create not the second best, not the third best, not the fourth best, but the best educational system in the world.

We have pockets of excellence. I have seen them in my State. But we also have pockets—broader than pockets, we also have broad plains of schools that are not the best. I say this as somebody who is a father of two daughters who are both in public schools in New York City. One is 15 and one is 10. They are getting a good education. My wife and I do everything we can to see that the education is the best. But every parent and every grandparent and every young person worries about the future of our educational system.

With the Education, Labor and HHS conference report, one of the first things I look at, perhaps the first, is how is it for education?

At first glance, it does not look too bad. Funding levels are marginally better than last year on some of the major school programs. When you consider how contentious this bill can be, at first glance it seems this is a pretty fair, good-faith effort. But then there is the fine print. When you get to the fine print, it is frustrating and maddening. It is not a good bill for education. If we care about our country's future, our children and our grandchildren, we will not support a proposal that is as weak as it is on education.

The most egregious item in the bill is the so-called teacher assistance initia-

tive. This is our program to hire 100,000 new teachers. There is funding in the bill of \$1.2 billion. That is all great, except when you read the fine print. It says this money is subject to authorization. To the average citizen, it means this money is not there at this point in time.

We all know we are not going to authorize this program this year. So money for new teachers will disappear at a time when we need better quality teachers. I have introduced a "Marshall Plan" for education focusing on the quality of teachers. At a time when we need to reduce class size, what we are doing is taking away money that would now exist, and then we are afraid to say so.

So we put in this chimerical program which says the money is here, and then it isn't. The language for this program is designed, in short, not to hire teachers but to fool parents; it is a bait and switch, because what is really going to happen to the \$1.2 billion for new teachers is that it is going to be spent on something else. Who knows what it will be. It could be on anything. But it will not be on teachers.

What disturbs me is that the shortage of good, qualified teachers is reaching crisis proportions. Half of our teachers are at retirement age; too few new teachers are taking their place; and in today's world, where the success of an individual depends more on the content of their mind than on the strength of their back, we cannot continue this holding pattern on education.

But this proposal is not just a holding pattern. It is worse. It is a step backward because last year we made the initial downpayment on the hiring of 100,000 new teachers, and this year we are leaving cities and towns across the country in the lurch.

It is a shame. It is a shame this bill makes a false promise that we are going to continue to fund this emergency teacher program, when we all know that unless the language in the bill is deleted, not a single dollar will be spent on new teachers.

I would ask our Senate leadership—plain and simple—to allow us to vote on this language.

There are two other problems with the education portion of this bill. The first is school construction—another national crisis. We have inner city schools that are overcrowded. We have kids in the suburbs going to school in trailers.

I learned this firsthand from my own daughter when she was in kindergarten and went to an overcrowded school in my hometown of Brooklyn, NY. There were two classes in one kindergarten room on the day my wife and I went to Open School Day. We understood the difficulty because you had one class in one part of the room and one class in the other part of the room, and when our daughter's teacher was speaking, you could not understand her because you heard, in the background, the

other teacher speaking in the other part of the classroom.

We have students in New York who are in temporary classrooms because either their suburban school districts or their city school districts are growing or because the decrepit buildings that were built 40, 60, and 80 years ago are in desperate need of repair.

Some might say, let the localities do all this. Have you ever seen the property taxes in localities throughout our States and large parts of our country? The local governments do not have the wherewithal for these kinds of major expenditures. So we can come up with some kind of rule that the Federal Government is not going to help, whereby this problem continues, or we can step into the lurch. I would like to step into the lurch.

Our school districts need Federal help. This bill offers nothing for school construction and is a grievous blow to our schools and our kids.

Last, there is no money for after-school programs. These are programs that help students with tutoring and help gifted students with advanced learning. It is also an important part of our strategy of keeping kids out of trouble by keeping them in schools so they are not marching around the streets or the shopping malls. There is nothing in this bill for them.

When I was a young man growing up in Brooklyn, I attended the Madison High School Afterschool Center and Night Center. I spent a lot of time playing basketball. I had fun. We were not very good. Our team's motto was: We may be small, but we're slow. But it kept me in constructive activity. It did not cost much. There is nothing in the bill for something like that.

Again, could the local school district do this? Yes; and some are able to. But with property taxes through the roof in so many districts—in the suburbs, in the cities, in rural areas—most school districts say they cannot afford it and they simply let the localities fend for themselves.

So there is nothing in this bill for students who need and want a place to go after the final bell rings.

In sum, this bill, which on first blush does not look too bad, is a real disappointment. Much of the promised money is "phantom" money, and it saddens me because our education crisis is anything but "phantom."

The economic strength of this Nation, as I mentioned at the beginning of my little chat, is directly tied to the ability of our schools to produce young men and young women who are the best, who are innovative and creative and analytical, skilled in math and science and technology and communications.

Just today I introduced legislation with the Senator from Virginia, Mr. ROBB, and the Senator from Massachusetts, Mr. KERRY, and the Senator from Vermont, Mr. LEAHY, which talks about how we are using foreign workers for the most highly skilled profes-

sions because we do not have enough Americans to fill those positions. Let's make sure we have enough Americans 5 and 10 and 15 years from now to fill those positions. This bill does not do it.

In my view, we should be doing much more for our kids and for schools than what we would do in this bill, even if all the funding was real. This is the one place we should be spending more money. We should be spending it intelligently. We should be spending it with standards. I believe we should not have social promotion. I believe teachers should have standards and be tested and meet certain levels. But we should be spending it. This bill, even if the gimmicks were eliminated, basically treads water. With the gimmicks in it, it means we are drowning. I am disappointed we can't produce a bill that does more for our kids and, particularly, that there is funding here that we know is a phantom. The least we should do is make sure the 100,000 teachers provision is real and whole because our problems are not about to fade away.

We need to embark on a massive effort to improve education. If the Federal Government can help do that, I think we should.

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

Mr. SCHUMER. I am happy to yield.

Mr. DORGAN. The Senator from New York talked about the 100,000 teachers program, the program to try to reduce class size all around this country and improve schools, improve learning as a result.

I came from a markup of the appropriations bill that will provide the resources for various education functions. We had a discussion in that markup on this subject. It is the case, as the Senator from New York indicates, that unless something affirmatively is done, we will come to the next school year and 25 or 30,000 teachers across this country, teachers in every State, will get a pink slip saying: You are not any longer hired under this program.

Last year, during the negotiation over the budget and appropriations between President Clinton and the Republicans and Democrats in Congress, a program was both authorized and funded that said it shall be the objective in this country to reduce class size and provide teachers to help accomplish that. Why? Because we know kids learn better in smaller classes. Does a kid have more attention from the teacher and more individualized instruction in a class with 15 or 16 students than with 30 students? The answer is, yes, of course. From study after study, in State after State, we understand it makes a difference in a child's education to reduce class size.

Unless this Congress continues to fund that effort, up to 30,000 teachers will be fired. Isn't it the case that this program was authorized last year and appropriated last year, almost 1 year ago now? And the bill that will come to

the floor tomorrow, by the way, will propose that we not fund that, that we decide not to fund that program; isn't that the case? And isn't it the case that we will have to wage a fight on the floor of the Senate for an amendment that affirmatively says: We as a country want to retain and continue this objective of reducing class size to improve education and improve the opportunities of young children to learn in schools?

Mr. SCHUMER. Mr. President, I say to the Senator from North Dakota, he is right on the money, literally and figuratively—literally because, as I understand it, this proposal says they are going to use \$1.2 billion, the amount we need to continue the program of hiring 100,000 new teachers, but then it says only if it is authorized. The Senator may correct me if I am wrong, but I believe the program is not authorized and there is virtually no chance we will authorize it this year. Am I right about that?

Mr. DORGAN. The Senator from New York is correct. There is a circumstance in the markup document that we saw today, and that we took action on this afternoon, that says there will be money available, if authorized. But, of course, the authorization committee is not going to be on the floor reauthorizing elementary and secondary education. It sets up a circumstance where they know and we know they will not continue this program to reduce class size.

How do you reduce class size? You hire additional teachers. We don't have a large role in education at the Federal level. Most of elementary and secondary education is handled locally. Local school boards, State governments, and others decide the kind of education system they want. What we have done is establish national objectives. One of our objectives is to say we can improve education, we know how to improve education, if we can devote more resources to teachers in order to have more teachers and reduce class size.

Walk into a classroom bursting with 30 children. Then ask yourself, does that teacher have the same capability to affect each of those children's lives that a teacher who is teaching 15 children would have in the same classroom? The answer is, no, of course not. That is why this is so important.

There is nothing much more important in this country than education. Almost everything we are and everything we have been and almost all we will become as a country is as a result of this country deciding education is a priority, that every young child in this country shall have the opportunity to become the best they can be.

I walked into a school one day in North Dakota. I have told about it on the floor of the Senate. A little third grader—this was a school with almost all young Indian children—whose name was Rosie said to me: Mr. Senator, are you going to build us a new school? Regrettably, I couldn't say yes; I don't

have the money. I don't have the authorization. I don't have the capability. But she needs a new school. One hundred and fifty kids, one water fountain, and two bathrooms crammed in a building that in large part is condemned. These kids need new schools. They need smaller classrooms, better teachers.

How do we do that? We devote resources to it. If we have \$792 billion to give in a tax cut over the next 10 years, maybe there ought to be some money to care about Rosie and to care about other kids crammed into classrooms across this country, classrooms that are too crowded, classrooms where learning isn't accomplished, where we know it can be accomplished if we have more teachers and reduce the size of the classroom. Isn't that the substance of this debate? Isn't that why it is important?

Mr. SCHUMER. Mr. President, I have to go to another meeting with folks from Binghamton, but the Senator is on the money again. We need to help improve our educational system. Instead of moving forward, this bill is a step backward on teachers and smaller class size, on school construction, afterschool programs.

I urge all of my colleagues, Republican and Democrat, in the Senate to reject this bill until it does good for education. I thank my colleague from North Dakota for bringing forward these points so eloquently and so forcefully.

With that, I yield back my time.

Mr. DORGAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER (Mr. GORTON). Eighteen minutes 24 seconds.

Mr. DORGAN. Mr. President, we are debating a continuing resolution for 3 weeks. The continuing resolution, which probably doesn't mean much to a lot of people, commonly called a CR here in Congress—means we continue the appropriations level of those appropriated accounts that now exist for a time until the appropriations bills are debated and voted on by the Congress.

Normally, we should do that by September 30, and then, by October 1, the new fiscal year starts. When the new fiscal year starts, the new appropriations bills which we have passed come into effect and provide the funding. Because we have not passed, finally, between the House and the Senate, appropriations bills from the conference reports, we don't have funding that is assured for the coming fiscal year. Therefore, there will be a continuing resolution.

Why haven't we passed the appropriations bills coming out of a conference with the House of Representatives? The answer is, simply, we have not been able to do that because the money doesn't exist to fit all of the priorities in the budget that was passed by the Republicans this spring.

We can have a long debate about priorities: What is important and what isn't; what works, what doesn't; what

we should do and what we should not do for the future of this country. Earlier this year, we had a debate in part about that with respect to the budget. I said then that 100 years from now, when we are all dead and gone, those who want to evaluate what we were about, what we thought was important, what our priorities were, can take a look at the Federal budget and evaluate what we decided to invest in, what we wanted to spend money on. Did we decide education was a priority, health care, health care research, food safety, or family farmers? Go down the list; there are literally hundreds of priorities. One could evaluate what people thought was important by evaluating what they decided to put in their budget and then what they decided to fund.

The two largest appropriations bills have been held until the end of this Congress because the money didn't exist to fund them. We have budget caps that everyone in this Chamber knows do not now fit. We finish appropriating money for defense and a number of other agencies and then come to the remaining appropriations bills and are told: You have to do a 17-percent, 27-percent, or 30-percent across-the-board cut in all of these other issues: education, health care, and more.

That is not something anyone would bring to the floor of the Senate. So we start doing creative financing. The majority party said: We can solve this problem by creating a 13th month.

That was one of the ideas last week or the week before. We can just describe a 13th month. If you could just have a 13th month, then you could move money around and pretend you had solved the problem.

Well, the Washington Post wrote about that and said "GOP Seeks to Ease Crunch with 13-month Fiscal Year." That didn't work real well because nobody knew what to call it. Of course, folks immediately described it as smoke and mirrors and not a very thoughtful approach.

The Wall Street Journal wrote this article: "GOP Uses Two Sets of Books." It describes "double counting." Of course, that doesn't work real well either. Double entry bookkeeping doesn't mean you can use the same dollars twice. Some described a new accounting system using two sets of books. That hasn't turned out to work real well either.

Now we have what is called "virtual money." I heard somebody described funding for a "virtual university" that Governors want to create. I thought that was appropriate. We now have a "virtual funding" scheme for the largest appropriations bill. We will see how that works.

This process, at the end of this session of Congress, is about as disorganized and messy as any I have seen in the years I have served in Congress. This isn't the way to do the Senate's work or the country's work. The thoughtful way to do it is to pass appropriations bills, one by one, during

this year when they should be passed, go to conference, reach accommodations and compromise between the House and Senate, between Republicans and Democrats, between the Congress and the President, and then fund the programs that are important for this country's future.

None of that is happening. Earlier today, the majority leader indicated on one of the very important appropriations bills that I care about—the Agriculture appropriations bill—that the conference was "ongoing." He said, in response to the Senator from Minnesota, the conference is underway. I pointed out that the conference isn't underway. I am a conferee. That conference hasn't met for a week.

I went back to my office after pointing that out to the majority leader and I read this memo that was sent to all conferees. This is from a staff person with the Republican majority on the conference dealing with agriculture. Mind you, there is not much that is more important as an issue to my State, North Dakota, than agriculture and the health of family farming. We face a very serious crisis with the collapse of grain prices, and dried up trade markets, and a whole range of issues, such as sprout damage with our grain, and just a range of issues. We are in a real crisis.

We passed a bill on August 4 in the Senate to try to respond to the needs of family farmers. Then, for 6 or 7 weeks, there was this foot dragging with nothing happening. We finally went to conference last week, and it was adjourned abruptly and there has been no meeting since.

The majority leader said the conference is meeting. It isn't meeting. After I had that dialog with the majority leader, I received this today from a staffer, a Republican staffer, on the conference, apparently:

As of this morning, the Senate Majority Leader signed off on a package which was offered from the Speaker—

Speaker of the House—

to resolve our stalled agriculture appropriations conference.

It is interesting that the majority leader signed off on a package offered by the Speaker. If that is so, I have not seen the package; I never heard of it. There have been no meetings. Is there a group in this Capitol that is deciding what is going to happen outside the purview of the conference? Does the majority leader plan to tell us what is in this package he signed off on? Is it his decision or the Speaker's decision that conferences do not matter anymore? Can they make decisions about family farmers, agriculture, disasters, and farm emergencies without including input from those of us who represent farm States? Is that what is happening?

It says:

The conference will not reconvene and all items are closed.

I am one of the conferees. We haven't met for a week. We are in the middle of

a full-scale crisis and disaster on America's family farms. A week ago, we had 100,000 hogs floating dead in the Carolinas, a million chickens, untold cattle, crops devastated up and down the east coast from Hurricane Floyd. You think they don't have a disaster? You think they don't have a crisis? That needs to be addressed in this conference. How is it going to be addressed? Who is going to do it?

The conference was adjourned. Do you know why it was adjourned? Because some on the conference—on the Republican side in the House—didn't like what we did in the Senate with respect to embargoes on food and medicine. What we did, in a bipartisan way, with Senators ASHCROFT and DODD, was say that we ought not ever use food as a weapon again. We are sick and tired of it. Iran, Iraq, North Korea, Cuba, you name it—when you slap an embargo on countries that are not behaving well and you include in that the cut off of food and medicine to those countries, you shoot yourself in the foot. We all know it. We have known it for 40 years. This Senate, by 70 votes, said it is time to stop that—no more food embargoes or using food as a weapon.

Well, we got to conference and the Republicans on the House side didn't like that, and so they adjourned and haven't met since. Now I am told, by notification of a staffer, that the conference is over, the conference will not reconvene, all items are closed and, as of this morning, Senate Majority Leader LOTT has signed off on a package that was offered from Speaker HASTERT to resolve our stalled appropriations conference.

That is some bipartisan way to run a Senate or a Congress. It shortchanges America's family farmers, and it shortchanges those of us who serve here who are supposed to have an opportunity to serve on these conference committees. In my judgment, it really turns a blind eye to the needs of rural America.

We will discuss this at some greater length, but we have to do a continuing resolution now—that is what this debate is about—because this bill wasn't done. This bill wasn't done because we have been stalling for months and months because they didn't feel they had the money to do it. Then we have full-scale emergencies arise with the collapse of grain prices, Hurricane Floyd, a drought in some parts of the country, and, finally, it is decided we have to do some kind of a bill and then it gets into conference, and we have all these folks who can't decide to agree, so they just quit. The majority leader and the Speaker made a decision on how this is going to go, and they will bring it to the floor.

That is not satisfactory to me and my colleagues, a number of whom serve on this conference committee and have waited for that conference committee to be called back into session. That is not the way to do business. A CR is not the way to do business, and we all know it. I am not going to object to a

3-week continuing resolution. I will vote for it. I told Senator DASCHLE I will vote for it. But we all know it represents a failure of this Senate to get its business done on time, a failure of the Senate to describe the right priorities and support them.

I hope this is the last of those kinds of failures. I hope that at the end of 3 weeks, we will have had the opportunity to debate, offer amendments, and consider a range of opinions in this Chamber on a range of issues, going from education to farm policy, and more.

Mr. President, I yield the floor and suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, I will use my leader time to address the pending issue for a couple of minutes.

It is with some reluctance that we find ourselves in a situation of having to support a continuing resolution for the next 3 weeks. Although most Democrats will support this resolution, I don't know that our caucus will be united in its support. And on behalf of those of us who are supportive, I think it has to be said—and I haven't had the good fortune to hear any of the debate—we do so with great reluctance and great disappointment. We hope this will be the only CR that will be voted on and addressed this year.

Our Republican colleagues made three promises last spring. The first promise was, they would not use Social Security trust funds to pay for other government programs; the second promise was, there would be no lifting of the discretionary spending caps, that we could live within the caps we all agreed to in 1997; the third promise or commitment was, we would meet the deadlines.

We all understand the new fiscal year begins October 1, and we strive to complete our work by the first day of the new fiscal year. Here we are, a couple of days away from the new fiscal year, and what has happened? Our Republican colleagues told Members during the budget debate: No, we really don't want any Democratic amendments. We will do this on our own. We will pass a Republican budget—not a bipartisan budget but a Republican budget. That Republican budget passed without Democratic support and without Democratic involvement.

We then had a Finance Committee markup, and our Republican colleagues again said: No, we really don't want any Democratic input. We will pass a tax cut of a magnitude that goes way beyond anything the Democrats could

support—recognizing it cuts into the very investments we have expressed so much concern about today, recognizing it cuts into Social Security as they promised they would not do.

Then we had the appropriations process. With the exceptions of the VA/HUD and defense bills, Democratic Members were largely shut out of the appropriations subcommittee markups, the full committee markups, and the conferences with the House.

We hate to say we told you so, but that is exactly where we are today: We told you so. We knew they could not do what they said they were going to do earlier this spring and this summer. We knew ultimately they would have to cut Social Security to get to this point, and they have. We knew they would probably be forced to increase the caps, and now they have admitted that is most likely what they will do. We knew they wouldn't make the deadline, and, unfortunately, that too has come to pass.

Our Republican colleagues are coming to the floor now asking we join with them in passing a continuing resolution to give them 3 more weeks in spite of the fact we were told they really didn't need our help this spring, they didn't need it this summer. In fact, one of the leadership in the House, Congressman DELAY, was quoted as saying: We are going to trap the Democrats. We are going to trap them into recognizing they have to use Social Security. They have to break the caps.

I have to say, this is no way to legislate. The word I use to describe our current appropriations and budget circumstances is "chaos." In all the years I have been here, I don't recall a time when there has been greater appropriations disarray than there is right now. I frankly don't know whether we can put it back together in 3 weeks. But we ought to try. We know we cannot go home until this is done. We are hopeful.

I was a little concerned when the Speaker was asked, Will you shut the Government down? He said, I hope that won't be necessary, or something to that effect. I would have hoped there could have been a more definitive statement—that under no circumstances would the Government be shut down.

Our Republican colleagues are in a box. They violated their promises on Social Security and raising the caps and not meeting the deadlines. They can't mask it over now with some charade of bipartisanship when, up until this point, there has not been any.

Democrats have voted in good faith on many occasions, opting to move this process along with an expectation and hope that somehow in conference or at some point prior to the end of the fiscal year we could come together. That hasn't happened yet. As a result of our inability to come together, the President is now threatening to veto up to six of the thirteen appropriations bills.

And after he vetoes them, then where are we?

This is a disappointing day. Republican responsibility day is October 1. Republican responsibility day is the day when we should all ask the question, Have the promises been kept? On Social Security, the answer is no. On keeping the caps, the answer is no. On meeting the deadline, the answer is no.

Now we are faced with an appropriations dilemma on education. They have cut education budgets by 17 percent. They are using a new, extraordinarily innovative approach to offsetting the shortfall in education by moving money we have already appropriated out of defense into education. They will then make defense whole again by declaring billions of defense spending an emergency. If that isn't the most extraordinary demonstration of flim-flam budgeting, I don't know what is.

This is quite a moment. We have not yet talked about education. We will save that for tomorrow. I am disappointed we have to be here today with the recognition that those promises have not been kept, that we do need a 3-week CR, that we are facing up to six vetoes, and that we haven't been able to come together as Democrats and Republicans in a bipartisan way to resolve these problems before it is too late.

I yield the floor.

Mr. CONRAD. Mr. President, I rise to talk about the budget gridlock we are now facing. We are considering a continuing resolution today because Congress has failed to do its job. Congress is supposed to pass the 13 appropriations bills by the new fiscal year. The fiscal year starts October 1. To date, only 1 of the 13 appropriations bills has been signed into law—1.

This is failure on a grand scale. If you look back over the last several years, in 1995, 5 appropriations bills had not been acted on and had to be wrapped into a year-end omnibus measure. In 1996, it went to 6 appropriations bills that had to be wrapped in one package, put on the desk of Members with no chance for review and voted up or down. In 1998, it was 8 appropriations bills that had not been acted on in a timely fashion, that had to be wrapped together. This year maybe we are headed for 12. I do not know. Maybe we can get some others done. But so far, only 1 of the 13 appropriations bills has been signed into law.

Does anyone see a pattern here? Does anyone see we have gone from 6 appropriations bills in 1996 not enacted to 8 in 1998 and now we have only 1 done on the eve of the new fiscal year? Our Republican colleagues who are in charge here, in the House and the Senate, bear responsibility for this failure to get the job done.

I must say, the other side promised very clearly three things. They said they would get the budget done on time this year. They failed. They said they would hold to the spending caps that were put in place by the 1997 bi-

partisan budget agreement. They failed. They said they would not raid Social Security. They failed. On each and every one of these counts, our Republican colleagues have gone back on what they promised. In each and every case, they have said one thing to the American public and done another thing in Congress.

I understand today they are getting really creative. Today, the Senate Appropriations Committee came up with \$15 billion for the Labor-HHS bill. Where did they get it? They borrowed it from the defense bill. That is a new tactic. We have already passed the Defense bill. That is not signed either, by the way. Now they decide to go and borrow from that bill, they will put it over in the Labor bill, they will spend it there, and then they will come careening back and say they need emergency spending for the Defense bill. All of a sudden everything is an emergency with our colleagues on the other side of the aisle.

There are things that really are emergencies. The agriculture situation facing this country, that is an emergency. Hurricane Floyd, that is an emergency. But our Republican colleagues are calling everything an emergency. They are calling the census an emergency—the census. We do that every 10 years. We have done that since we started as a country and now they are calling that an emergency; something that was not foreseen, an emergency, something we did not know was coming.

I must say, the former House Appropriations Committee chairman, the former Speaker-to-be, Bob Livingston, said:

... the census has been with us since the conception of the Constitution of the United States. This is not an emergency.

He is right. This is not an emergency. Nor is it an emergency as they have now designated the LIHEAP program, that is low-income heating assistance. We have had that program for 20 years. Now they say that is an emergency.

Mr. President, we have heard a lot in the last few days. We heard we were going to a 13th month; that was going to solve the problem.

The PRESIDING OFFICER. The 1 hour of debate for the minority has now expired and 54 minutes 53 seconds remain to the majority.

Mr. CONRAD. I ask for 30 additional seconds, if I might, and ask for it to be added on both sides.

Mr. THOMAS. The request is for 30 seconds?

Mr. CONRAD. Yes.

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

Mr. CONRAD. Mr. President, the other point that should be made is now our friends on the other side have started the raid on the Social Security trust fund. That is wrong. I had a reporter ask me: Senator, didn't you put them in this box a number of years ago during the balanced budget debate by insisting we not raid Social Security?

I said:

Absolutely, I am proud of it. We should not raid Social Security. If they want additional spending, they ought to pay for it. And they ought to do it without raiding Social Security. That ought to be a litmus test for any budget.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to make a few comments about where we are, what we are faced with this afternoon, and what we are faced with over the next few weeks. We have heard, of course, a great deal from my friends on the other side of the aisle, some of which is a little hard to understand, I believe, but nevertheless I guess legitimate conversation.

We, of course, are prepared now to take a vote within the next hour, or less, on the idea of a continuing resolution. It is not a new idea. It is one that has been used a number of times. Would we all like to be through now? Of course we would. This matter of appropriations is a very difficult task.

I must tell you at the outset, one of the bills I have had in since I have been in the Congress—I brought it with me from the legislature in Wyoming—says we ought to have a biennial budget. Instead of going through this every year, we ought to do it every 2 years: Budget 1 year, appropriations the other year, which would give us more opportunity to have the kind of oversight Congress is responsible to do, but we do not do that. We go through this each year. Unfortunately, the appropriations becomes kind of the direction for the Congress, which is wrong. It seems to me we ought to set our priorities, do that in the authorizing committees, and then we fund it.

The process, of course, is to have a budget. The budget was passed this year on time. The budget is designed to break down the total revenue, the total amount we are willing to spend, break it down by various subcommittees within the appropriations, and those are the amount of dollars with which each has to work. So we have done that, of course.

This is a pretty positive year in many ways. I certainly wish we were further along. I think everyone does for various reasons. I have a few ideas as to why we are not, I might say to my friends on the other side. But there are some positive things about which we ought to talk. How long has it been, I say to my friend, how long has it been since we have had a balanced budget? How long has it been since we have had income more than our expenditures? Has it been 25 years? Has it been 30 years? I think so. I think so. So this is kind of a positive thing about which we are talking.

This year's caps were less than last year's. Why? Because last year we took some out of this year to pay for it. This year's caps were less than last year's. I would like to stay with the caps; I voted for the caps. But when we bring

up the kind of emergencies that my friend from North Dakota insisted on in agriculture—good idea? Sure. Nevertheless, that is over the caps, isn't it? That is an expenditure, and we have had a good deal of that.

We have some positive things. We will not get into Social Security. We have not gotten into Social Security. That is one of the things we are dedicated not to do. We had about \$14 billion, I believe, in this budget, that is not Social Security, and we are not going to spend Social Security. That is a commitment that we have.

What are the pressures? The pressures have constantly been, from the White House, from the other side of the aisle, for more spending. That is the principle of this administration: Spend more. Spend more taxes.

We are not willing to do that. On the contrary, we have been dedicated to keeping spending down, keeping Government size down. So it is not an easy project.

I am not an appropriator. I am not familiar with the processes that have gone on internally within the committee. Talk about not being involved—I don't know that. But I do know this has been a very difficult task. I am told within these 13 bills, about 12 of them that have pretty much been completed on this floor are within the spending caps—except for the emergencies. Emergencies in military? Of course. Not a bad idea—Kosovo, all those kinds of things that were here to do something to strengthen the military, to which everyone on this floor agrees.

These are the kinds of things, certainly, that got us where we are. One of the reasons it has been difficult, of course, it has been hard to move things on the floor. We, just this last week, have gone through a couple of filibusters, as a matter of fact, in which the very folks who have been up this afternoon talking participated. That kept us for 2 or 3 days talking about MMS, Minerals Management Service. That is one of the reasons we are where we are. It has been difficult to move along that way. But that is the way a legislative body works.

We tried very hard to do some things to ensure Social Security would be kept as it was—the Social Security lockbox. How many times did we bring that up? There was unwillingness to accept it on the other side of the aisle. They did not want to do it, so we put that aside.

They have not been willing to talk about what we want to do with Social Security and individual accounts so that the money will be there.

When there is surplus money in this place, it will be spent. Could we get tax relief? No. No, our friends on the other side of the aisle did not want to do that; we ought to keep this money here so we can spend it. That is how we get into some of these things.

I am persuaded there has to be a system if you have excess money: You ei-

ther have to get it out to people on Social Security, put it in those accounts, or you have to give it back to the people who paid it, if there is an excess amount of money.

No, they do not want to do that. What they want to do is spend more of it. That is where we got into this.

Gridlock? Yes, indeed, we have had some gridlock. I have been here for less than one term, but I do not believe I have seen as much gridlock as there has been this year in terms of bringing up amendments to bills we have had to take 2 or 3 days to deal with, constantly bringing up an agenda that was different from the agenda that was on the floor.

These are the things that, to me, certainly, have created difficulties in getting our task done. I agree, however, that is our task, that is what we are here to do, and I am disappointed we have not gotten it done by the end of the fiscal year. But we have not.

We are not going to allow ourselves to get into the position—I do not think anyone wants to have that happen—where there is a closure and a shutdown of the Government. Certainly we are not interested in allowing that to happen, or encouraging it to happen, or promoting an opportunity for it to happen. Indeed, we want to move forward with the appropriations as they should be dealt with, and we are persuaded that is the thing we are going to talk about doing.

Again, however, I do think there are some very positive things that have happened. For the first time in 25 years, we are not spending Social Security money, we are not spending deficit money in this budget. It has been a very long time since that has happened.

Mr. President, I suspect what we ought to do is move forward. I yield back the time allotted to the Members on this side of the aisle and ask—I was going to ask for the yeas and nays, but I don't think I can do that. I ask unanimous consent that the vote on adoption of House Joint Resolution 68 occur at 5:15 this evening and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. The Presiding Officer, in his capacity as a Senator from the State of Washington, reserves the right to object and suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, as the fiscal year 2000 rapidly approaches, Republicans find themselves scrambling to pass appropriations bills before the October 1, 1999 deadline. Once again the majority has proven incapable of managing the appropriations process. Only four of the thirteen appropriations con-

ference agreements have been completed, and the Labor-HHS-Education appropriations bill has yet to be voted on in either House. I recognize there is going to have to be some time so we can try to work out the differences.

What has gone on this past year is something about which we need to talk. We know they have put the most important of the 13 appropriations bills, Labor-HHS, at the bottom of the totem pole. Instead of doing this bill first, a bill that is vital to our country in dealing with health research and education, it has been put at the bottom. I do not think that is appropriate.

They have done all kinds of things: The majority has added a 13th month to the fiscal year. They are talking about delaying tax credits for low-income Americans. They are trying to spread 1 year's funding over 3 years. They are talking about making certain things an emergency, such as the census. This is just nonsensical.

I suggest that putting off for 3 weeks decisions we are going to have to make is unnecessary. The majority has consistently failed to finish their work on appropriations bills. The Senator from North Dakota, Mr. CONRAD, has done an excellent job of illustrating this point. We had two Government shutdowns in 1995, and this year, rather than developing legitimate spending offsets to increase funding available for the next fiscal year, we have come up with all these gimmicks.

It is like a Ponzi scheme, a pyramid scheme, which, if you did outside the Halls of Congress, is illegal. We have developed a massive Ponzi scheme while ignoring all of the budget rules. What they are driven toward and are already looking for is to spend Social Security money even though the talk is different. They are trying to spread this funding over 3 fiscal years, adding a 13th month, declaring things emergency that really are not emergencies, and waiting to do the most important bill the last, Labor-HHS. This is a Ponzi scheme, a pyramid. It is a house of cards that is just about to fall.

We keep delaying this. We have to sit down and work out our differences. We have to do the business of this country, and that means passing the appropriations bills in this body, finishing the conferences quickly, and getting the President to sign these bills.

If we have to do a continuing resolution that takes us through the year on some or all of these appropriations bills, we have to get to that right now. We have spent a lot of time treading water and going nowhere. Extending this funding for 3 weeks is doing just that, it is treading water.

We have to start doing something that is meaningful, and that means making tough decisions. Tough decisions, is not extending the year for another month. It is not declaring things like the census an emergency. It is not using welfare moneys that the Governors have kept to offset the problems we are having here. The Governors

should be able to use that money any way they want. And there are many other things they have attempted to do in an effort to avoid the tough decisions. The tough decisions have to be made. They should be made now rather than prolonging this for 3 weeks.

Mr. President, has there been a time set for a vote?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Not yet.

Mr. GORTON. Mr. President, I yield such of the Republican time to myself as I may use. And for the information of the Senator from Nevada, I believe I may be the last speaker on this side, and I have been instructed, unless someone else on this side comes to speak later, when I have finished, to yield back the remainder of our time, and we will vote then, which probably means a vote before 5:30.

Mr. REID. The minority's time is all used.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, yesterday in this Chamber, I was engaged in what I believe was a debate on a fantasy. The minority party spent a great deal of time debating two resolutions on education, one proposed by their side and one proposed by our side, with the resolution proposed by their side based on the proposition that Republican appropriations bills were going to reduce the amount of money spent on education from last year by some 17 percent.

That resolution was long and detailed, and "17-percent cut," "17-percent reductions" appeared all the way through it.

I say this was a fantasy debate because by the time the debate began, every member of the Appropriations Committee knew that not only was education not being reduced in the Republican proposal but it was being rather significantly increased, in fact, being increased by some \$500 million more than the amount for education recommended by President Clinton in his budget at the beginning of this year. So there was the exercise of a process of beating a dead horse for at least an hour on the other side of the aisle before we voted on our respective proposals.

There was a significant second difference in that debate over education that was not a fantasy and was not beating a dead horse because the Democratic proposal was that we do more of the same thing that we have been doing the last 30 years with respect to our Federal involvement in education, without any particular or notable success, while we on our side were proposing not only that we focus more of our attention in dollars on education but that we begin to trust the parents and professional educators and principals and superintendents and elected school board members across the United States of America to make the decisions about the education of their children, which they have de-

voted their lives to doing, rather than making all of these decisions and saying that the same rules should apply to a rural district in North Carolina as apply to an urban district in Massachusetts.

That is a real debate. It is a debate which I suspect we will be engaged in tomorrow when we take up the appropriations bill for Labor-Health and Human Services, and it is a debate in which we will be engaged in, in an even more spirited fashion, when we come up to the renewal of the Elementary and Secondary Education Act.

But in the course of the last hour, it seems to me, we have been engaged in another fantasy debate. The minority leader, and several of his members, have been on the floor making a number of statements that have very little relationship to the reality that is before us at the present time. They said, among other things, that they were cut out of the debate on a budget resolution. They were not. They voted against a budget resolution, not on the grounds of its spending policies but because they were vehemently opposed to any tax relief for the American people, tax relief which we desired to give to the American people.

At one level, we won that debate. We passed significant tax relief for a wide section of the tax-paying people. It has been vetoed by the President. So at that level, at least, they ultimately won. That money will come to the Treasury of the United States and will stay in the Treasury of the United States.

But they also said, now that they got their way, now that there was no 17-percent reduction in spending on education—always a fantasy—now that we are spending so much, we are raiding the Social Security trust fund.

I am here to say these appropriations bills do not eat into the Social Security surplus. They do, in fact, eat into some of the non-Social Security surplus, not only for the year 2000 but probably for the year 2001 as well. But they are within the estimates of those non-Social Security surpluses in the years in which all of the moneys in these appropriations bills will, in fact, be spent.

That criticism, that we are raiding the Social Security trust fund, while it has no statistical validity, would at least have a certain degree of moral caution attached to it had we, during the course of the last several weeks, in debating appropriations bills, heard from a single Member of the other side that we were spending too much. But we did not hear that at all.

In fact, an hour or so ago, when the Appropriations Committee was approving this large bill for Labor and Education and Health, the only significant Democratic amendments were to spend more money, without any offsets whatsoever. So the cries that somehow or another we are breaking caps that that side did not want to break or that we are raiding the Social Security trust

fund by spending too much money are in direct contradiction—as rhetoric—to the actions that, in fact, have taken place by the minority party, which consistently has said, if anything, not that we are spending too much money this year but that we are spending too little.

I have no doubt that within a few days the President of the United States, backed by many Members on that side, will say; yes, we need to spend even more money. If the President vetoes some of these bills, his veto will likely be based on the fact that we are not spending enough. And, in fact, he will ask us to increase taxes, having vetoed the opportunity to provide some tax relief for the American people.

Finally, we have heard complaints about the fact that we have not yet completed all of our work on appropriations bills. That is true; we have not. In fact, in the last 20 or 25 years, we have only done that on one occasion. If, however, within 2 days, we complete action on the 13th and last of these appropriations bills, at least the Senate will have passed its versions of all of these bills before the end of the fiscal year.

I had to manage one of those bills, one of the smaller of the bills, the one dealing with the Department of the Interior and other similar agencies. While it was spasmodic and interrupted by debate on other matters, we began the debate on that bill in the first week of August and ended it last week. Why did it take so long? Because one single amendment literally was filibustered by a Member on the other side of the aisle—unsuccessfully, as it turned out—delaying the passage of that bill by a good 2 weeks, and making it certain that—just physically—we cannot settle our differences with the House, modest though they are, in time to send such bill to the President of the United States by the day after tomorrow.

Nor has this Senator noticed that Members of the other party were not consulted or did not participate in the drafting of all of these appropriations bills. The overwhelming bulk of them in this body—perhaps not in the House of Representatives—were drafted in a collegial and bipartisan fashion by the Appropriations Committee and were supported by most of the members of both parties in almost every single instance.

Three or 4 hours ago, we passed a final conference report on the energy and water appropriations bill by a vote of 96 to 3.

Mr. President, does that sound like a partisan exercise in the deliberations in which one of the parties was excluded?

The Senate version of the Interior bill passed last week, if memory serves me correctly, by a vote of something like 87 to 10. I pride myself, as the chairman of that appropriations subcommittee, in consulting with members of both parties, listening to their

priorities, and meeting their priorities to the maximum possible extent. It was in no way a partisan exercise. Last Friday, a much larger and more controversial bill on the Veterans' Administration and the Department of Housing and Urban Development was passed by a voice vote. No one even bothered to ask for a rollcall because agreement on that bill was so widespread.

Yes, it is too bad we have to pass a 3-week continuing resolution at the present time. It is too bad there are differences between the House and the Senate. It is too bad there are such disagreements between the President and the Congress. That is the way we arrive, in a society such as this, at appropriate answers to all of these questions. It is a long way from being unprecedented. With any luck, this year, we won't have one agglomeration, one huge bill that no Member understands at the end of this process, but we will deal with 13 individual appropriations bills for determining the priorities of the United States.

Tomorrow, we will once again be engaged in a debate on education, among other subjects. I hope that debate will be more realistic than the debate that took place yesterday, that had no relationship to reality whatsoever, in connection with the basis for the Democratic resolution on the subject.

I hope it will be on a serious subject matter, not just of the amount of money we in the United States are going to devote to education—though that is vitally important, and this bill is quite generous in connection with it—but on the way in which that money ought to be spent. It ought to be spent in a way that increases the student performance of the children in the United States in our schools through grade 12 all the way across the board.

We ought to have the imagination to revise a system that has not been a notable success by any stretch of the imagination and go forward to a new system that looks not at forms to be filled out by school districts all across the country, not at the presumed wisdom of 100 Members of this body, many of whom seem to think they know more about education than the professionals who deal with it every day, but one that trusts in the genius of the American people and the dedication of the American educational establishment to make their own decisions in communities all across the United States of America about what may very well be the most important of all of our social functions—the education of the generation to come.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator, who is very knowledgeable and, of course, is involved. I want to talk about an interesting thing that has to do with the last year Democrats were in charge of the majority—fiscal year 1993. I don't think it is an excuse,

but I think it is interesting, given all the conversation we have had.

These are the dates that the appropriations bills were passed in 1993: The foreign assistance bill was passed in the Senate on September 30 and approved on September 30; the legislative branch bill, of course, which has to do with operating the Congress, was passed early, August 6, and approved on August 11; Treasury-Postal was approved in the Senate October 26 and signed on October 28—this, of course, was the same fiscal year we are dealing with now—Energy and Water was passed on October 26, signed on October 27.

This was the year the Democrats were in the majority. This is the kind of thing they are talking about today.

Military construction was passed in the Senate on October 19, signed on October 21; VA-HUD, October 28, when it was approved; District of Columbia, October 29; Agriculture, October 21; Labor, Health and Human Services, Education, October 21; Commerce, Justice, and State, October 27; Interior, passed November 11 and signed; emergency supplementals, of course, were before that; Transportation, October 27; Defense, November 11; the continuing resolution, the first one, on September 30, and a further continuing resolution on October 29.

This was 1993. The Democrats were in the majority. The idea of a continuing resolution is not a brand new idea.

Mrs. LINCOLN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Mr. President, I ask that the vote occur immediately following the comments of the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Arkansas is recognized.

Mrs. LINCOLN. I thank the Senator.

Mr. President, I am here to express my disappointment in this process and the vote we are about to cast this afternoon. I will probably vote for the continuing resolution because I don't want to shut down the Government. I will also probably vote with the expectation that we will get our work done in the 3 following weeks. I am not happy about it, and I don't believe we have fulfilled our obligation and commitment to the American people.

For over 200 years, it has been the responsibility of Congress to pass the 13 appropriations bills that make the Federal Government tick. It is our only constitutionally mandated responsibility, the only thing we absolutely have to do.

We have had 9 months. In the same amount of time, I produced twins. It

wasn't easy, but we did it. My chief of staff, unfortunately, had an accident at Christmas, has been through two major surgeries, and has made a resounding comeback, unbelievably. My legislative director has gotten married. She has finished law school and bought a home in those 9 months. Amazing things can be done if one actually works at them.

I came to Washington, sat through an impeachment trial, bought a house, and moved two 3-year-old boys, one husband, and a dog to Virginia so I could work in the Senate. It is time to get down to work.

I fully expect us to end this monkey business. To pass fair, thought-out appropriations bills within the next 3 weeks is certainly not something we should take for granted.

I will not support an omnibus appropriations package similar to the one passed last year. One of the most frightening stories I heard, when I first arrived in the Senate, was the process that happened in the last few days of the session last year when only a couple people came around a table and decided the budget for this entire Nation without the assent of all of those who should have been at that table. What an irresponsible way for us, as Government, to work on behalf of the American people.

This way of governing is absolutely irresponsible, ineffective, and it is not what I came here to do. I imagine many of my colleagues did not come here to act in such an irresponsible way. To do so is to sell the American people down the river. I hope my colleagues will put politics aside and get our business done, the only constitutional responsibility that we have in this body; that is, to take care of the American people's business.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have listened to the comments on the other side of the aisle about the management of things around here and how we could not get this bill finished on time and what a mess everything is. I remind Senators, obviously, we are going to have to make some major change beyond the process we have because it might startle some to know that since 1950—that is almost 50 years—we have completed our appropriations bills on time twice—twice.

What is all the talk about? Since 1950, that side of the aisle has controlled the Senate three-quarters of the time. So three-quarters of the time since 1950, all the appropriations bills—including Labor, Health, and Human Services—have been completed twice on time and sent to the President.

I submit, if my colleagues want to get things done on time, let's change the process and let's not do it every year; let's do it every 2 years. At least if we go over, we will be all right for 2 years rather than have it right back in our laps in 6 months, doing it all over again.

In addition, I heard from the other side of the aisle some comments about how difficult it was to meet the caps, how difficult it was not to take any money from Social Security, as if it were a Republican problem. One Senator—I will not use names, but the Senator who mentioned that was a Senator who came to the floor and asked for \$8 billion on an emergency basis for the farm problem in America.

If my colleagues are wondering how come we have a difficult time, it is because somebody comes down and adds \$8 billion that we did not expect to spend and we have to accommodate in some way so we do not use Social Security money, and that does not make it any easier.

I am not objecting to that. It will probably come out of the Senate and House before long at \$7 billion, \$7.5 billion, and an overwhelming number of House Members and Senators will think it is right. I am suggesting it is not always those who are trying to manage things on the majority side who cause the problems that make it difficult to get things done.

I do not choose to go beyond that. The President submitted a budget to us that was totally in error of the budget caps. It used Social Security money. And then we are criticized because we are having a difficult time dealing with it. The President had new taxes he added and then spent them in his bill. We have chosen to have a policy of no new taxes to meet our appropriations bills.

There are a number of things the President did that we cannot do. Here is one: The President is talking about Medicare, saying we ought to reform it before we have a tax cut for the American people. The President had \$27 billion of cuts in Medicare in his budget. He did not tell us about that. We told you about that. It is long forgotten. In fact, the number may be higher. It may be 35. Anyway, it is 27 or more.

We had to pay for that in our budget; it was not the right thing to do. The President might have thought so, but nobody in the Congress did. It has not been easy.

Nonetheless, we are going to have a pretty good year. We are going to have a pretty good year because when we are finished, we will have dramatically increased defense, and part of it will be an emergency because that is what it is. We will get all the appeals done and some of the advance funding that is legitimate and right.

The President had \$21 billion in advance funding, and now there are people on the other side wondering what that is, as if we invented it. It has been around for a long time. In fact, there is \$11 billion of it in the budget we are living with right now, which means nothing more than, you account for the money in the year in which you spend it rather than the year in which you appropriate it. We will have some of that, too—maybe as much as the President had; I don't know. But how are we

going to meet these targets if we are not permitted to do that, when the President is challenging us that we are not doing what he wanted us to do—that is his big challenge. How can we do that?

I yield the floor.

DEPARTMENT OF INTERIOR FUNDING

Mr. NICKLES. I would to address a question to my friend from New Mexico, the chairman of the Senate Budget Committee. This continuing resolution essentially funds government programs and operations at fiscal year 1999 levels under the authority and conditions provided in the applicable appropriations Act for fiscal year 1999. Since Congress has not yet completed its work on the fiscal year 2000 Interior and Related Agencies appropriations bill, I would conclude that Department of Interior agencies, programs and activities will be funded under this resolution at fiscal year 1999 levels under the policies and restrictions in effect during fiscal year 1999.

Mr. DOMENICI. I thank the Senator from Oklahoma for his question. I too believe that this resolution will allow Interior Department funding to be continued at fiscal year 1999 levels in accordance with fiscal year 1999 policies through October 21, 1999.

Mr. NICKLES. I thank the Chairman.

Mr. THOMAS. Mr. President, I ask for the yeas and nays on H.J. Res. 68.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—98

Abraham	Chafee	Feinstein
Akaka	Cleland	Fitzgerald
Allard	Cochran	Frist
Baucus	Collins	Gorton
Bayh	Conrad	Graham
Bennett	Coverdell	Gramm
Biden	Craig	Grams
Bingaman	Crapo	Grassley
Bond	Daschle	Gregg
Boxer	DeWine	Hagel
Breaux	Dodd	Harkin
Brownback	Domenici	Hatch
Bryan	Dorgan	Helms
Bunning	Durbin	Hollings
Burns	Edwards	Hutchinson
Byrd	Enzi	Hutchinson
Campbell	Feingold	Inhofe

Inouye	Mack	Sessions
Jeffords	McConnell	Shelby
Johnson	Mikulski	Smith (NH)
Kennedy	Moynihan	Smith (OR)
Kerrey	Murkowski	Snowe
Kerry	Murray	Specter
Kohl	Nickles	Stevens
Kyl	Reed	Thomas
Landrieu	Reid	Thompson
Lautenberg	Robb	Thurmond
Leahy	Roberts	Torricelli
Levin	Rockefeller	Voinovich
Lieberman	Roth	Warner
Lincoln	Santorum	Wellstone
Lott	Sarbanes	Wyden
Lugar	Schumer	

NAYS—1

Ashcroft

NOT VOTING—1

McCain

The joint resolution (H.J. Res. 68) was passed.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

UNANIMOUS CONSENT REQUEST— S. 761

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of Calendar No. 243, S. 761, under the following limitations: There be 1 hour for debate equally divided in the usual form and the only amendment in order to the bill be a managers' substitute amendment to be offered by Senators ABRAHAM and LEAHY. I further ask consent that following the use or yielding back of time and the disposition of the substitute amendment, the committee substitute be agreed to, as amended, the bill be read a third time, and the Senate proceed to a vote on passage of S. 761, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object, I ask my colleague from Michigan whether or not this unanimous consent request can be modified to include other amendments; for example, some amendments that deal with how we improve farm policy or amendments on minimum wage?

Mr. ABRAHAM. Mr. President, at this time I cannot agree to such a modification.

Mr. WELLSTONE. Mr. President, if that is the case, as I explained to the majority leader earlier, I am determined that I am going to have an opportunity as a Senator from Minnesota to come out here on the floor of the Senate and to fight for farmers who are losing their farms in my State, and therefore I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ABRAHAM. Mr. President, if I may comment, I certainly appreciate Senators will differ on issues, and I have talked with the Senator from Minnesota. I understand his feelings on the issue he would like to include, either in the context of legislation I am talking about tonight or in some other context. But I point out for the benefit of all of our colleagues that the legislation that was the subject of this unanimous consent proposal, S. 761, is a very important piece of legislation but not one I believe should become tied up in a variety of nongermane amendments and debate.

The bill that would have been proposed, S. 761, is essentially a bill which would seek to make it feasible for us to engage in electronic commercial activities and to provide validity to what we call digital signatures or the authentication of digital signatures to allow for the expansion and continuing development of commercial activities over the Internet.

This legislation is needed, and it is my understanding, in efforts to secure unanimous consent to go to this, we have found as many as 99 Members in support of this bill. That is not surprising. The States are in desperate hope we will pass this legislation and pass it soon.

I left the Senate Commerce Committee, as the Presiding Officer knows, being a member of the committee, with unanimous support on a bipartisan basis. I have been pleased to offer this legislation, along with my colleague, Senator WYDEN of Oregon, and a number of cosponsors.

It was basically to this point uncontroversial. We have worked closely with Senator LEAHY to come forward with a substitute which we are prepared ultimately to offer that I think addresses some concerns that had been expressed.

The administration has expressed its support for the legislation as well. So I hope that we can, if not in the context of today, then at a point very soon, find some manner or means to pass the legislation and move it forward.

Every day, the expansion of those who have access to the Internet is increasing. Every day, the activities of a commercial sort that go on through the Internet are increasing. What the people who are engaging in those commercial activities need is a certainty that their contracts over the Internet will be, in fact, authenticated and given full faith and credit. The absence of this legislation makes that issue somewhat in doubt.

So while 42 States, I believe, have now passed their own digital signature laws, no 2 of these are alike. States are working hard at this time to come up with a uniform system and, in fact, a uniform code for digital signatures, and authentication has been developed but it has not yet been passed.

In the interim, until that happens, in my judgment, we need to have a sys-

tem in place. This legislation would provide it. It is strongly backed by the high-tech industries of our country. I know they will be contacting Members in the hope that we can move this forward because there are so many, as I have said already, increases in the use of the Internet for commercial activity going on every single day.

So I deeply regret we could not move to this legislation tonight. I hope that as Senators with other agenda items consider ways to bring their items to the floor, they will find germane, as opposed to nongermane, vehicles to which to offer their amendments, or at least, at a minimum, they will not seek to stall this legislation any further.

I think it is an important bill. I do not think it is controversial. But I think every day we go without its passage, we will create the potential for greater problems in regard to the expansion of commercial activity that takes place in this country through the Internet and through electronic means.

So, Mr. President, I yield the floor. Hopefully, at a date very soon, I will be back so we can successfully move forward on this legislation.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I ask unanimous consent that I be recognized to speak for up to 30 minutes regarding the agricultural embargo issue.

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

THE UNILATERAL EMBARGO ON AGRICULTURAL AND MEDICINAL PRODUCTS

Mr. ASHCROFT. Mr. President, as I think everyone in this Chamber understands, I am advocating that there be sanctions reform with regard to the unilateral embargo imposed by this country on agricultural and medicinal products as it relates to sales in other settings.

I say "unilateral embargo." This means that the United States alone decides to deprive people in the United States of the right to sell to some other country. So it is not when we are involved in multilateral embargoes but unilateral embargoes.

Secondly, the kind of embargo we are talking about is an embargo of medicine or agriculture. We are talking about the kind of thing that will keep people from starving or keep people who are in need of medicine from dying.

Senators HAGEL, BAUCUS, DODD, KERREY, BROWNBACK, and a host of others have joined with me in working on a bill that would lift embargoes of this kind against U.S. farm products.

In a sense, the bottom line is this: We offered our embargo proposal as an amendment to the agricultural appropriations bill. That is a bill that is supposed to serve the interests of farmers. The result? I have to say that the result in the Senate was a heartwarming and commendable result.

Senators, understanding that we ought to improve the capacity of our farmers to market their products around the world, and to keep farmers from being used as pawns in diplomatic disputes through the imposition of unilateral agricultural and medicinal embargoes, considered the proposal, debated the proposal, and overwhelmingly concluded, in a vote of 70-28, that we should stop using our farmers as pawns in the world of international diplomacy. Also, the Senate conferees agreed, with a vote of 8-3. Furthermore, we had the agreement of House conferees.

So what went wrong in the conference committee, after the Senate made a part of its agricultural appropriations bill a reform in this way, where farmers have been deprived of their right to market food and medicine—and pharmaceuticals are also marketed—what happened? What happened to us?

The reason I am down here today is to talk about that. If there is such overwhelming support in the Congress for such reform, what happened to the Democratic process here?

A few Members of the House and Senate leadership decided that they did not agree, and they basically vetoed something that was passed by the Senate—expressed by those who represent the people as the will of the people.

Most of the time, in order to veto the Senate, you have to be elected President. But apparently sometimes you are going to be able to overrule a 70-28 vote in the Senate by just saying that your own position is more noteworthy than that of a virtually overwhelming majority of the Senate. They vetoed the Senate-passed provision and inserted their own policy into the agricultural appropriations bill.

I am on the floor now to let farmers and ranchers across America know exactly what happened.

First of all, I would like to explain to America's farmers—and particularly to those in Missouri and the Midwest—how I fought for their interests but was prevented from doing what they wanted because of a small minority—from the leadership—who worked against sanctions reform.

Second, I would like to explain what my colleagues were proposing in the amendment with me, what was the nature of this reform.

And then third, I would like to show how it is good public policy to have a reform in sanctions not only to help farmers and ranchers but also how it is good foreign policy.

Here are the events of the House-Senate conference committee.

Let me be perfectly clear. The Senate voted on agricultural embargoes. This was not something that was interjected in the committee. We agreed, with a 70-28 vote, to end the embargo on farmers. After I and the other sponsors of the amendment made additional concessions to those opposing sanctions reform, the amendment was passed by

unanimous consent in the Senate. So not only do you have a unanimous consent in the Senate, but it was after a serious negotiation, a good-faith negotiation, that followed a 70-28 vote. So we moved to elevate this from something that was just overwhelmingly supported to something that was passed with unanimous consent.

Then the House-Senate conferees began consideration of the agricultural appropriations bill. Did they first consider what was passed by the Senate? Not really. A select few in the leadership unilaterally changed the Senate-passed amendment and imposed their personal agenda into the conference committee.

The House leadership offered some sanctions reform but carved out Cuba. At this point, the Senator from North Dakota stood up for our farmers and for the will of the Senate and asked that the Senate amendment, as passed, be considered.

Very frankly, I would not think it would be necessary to take a unanimous consent passage, that had followed a 70-28 vote prior to the final details being worked out to harmonize things—that it would be necessary to have an extraordinary event in the conference committee to ask that that just be considered in the committee. But, as I indicated, the Senator from North Dakota stood up for the farmers in my State and across the Midwest and America and stood up for the will of the Senate, as expressed in the unanimous consent and the 70-28 vote.

So, again, the Senate conferees overwhelmingly voted to reinstate the amendment we had passed on the floor. The Senate conferees said: Wait a second. This is an effort by some leaders to substitute their own judgment for the expressed will of the Senate that was overwhelmingly passed by a vote of 70-28, and then negotiated further to gain unanimous consent, and it at least ought to be in the bill.

I am grateful to the Senator from North Dakota, and I appreciate his effort. At this point, the House conferees were to vote. It was at this point that the democratic process broke down. The conference was shut down for a week because the Senate and the House conferees decided they would stand strong. They made a decision to vote the will of their constituents instead of the dictates of a few leaders in the Congress.

Mr. DORGAN. Mr. President, will the Senator from Missouri yield for a brief question?

Mr. ASHCROFT. I am happy to yield.

Mr. DORGAN. I was in the Chamber and I heard the presentation by the Senator from Missouri and wanted to make a brief comment and end with a question.

The proposal that was offered in the Senate by Senator ASHCROFT and Senator DODD said it is inappropriate to continue to use food as a weapon and that food and medicine ought not be part of embargoes that we apply

against other countries for bad behavior. That proposal was passed by the Senate overwhelmingly, as the Senator from Missouri just described. The Ashcroft-Dodd provision once and for all would break the back of those who continue to want to use food and medicine as a weapon. What a wonderful thing it would be to have that happen. I was so delighted when it passed the Senate. Unfortunately, the Senator from Missouri correctly describes what happened in conference.

We, in the conference on the Senate side, insisted on the Senate provisions—that is, the Ashcroft-Dodd provision that says no more food and medicine being used as a weapon or used as part of embargoes or sanctions. We said we insist on that position.

It was clear that had there been a vote of the House conferees, they would have voted in favor of the Senate position. That was clear. So what happened? They decided to adjourn rather than allow the House conferees to vote. That was a week ago. A week later, the conference has not met. I have received an e-mail, I say to my colleague from Missouri. I will read a sentence or so from it.

This is e-mail is from a staff person dealing with the appropriations conference. It was sent to me as a conferee: As of this morning, the Senate Majority Leader signed off on a plan which was offered by the Speaker of the House to resolve the stalled agriculture appropriations conference.

It describes what was resolved, one of which was to drop the Ashcroft-Dodd provision which, in effect, says, let's discontinue these sanctions on food and medicine.

Then it says: The conference will not reconvene and all items are now closed.

My point is, this is not a way to run this place. We didn't have input. We didn't have opportunities, after the first vote in which the Senate insisted on the provision by the Senator from Missouri, the Ashcroft-Dodd provision. After we insisted on that provision, which passed overwhelmingly here, the conference adjourned. And then some other people who are unnamed and who are unknown to me met someplace—I know not where—and made a decision that we have a different approach. They essentially said here is what you are going to have, and all items are closed, and you have no opportunity to debate it.

That way of doing things is not good for family farmers, not good for this country. It is not a good way to make public policy.

I ask the Senator from Missouri, as I close—and I thank him very much for allowing me to interrupt his statement—is it not the case that when the Senate passed this with 70 votes and then by unanimous vote following that, that we felt in the Senate we had finally broken the back of this effort to always use food and medicine as weapons? We finally said to the country, it is inappropriate; we are going to stop it

once and for all. Isn't it the case that if we had had a vote in the conference, from all that he knows, that that vote would have overwhelmingly said we support this position to stop using food and medicine as a weapon, and we can make this public law, but, in fact, it was short-circuited somewhere, and that short circuit really shortchanges our country? That it shortchanges the public policy the Senator from Missouri was proposing?

Mr. ASHCROFT. I am very pleased to respond to those questions. There is a very strange anomaly here. What appears to be fundamentally and unmistakably clear is that the conference committee was not shut down because it couldn't work. The conference committee was shut down because it was about to work. The conference committee was discontinued and suspended in its operation, not because they couldn't come to an agreement but because it was on the verge of an agreement. They were on the verge of agreeing how, House and Senate conferees together, this important kind of reform related to the embargoes of food and medicine, that important kind of reform should be included in what we are doing.

It was not the breakdown of the democratic process. It was the suspension of the democratic process. The real threat was not that democracy doesn't work. The threat was that democracy would work. It was going to work against the interests of a very few people.

After all, the vote in the Senate was 70 to 28, before we made the harmonizing concessions that brought us to a place of unanimous consent. So there were very few people here who sought to displace the will of what had appeared to be the conference committee and which was clearly the expressed overwhelming will of the Senate. This veto power is strange indeed, especially when the democratic process was in the process of working itself.

Mr. DORGAN. Mr. President, is it the case, I inquire of the Senator from Missouri, that perhaps some were worried the conference was about to do the right thing?

Mr. ASHCROFT. No question in my mind. It was not the threat that the conference committee could not function. It was the threat that the conference committee was functioning. It was functioning toward an end with which some people were unhappy.

That brings us to today's events. A few in the House and Senate among those who oppose this legislation, in the leadership of both the House and Senate, got together and made a unilateral decision, as has already been described by the Senator from North Dakota, to strip out provisions in the bill that had the broad support of Congress and broad support among the conferees and in the farm community.

These were the kinds of things that they wouldn't allow to be voted on, at which point I began to wonder, with

great seriousness, is this a bill that is right for the agriculture community, or is this a bill for special interests, is this a bill for some individuals who want to determine things on their own rather than to have the expressed will of the American people, as reflected in the Senate and House, become a policy of America, good farm policy, good foreign policy.

As we all know, the House and Senate leadership are proposing a new conference report, a report that hasn't been voted on by any of the conferees and a report that is opposed by the farm community. Farmers have repeatedly asked simply that the democratic process be allowed to work. If we vote and lose, then that is what is fair. The American Farm Bureau has already said it will oppose a conference report that was forced on the American farmers without their short- and/or long-term interests in mind and that it did not address the issue of sanctions reform.

I have a letter signed by Dean Kleckner, President of the American Farm Bureau Federation, urging conferees not to sign the proposed agricultural appropriations conference report unless, and then listing conditions that aren't in the sort of fabricated conference report to be imposed by leadership.

Mr. President, I ask unanimous consent that this letter from the American Farm Bureau Federation be printed in the RECORD at this point in my remarks.

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

AMERICAN FARM BUREAU FEDERATION,
Park Ridge, IL, September 28, 1999.
U.S. Senate, Washington, DC.

DEAR CONFEREES: The American Farm Bureau Federation urges you not to sign the proposed FY 00 agriculture appropriations conference report unless:

- the amount of emergency weather assistance is increased above \$1.2 billion;
- it contains language that eliminates agricultural sanctions that includes Cuba;
- the bill mandates dairy option 1A, an extension of the Northeast Dairy Compact and the creation of a Southeast dairy compact;
- it includes language providing for mandatory price reporting for livestock.

The proposed \$1.2 billion is not enough to provide the amount of emergency weather assistance needed to help farmers and ranchers. Even before Hurricane Floyd, estimates of crop and livestock losses caused by flood and drought exceeded \$1.2 billion.

No one can effectively argue that Congress does not view Option 1A as a better and more equitable dairy marketing proposal. Just last week the House voted 285 to 140 in support of Option 1A.

Export markets hold the key to future prosperity for farmers and ranchers. Granting farmers and ranchers access to Cuba, a potential market of 11 million people located only 90 miles from our shore, is common sense. The Senate is on record, 70 to 28, in support of lifting all unilateral agricultural sanctions.

Consolidation is a serious threat to our market based agricultural economy. Mandatory livestock price reporting will give farmers and ranchers the information they need to market their cattle at the best price.

Farm Bureau is convinced that a majority of Representatives and Senators support additional emergency aid for weather disasters, an inclusive agricultural sanctions policy, the implementation of option 1A and dairy compacts, and mandatory livestock price reporting.

We ask that you not sign the proposed conference report and that you report a bill that includes these provisions so that Congressional action will reflect the majority view.

Thank you.

Sincerely,

DEAN KLECKNER,
President.

Mr. ASHCROFT. The fact remains that leadership does not want the democratic process to work because this proposal which they are against has very broad support. This isn't just good farm policy; it is good foreign policy as well.

Before I explain what the bill does, though, I simply ask that my fellow Republicans and Democrats in the Senate and House do what is right for farmers. Don't vote for a bill that farmers oppose and then claim you are helping the farmers. Our farmers need money, but the only thing that is holding that up, and has been holding it up for a week, is a few in the leadership who oppose the will of the farmers and the Congress. Our farmers also need open markets, and that is what our amendment would have done. That was the expressed will of the Senate, which first voted 70 to 28 and later voted unanimously, by unanimous consent, to be a part of the bill. That opening of the markets would have been fair. We don't just get by by having the freedom to plant. We need to have the freedom to market for our farmers, if we are going to be successful.

Let me take this opportunity to summarize briefly what the bill was designed to do. It was originally entitled "The Food and Medicine for the World Act." I would like, then, to show how our approach to ending unilateral embargoes on food and medicine is good policy, both foreign policy and farm policy.

The general framework of the bill is what I call a handshake approach to sanctions. The bill would not tie the hands of the President, who now has the ability just to snap embargoes into place, but it would require the President, before he said it was illegal for farmers in this country to sell their goods to certain customers around the world, to get the consent of Congress.

So instead of tying the hands of the President, it would really require that the President sort of shake hands with the Congress, make sure this is a very serious thing, and if there is a need to embargo, in that case an embargo could be achieved. But it could not be achieved just on the whim of the executive. It would require the President to cooperate with Congress.

This bill would not restrict or alter the President's current ability to impose broad sanctions in conjunction with others; nor would it preclude sanctions on food and medicines. Rath-

er, it says that the President may include food and medicines in a sanctions regime, but he must first obtain congressional consent.

So we really just ask that the President of the United States, before shutting off the markets of our farmers, consult with the Congress and that he obtain the consent of Congress. Under the bill, Congress would review the President's request to sanction agriculture and medicine through an expedited procedure—no stalls in the Congress.

Mr. President, the Senate of the United States, offered with the opportunity to stop a program of curtailing markets for our farmers—that program called sanctions and embargo—voted 70-28 to change the rules about that so our farmers have the right to sell food and medicine—not things generally but food and medicine—around the world.

If the President wants to stop the sale of food or medicine, these things that are essential to the existence of people, the things that make America a friend to other people, the things that bind people around the world to America, knowing that we have the right motives in our mind—if we are going to stop the sale of those things, the President has to confer with the Congress rather than to do it unilaterally. In other words, don't let the farmers of America just be used as political pawns in diplomatic disputes, having markets shut down arbitrarily or unilaterally, markets for medicine.

The Senate came to the conclusion, by a vote of 70-28, on what was called the Food and Medicine for the World Act. It was an amendment that I offered to the Agriculture appropriations bill. And then, because some people in the 28 were not happy about all details, we negotiated with those individuals, so that the next day the Food and Medicine for the World Act became a part of the Agriculture appropriations bill by unanimous consent in the Senate, and it went to conference.

Little did we know that some of the leaders would decide to displace this overwhelmingly endorsed item by members of both parties—a majority of Republicans and Democrats, voted with a 70-majority vote, and of course everybody agreed to the unanimous consent order. But certain leaders decided they would displace that. So when the bill got to conference, this wasn't in the bill. And the Senator from North Dakota decided to stand up for the farmers of America and stand up for the Senate and what it had decided and say, "I want that in the bill." He said, let's vote on whether we would put in the bill what the Senate voted on.

You really wonder about things when the conference committee has to ask permission and vote to have the content of what the Senate enacted appear in the conference bill. But it was voted on and put in the bill, and properly done so.

The House was ready to do the same thing when it became apparent to

those who wanted to stop this, curtail it, didn't want this reform to take place, didn't want to offer to American farmers this set of markets, didn't want to say to them you are free to farm and now you are free to market, that they wanted to have these strings still attached. So just when the conference committee was about to operate to express its will, when it was clear how that will would be expressed, the conference committee was shut down for a week and has not been reassembled.

Today, we learned that the leadership has said to the conference committee: You are not going to reassemble. All the issues are closed, and we have decided this is the way the report will be written. You are being asked to sign the report.

So we find ourselves where the will of the Senate is stripped arbitrarily from the bill before it goes to conference. It is added back in conference, and it is again stripped arbitrarily. The conference committee is shut down when the House conferees express a signal of their intent to include that in what they had to say. We collapsed the democratic process and started the autocratic process, and we put a conference report before people, asking them to sign it in spite of the fact that it wasn't something that had been voted on or discussed; it was something to be imposed by leadership.

That kind of suspension of the democratic process has been injurious. It loses the confidence of very important groups.

I have submitted for the RECORD the letter of the American Farm Bureau saying that is not the way to run a conference. It is not the way to run policy.

There are some very strong policy considerations that recommend a modification in our approach. Having the President use farmers as a pawn in diplomatic disputes to open and close markets at will undermines the reliability of the American farmer as the supplier of food and fiber. It is very difficult for people to expect to buy things from you if they never know whether you are going to have them available for sale. Customers like a constant supply.

We tried to solve this. We tried to say there wouldn't be this kind of arbitrary use of American farmers as pawns. We tried to say that in order for the sanctions to be effective and an embargo to be imposed it would have to have the consent of Congress.

We have the special provision in legislation with regard to countries already sanctioned so that if there is any need to continue those sanctions in effect, the President could come and get those instated and up to speed and qualified so we would not have any interruption.

The bill wasn't to take effect for 180 days after it was passed. So if the President wanted to make sure there were sanctions in place and imposed,

there wouldn't be any exposure to gaps. Both branches of government would be given enough time to review current policy and to act jointly.

Of course, there are times when the President should have the authority to sanction food and medicine without congressional approval. A declaration of war is one of those. The legislation maintains the President's authority in wartime to cut off food and medicine sales without congressional consideration.

The bill has a few additional provisions that were not addressed in previous agricultural sanctions reform proposals. The first specifically excludes all dual-use items. That means products that could be used to develop chemical or biological weapons. There are not very many agricultural products or medicinal products that have military value. But the bill provides safeguards to ensure our national security is not harmed.

Let me make clear that this is genuinely a bill that supports a policy of putting products which will eliminate suffering and hunger into the hands of those who need these products most. It is not about providing dual-use items for tyrants to use for military or acts of terrorism.

Second, we make sure that no taxpayer money would be used to go to the wrong people. We specifically exclude any kind of agricultural credits or guarantees to governments that have sponsored terrorism. However, we allow present guarantees to be extended to people all over the world—to private sector institutions, groups, and nongovernmental organizations. This is targeted to show support for the very people who need to be strengthened in these countries—the people, rather than the dictators. And by specifically excluding terrorist governments, we send a message that the United States in no way will assist or endorse the activities of nations that threaten our interests.

Now that Senators HAGEL, DODD, and I have explained what we have done in this bill, let me explain why it is good foreign policy and why it is both good foreign and farm policy.

First of all, ending unilateral embargoes against sales of U.S. food and medicine is a good foreign policy. As the leader of the free world, America must maintain adequate tools to advance security and promote civil liberty abroad. The last thing I want to do is send a message to state sponsors of terrorism that the United States is legitimizing its regime. As I mentioned at the beginning of my remarks, sanctions are necessary foreign policy tools against governments which threaten our interests.

Richard Holbrooke, who not long ago was before the Committee on Foreign Relations seeking confirmation as the U.S. Representative to the United Nations—and we have since confirmed him—explained in his book "To End a War" how sanctions on Yugoslavia

were essential to push Slobodan Milosevic toward peace negotiations in Bosnia.

Regardless of whether we agree with U.S. deployment in the Balkans, effective sanctions saved American lives. They helped advance American policy without resorting only to the use of military force. So we have to have sanctions. But these sanctions must be deployed, very frankly, in a realistic and appropriate way.

This measure is good policy because we don't want to say to terrorists: You can blame starving your own people on the United States by saying they won't sell us food and medicine. So we will starve you and we will not provide you with food and medicine. We will take the money we have in our country and buy arms, or explosives, or we will destabilize communities in which we live—world communities in one part of the world or another.

I think we should deprive the dictator of the right to say, "You are starving because America won't sell us food," because if we ask that dictator to spend his hard currency buying food, and we make it possible for him to do so, he absolutely cannot spend the same currency again buying weapons.

Frankly, our farmers ought to be able to sell their food so that the people in those countries all around the world know that America is not in the business of starving people around the world. We are in the business of feeding people around the world. That is good foreign policy. If we can encourage people to invest their money in food rather than in armaments, if they will buy medicinal supplies rather than destabilizing various regions of the world, that is good foreign policy. But it is also good farm policy.

The sanctions that have been imposed haven't been effective to hurt our enemies. They have been very injurious to farmers. I would simply refer you to the so-called Soviet grain embargo of the late 1970s. That is perhaps the classic, the biggest, of them all, where the United States of America canceled 17 million tons of contracts that the Soviets had to buy from American farmers. It hurt American farmers immensely by not getting the payments for those farm products. We thought we were punishing the Soviet Union. They went into the world marketplace and they replaced those purchases and saved \$250 million for our adversary at a time when we inflicted the loss of markets on our own farmers. It didn't make much sense then, and it doesn't make much sense now.

Policy reform in sanctions protocol would make our efforts in this respect far more reasonable, and it would require the President to get an agreement from Congress. It would not put us in the position where we embargo the sale of goods and where our customers start to look elsewhere to get their goods supplied. When we stopped the sale of 17 million tons of grain to the Soviet Union in the 1970s, it

brought on new suppliers. Rain forests could then be plowed and planted. Other countries seeing that the United States was retreating from the major segment of the world markets could say: We can supply that. Those who were in the world marketplace said: We will start looking to reliable suppliers that won't be turning over the supply depending on diplomatic considerations that would, as a result, interrupt our supply.

So it is both good farm policy to give our farmers the right to market, and it is good foreign policy to give our country the right and the opportunity to provide people with food and medicine to signal that the United States of America wants their government to spend money for food and medicine and not for military hardware.

So it is in the context of this very substantial reform that would help the U.S. farmers. It would also help our foreign policy.

It is in that context that I express my real disappointment in terms of what has happened. The conference committee was shut down, the democratic process suspended, and an autocratic process imposed. As a result, we are unlikely to have in the agricultural appropriations conference report on which we will be asked to vote—the kind of thing upon which there was so much agreement—a reform in the sanctions policy. The American Farm Bureau is opposed to this agricultural appropriations bill conference report unless sanctions reform is included.

I think Members of this body ought to be aware of the fact we need sanctions reform. The U.S. Department of Agriculture estimated there has been a \$1.2 billion annual decline in the U.S. economy during the midnineties as a result of these kinds of sanctions. This is a serious loss in jobs as well.

The Wheat Commission projects if sanctions were lifted this year, our wheat farmers could export an additional 4.1 million metric tons of wheat, a value of almost half a billion to America's farmers.

I want to emphasize, we have missed for the time being a great opportunity to reform sanctions protocols regarding our farm products. We have also interrupted what is a beneficial and therapeutic democratic process in the conference committee. I think Members of this body should seriously consider whether they want to vote for the conference committee report when it is the product not of the kind of collaboration that is to be expected in the development of consensus in our policy but it is as a result of an effort to impose the will of a few instead of to respect the will of the majority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I was able to listen to the comments that the Senator from Missouri made regarding the efforts, that have been now stalled, to lift sanctions against agricultural producers and agricultural exports from America. It is very disconcerting that this is happening at this point in time in our Nation's history.

My family farms. My dad is a full-time farmer, my brother is a full-time farmer, and prices for agricultural products are at rock bottom levels. Compound that with bad weather conditions for some places in America, and farmers believe they are getting a one-two punch. To stack on top of the two punches they are already taking an outdated sanctions policy, which was voted down in the Senate, is beyond unfair. We should not use food and medicine as a political weapon—now we find that these sanctions are not going to be lifted. On top of low prices, on top of bad weather, a farmer is going to say: Is everybody against me? Isn't my own Government going to help me out?

We have been telling people for a long period of time, that for Freedom to Farm to work, you have to have freedom to market. We were moving in that direction. It was aggressively going forward in that direction, and all of a sudden out comes a conference report that pulls something that was passed, as the Senator from Missouri noted, by a large percentage of people in this body. A farmer has to wonder what is going on here.

I ask people who are part of this process, what is going on? Let's look at getting this back in. It passed with large and overwhelming support in this body. It is clearly something that the people across the country want. It is clearly something that the agricultural community needs. It is the right thing to do. Let's do it. Let's not let it be taken out in some deal that involves a handful of Members.

Plus, as people have previously noted for some period of time, unilateral agricultural trade sanctions are generally ineffective. They are effective in punishing our farmers, but they are not effective in accomplishing sound foreign policy.

At a time when we are already suffering low agricultural prices, sanctions add to this burden. This is truly adding insult to injury.

Unilateral sanctions by major agricultural producing countries such as the U.S. tend to encourage production in other competitor countries. So, on top of hurting our prices here, hurting our markets here, it probably, and usually does, have the effect of stimulating production in other countries. Often the tyrants, which the U.S. intends to punish actually benefit financially from these sorts of embargoes.

My only point in making these comments in addition to those of my col-

league from Missouri is simply to say there is ample ground and reason for us to lift these agricultural sanctions. There is not a moral foundation or basis for us to use food and medicine as a political weapon. It is wrong for our farmers. It is wrong, period, to do that. Yet we are seeing that continuing to take place. Now, after we passed something out of this body, with overwhelming support, we find it pulled out. That is very disconcerting to this Member, and it should be and is, I am sure, very disconcerting to the agricultural community across this Nation.

Please, please, let's reopen this issue and get that agenda item back in so we can offer hope and fulfill our promise to farmers. I am not standing here saying it is going to solve our farm crisis or going to solve the problems we have marketing all our products around the world, but clearly here is a positive step we can take and should take. It is a big agenda item in rural America. People in rural America know these sanctions exist, they know they are harmful, and they want them lifted. Now is the time to do this. I am very disappointed this provision, according to my colleague from Missouri, has been taken out. I call on all Members of this body, let's look at this and let's get this issue back in so we can lift these sanctions from the backs of our farmers.

I hope a number of my colleagues will become aware of what is taking place here. This is a very important issue to many of our States. It is certainly an important issue to Kansas. I think we need to revisit this, if it has been taken out, so we can get it back in. We must lift these agricultural sanctions and we must do it now.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AL-LARD). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HAGEL. 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. HAGEL. Mr. President, I take the floor of the Senate tonight to address the same issue that my colleague from Missouri, Senator ASHCROFT, has talked about for the last 30 minutes, and the distinguished senior Senator from Kansas has addressed; that is, the Agriculture appropriations bill. It seems to be rather conflicted. I suspect most people in this country believe in the democratic process. I suspect most people in this country believe the will of the majority and the protection of the minority is rather relevant to our democracy. But we have come upon a fascinating example of that not being the case in this Agriculture appropriations bill.

Senator ASHCROFT laid it out rather clearly, as did Senator BROWNBACK. This is not a particularly complicated situation. What we have is the will of

the majority in the Senate, expressed by a vote of 70 to 28. That is a rather significant majority. As a matter of fact, that is a majority large enough to override a Presidential veto. The will of 70 Senators to support an amendment that obviously 70 Senators thought was important enough to come out and debate and register their vote and their will on, representing the constituencies of 70 Senators, said it rather plainly: We want the Ashcroft-Hagel-Dodd amendment in the Agriculture appropriations bill.

So we went to conference with the House. Guess what. The House conferees not only agreed that the Ashcroft-Hagel-Dodd amendment lifting sanctions for medicine and food against countries where we have unilateral, arbitrary economic sanctions was a good idea, they actually strengthened the language. The House conferees actually made the Ashcroft-Hagel-Dodd language stronger.

We progress along up until the leadership enters the picture. I might add so there is no mistake about this—and I will try to speak clearly—it was the Republican leadership in the Senate and House that said: No, a few of us do not care for that. So we are going to do something that rarely ever happens, and that is we are going to stop that, you see, because technically we have a process, we are the leaders, and we can strip that out of the appropriations bill. No matter, of course, that 70 U.S. Senators said, “No, we want that in,” and the House conferees said, “No, we want that in; we think it is in the best interests of the U.S. foreign policy and American agriculture.” Disregard that. That does not count.

So what we have is an interesting spectacle of the leadership of intimidation and the intimidation of leadership—not a pretty sight, not a democratic process. We occasionally question why America is beyond concern with the process, with the leadership, with politics. We wonder why. This is a very vivid, clear example of why.

We are going through this little mating dance again around here on the budget. I call it a charade. It is a charade. I have even called it dishonest. Some of my colleagues said: Senator HAGEL, we do not use that terminology in the Senate. I said: I am sorry, but where I am from, some of the stuff that goes on around here that we think is policy, or we define or defend as a technical adjustment, it is just plain dishonest if you are going to live within the caps. If you are going to spend more than what the caps tell you that we agreed to do, then let's be honest about it.

The same thing with this conference committee. There are those among us in the media, across this land, who say we should reform our political process, we should reform Congress. They have a point. But it all starts here. It all starts here. If we cannot be held accountable and responsible enough to work the will of the majority to do the

right thing, to be honest, and be open, and be responsible with our governance, with our leadership, with our legislative process, then to what can the American people look? What can they trust? What confidence can they have in their system?

This Republic is not going to crumble tomorrow, and it will not crumble next year because of the shenanigans we pull around here. But we will pay a high price one of these days in one of these generations when we continue to define down our expectations and our standards and let a few people, a cabal of a few people take advantage of the system.

I am very proud. It is my understanding at this moment that there were two Republican Senators who refused to sign the conference report today on the Agriculture appropriations bill. To them I say thank you. Not only have you done the right thing, but you have shown America and some of us in this body that we, in fact, can do the right thing, and that we are not going to be intimidated by the leadership, by a small cabal of people in charge who hold responsibility.

There are consequences to this. There are consequences in our foreign policy and in our agricultural policy because they are all connected. But the consequences will come more directly in the breakdown of confidence and trust in this institution. As that erodes, as that continues to erode, and a few select people in this body play it their way and refuse to open the process, then there will be reform. And if the American people have to keep turning over Congresses to get to leadership—and we all have to take responsibility in this Chamber because we elect the leadership—and if we have to continue to turn over leadership, we will do that to ensure, if nothing else, that we can openly, honestly debate the important, relevant issues for this country that affect the world and affect everybody in this Nation.

When those decisions are made and when the will of 70 Senators is abrogated, is hijacked, it is time for some major reform in this body, and I will be one of the leaders to help do that.

In conclusion, this should serve as a very clear example of a lot of the nonsense that permeates this process. This is not just about the American farmer or the American rancher. This is far bigger than American agricultural policy and foreign policy and national security and all the interconnects. This is about whether we can trust the process. More basically, why do we even have authorizing committees in this body if the appropriations process is going to make policy because they have the money? Then the leadership, even a smaller group, decides what they want to take out of those decisions, so they pick and choose, and the rest of us, essentially, are superfluous to the process. Why don't we just have 10 Senators? Why not take a couple committee chairmen, the leadership,

and the rest of us go home; they can make the decisions.

We are walking our way through an early Halloween. We are walking our way through a charade, and we should call it that. And, yes, it is dishonest. I think there are enough of us in this body who are going to say it straight and call it the way we see it.

I hope we will come to our senses before we cross a line from which we cannot come back and allow this hijacking of democratic governance, this hijacking of democratic justice to set an even lower standard than what we have been doing this year with the budgets and the constant back and forth of let's not do anything; let's just go home; let's just get out; let's just do enough to get to the next day; let's not take on the real, relevant issues of America; let's not deal with health care; let's not deal with a lot of things.

The right way to do this is to come out and debate it, whether it is campaign finance reform or whatever the issue is, debate it, open it up. If you lose, you lose; if you win, you win. That is what America wants. That is what they will demand, and that is what ultimately they will receive.

I am sorry I had to take the floor, as did my colleagues tonight, to talk about this. This is not a proud moment for me. It is not a proud moment for this institution. But if there is anything we have in this Nation that must be cherished and nourished and formed and shaped and protected and defended at all costs, it is the institution. It is the process and the institution that allows this self-governance and the freedom to stand on the floor of the Senate, stand anywhere in this Nation and express ourselves, the minority knowing they will be protected and the majority knowing they can count on a fair shake in that process.

That ultimately, as we define the process down, is the most important dynamic of who we are as a people and why this Republic has survived for over 200 years. When we discount that, when we discount that currency, when we abridge that responsibility, then we turn our backs on everyone who has sacrificed for the freedom that allows us to do this. We are a better country than that. We are a better people than that. We will rise to the occasion to turn this around and hold on to the one currency that counts in all of our lives, and that is trust. When we debase that trust, we debase the very currency of who we are.

I will always throw my confidence, the completeness of who I am and what I represent, behind the good common sense of the American people, and the faith I have in the American people will always dictate the outcome of these kinds of exercises, as it was written, as it was stated, and as it was the vision of the great men who formed this country and wrote this Constitution.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

OSCEOLA MCCARTY, A MISSISSIPPI PHILANTHROPIST

Mr. LOTT. Mr. President, today I rise to pay special tribute to the passing of a 91-year-old Mississippian whose generosity, hard work, and commitment to education touched the hearts and consciences of many all across this Nation. It is the story of a smalltown laundress, Osceola McCarty of Hattiesburg, MS, who lived a quiet life in the Pine Belt region of my State until her \$150,000 donation to the University of Southern Mississippi brought her national attention. McCarty's gift established a scholarship to be directed to African American students enrolling at the University of Southern Mississippi who clearly demonstrate financial need.

For a woman who rarely left her home, except for trips to the local market and, of course, church, the notoriety certainly brought a change to the lifestyle of Ms. McCarty. She was featured on a CBS television show as one of the "10 Most Fascinating people of 1995." She received a Presidential Citizens Medal, an honorary doctoral degree from Harvard University, as well as numerous other outstanding citizen awards. She was invited to cities throughout the country to share her story of thriftiness and generosity.

Ms. McCarty received a sixth grade education and worked her entire life in Hattiesburg, MS, washing and ironing clothes. She has made it possible for others to have the education that she never had. In her book, "Simple Wisdom for Rich Living," McCarty reflects on long, hard days of laboring over steaming kettles of clothes and standing over an ironing board. She stated that she loved her work and she only spent what she needed to. After all the years of hard work and dedication, Ms. McCarty managed to donate her significant gift to the University of Southern Mississippi. "A smart person plans for the future," is what she said when she received numerous bits of recognition. Then she said, "You never know what kind of emergency will come up, and you can't rely on the government to meet all of your needs. You have to take responsibility for yourself."

Osceola McCarty will be deeply missed. She was a humble, modest lady. I had the pleasure of bringing her into the majority leader's office. She never got over the fact that people were so surprised and impressed that she saved \$150,000 and she gave it to the University of Southern Mississippi. She thought she was just doing the right

thing. Her life was an exemplary one that touched us all. We are very proud of her. God rest her soul.

I yield the floor.

THE GREATNESS OF THE AMERICAN PEOPLE

Mr. ASHCROFT. Mr. President, I thank the majority leader for reminding us of the greatness of the American people. We think we debate great policies here, and we do; we have very serious discussions. But there is nothing more important than to remind ourselves that the greatness of America isn't really in Washington, DC, it is in the little towns, villages, and cities in States all across this country and individuals who can do more in dedicated lives to their fellow citizens than we could ever do in complicated statutes.

I thank the majority leader.

THE MILLENNIUM DIGITAL COMMERCE ACT

Mr. LOTT. Mr. President, today the Senate was poised to take action on Senator ABRAHAM's Millennium Digital Commerce Act. This important measure is aimed at promoting the growth of the "E-economy". Senator ABRAHAM has worked tirelessly over the last several months to get this bill through the Senate.

Unfortunately after gaining agreement to bring this bill to the floor today, our Democratic colleagues decided to muck up this legislation. They insisted on attaching non-germane amendments to this crucial "e-commerce" legislation. Measures that have absolutely nothing to do with Senator ABRAHAM's high-technology initiative. Once again, the "do nothing Democrats" are at work stopping at every point significant legislative momentum.

The Senate could easily pass Senator ABRAHAM's bill. It is simple and straight-forward. It promotes jobs, stimulates the economy, and creates savings and opportunities for America's consumers. Instead, in an effort to create yet another log-jam, the Minority Leader is looking for a vehicle to attach every Democratic proposal under the sun.

The other side of the aisle, which claims to promote electronic commerce, is doing everything it can to quash Senator ABRAHAM's electronic signatures bill—as well as other important legislation. It is a continuing pattern and practice of the Democrats to deny the American people any legislative progress. The Democrats claim that they want this bill and that they are pro-technology, yet they are doing everything they can to kill this bill.

Mr. President, S. 761 establishes the legal certainty of electronic signatures for interstate commercial transactions. It is an interim solution needed until states adopt the Uniform Electronic Transactions Act (UETA). UETA was recently adopted by the National

Conference of Commissioners on Uniform State Laws. Over the next several years, it will undergo state-by-state consideration—similar to the process followed in implementing the Uniform Commercial Code. The states, high technology and other commercial sectors support Senator ABRAHAM's common sense legislation because it validates the use of electronic authentication technology. A tool that will help the electronic marketplace flourish in the 21st Century.

The Administration, not once but twice, formally noted its support for the electronic signatures measure reported out of the Senate Commerce Committee. Both the Commerce Department's letter of support and the Executive Office of the President's Statement of Administration Position were previously entered into the RECORD. Given the overwhelming support for S. 761, I am surprised and bewildered that the Administration has been working behind the scenes to weaken this measure instead of pushing harder to get the Commerce Committee-reported bill, which the White House supported—passed.

Every day, more and more businesses and consumers are conducting their important commercial transactions over the Internet. The World Wide Web, more than any other communications medium, allows users to promptly and efficiently locate vendors, evaluate goods and services, compare pricing, and complete purchases. S. 761 is good for business, good for consumers, and good for the overall economy.

I am dismayed and once again disappointed that our Democratic colleagues have thrown yet another monkey wrench into the legislative process. Let's stop playing games and get the people's business done. Let's pass Senator ABRAHAM's electronic signatures bill on its merits—without tacking on non-germane amendments that they know will kill the bill.

If my colleagues from the other side of the aisle are really for the New Economy, they will stop these shenanigans and let us pass a clean Millennium Digital Commerce Act.

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 shows the effects of congressional action on the budget through September 24, 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 budget levels have also been revised to include adjustments made on May 19, 1999, to reflect the amounts provided and designated as emergency requirements. The estimates show that current level spending is above the budget resolution by \$0.5 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 \$56.0 billion, which is equal to the maximum deficit amount for 1999 of \$56.0 billion.

Since my last report, dated July 19, 1999, the Congress has passed and the President has signed the Veterans Entrepreneurship and Small Business Development Act (P.L. 106-50), the Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act (P.L. 106-51), the Water Resources Development Act (P.L. 106-53), and the Global Exploration and Development Corporation Act (P.L. 106-54). These actions have changed the current level of budget authority and outlays.

I ask unanimous consent that the report and transmittal letter dated September 28, 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, September 28, 1999.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the 1999 budget and is current through September 24, 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.

Since my last report, dated July 15, 1999, the Congress has passed and the President has signed the Veterans Entrepreneurship and Small Business Development Act (P.L. 106-50), the Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act (P.L. 106-51), the Water Resources Development Act (P.L. 106-53), and the Global Exploration and Development Corporation Act (P.L. 106-54). These actions have changed the current level of budget authority, outlays, and revenues.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 1999 SENATE CURRENT LEVEL REPORT AS OF CLOSE OF BUSINESS, SEPTEMBER 24, 1999

(In billions of dollars)			
	Budget resolution (S. Res. 312)	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,465.3	1,465.7	0.5
Outlays	1,414.9	1,415.1	0.2

TABLE 1.—FISCAL YEAR 1999 SENATE CURRENT LEVEL REPORT AS OF CLOSE OF BUSINESS, SEPTEMBER 24, 1999—Continued

(In billions of dollars)			
	Budget resolution (S. Res. 312)	Current level	Current level over/under resolution
Revenues:			
1999	1,358.9	1,359.1	0.2
1999–2003	7,187.0	7,187.7	0.7
Deficit	56.0	56.0	0.0
Debt Subject to Limit	(¹)	5,537.4	(²)
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	(³)
1999–2003	2,395.6	2,395.4	–0.1

¹ Not included in S. Res. 312.

² —not applicable.

³ Less than \$50 million.

Source: Congressional Budget Office.

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.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 1999 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, SEPTEMBER 24, 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	813,987	
Offsetting receipts	–296,825	–296,825	
Total, previously enacted	1,442,950	1,397,826	1,359,099
Enacted this session:			
1999 Emergency Supplemental Appropriations Act (P.L. 106–31)	11,348	3,677	
1999 Miscellaneous Trade and Technical Corrections Act (P.L. 106–36)			5
Veterans Entrepreneurship and Small Business Development Act (P.L. 106–50)	1	1	
Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act (P.L. 106–51)		–108	
Water Resources Development Act (P.L. 106–53)	3		
Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (P.L. 106–54)	52	52	
Total, enacted this session	11,404	3,622	5
Entitlements and mandates: Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted			
	11,393	13,661	
Totals:			
Total Current Level	1,465,747	1,415,109	1,359,104
Total Budget Resolution	1,465,294	1,414,916	1,358,919
Amount remaining:			
Under Budget Resolution			
Over Budget Resolution	453	193	185

Source: Congressional Budget Office.

Note.—Estimates include the following in emergency funding: \$34,226 million in budget authority and \$18,802 in outlays.

TIME FOR BANKRUPTCY REFORM

Mr. KYL. Mr. President, the House of Representatives overwhelmingly approved a bipartisan bankruptcy-reform bill on May 5 by a vote of 313 to 108. The Senate Judiciary Committee reported a similar initiative in April by a vote of 14 to 4, and my hope is that the

full Senate will follow suit before the year is out.

Mr. President, most Americans carefully manage their finances, pay their bills, and never face the prospect of bankruptcy, yet we rarely hear about them when bankruptcy reform is debated. These are the people who ultimately bear the cost when others seek bankruptcy protection. They pay in terms of higher interest rates and higher prices on goods and services. This bankruptcy tax costs the average household more than \$400 a year.

There will always be a limited number of people who unexpectedly experience some catastrophe in their lives—maybe a death or divorce, or a serious illness—that throws their finances into chaos. That is why we accept as a given that society will bear some of the cost of bankruptcy, and why we maintain access to bankruptcy relief for those who truly need it. No one suggests closing off bankruptcy as an option for those who are in truly dire straits.

A line does need to be drawn, however, when people, particularly those with above-average incomes who have the means and ability to repay their debts, nevertheless seek to have those debts erased in bankruptcy. This is happening more and more often, and unless we get the problem in check, it is going to wreak havoc.

Mr. President, there is nothing fair about forcing a single mother, who is already struggling to pay her own family's bills, to pay more merely because someone who can repay his or her debts prefers to escape them in bankruptcy. There is nothing fair about forcing young families or seniors on fixed incomes to pay more so that someone can walk away from his or her debts as a matter of convenience or financial planning.

Few bills so clearly protect the interests of consumers, yet the bankruptcy-reform bill does have its critics. Much of the criticism, I think, misses the mark. Two professors of law, Todd Zywicki and James White, wrote to the Judiciary Committee recently about some of the claims that have been made, and what they had to say is worthy of the consideration of every member of this body.

I ask Senators to join me in supporting the bipartisan bankruptcy-reform bill, and I ask unanimous consent that the professors' letter be printed in the RECORD.

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

GEORGE MASON UNIVERSITY
SCHOOL OF LAW,
Arlington, VA, September 15, 1999.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S.
Senate, Washington, DC

Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC

Re: The Bankruptcy Reform Act of 1999 (S. 625)

DEAR SENATORS HATCH AND LEAHY: We are writing to express our support for the consumer bankruptcy provisions of bill S. 625,

the Bankruptcy Reform Act of 1999 (the "Bill"). S. 625 provides for balanced bipartisan bankruptcy reform that preserves the integrity of the bankruptcy system for those who need it, but reduces abuse by those who do not. In expressing our support for bankruptcy reform, we share the view of 217 Republican Representatives and 96 Democratic Representatives who passed a similar bill earlier this year by an overwhelming 313-108 veto-proof majority.

In an era of unprecedented economic prosperity, growth, and low unemployment, 1.4 million Americans filed bankruptcy last year, costing creditors approximately \$40 billion. Smaller creditors suffer the most from a runaway bankruptcy system, as they tend to have the narrowest margins and the least ability to spread those losses among their customers. Support for the Bill comes from creditors across the full spectrum of creditors, but small creditors, such as small retailers and credit unions, are among the strongest supporters of bankruptcy reform.

Like all other business expenses, when creditors are unable to collect debts because of bankruptcy, some of those losses are passed on to responsible Americans who live up to their financial obligations. Every phone bill, electric bill, mortgage, furniture purchase, medical bill, and car loan contains an implicit bankruptcy "tax" that the rest of us pay to subsidize those who do not pay their bills. We all pay for bankruptcy abuse in higher down payments, higher interest rates, and higher costs for goods and services. It is estimated that by making high-income debtors repay what they can, the Bill will save \$3 billion a year, some of which will be passed on to financially-responsible Americans.

The Bill will also reinforce the lesson that bankruptcy is a moral as well as an economic decision. Filing bankruptcy reflects a decision to break a promise made to reciprocate a benefit bestowed upon you. The moral element of bankruptcy is reflected in the observation that the English word "credit" comes from the Latin word for "trust." Parents seek to teach their children values of personal and financial responsibility, and promise-keeping and reciprocity provide the foundation of a free economy and healthy civil society. Regrettably, the personal shame and social stigma that once restrained opportunistic bankruptcy filings has declined substantially in recent years. We have "defined bankruptcy deviancy downward" such that it has become a convenient financial planning tool, rather than a decision freighted with moral and social significance. Requiring those who can to repay some of their debts as a condition for bankruptcy relief sends an important signal that bankruptcy is a serious act that has moral as well as economic consequences. Moreover, reducing the number of strategic bankruptcies will reduce the bankruptcy tax paid by every American family on goods and services, giving them more money for groceries, vacations, and educational expenses.

It has been claimed by some that the Bill would negatively impact the ability of divorced spouses to collect spousal and child support. This claim is based on vague, speculative, and inaccurate accusations about how the nondischargeability of certain debts will impact post-petition efforts to collect these obligations. In contrast to these speculative accusations, the Bill offers concrete assistance to non-intact families in several ways. Among its numerous provisions protecting the rights of former spouses and children are the following protections: (1) Extends the scope of nondischargeability of spousal support obligations to make nondischargeable certain property settlement, (2) excepts state child support collection authorities from the

reach of the automatic stay, (3) elevates the priority level of child support to first priority, (4) makes exempt property available for the enforcement of domestic and child support obligations. These speculative claims about the negative effects of the bill appear to be simply a concerted effort by the Bill's opponents to distract attention from the real reforms and protections included in the bill.

Moreover, the Bill's provisions on credit card nondischargeability merely rationalizes some exceptions to discharge and closes loopholes in the current law relating to the misuse of credit cards. Given this modest aim of simply closing loopholes in the already-existing exception to discharge for credit card fraud, it is difficult to see how this reform could have more than a trivial effect on collection of spousal support payments. Nor have the Bill's opponents supplied any details about the size of this purported effect. Assuming the effect is non-trivial, it is also not unique to make certain debts nondischargeable on the basis of public policy. Current law already makes a multiple of exceptions to discharge, including such things as tax obligations, fraudulently incurred debts, student loans, and victims of drunk drivers. As a result, the bill would no more "pit" postpetition child support obligations against credit card issuers than current law "pits" child support obligations against the victims of drunk drivers, the victims of fraud, student loan obligations, or taxes obligations. Indeed, the burden on a debtor from nondischargeable credit card debts will be substantially smaller than the financial burden on debtor from the inability to discharge fraud liabilities, tax liabilities, student loan debts, and drunk-driving judgments. That opponents of the Bill have instead singled-out credit card issuers for criticism says more about their desire to demonize the credit card industry and less about their commitment to protecting women and children or to real bankruptcy reform.

The Bill establishes a much-needed system of means-testing to force high-income debtors who can repay a substantial portion of their debts without significant hardship to do so. Under current law, there are few checks on high-income debtors seeking to walk away from their debts and few safeguards to prevent bankruptcy fraud. Current law requires a case-by-case investigation that turns on little more than the personal predilections of the judge. This chaotic system mocks the rule of law, and has resulted in unfairness and inequality for debtors and creditors alike. The arbitrary nature of the process has also undermined public confidence in the fairness and efficiency of the consumer bankruptcy system.

The Bill narrows the judge's discretion by establishing a presumption of abuse where a high-income debtor has the ability to repay a substantial portion of his debts, as measured by an objective standard. At the same time, the judge will retain discretion to override this presumption in cases of hardship. Means-testing is not a panacea for all of the ills of the bankruptcy system. But by focusing judicial discretion on the existence of real hardship and reducing procedural hurdles to challenging abuse, the Bill's reforms will vindicate the rule of law and reduce abuse.

The Bill also targets a whole range of other abuses of the bankruptcy system, including such things as the use of "fractional interests" to prevent legitimate foreclosures and abuse of the cramdown provisions of the Code by filing bankruptcy simply to strip down the value of a secured creditor's claim. The Bill also eliminated abuse of unlimited homestead exemptions, a reform advocated by even the Bill's critics. Contrary to the se-

lective outrage of its critics, however, the Bill does not limit itself to reducing abuse of the homestead exemption but takes a comprehensive approach to rooting out all forms of bankruptcy abuse.

In contrast to the broad-based support for the Bill, opposition primarily has come from one isolated corner—lawyers. Certainly the opposition of some lawyers is based on sincere, albeit mistaken, beliefs about the content and impact of the legislation. But it is ironic that bankruptcy lawyers have been quick to question the motives of creditors in seeking reform, while remaining slow to acknowledge their own stake in opposing reform. James Shepard, a member of the National Bankruptcy Review Commission, estimates that bankruptcy is now a \$5 billion a year industry for lawyers and others. By reducing filings among high-income filers and reducing the cost of bankruptcy cases by making them more predictable and less expensive, means-testing will reduce both the volume and expense of bankruptcy cases. The Bill also will reduce bankruptcy filings by requiring bankruptcy lawyers to inform their clients of availability of non-bankruptcy alternatives, such as credit counseling, and by cracking down on bankruptcy "mills" that mass-produce bankruptcy petitions with little regard to the welfare of their clients. Put simply, more bankruptcies means more money for bankruptcy lawyers, and fewer bankruptcies means less money for bankruptcy lawyers. Also to the dismay of bankruptcy lawyers, the Bill elevates child support obligations to the first administrative priority—a position currently occupied by attorneys' fees obligations. Efforts in the bankruptcy bar to downplay the importance of this protection for divorced mothers appear to be little more than a cynical effort to hid the self-interest of bankruptcy lawyers behind the skirts of divorced mothers.

Balanced bankruptcy reform preserves the protection of the bankruptcy system for those who need it, while limiting abuse by those who are preying on that generosity simply to evade their financial responsibilities. This Bill brings balance to a consumer bankruptcy system that has become a tool for rich and savvy debtors to evade their financial responsibilities. America has one of the most charitable and forgiving bankruptcy systems in the world and many of those who file bankruptcy truly need it as a consequence of personal trouble. But too many people today are preying on our charity and using the bankruptcy system not because they need it, but simply to evade their responsibilities or to maintain an unrealistic and extravagant lifestyle at the expense of those who live responsibly. Ignoring rampant abuse undermines public support for the bankruptcy system generally, which will eventually hurt those who legitimately need bankruptcy relief. Now is the time to fix the bankruptcy system before more drastic reforms are needed later.

Respectfully yours,

TODD J. ZYWICKI,
*Assistant Professor of
Law, George Mason
University School of
Law.*

JAMES J. WHITE,
*Robert A. Sullivan,
Professor of Law,
University of Michi-
gan Law School.*

S. RES. 187

Mr. SPECTER. Mr. President, I wish to comment on Senator DASCHLE's education funding legislation, S. Res. 187.

The resolution states that the funding level for the Subcommittee on

Labor, Health and Human Services, and Education has been reduced to pay for other programs. I would like to set the record straight. The 302(b) allocation that was originally assigned to the Subcommittee was temporarily reduced to permit other subcommittees to mark up their bills. This was done with the intention that as these other bills moved through their conferences, additional dollars would be made available to provide the Labor-HHS-Education Subcommittee with the necessary resources to increase funding for education, health and labor programs.

As last evening's Labor-HHS-Education markup proved, there was never any intention to cut 17 percent from education programs. To the contrary, the subcommittee actually recommended \$35.2 billion for education programs, an increase of \$2.3 billion over the fiscal year 1999 program level and \$537.6 million over the administration's budget request.

Instead of reducing Head Start dollars, \$5.2 billion was recommended, which increased the program \$608.5 million over fiscal year 1999 level and matching the amount requested by the President.

After school programs were doubled from \$200 to \$400 million; aid to disadvantaged children was increased by \$320 million over last year which again matched the President's request.

Instead of decreasing technology programs, \$550 million was recommended to maintain last year's program level.

The resolution also states that a \$100 million reduction would be cut from the Safe and Drug Free Schools Program. The facts are that Safe and Drug Free schools, as part of the youth violence initiative was increased by \$45 million to provide \$611 million for state grants, school coordinators and programs to promote safe learning environments for this nation's children.

To provide a free, appropriate, public education to all children, \$6.035 billion was provided to children with disabilities increasing the program \$911.5 million over last year's amount and \$585.7 million over the President's recommendation.

And finally, the subcommittee recommended a \$200 increase in the maximum Pell grant to provide \$3,325 to help disadvantaged children achieve a college education.

In closing, I wish to point out that these increases in education dollars, have been carefully balanced with savings in other areas in the bill and advance funding. The Labor-HHS-Education bill is within the discretionary spending caps set forth in the budget resolution. This fact points out once again that the findings stated in Senate Resolution 187 were not factual which is the reason I voted against it and led the effort to provide a better formula for Federal funding as reflected in the subcommittee bill.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 27, 1999, the Federal debt stood at \$5,641,247,753,162.35 (Five trillion, six hundred forty-one billion, two hundred forty-seven million, seven hundred fifty-three thousand, one hundred sixty-two dollars and thirty-five cents).

Five years ago, September 27, 1994, the Federal debt stood at \$4,670,106,000,000 (Four trillion, six hundred seventy billion, one hundred six million).

Ten years ago, September 27, 1989, the Federal debt stood at \$2,843,044,000,000 (Two trillion, eight hundred forty-three billion, forty-four million).

Fifteen years ago, September 27, 1984, the Federal debt stood at \$1,570,251,000,000 (One trillion, five hundred seventy billion, two hundred fifty-one million).

Twenty-five years ago, September 27, 1974, the Federal debt stood at \$481,717,000,000 (Four hundred eighty-one billion, seven hundred seventeen million) which reflects a debt increase of more than \$5 trillion—\$5,159,530,753,162.35 (Five trillion, one hundred fifty-nine billion, five hundred thirty million, seven hundred fifty-three thousand, one hundred sixty-two dollars and thirty-five cents) during the past 25 years.

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.)

MESSAGES FROM THE HOUSE

A message from the House of Representatives, received during the adjournment of the Senate, announcing that the House has agreed to the report of committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) making appropriations for energy and water development of fiscal year ending September 30, 2000, and for other purposes.

At 10:45 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 293. An act to direct the Secretaries of Agriculture and Interior and to convey certain lands in San Juan County, New Mexico, to San Juan College.

S. 944. An act to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 1072. An act to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 note; 112 Stat. 3486 et seq.).

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

At 2:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 202. An act to restructure the financing for assisted housing for senior citizens and otherwise provide for the preservation of such housing in the 21st Century, and for other purposes.

H.R. 717. An act to amend title 49, United States Code, to regulate overflights of national parks, and for other purposes.

H.R. 1934. An act to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

H.R. 2392. An act to amend the Small Business Act to extend the authorization for the Small Business Innovation research Program, and for other purposes.

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

H.R. 2942. An act to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

H.J. Res. 68. Joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 140. Concurrent resolution expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections, and for other purposes.

H. Con. Res. 187. Concurrent resolution expressing the sense of the Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 323. An act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

The message also announced that pursuant to section 1 of the Act to create a Library of Congress Trust Fund Board (2 U.S.C. 154), as amended by section 1 of Public Law 102-246, the Speaker reappoints the following member on the part of the House to the Library of Congress Trust Fund Board for a 5-year term: Mr. Edwin L. Cox of Dallas, Texas.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 293. An act to direct the Secretaries of Agriculture and Interior to convey certain

lands in San Juan County, New Mexico to San Juan College.

S. 944. An act to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 1072. An act 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.).

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 202. An act to restructure the financing for assisted housing for senior citizens and otherwise provide for the preservation of such housing in the 21st Century, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 717. An act to amend title 49, United States Code, to regulate overflights of national parks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1934. An act to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program; to the Committee on Commerce, Science, and Transportation.

H.R. 2392. An act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes; to the Committee on Small Business.

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2942. An act to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 140. Concurrent resolution expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections, and for other purposes; to the Committee on Foreign Relations.

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 1999, he had presented to the President of the United States, the following enrolled bills:

S. 293. An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico to San Juan College.

S. 944. An act to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 1072. An act 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.).

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

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-5398. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Structured Approach for Profit or Fee Objective", received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5399. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation; Final Rule" (2127-AH88), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5400. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Santa Barbara Channel, CA (COTP Los Angeles-Long Beach, CA 99-005)" (RIN2115-AA97) (1999-0061), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5401. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Presidential Visit and United Nations General Assembly, East River, NY (CGD01-99-167)" (RIN2115-AA97) (1999-0062), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5402. 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 "Establishment of Class D Airspace; Sugar Land, TX; Docket No. 99-ASW-01 (9-22/9-23)" (RIN2120-AA66) (1999-0315), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5403. 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 "Airworthiness Directives; British Aerospace B Ae Model ATP Airplanes; Docket No. 99-NM-344 (9-22/9-23)" (RIN2120-AA64) (1999-0355), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5404. 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 "Airworthiness Directives; Saab Model

SAAB SF340A and SAAB 340B Series Airplanes; Docket No. 99-NM-118 (9-22/9-23)" (RIN2120-AA64) (1999-0361), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5405. 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 "Airworthiness Directives; Dornier Model 2=38-100 Series Airplanes; Docket No. 99-NM-118 (9-22/9-23)" (RIN2120-AA64) (1999-0356), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5406. 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 "Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes; Docket No. 99-NM-92 (9-22/9-23)" (RIN2120-AA64) (1999-0354), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5407. 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 "Airworthiness Directives; Bombardier Model DHC-8-100 and -300 Series Airplanes; Docket No. 98-NM-384 (9-22/9-23)" (RIN2120-AA64) (1999-0357), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5408. 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 "Airworthiness Directives; Bombardier Model DHC-8-10 and -300 Series Airplanes; Docket No. 97-NM-58 (9-22/9-23)" (RIN2120-AA64) (1999-0358), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5409. 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 "Airworthiness Directives; Airbus Model A310 Series Airplanes; Docket No. 99-NM-91 (9-22/9-23)" (RIN2120-AA64) (1999-0360), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5410. 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 "Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes; Docket No. 99-NM-110 (9-22/9-23)" (RIN2120-AA64) (1999-0362), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5411. 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 "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes; Docket No. 99-NM-328 (9-

22/9-23)" (RIN2120-AA64) (1999-0363), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5412. 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 "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes; Docket No. 99-NM-329 (9-22/9-23)" (RIN2120-AA64) (1999-0364), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5413. 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 "Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters; Request for Comments; Docket No. 99-SW-46 (9-22/9-23)" (RIN2120-AA64) (1999-035964), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5414. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule Making Effective the Collection-of-Information Requirements in the Final Rule Implementing Procedures for the Testing and Certification of Bycatch Reduction Devices for the Use of Shrimp Trawls in the GOM" (RIN0648-AK32), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5415. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, WT Docket 96-18, Implementation Act Section 309(j) of the Communications Act-Competitive Bidding, PR Docket No. 93-253" (WTB Doc. 96-18, FCC 99-98), received September 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC-5416. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Addition of Mexico to the List of Countries Eligible to Export Poultry Products into the United States" (RIN0583-AC33), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5417. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Housing Agency Plans; Change in Plan Submission Dates-Final Rule Amendment" (RIN2577-AB89) (FR-4420-F-04), received September 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-5418. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to the financial statements of the Colorado River Basin Project for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC-5419. A communication from the Acting Assistant Secretary, Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Public Participation in Coal Leasing" (RIN1004-AD27), received September 24, 1999; to the Committee on Energy and Natural Resources.

EC-5420. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contractor Use of Nonimmigrant Aliens-Guam" (DFARS Case 97-D318), received September 24, 1999; to the Committee on Armed Services.

EC-5421. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Reform of Affirmative Action in Federal Procurement, Part II" (DFARS Case 98-D021), received September 24, 1999; to the Committee on Armed Services.

EC-5422. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to the receipt and use of federal funds by candidates who accepted public financing for the 1996 Presidential primary elections; to the Committee on Rules and Administration.

EC-5423. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Safeguarding Classified National Security Information" (RIN3095-AA95), received September 24, 1999; to the Committee on Governmental Affairs.

EC-5424. A communication from the Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled "Federal Sector Equal Employment Opportunity" (RIN3046-AA66), received September 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-5425. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives for Coloring Bone Cement; FD&C Blue No. 2-Aluminum Lake on Alumina", received September 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-5426. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings" (cf99129), received September 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-5427. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received September 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-5428. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received September 21, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-5429. A communication from the Acting Regulations Officer, Office of Process and Innovation Management, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Administrative Review Process; Prehearing Procedures and Decisions by Attorney Advisors; Extension of Expiration Dates" (RIN0960-AF07), received September 24, 1999; to the Committee on Finance.

EC-5430. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Luis Obispo County Air Pollution Control District South Coast Air Quality Management District" (FRL #6445-6), received September 24, 1999; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2000" (Rept. No. 106-165).

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 1650: An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROBB (for himself, Mr. SCHUMER, Mr. KERRY, Mr. LEAHY, Mr. JOHNSON, and Mr. LIEBERMAN):

S. 1645. A bill to amend the Immigration and Nationality Act to establish a 5-year pilot program under which certain aliens completing an advanced degree in mathematics, science, engineering, or computer science are permitted to change non-immigrant classification in order to remain in the United States for a 5-year period for the purpose of working in one of those fields, and to foster partnerships between public schools and private industry to improve mathematics, science, and technology education in public schools; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. BAYH, and Mrs. FEINSTEIN):

S. 1646. A bill to amend titles XIX and XXI of the Social Security Act to improve the coverage of needy children under the State Children's Health Insurance Program (CHIP) and the Medicaid Program; to the Committee on Finance.

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. 1647. A bill to amend the National Highway System Designation Act of 1995 to remove a restriction on the eligibility of certain activities for funding from the Highway Trust Fund; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. GORTON, and Mr. BINGAMAN):

S. 1648. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM (for himself, Mr. MACK, and Mr. MCCAIN):

S. 1649. A bill to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1650. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BAUCUS (for himself, Mr. GORTON, Mr. BINGAMAN, Mr. CRAIG, and Mrs. MURRAY):

S. 1651. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. MOYNIHAN, Mr. SMITH of New

Hampshire, Mr. WARNER, Mr. THOMAS, and Mr. LIEBERMAN):

S. 1652. A bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. LOTT, Mr. DASCHLE, Mr. WARNER, Mr. BREAUX, Mr. CRAPO, Mr. LIEBERMAN, Mr. DOMENICI, Mr. MOYNIHAN, Ms. COLLINS, Mr. REID, and Mr. LAUTENBERG):

S. 1653. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Environment and Public Works.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1654. A bill to protect the coast of Florida; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1655. A bill to amend title XVIII of the Social Security Act to revise the criteria for designation as a critical access hospital; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1656. A bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (CHIP) to continue to be eligible for benefits under the vaccine for children program; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. BAYH, and Mrs. FEINSTEIN):

S. 1646. A bill to amend title XIX and XXI of the Social Security Act to improve the coverage of needy children under the State Children's Health Insurance Program (CHIP) and the Medicaid Program; to the Committee on Finance.

IMPROVED MATERNAL AND CHILDREN'S HEALTH COVERAGE ACT

• Mrs. LINCOLN. Mr. President, today I rise to introduce the Improved Maternal and Children's Health Coverage Act. I am joined by my colleagues Senator LANDRIEU, Senator GORDON SMITH, Senator EVAN BAYH and Senator DIANNE FEINSTEIN.

A similar bill was introduced in the House of Representatives by Congresswoman DEGETTE and Congresswoman MORELLA.

This legislation is intended to help increase the coverage of uninsured children under the Children's Health Insurance Program, better known as CHIP.

Right now there are 10.7 million uninsured children in the United States. The goal of CHIP is to insure 5 million children nationally.

However, we have only enrolled 1.3 million of the targeted 5 million children so far. We can do better. We must do better.

Let's get rid of barriers to coverage! There are several simple, administrative changes that we can make in this legislation that will help break down the barriers to enrollment.

First, we can reduce the need for excessive documentation. States would be required to develop and use a uniform, simplified application form to determine eligibility for both Medicaid and CHIP. This means families only have to fill out one form.

Second, families would only have to deal with one state agency to establish eligibility for either program. It is unfair to make parents go from agency to agency to enroll for state health insurance coverage.

Third, we can do a better job making a greater variety of application sites available to families. Rather than only being able to apply at a state agency, states could opt to expand application site options. Let's take the application process to the places that parents and their children go on a regular basis—examples include schools and child care centers.

This bill also expands health insurance coverage options to pregnant women who do not qualify for Medicaid because their incomes are slightly above Medicaid guidelines. Thousands of pregnant women earn just a bit too much to qualify for Medicaid, but they do not have health insurance because either their employer or their husband's employer doesn't offer it.

We all know the importance of prenatal care to the health of unborn children. If a mother receives proper prenatal care, her child has a much greater chance of being born healthy. That is why the National Academy of Pediatrics, the National Association of Children's Hospitals and the March of Dimes—just to name a few organizations—support this legislation.

In an era of making every federal dollar stretch as far as possible, this provision makes sense. For every \$1 we spend on prenatal care, we save \$3 later on that would be spent on complicated deliveries and serious birth defects. Sometimes you have to spend money to save money.

Several years ago, the Arkansas governor and the state legislature implemented the AR Kids First health insurance program for children who did not qualify for Medicaid. AR Kids First precedes CHIP.

The statistics for enrollment in the CHIP program in Arkansas are a bit ahead of the national curve. So far, AR Kids First has enrolled half of all eligible children. Over 45,000 now have coverage as a result of the state's proactive efforts and commitment to children's health.

It has been so successful in enrolling eligible children for health insurance that the Department of Health and Human Services recently granted approval to allow AR Kids First to operate as the state's CHIP program.

I applaud their efforts and hope that other states can learn from the outreach success of AR Kids First.

Finally, this bill eliminates the sunset clause for a pot of money that Congress allocated for states to help them link families leaving welfare with the

Medicaid and CHIP programs. As part of the 1996 welfare reform law, Congress gave \$500 million to states to see that families with children in the welfare system continue to receive health care coverage.

Prior to 1996, poor families with children automatically received health benefits through Medicaid when they signed up for AFDC. Since Congress passed welfare reform legislation, Medicaid and TANF are no longer legally connected. States must revamp their eligibility systems to see that families with children do not fall through the cracks.

There has been confusion between governors and the Department of Health and Human Services about the time period that this money could be spent.

States run the risk of losing this money just 2 days from now. On September 30th, 16 states are in jeopardy of losing this funding and 18 more states will lose funding by December 31, 1999.

So, as you see, this piece of the Maternal and Children's Health Coverage Act is critical—and timely.

I hope that the Congress and the President will act swiftly to eliminate the sunset clause and give states more time to spend this valuable pot of money.

Mr. President, Congress is currently engaged in a debate over the Patients' Bill of Rights. I hope that we don't lose sight of an equally important goal of seeing that all children in America have health care insurance.

I believe this bill takes a positive step forward in helping states move closer to the goal of providing health insurance to 5 million uninsured children. We can do this. We must do this. •

• Ms. LANDRIEU. Mr. President, today I join my colleagues, Senator LINCOLN from Arkansas, Senator BAYH from Indiana, Senator SMITH from Oregon, and Senator FEINSTEIN from California to introduce the "Improved Maternal and Children's Health Coverage Act of 1999," that would improve the health coverage of needy children under the State Children's Health Insurance Program (CHIP) and Medicaid. CHIP was implemented during the Balanced Budget Act of 1997 to ensure children living in working families that do not qualify for Medicaid, but still cannot afford health insurance, receive the care they need.

As part of the 1996 welfare reform law, Congress allocated \$500 million to states to provide children and families access to Medicaid. This fund will expire for 16 states on September 30, 1999, and for 18 more States, including Louisiana, on December 31, 1999. Our proposal would extend the life of this fund to allow states to continue to use these dollars as they carry out outreach efforts for both Medicare and CHIP providing our children with health care.

Eleven million of the nation's children remain uninsured despite the passage of the State Children's Health Insurance Program. Mr. President, we

need to strengthen this essential program. In Louisiana alone, there are 268,000 children who still do not have health insurance. About half of these children are eligible for Medicaid or CHIP, but are not enrolled because of the lack of outreach. I know that in my colleague's state of Arkansas, they have insured just over half of the children who are eligible. The "Improved Maternal and Children's Health Coverage Act" will provide better outreach services to those families who may not know of their eligibility. It provides for a simplified and coordinated enrollment process that would determine eligibility for both Medicaid and CHIP.

Additionally, the measure gives the states the option to cover pregnant women. Studies have shown that prenatal care improves the health of new born children and reduces the risk of birth defects. It is so very important that our children have health coverage from the first day of life.

Parents are just beginning to be aware that this special program exists and that their children are eligible. It is our responsibility as leaders to make sure that our children are given the best possible opportunities for success. This means we must provide quality access to children's health services. We must not let these children fall through the cracks. •

By Mr. BAUCUS (for himself, Mr. GORTON, and Mr. BINGAMAN):

S. 1648. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE FAIR TRADE ACT OF 1999

Mr. BAUCUS. Mr. President, I rise to introduce the Agriculture Fair Trade Act of 1999. I am joined by Senator GORTON of Washington and Senator BINGAMAN of New Mexico.

I begin by saying I believe the next round of the WTO is vital to American farmers. As a Senator who represents Montana, a State whose primary industry is agriculture, this next round will decide the fate of our next generation of producers. It is that simple.

It is becoming increasingly clear that while the rest of the Nation continues to experience astounding economic growth and prosperity through open and global trade, America's farmers and ranchers across the Nation are suffering, and they have yet to reap the fruits of free trade's bounty.

During the last several months, we have worked to identify goals for agriculture in the next round of the WTO. The consensus is that we must step up our efforts dramatically in order to make genuine progress in leveling the playing field for our agriculture industry.

It is our intention that this bill will begin this process. The Agriculture Fair Trade Act provides a mechanism

through which we can target unfair export subsidies and fight for their total elimination by January 1, 2003.

It is our hope that such legislation will provide an incentive for our trading partners to voluntarily reduce their export subsidies during the next round of the WTO. The elimination of these subsidies will benefit farmers on both sides of the Atlantic.

I believe this act provides a powerful two-tier trigger approach to the reduction of export subsidies.

First, the European Union must reduce its agriculture export subsidies by 50 percent by January 1, 2002. If the EU fails to do so, the U.S. Agriculture Secretary shall take appropriate measures to protect the interests of American agricultural producers and ensure the international competitiveness of U.S. agriculture.

In particular, the Secretary shall be authorized to target EU's most sensitive export market for grains and spend over \$1 billion in Export Enhancement Program funding in that market.

Step 2 requires the EU to enter into an agreement with the United States by January 1, 2003. The EU must agree to completely eliminate its export subsidies, and if not, the U.S. Secretary of Agriculture shall be authorized to, again, target EU's most sensitive export market for grain, double the Export Enhancement Program to \$2 billion, and increase and utilize export funding for market promotion and direct ag export credit sales in the best interest of American ag producers.

It is high time the Senate takes action to ensure that the next round of negotiations result in benefits to our agricultural producers.

Why target EU export subsidies? I believe the United States has taken the high road in leading by example. That lead hurts U.S. producers. The United States has long taken the position that if we reduce support for agriculture, especially export subsidies, we will get a fair trading system.

That is not the case across the Atlantic, where the EU export subsidies are 60 times greater than export subsidies in the United States. In fact, the EU accounts for nearly 85 percent of the world's agricultural export subsidies.

I can remember in the 1980s when the U.S. and EU engaged in an "export subsidy war." At the same time, they both battled to undercut each other's prices in the world's wheat export markets. But over the decade, U.S. market share declined while EU market share increased dramatically.

Europe, formerly the world's largest net importer, suddenly became the world's largest net exporter of agricultural products. It had nothing to do with luck. It had everything to do with their aggressive use of export subsidies.

How did the United States fight back? We didn't. To date, the United States maintains an anemic Export Enhancement Program. Authorized at \$500 million a year, EEP operates well

below its Uruguay Round reduction commitments. If EEP is to be a credible tool in international trade, it is high time we start flexing its muscle.

The United States will remain the most open market in the world. I am committed to that. At the same time, we must do everything possible to open foreign markets. A "trigger" is the first step—it has leverage—but one that must be taken as a very large stride in the path toward free trade.

Again, I thank Senators GORTON and BINGAMAN for cosponsoring this legislation. I urge my colleagues vested in the future of American agriculture to join us in this endeavor.

By Mr. ABRAHAM (for himself, Mr. MACK, and Mr. McCain):

S. 1649. A bill to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

THE MERIT ACT

• Mr. ABRAHAM. Mr. President, today I rise with my good friend and colleague, Senator MACK, to introduce the Measures to Encourage Results in Teaching Act, or as it is frequently and aptly called, the MERIT Act.

Mr. President, there has been a great deal of discussion regarding our nation's schools and the state of elementary and secondary public school education. This country spends \$740 billion per year on education. This is more than the Gross Domestic Products of Spain, Canada or Brazil. Yet the results of the Third International Mathematics and Science Study for Eighth Grade Students ranked American students 28th in science and 17th in math when compared to students in other countries. This situation worsens by the twelfth grade, when our advanced students performed at the bottom of international comparisons.

Mr. President, 43 percent of our fourth graders cannot pass a basic reading test. Our children deserve the highest quality education possible and unfortunately, as just even these few statistics demonstrate, we are failing. Neither our children nor our nation can succeed unless we improve our educational system.

Without a good education and the strong skills it provides, our young people will not be able to get good jobs at good wages. Without skilled, educated workers, our businesses will lose their competitive edge in the world marketplace. The prosperity of our entire nation demands that we do more to improve our children's education.

The question then, Mr. President, is "how can we improve our kids' education?" There are a lot of fancy theories floating about on this topic. But one thing we know for certain: the most important educational tool in any classroom remains a qualified, highly trained teacher. Teachers play a special and indispensable role in our

children's education. Nothing can replace the positive and long lasting impact a dedicated, knowledgeable teacher has on a child's learning process. And nothing can compensate for the weak teaching that, despite the best of intentions, can result from a teacher's lack of knowledge, preparation, skill and interest.

The bulk of our teachers are working hard, under difficult circumstances, to educate our children. Unfortunately, Mr. President, too many of them have not gained the training they need to succeed in educating young people. Currently, the Department of Education reports that one-third of high school math teachers, nearly 25 percent of high school English teachers and 20 percent of science teachers are teaching without a college major or even a college minor in their subjects.

The MERIT Act constitutes an important step toward providing better education. It will ensure that teachers have the training they need to succeed, and that teachers are rewarded for their successes. Common sense dictates that teachers should have subject-matter knowledge in the areas they teach. Common sense also dictates that teachers who motivate and inspire their students, and who put forth the extra effort to improve and expand upon their own skills and knowledge, should be rewarded.

The MERIT Act puts common sense into action. It will provide incentives for states to establish teacher testing and merit pay policies. Specifically, this legislation would provide that 50 percent of the funds provided over the Fiscal Year 2000 appropriation level for the Eisenhower Professional Development Program will be made available to any state that has established periodic assessments of elementary and secondary school teachers, and implements a pay system to reward teachers based on merit and proven performance.

Mr. President, I'd like to be particularly clear on one point: This bill will not result in any reductions in funding for the Eisenhower Professional Development Program. This is an incentive program, not another Washington-knows-best mandate. No state will be penalized for its decision not to participate in the MERIT Act program. In fact, should the appropriation level for the Eisenhower Program increase, so will the amount provided to each state.

What this legislation will provide, Mr. President, is an important incentive for states to make certain that our kids are taught by committed teachers who have received the training they need to succeed. Day in and day out, teachers make a real difference for our kids. They inspire children to dream, and to work to make those dreams come true. They help our young people realize their full potential and work to achieve it. Their contributions are invaluable and their efforts demand commendation. The MERIT Act would reward these teachers for their commit-

ment and ensure that our children will be taught by the most qualified and knowledgeable individuals available.

I urge my colleagues to support this important legislation.

I ask unanimous consent that a copy of the bill and a section by section analysis, be printed in the RECORD.

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

S. 1649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; AND PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "Measures to Encourage Results in Teaching Act of 1999".

(b) FINDINGS.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this Act are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

SEC. 2. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

- (1) by redesignating part E as part F;
- (2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and
- (3) by inserting after part D the following:

"PART E—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

"(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

"(2) has an elementary school and secondary school teacher compensation system that is based on merit.

"(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 2000, except that no funds shall be available to carry out this section for any fiscal year for which—

"(1) the amount appropriated to carry out this title exceeds \$600,000,000; or

"(2) each of the several States is eligible to receive an award under this section.

"(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

"(d) USE OF FUNDS.—Funds provided under this section may be used by the States to carry out the activities described in section 2207.

"(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000.

SEC. 3. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SECTION 1. SHORT TITLE; FINDINGS; AND PURPOSES

This section states that the short title of this bill is the "Measures to Encourage Results in Teaching Act of 1999."

The findings section stresses the importance of having quality teachers in the classroom and the direct correlation between a teacher's ability and the educational success of his or her students. The findings also state the importance of evaluating teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill.

The purpose of the legislation is to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers.

SECTION 2. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

Section 2(a) amends the Elementary and Secondary Education Act by adding Sec. 2401 "State Incentives for Teacher Testing and Merit Pay."

Subsection (a) states that the Secretary of Education shall make awards to each State that tests each elementary and secondary school teacher in the subject he or she teaches every 3 to 5 years and that establishes a teacher compensation system based on merit.

Subsection (b) states that the available funding for the above section shall be 50 percent of the increase in funds appropriated for the Dwight D. Eisenhower Professional Development Program about the FY 2000 appropriated levels. This ensures that States will not have their Eisenhower funding cut below current fundings levels.

Subsection (c) divides the amount awarded under this section equally among States operating a teacher testing and merit pay program.

Subsection (d) stipulates that funds under this section can only be used to carry out teacher testing and merit pay activity.

Subsection (e) defines "State" to mean each of the 50 States and the District of Columbia.

SECTION 3. TEACHER TESTING AND MERIT PAY

Subsection (a) stipulates that States may use Federal education funds to carry out teacher testing programs and to establish merit pay programs for teachers.

Subsection (d) defines "elementary school" and "secondary school" as having the same meaning as under the Elementary and Secondary Education Act. •

• Mr. MACK. Mr. President, I rise today with my friend and colleague Senator ABRAHAM, to introduce the Merit Act, which is legislation to ensure that every classroom in America is staffed with a competent, qualified and caring teacher. Last Congress, the Senate debated a number of initiatives to further this goal and passed this legislation as an amendment to a comprehensive education reform bill, which was vetoed by the President. Earlier this year, I joined Senator GREGG in cosponsor the Teacher Empowerment Act. Both the TEA, and the MERIT ACT are important reform bills to enable local schools to staff their classrooms with the best and brightest teachers.

The 21st Century begins in just under 100 days. If our children are to be prepared for the challenges ahead, educational excellence must become our first order of business. As Congress continues to focus on a number of important reforms to federal K-12 education policy, I strongly believe that any real education reform must confront the most basic, the most important, and the most neglected aspect of public education: the quality of instruction in the classroom.

Parents all over the state of Florida, and I imagine the same is true around the country, are concerned that the success—or failure—of their child's entire academic year will be determined

by the quality and expertise of their child's teacher. Studies show that the most important factor in determining student success on standardized tests is the teacher's ability to present the material. Studies also show that when a student is assigned an ineffective teacher, the damage is not limited to one year. In fact, student test scores do not recover for three years, even if their subsequent teachers are excellent.

America's classrooms are staffed with many dedicated, knowledgeable, and hardworking teachers. Nevertheless, the case for sweeping reform is not difficult to make. While the United States already spends more money per pupil than virtually any industrialized democracy in the world, our children frequently score near the bottom in international exams in science and math. Without exceptional teaching, no amount of resources will be able to turn bad schools into good schools. Throwing more money at the problem is no longer the answer.

Our schools and classrooms should be staffed with teachers who have the appropriate training and background. Students deserve teachers with a thorough knowledge of the subjects they are teaching and the ability to convey complex material in ways that students can understand. One way to determine the competency of teachers would be to test them on their knowledge of the subject areas they teach.

At a time when states are raising the bar for student achievement, few are raising standards for teachers. Today, seven states have no licensing exams for new teachers, and of the 43 states that do have licensing exams, only 29 require high school teachers to pass an exam in the subject they plan to teach. However, in many cases, these requirements are waived when there is a shortage of qualified candidates.

We have a clear interest in ensuring that beginning teachers are able to meet high standards and are knowledgeable about the subject matter they are presenting, and a number of states have taken the initiative to test their prospective teachers. However, when you consider that many teachers—especially teachers in low income districts—do not even have a minor degree in the subject they teach, it is important to periodically evaluate the performance of all teachers. Schools are often strapped for good teachers and will simply staff a science class with a math teacher. These are cases where testing could provide valuable insight as to the mastery of the teacher in additional subjects, and would identify those teachers who need additional encouragement.

Common sense also dictates that we should not concentrate all our attention on under-performing teachers. We must also recognize that there are many great teachers who are successfully challenging their students on a daily basis. Today, our public schools compensate teachers based almost

solely on seniority, not on their performance inside the classroom. Merit-pay would differentiate between teachers who are hard-working and inspiring, and those who fall short.

The legislation we are introducing today, known as the MERIT ACT—which stands for Measures to Enhance Results in Teaching—is the same legislation that passed the Senate last Congress with bipartisan support by a vote of 63-35. It rewards states that test its teachers on their subject matter knowledge, and pays its teachers based on merit.

Here is how it works: we will make half of any additional funding over the FY 2000 level for the Eisenhower Professional Development Program available to states that periodically test elementary and secondary school teachers, and reward teachers based on merit and proven performance. There will be no reduction in current funding to states under this program based on this legislation. As funding increases for this program, so will the amount each state receives. Incentives will and should be provided to those states that take the initiative to establish teacher testing and merit pay programs.

Again, I want to emphasize that all current money being spent on this program is unaffected by this legislation. Only additional money will be used as an incentive for states to enact teacher testing and merit pay programs.

Finally, this legislation enables states to also use federal education money to establish and administer teacher testing and merit pay programs. This broad approach will enable states to staff their schools with the best and most qualified teachers, thereby enhancing learning for all students. In turn, teachers can be certain that all of their energy, dedication and expertise will be rewarded. And it can be done without placing new mandates on states or increasing the federal bureaucracy.

It is interesting to note that as Governor of the State of Arkansas, Bill Clinton enthusiastically supported teacher testing, and as Governor of South Carolina, Secretary of Education Richard Riley advocated a merit-pay plan. In fact, then-Governor Clinton in 1984 said that he was more convinced than ever that competency tests were needed to take inventory of teachers' basic skills. He said, "Teachers who don't pass the test shouldn't be in the classroom". While President Clinton vetoed this legislation last year, I am hoping he will stand by his State of the Union address where he stated that new teachers should be required to pass performance exams and all teachers should know the subject matter they are teaching.

I would also like to mention the important steps being taken by schools around the country to address the need for merit-based pay. Most recently, in Denver, Colorado, schools have reached an agreement with the unions to commence a two year demonstration program which will pay teachers based on

performance. It is important to note the two largest unions, the National Education Association and the American Federation of Teachers, have approached the Denver plan with an open mind. In this program, teachers can earn an additional \$1500 by the end of an academic year if a majority of the teacher's students "improve." I am encouraged by the initiative taken by Denver's schools to implement innovative approaches to teacher compensation, and I look forward to the continued cooperation of America's teacher unions. Without their cooperation, reforms to education in America are often frustrated. In the end, I believe teachers, administrators, parents and students will be able to devise a system that is fair and one that works to improve teacher and student performance alike.

I look forward to working with my colleagues as we continue the fight to give dedicated professionals who teach our children a personal stake in the quality of the instruction they provide. I hope there will again be broad, bipartisan support for this bill.●

● Mr. MCCAIN. Mr. President, I am proud to join my colleagues, Senators ABRAHAM and MACK to introduce legislation today which will help ensure that our children are being taught by the best, brightest and most competent teachers.

"A teacher affects eternity; they can never tell where their influence stops." I share this sentiment of Henry Adams—knowledgeable, enthusiastic teachers play a critical role in the development of our children.

Personally, I can attest to the lasting mark teachers can have on a child, for my life has greatly benefitted from the guidance, encouragement and support of many teachers. As many of my colleagues know, my years in school were not notable for individual academic achievement, but I was fortunate to have been taught by some of the finest leaders and role models our nation could offer a young person. Their efforts helped prepare me for the experiences and obstacles I faced later in life.

It is important for us to continue to work to ensure that all children have access to wonderful, intelligent and inspirational teachers. It is my strong belief that testing our teachers and providing merit pay for those that excel is critical for retaining smart, enthusiastic and talented teachers in our nation's classrooms. This is why I cosponsored this measure last year and have joined my colleagues again this year to reintroduce this legislation.

Too many teachers are receiving salaries which are not commensurate with the invaluable service they provide. It is unconscionable that a bad politician is paid more than a good teacher. I will continue fighting for better pay for our nation's teachers, but I will also continue fighting for programs which encourage our states to provide merit-based pay, and periodically test teach-

ers for competence. By all means, we should reward good teachers. They have answered one of the highest callings in our society, and they should be honored for the sacrifices they make on our children's behalf. But we should also weed out problem teachers who have lost the desire to teach or who have failed to improve their teaching skills in this high tech age.

The fact is that teachers who refuse to demonstrate their competency, are probably not competent to teach. Every child in every classroom deserves a teacher who is qualified and enthusiastic about teaching. Some people just aren't meant to be teachers, and we should help them find another line of work.

There are thousands of dedicated teachers around our nation working with parents, school officials and local communities to guide our children and provide them with the highest quality education necessary for ensuring the youth of our country have both the love in their hearts and the knowledge in their heads to not only dream, but to make their dreams a reality. These are precisely the teachers whom we should be fighting to keep in our schools and merit pay is crucial towards achieving that.

America's teachers are helping our youth develop the personal, professional and emotional skills necessary for successfully defining and achieving their goals. The impact of quality teachers on our children and our nation's future is immeasurable and irreplaceable, and we must continue developing and strengthening programs which encourage these teachers to continue teaching our children and building a better future for all of us. I urge my colleagues to support this measure we are introducing today and work with us to ensure the best teachers with the best skills are teaching our children.●

By Mr. BAUCUS (for himself, Mr. GORTON, Mr. BINGAMAN, Mr. CRAIG, and Mrs. MURRAY):

S. 1651. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL TRADE FAIRNESS ACT OF 1999

● Mr. BAUCUS. Mr. President, I rise today to introduce the "Agriculture Fair Trade Act of 1999." I am pleased to be joined in this bipartisan effort by the bill's leading cosponsors, Senator GORTON, Senator BINGAMAN, Senator CRAIG and Senator MURRAY. The measure is also supported by the Montana Grain Growers and the Montana Farm Bureau.

Let me begin by saying that this next round of WTO is vital. As a senator who represents Montana—a state whose primary industry is agriculture—this next round will decide

the fate of our next generation of producers. It is becoming increasingly clear that while the rest of the nation continues to experience astounding economic growth and prosperity through open and global trade, America's farmers and ranchers across the nation suffer. They have yet to reap the fruits of free trade's bounty.

During the past several months, we in the Senate, the Administration and farmers and ranchers back home have worked to identify the goals for agriculture in the next round in the WTO. And the consensus is that we must step up our efforts in order to make any genuine progress in leveling the playing field for the agricultural industry.

It is our intention that this bill will begin this process. The Agriculture Fair Trade Act provides a mechanism through which we can target unfair export subsidies and fight for their total elimination by January 1, 2003. It is our hope that such legislation will provide an incentive for our trading partners to voluntarily reduce their export subsidies during the next round of the WTO. The elimination of these subsidies will benefit farmers on both sides of the Atlantic.

I believe that the Agriculture Fair Trade Act provides a powerful, two-tiered "trigger" approach to the reduction of export subsidies.

First, the European Union must reduce its agricultural export subsidies by 50 percent by January 1, 2002. If the EU fails to do so, the U.S. Secretary of Agriculture shall take appropriate measures to protect the interests of American agricultural producers and ensure the international competitiveness of United States agriculture.

In particular, the Secretary shall be authorized to—

Target the EU's most sensitive export market for grains, and

Spend \$1 billion in Export Enhancement Program funding in that market.

Step two requires the European Union to enter into an agreement with the United States. By January 1, 2003, the EU must agree to completely eliminate its export subsidies. If not, the U.S. Secretary of Agriculture shall be authorized to—

Again, target the EU's most sensitive export market for grains,

Double the Export Enhancement Program to \$2 billion, and

Increase and utilize export funding for market promotion and direct ag export credit sales in the best interest of American ag producers.

It's high time, we in the U.S. Senate take action to ensure that the next round of negotiations results in benefits to our producers.

WHY TARGET EU EXPORT SUBSIDIES?

I believe that the U.S. has taken the high road in leading by example. That lead hurts U.S. producers. The United States has long taken the position that if we reduce support for agriculture we will get a fair trading system. That is not the case across the Atlantic, where the EU export subsidies are 60 times

greater than export subsidies in the United States. In fact, the EU accounts for nearly 85 percent of the world's export subsidies.

I can remember the 1980s when the U.S. and EU engaged in an "export subsidy war." At that time, both countries battled to undercut each other's prices in the world's wheat export markets. Over the decade, U.S. market share declined while EU market share increased dramatically. Europe, formerly the world's largest net importer, suddenly became the world's largest net exporter. It had nothing to do with luck. It had everything to do with their aggressive use of export subsidies.

And how did the United States fight back? We didn't. To date, the United States maintains the anemic Export Enhancement Program. Authorized at \$500 million a year, EEP operates well below its Uruguay Round reduction commitments. If EEP is to be a credible tool in international trade, its high time to start flexing its muscle.

The United States will remain the most open market in the world. I am committed to that. At the same time, we must do everything possible to open foreign markets. A "trigger" is the first step—but one that must be taken as a very large stride in the path toward fair trade.

I again thank Senators GORTON, BINGAMAN, CRAIG and MURRAY for cosponsoring this important legislation. And I urge my colleagues vested in the future of America agriculture to join us in this endeavor. •

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. LOTT, Mr. DASCHLE, Mr. WARNER, Mr. BREAUX, Mr. CRAPO, Mr. LIEBERMAN, Mr. DOMENICI, Mr. MOYNIHAN, Ms. COLLINS, Mr. REID, and Mr. LAUTENBERG):

S. 1653. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Environment and Public Works.

NATIONAL FISH AND WILDLIFE FOUNDATION
ESTABLISHMENT ACT AMENDMENTS OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce legislation to reauthorize the National Fish and Wildlife Foundation Establishment Act of 1984. This legislation makes important changes in the Foundation's charter, changes that I believe will allow the Foundation to build on its fine record of providing funding for conservation of our Nation's fish, wildlife, and plant resources.

The National Fish and Wildlife Foundation was established in 1984, to bring together diverse groups to engage in conservation projects across America and, in some cases, around the world. Since its inception, the Foundation has made more than 3,400 grants totaling over \$435 million. This is an impressive record of accomplishment. The Foundation has pioneered some notable conservation programs, including implementing the North American Water-

fowl Management plan, Partners in Flight for neotropical birds, Bring Back the Natives Program, the Exxon Save the Tiger Fund, and the establishment of the Conservation Plan for Sterling Forest in New York and New Jersey, to name just a few.

Mr. President, the Foundation has funded these programs by raising private funds to match Federal appropriations on at least a 2 to 1 basis. During this time of fiscal constraint this is an impressive record of leveraging Federal dollars. Moreover, all of the Foundation's operating costs are raised privately, which means that Federal and private dollars given for conservation is spent only on conservation projects.

I am proud to count myself as one of the "Founding Fathers" of the National Fish and Wildlife Foundation. In 1984, I, along with my colleagues Senators Howard Baker, George Mitchell, and JOHN BREAUX, saw the need to create a private, nonprofit group that could build public-private partnerships and consensus, where previously there had only been acrimony and, many times, contentious litigation.

The National Fish and Wildlife Foundation has more than fulfilled the hopes of its original sponsors. It has helped to bring solutions to some difficult natural resource problems and is becoming widely recognized for its innovative approach to solving environmental problems. For example, when Atlantic salmon neared extinction in the United States due to overharvest in Greenland, the Foundation and its partners bought Greenland salmon quotas. I and many others in Congress want the Foundation to continue its important conservation efforts. So, today I am introducing amendments to the Foundation's charter that will allow it to do just that.

Mr. President, this legislation is quite simple. It makes three key changes to current law. First, the bill would expand the Foundation's governing board of directors from 15 members to 25 members. This will allow a greater number of those with a strong interest in conservation to actively participate in, and contribute to, the Foundation's activities.

The bill's second key feature authorizes the Foundation to work with other agencies within the Department of the Interior and the Department of Commerce, in addition to the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. Mr. President, it is my view that the Foundation should continue to provide valuable assistance to government agencies within the Departments of the Interior and Commerce that may be faced with conservation issues. Finally, it would reauthorize appropriations to the Departments of the Interior and the Department of Commerce through 2004.

Mr. President, last year this bill passed the Senate by unanimous consent, but unfortunately the House was unable to duplicate our efforts. I be-

lieve that this legislation will produce real conservation benefits and I strongly urge my colleagues to once again give the bill their support.

• Mr. BAUCUS. Mr. President, in 1984, Congress created the National Fish and Wildlife Foundation, a charitable, nonprofit corporation with the mission of conserving our nation's fish, wildlife, plant, and other natural resources. The Foundation's creation was championed by congressional members from both sides of the aisle, including my esteemed colleague on the Environment and Public Works Committee, Chairman JOHN CHAFEE. The bipartisan support the Foundation received in Congress reflected broad agreement that additional efforts were needed to protect and manage our natural resources.

Over the past 15 years, National Fish and Wildlife Foundation has established a solid track record. The Foundation has achieved on-the-ground results. It has also stretched federal dollars and built public-private partnerships essential to conservation efforts. The Foundation has provided more than 3,500 grants to over 940 private local organizations, state and county governments, tribes, federal and interstate agencies, and colleges and universities in all 50 states. By requiring grantees to match Foundation grants with non-federal funds, the \$135 million in federal funds invested by the Foundation have been leveraged to deliver more than \$440 million to natural resource conservation efforts. Significantly, these funds are used to help build public-private partnerships among individual landowners, government and tribal agencies, conservation organizations, and business. The result is the development of consensus, locally-driven solutions to the challenges involved in protecting and managing fish, wildlife, plants, and other natural resources.

In my home state of Montana, where fishing, hunting, and the enjoyment of our natural resources are deeply ingrained into our way of life, the National Fish and Wildlife Foundation has made important contributions to conservation efforts. These contributions include supporting environmental education, habitat restoration and protection, resource management, and the development of conservation policy. For example, public-private partnerships have been established to restore and protect native fish species, such as Arctic grayling, bull trout, and cut-throat trout, prized by anglers. Working with landowners, thousands of acres of lands have been purchased and easements acquired to benefit elk, bighorn sheep, mule deer, other game animals. Support has been provided to county and tribal efforts to control the spread of noxious weed species that threaten farms, rangelands, wildlife habitat, and recreation areas. In total, the Foundation has funded 187 projects and delivered a total of almost \$13 million to conservation projects in Montana.

Mr. President, even with the accomplishments of the National Fish and Wildlife Foundation, the need to conserve the nation's natural resources remains. Today, in too many areas of the country, the health and sustainability of fish, wildlife, and plants, and the habitats on which they depend, are threatened. Bitter disputes continue to arise among interests when solutions to difficult natural resource problems are sought. Tight budgets often severely limit the ability of governments and private entities to adequately address conservation challenges. Because of this, the need for an organization such as the National Fish and Wildlife Foundation, which promotes conservation, builds partnerships and consensus, and stretches dollars, is as clear today as it was in 1984.

The bill we are introducing today, the National Fish and Wildlife Foundation Establishment Act Amendments of 1999, will increase the Foundation's ability to continue to carry out its important mission. First and foremost, the legislation authorizes federal appropriations through 2004 to support the Foundation's work. The legislation also strengthens the Foundation by increasing the size of its board of directors and allowing board members to be removed for nonperformance. Finally, the bill broadens the Foundation's authority by allowing it to work with all agencies within the Departments of Interior and Commerce. This legislation is nearly identical to the legislation passed by the Senate last year.

Mr. President, the National Fish and Wildlife Foundation has provided valuable assistance to this nation's natural resource conservation efforts over the past 15 years. If the legislation we are introducing today is passed, I have no doubt that the Foundation will continue its solid record of accomplishment. I urge my colleagues to join the bipartisan group of cosponsors and support this important legislation. •

Mr. LOTT. Mr. President, today Chairman CHAFEE has introduced legislation providing for the reauthorization of the National Fish and Wildlife Foundation. I appreciate the leadership that the chairman has taken in sponsoring this bipartisan bill, and anticipate that it will move quickly through the legislative process.

I have been a strong supporter of the Foundation and the programs and activities it undertakes to further conservation and management of our nation's fish and wildlife resources from the beginning. Created by Congress in 1984, the Foundation has used its relationship with government, private, and corporate stakeholders to foster inter-agency cooperation and coordination. It has also brought private sector involvement, initiative, imagination, and technology to bear in solving conservation problems.

Mr. President, the National Fish and Wildlife Foundation Establishment Act requires that all federal money appropriated to the Foundation be matched

by contributions from non-federal sources, such as: corporations, State and local government agencies, foundations and individuals. The Foundation's operating policy is to raise a match of at least 2 to 1, to maximize leverage for our federal funds. The Foundation takes the appropriated money and places it directly into conservation projects. What does this mean? This means that for every federally appropriated dollar we give the Foundation, an average of \$3.17 in on-the-ground conservation takes place. This is something we all should take credit for.

Mr. President, one of the things that distinguishes the Foundation from other conservation groups, is that its efforts yield results in the field, and that its projects include its trademark characteristics of partnership building, public-private coordination, community involvement, and sustainable economics. The Foundation has worked with over 700 agencies, universities, businesses and conservation groups, both large and small, over the last decade. These factors have helped the Foundation become one of the most effective conservation organizations in the nation. The Foundation's projects are all peer reviewed by agency staff, state resource officials, and other professionals in the natural resource field, and there is a process to solicit comments from members of Congress concerning grants in a member's district or state.

In Mississippi the Foundation has supported many local habitat restoration projects aimed specifically at helping private landowners restore wetlands and riparian areas to improve habitat for waterfowl and shorebirds. Further, the Foundation is an important partner in the work that local groups are going to market the conservation programs of the farm bill in Mississippi. With funds from the Foundation, local conservation groups are partnering with the USDA Natural Resources Conservation Service to reach farmers who had not participated in conservation programs. Finally, the Foundation is playing a key role in restoring bottomland hardwood habitats critical to migrating neotropical songbirds and other water-dependent wildlife species by working with utility companies to support tree planting throughout the region. These efforts all help in regaining some of the state's original wetlands habitats.

Mr. President, we are all aware of our deficit reduction challenges and the needs and concerns of our many constituencies. The Foundation provides us with a unique opportunity to meet these challenges and needs.

Mr. President, this bill should be acted upon quickly, and the chairman can count on my strong support for the bill's adoption.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1654. A bill to protect the coast of Florida; to the Committee on Energy and Natural Resources.

FLORIDA COAST PROTECTION ACT OF 2000

Mr. MACK. Mr. President, Senator GRAHAM and I rise again to introduce the Florida Coast Protection Act of 2000. This legislation will amend current law to give states the ability to have all pertinent environmental information on hand before they are forced to rule on oil and gas drilling development plans, and it would also implement a permanent ban on leasing in the Eastern Gulf of Mexico.

Mr. President, Floridians have always been justifiably concerned about the prospect of oil and gas exploration in the waters off our coast. We are well aware of the risk this activity poses to our environment and our economy because, in Florida, a healthy environment means a healthy economy. Millions of people come to Florida each year to enjoy the climate, our beaches, and our fine quality of life. The tourism industry in Florida provides millions of jobs and generates revenues in the billion of dollars. It would take only one disaster to end Florida's good standing as America's vacationland. We cannot afford to let that happen.

Throughout my tenure in the Senate I have opposed exploration and drilling off Florida's coasts. My goal—and the goal of the entire Florida Congressional delegation—is to permanently remove this threat from Florida's coast. In recent years, we have stood together in opposition to drilling and have successfully extended the annual moratorium on all new leasing activities on Florida's continental shelf. While the opposition of Floridians to oil drilling is well-documented, the reality remains that leases have been issued, potential drilling sites have been explored, and it is likely that actual extraction of resources could take place within the next few years.

In order to prevent a repeat of the past mistake of leasing in the OCS off Florida, our legislation makes permanent the ban on any new leasing activity within 100 miles of our coast. In addition, it gives states the flexibility to make a determination regarding the consistency of oil and gas development and production plans as required by the Coastal Zone Management Act after an environmental impact statement detailing the direct and cumulative impacts of the project is completed by the Minerals Management Service.

It is this second provision which is so important. Many in this body may not be aware that my state is currently engaged in a battle to keep drilling rigs off its coasts. In the process, the government of the state of Florida was forced, by current law, to make a consistency determination on a pending development plan without the benefit of the environmental impact statement. In fact, the state was forced to conclude that the plan is inconsistent with its own coastal zone management

program months before the environmental impact statement was concluded. As I stand here, the EIS for this development plan is still not finalized and its draft is currently the subject of public hearings. Without the benefit of this detailed study, the state is unable to accurately assess the primary, secondary and cumulative impacts drilling will have on our coast, estuaries, marine life and our economy. No state should be put in a similar position and our bill seeks to correct this.

Mr. President, removing the threat of oil and gas exploration permanently from Florida's coast will require responsible leadership from the Congress. This reasonable legislation, in my view, will provide states with critical information needed to assess risks to my state's economic and environmental well-being. I urge my colleagues to support this worthwhile effort. We look forward to working with Senator MURKOWSKI, Chairman of the Senate Committee on Energy and Natural Resources, to meet this goal. I thank the Chair and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1654

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 "Florida Coast Protection Act of 1999".

SEC. 2. ENVIRONMENTAL IMPACT STATEMENT REQUIREMENTS.

Section 307(c)(3) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(3)) is amended by adding at the end the following:

"(C) NECESSARY DATA AND INFORMATION.—For purposes of subparagraph (B), a State shall not be considered to receive all necessary data and information with respect to a plan for exploration, development, or production before the date on which the State receives a copy of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) that applies to that exploration, development, or production."

SEC. 3. UNIFORM DOCUMENTATION REQUIREMENTS.

Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351(a)) is amended—

(1) in paragraph (a)(1), by striking "other than the Gulf of Mexico," each place it appears; and

(2) by striking subsection (l).

SEC. 4. OIL AND GAS DEVELOPMENT AND PRODUCTION.

Section 25(e) of the Outer Continental Shelf Lands Act of 1972 (43 U.S.C. 1351(e)) is amended—

(1) by striking "(e)(1) At least" and inserting the following:

"(e) MAJOR FEDERAL ACTION.—

"(1) OUTSIDE THE GULF OF MEXICO.—

"(A) IN GENERAL.—At least";

(2) by striking "(2) The Secretary" and inserting the following:

"(B) PRELIMINARY AND FINAL PLANS.—The Secretary"; and

(3) by adding at the end the following:

"(2) IN THE GULF OF MEXICO.—

"(A) IN GENERAL.—The approval of a development and production plan in a covered

area (as defined in section 8(p)(1)) shall be considered to be a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) TIME FOR REVIEW FOLLOWING RECEIPT OF ENVIRONMENTAL IMPACT STATEMENT.—In the case of a development and production plan in a covered area, the Secretary shall ensure that each affected State for which a development and production plan affects any land use or water use in the coastal zone of the State with a coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), receives the final environmental impact statement not less than 180 days before determining concurrence or objection to the coastal zone consistency certification that is required to accompany the environmental impact statement under section 307(c)(3)(B) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(3)(B))."

SEC. 5. LEASING ACTIVITY OFF THE COAST OF FLORIDA.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended—

(1) in subsection (a)(1), by striking "The Secretary" and inserting "Except as provided in subsection (p), the Secretary"; and

(2) by adding at the end the following:

"(p) LEASING ACTIVITY OFF THE COAST OF FLORIDA.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED AREA.—The term 'covered area' means—

"(i) the Eastern Gulf of Mexico Planning Area (as established by the Secretary) which is adjacent to the State of Florida as defined by 43 U.S.C. 1333(a)(2)(A);

"(ii) the Straits of Florida Planning Area (as established by the Secretary); and

"(iii) the South Atlantic Planning Area (as established by the Secretary) which is adjacent to the State of Florida as defined by 43 U.S.C. 1333 (a)(2)(A);

within 100 miles off the coast of Florida.

"(B) PRELEASING ACTIVITY.—

"(i) IN GENERAL.—The term 'preleasing activity' means an activity relating to a lease that is conducted before a lease sale is held.

"(ii) INCLUSIONS.—The term 'preleasing activity' includes—

"(I) the scheduling of a lease sale;

"(II) the issuance of a request for industry interest;

"(III) the issuance of a call for information or a nomination;

"(IV) the identification of an area for prospective leasing;

"(V) the publication of a draft or final environmental impact statement or a notice of sale; and

"(VI) the performance of any form of rotary drilling in a prospective lease area.

"(iii) EXCLUSIONS.—The term 'preleasing activity' does not include an environmental, geologic, geophysical, economic, engineering, or other scientific analysis, study, or evaluation.

"(2) PROHIBITION OF PRELEASING ACTIVITIES AND LEASE SALES.—The Secretary shall not conduct any preleasing activity or hold a lease sale under this Act in a covered area."

Mr. GRAHAM. Mr. President, I rise today with my colleague, Senator MACK, to introduce legislation that will protect the coast of Florida in the future from the damages of offshore drilling.

I introduced similar legislation in last year's Congress that sought to codify the annual moratorium on leasing in the Gulf of Mexico and ensure that states receive all environmental documentation prior to making a decision on whether to allow drilling off of its

shores. That legislation did not pass in the 105th Congress.

Today, I am introducing legislation that takes these steps, plus several others. The Florida Coast Protection Act of 2000 will protect Florida's fragile coastline from outer continental shelf leasing and drilling in three important ways.

First, we transform the annual moratorium on leasing and preleasing activity off the coast of Florida into a permanent ban covering Planning Areas in the Eastern Gulf of Mexico, the Straits of Florida, and the South Atlantic Planning Area.

Second, the Florida Coast Protection Act corrects an egregious conflict in regulatory provisions where an effected state is required to make a consistency determination for proposed oil and gas production or development under the Coastal Zone Management Act prior to receiving the Environmental Impact Statement (EIS) from the Mineral Management Service.

Our bill requires that the EIS is provided to affected states 6 months before they make a consistency determination, and it requires that every oil and gas development plan have an EIS completed prior to development.

Third, our bill corrects the Outer Continental Shelf Lands Act and ensures that oil and gas leases in the Gulf of Mexico are subject to the same rules and regulations that apply to oil and gas leases in other areas.

What would this bill mean for Florida? The elimination of preleasing activity and lease sales off the coast of Florida protects our economic and environmental future.

More than 100 years ago, my grandfather settled in Northwest Florida. My mother grew up near the Gulf of Mexico in Walton County. For years, I have taken my children and grandchildren to places like Grayton Beach so that they can appreciate the natural treasures and local cultures that are part of both their own heritage and that of the Florida Panhandle.

We have a solemn obligation to preserve these important aspects of our state's history for all of our children and grandchildren. Much of our identity as Floridians is tied to the thousands of miles of pristine coastline that link Jacksonville to Miami and Key West to Pensacola.

The Florida coastline will not be safe if offshore oil and gas resources are developed. For example, a 1997 Environmental Protection Agency (EPA) study indicated that even in the absence of oil leakage, a typical oil rig can discharge between 6,500 and 13,000 barrels of waste per year. The same study also warned of further harmful impact on marine mammal populations, fish populations, and air quality.

Nor are leakages or waste discharge the only drilling-related environmental consequences. Physical disturbances caused by anchoring, pipeline placement, rig construction, and the resuspension of bottom sediments can

also be destructive. Given these conclusions, it isn't hard to imagine the environmental havoc that oil or natural gas drilling could wreak along the sensitive Panhandle coastline.

Because the Gulf of Mexico's natural beauty and diverse habitats attract visitors from all over the world and support a variety of commercial activities, an oil or natural gas accident in the Gulf of Mexico could also have a crippling effect on the Northwest Florida economy. In 1996, the cities of Panama City, Pensacola, and Fort Walton Beach reported \$1.5 billion in sales to tourists. That same year, the Panhandle's five westernmost counties generated more than \$8 million in public revenues from visitors paying the state's tourist development tax. And Florida's fishing industry benefits from the fact that nearly 90 percent of reef fish caught in the Gulf of Mexico come from the West Florida continental shelf.

Florida's fishing industry benefits from the fact that nearly 90 percent of reef fish caught in the Gulf of Mexico come from the West Florida continental shelf.

For the last several years, I have been working with Senator CONNIE MACK, U.S. Congressman JOE SCARBOROUGH, and others to head off the threat of oil and natural gas drilling. In June of 1997, we introduced legislation to cancel six natural gas leases seventeen miles off the Pensacola coast and compensate Mobil Oil Corporation for its investment. Five days after the introduction of that legislation and two months before it was scheduled to begin exploratory drilling off Florida's Panhandle, Mobile ended its operation and returned its leases to the federal government.

While that action meant that Panhandle residents faced one less economic and environmental catastrophe-in-the-making, it did not completely eliminate the threats posed by oil and natural gas drilling off Florida's Gulf Coast. Florida's Congressional representatives fight hard each year to extend the federal moratorium on new oil and natural gas leases in the Gulf of Mexico. But that solution is temporary. So in June of 1998, we introduced the Florida Gulf Coast Protection Act to prevent the federal government from issuing leases in the future.

This legislation did not pass during the 105th Congress. Today we are introducing the Florida Gulf Coast Protection Act for the year 2000. I look forward to working with my colleagues on the Energy and Natural Resources Committee to move this legislation forward and protect the coast of Florida for our children and grandchildren.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1656. A bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (SCHIP) to continue to be eligible for benefits under the vaccine for chil-

dren program; to the Committee on Finance.

KEEPING CHILDREN HEALTHY WITH IMMUNIZATIONS

• Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to clarify that children receiving health insurance under the Children's Health Insurance Program (CHIP) in states like California are eligible for free vaccines under the 1993 Federal Vaccines for Children (VFC) program.

I want to especially commend the leadership of Congresswoman NANCY PELOSI who is introducing a companion bill in the House today.

I am introducing this bill because the U.S. Department of Health and Human Services has interpreted the law so narrowly that as many as 528,000 children in California have lost or will lose their eligibility to receive free vaccines, under California's Healthy Families program. Approximately 169,000 kids have lost eligibility to date.

California ranks 37th overall among States having children fully immunized by the age of 18 to 24 months. From 1993 to 1997, Orange County, California, had 85 hospitalizations and four deaths related to chicken pox. Across the State in 1996 there were 15 deaths and 1,172 hospitalizations related to chicken pox. More recently, the Immunization Branch in California reports that in 1998 over 1,000 whooping cough cases, including 5 deaths, were reported—the largest number of cases and deaths since the 1960's. Whooping cough and chicken pox are diseases for which there are vaccinations. We must do more to increase access to vaccinations for our nation's children.

The Federal Vaccines for Children program, created by Congress in 1993 (P.L. 105-33), provides vaccines at no cost to poor children. In 1998, as many 743,000 poor children in my state, who were uninsured or on Medicaid, received these vaccines. This number is down by approximately 32,000 children in comparison to the 1997 immunization figures for California's poor children. California received \$80.3 million in 1999 from the Federal Government to provide vaccines.

Mr. President, what can be so basic to public health than immunization against disease? Do we really want our children to get polio, measles, mumps, chicken pox, rubella, and whooping cough—diseases for which we have effective vaccines, diseases which we have practically eradicated by widespread immunization? Every parent knows that vaccines are fundamental to children's good health.

Congress recognized the importance of immunizations in creating the program, with many Congressional leaders at the time arguing that childhood immunization is one of the most cost-effective steps we can take to keep our children healthy. It makes no sense to me to withhold them from children who (1) have been getting them when they were uninsured and (2) have no other way to get them once they become insured.

According to an Annie E. Casey Foundation report, 28 percent of California's two-year old children are not immunized. Add to that the fact that we have one of the highest uninsured rates in the country. Our uninsured rate for non-elderly adults is 24 percent, the third highest in the U.S., while the national uninsured rate is 17 percent. As for children, 1.85 million or 19 percent of our children are without health insurance, compared to 15 percent nationally, according to UCLA's Center for Health Policy Research. Clearly, there is a need.

In creating the new children's health insurance program in California, the state chose to set up a program under which the state contracts with private insurers, rather than providing eligible children care through Medicaid (Medi-Cal in California). Unfortunately, HHS has interpreted this form of "health insurance" as making them "insured," as defined in the vaccines law, and thus ineligible for the federal vaccines. I disagree.

It is my view that in creating the federal vaccines program, Congress made eligible for these vaccines children who are receiving Medicaid, children who are uninsured, and native American children. I believe that in defining the term "insured" at that time Congress clearly meant private health insurance plans. Children enrolled in California's new Healthy Families program are participating in a federal-state, subsidized insurance plan. Healthy Families is a state-operated program. Families apply to the state for participation. They are not insured by a private, commercial plan, as traditionally defined or as defined in the Vaccine for Children's law (42 U.S.C. sec. 1396s(b)(2)(B)). On February 23, the California Medical Association wrote to HHS Secretary Donna Shalala, "As they are participants in a federal and state-subsidized health program, these individuals are not 'insured' for the purposes of 42 U.S.C. sec. 1396s(b)(B)."

The California Managed Risk Medical Insurance Board, which is administering the new program with the Department of Health Services, wrote to HHS on February 5, "It is imperative that states like California, who have implemented the Children's Health Insurance Program (CHIP) using private health insurance, be given the same support and eligibility for the Vaccines for Children (VFC) program at no cost as states which have chosen to expand their Medicaid program." The San Francisco Chronicle editorialized on March 10, 1998, "More than half a million California children should not be deprived of vaccinations or health insurance because of a technicality . . .," calling the denial of vaccines "a game of semantics."

Children's health should not be a "game of semantics." Proper childhood

immunizations are fundamental to a lifetime of good health. I urge my colleagues to join me in enacting this bill into law, to help me keep our children healthy.●

ADDITIONAL COSPONSORS

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 121, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, age, or disability, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 774

At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses.

S. 777

At the request of Mr. FITZGERALD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 791

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 824

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 824, a bill to improve educational systems and facilities to better educate students throughout the United States.

S. 915

At the request of Mr. GRAMM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 915, a bill to amend title XVIII of the Social Security Act to expand and make permanent the medi-

care subvention demonstration project for military retirees and dependents

S. 935

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1044

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1053

At the request of Mr. BOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1215

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1327

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Virginia (Mr. WARNER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maryland (Mr. SARBANES), the Senator from North Carolina (Mr. HELMS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

S. 1452

At the request of Mr. SHELBY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1473

At the request of Mr. ROBB, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

S. 1539

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1589

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1589, a bill to amend the American Indian Trust Fund Management Reform Act of 1994.

S. 1644

At the request of Mr. ABRAHAM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1644, a bill to provide additional measures for the prevention and punishment

of alien smuggling, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of Senate Joint Resolution 26, A joint resolution expressing the sense of Congress with respect to the courtmartial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 32, A concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

SENATE RESOLUTION 87

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Resolution 87, A resolution commemorating the 60th Anniversary of the International Visitors Program.

SENATE RESOLUTION 108

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of Senate Resolution 108, A resolution designating the month of March each year as "National Colorectal Cancer Awareness Month."

SENATE RESOLUTION 133

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Resolution 133, A resolution supporting religious tolerance toward Muslims.

AMENDMENT NO. 1572

At the request of Mr. TORRICELLI, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of Amendment No. 1572 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

NOTICES OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 167, a bill to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Penn-

sylvania; 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. 497, a bill to redesignate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills"; H.R. 592, an Act to designate a portion of Gateway National Recreation Area as "World War Veterans Park at Miller Field"; S. 919, a bill to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; H.R. 1619, an Act to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; S. 1296, a bill to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System; S. 1366, a bill to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by New York State, and for other purposes; and S. 1569, a bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

The hearing will take place on Tuesday, October 12 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Cassie Sheldon of the committee staff.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1365, a bill to amend the National Historic Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes; S. 1434, a bill to amend the National Historic Preservation Act to reauthorize that Act, and for other purposes; H.R. 834, an Act to extend the authorization for the National Historic Preservation Fund, and for other purposes.

The hearing will take place on Tuesday, October 19, at 2:30 p.m. in room

SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Cassie Sheldon of the committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 28, 1999, to conduct a hearing on "Public Ownership of the U.S. Stock Markets."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 28, 1999, at 10 a.m. on nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 28, 1999, at 10:30 a.m. and 3 p.m. to hold two hearings.

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

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a House-Senate Conference on Tuesday, September 28, 1999, beginning at 10 a.m. in Dirksen Room 226.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DOMENICI. Mr. President, The Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the American Legion. The hearing will be held on Tuesday, September 28, 1999, at 9:30 a.m., in room 345 of the Cannon House Office Building.

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

SPECIAL COMMITTEE ON YEAR 2000 TECHNOLOGY PROBLEM

Mr. DOMENICI. Mr. President I ask unanimous consent that the Special

Committee on Year 2000 Technology Problem be permitted to meet on September 28, 1999 at 10:00 a.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to meet Tuesday, September 28, 10:00 a.m., Hearing Room (SD-406) to receive testimony regarding the FY2000 public buildings requests of the General Services Administration.

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

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. DOMENICI. Mr. President, the Subcommittee on Youth Violence of the Committee on the Judiciary requests unanimous consent to conduct a hearing on Tuesday, September 28, 1999 beginning at 2:00 p.m. in Dirksen Room 226.

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

ADDITIONAL STATEMENTS

IN RECOGNITION OF UNIVERSITY OF MICHIGAN MEDICAL SCHOOL'S SESQUICENTENNIAL CONVOCATION

• Mr. LEVIN. Mr. President, I rise today to recognize the University of Michigan Medical School as it celebrates its 150th Anniversary. On October 1, 1999, its faculty, staff, alumni, students and friends will gather to celebrate the Medical School's distinguished history and reputation.

Since its founding in 1850, the men and women of the University of Michigan Medical School have been pioneers in the practice of medicine. With over 18,260 M.D. degrees awarded since the first graduating class in 1851, the Medical School's alumni and faculty have left an indelible mark on the course of medical history. With leading roles in the field trials of the Salk polio vaccine, pioneering cancer treatments, innovative uses of new technology in medicine and much more, it has greatly impacted the health of our entire nation.

In addition, the University has a remarkably long list of innovative firsts. It opened the nation's first university-owned hospital in 1869, the first department of pharmacology in 1891, the first university-operated psychiatric hospital in 1906, the first children's psychiatric hospital and the nation's first Human Genetics Department. It has been an impressive century and a half indeed.

According to statistics recorded by the Center for Disease Control, in the last century alone, the average life expectancy has increased nearly 30 years, from approximately 47 years in 1900 to more than 76 years today. Medical ad-

vances have not only added years to the lives of Americans, but have also added quality to those years. Among those leading the way to longer and healthier lives have been the faculty and alumni of the University of Michigan Medical School. The value of their contributions to the practice of medicine in America over the past 150 years is incalculable, and I am confident that they will continue to be on the cutting edge of medicine advances in the 21st century.

Mr. President, the faculty, staff, alumni and students of the University of Michigan Medical School can take pride in their many important achievements of the School's first 150 years. I hope my colleagues will join me in saluting the accomplishments of the Medical School's first century and a half and in wishing it continued success for the future. •

TRIBUTE TO DOMINICK GIOVINAZZO

• Mr. GREGG. Mr. President, I would like to take a few minutes to say a few words about a good friend of mine upon his retirement.

I have known Dominick Giovinnazzo, the retiring Executive Director of the Greater Nashua, NH, Boys and Girls Club, for many, many years. During that time, I have regarded him as one of the finest people I know. For the past 28 years, he has worked at the Greater Nashua Club and has dedicated himself to serving the kids who are members there. He is a passionate advocate of child safety and has worked to ensure that no child in the city of Nashua has to spend his or her afternoons and weekends on the streets or doing drugs. He has become an advisor and mentor to the staff of all of the New Hampshire Clubs; his wisdom and experience have guided each Boys and Girls Club in the State to become strong pillars of their communities. Most importantly, he has been a good friend to his own community and to his fellow public servants. Over the years, I have appreciated his friendship, support, and guidance. I can only hope that others will follow his example of charity and dedication.

Rarely does one come across another human being who so fully dedicates himself to a life of helping others. It was Dominick who brought the importance and success of the Boys and Girls Clubs to my attention many years ago. And it was because of his tireless advocacy for the Clubs that I have worked so hard to ensure that the federal government helps fund the Boys and Girls Clubs of America. Dominick showed me the importance of giving our youth a safe place to go and dependable, responsible friends to lean on.

No other person so richly deserves an easy retirement than Dominick Giovinnazzo. I wish him luck in his future endeavors, and I am sure that he will never stop caring about and lending his talents and civic-minded wis-

dom to his community. He is a valuable resource who I know the City of Nashua, the Greater Nashua Boys and Girls Club, and his other friends and admirers will rely on for years to come. •

THE DEDICATION OF THE SECOND TEMPLE PERIOD TRIPLE GATE MONUMENTAL STAIRS AND OBSERVATION PLAZA

• Mr. LEVIN. Mr. President, I rise to honor the dedication of the Second Temple period Triple Gate Monumental Stairs and Observation Plaza which will take place this weekend in Jerusalem. This is a new site in the Jerusalem Archaeological Park which has been developed by the Israel Antiquities Authority, focusing on the southern wall of the Temple Mount Enclosure. This restoration project has been dedicated and supported by Dorothy Davidson Gerson and Byron Gerson in loving memory of Sarah and Ralph Davidson. The dedication ceremony for Gerson Observation Plaza will take place on Sunday, October 3 and will be attended by Israeli Prime Minister Ehud Barak and the Mayor of Jerusalem Ehud Olmert among many others.

The Triple Gate and the Double Gate, also known as the Huldah Gates, were a key entrance to the Temple Mount for pilgrims during biblical times. This area of the southern wall was badly damaged following the destruction of the Second Temple. The western Huldah Gate, or Double Gate, now lies below the Al-Aqsa Mosque. The eastern Huldah Gate, or Triple Gate, consisted of three arched entryways at the time of the Second Temple. Now parts of the threshold and the doorjamb are all that remain of the Triple Gate. In front of the Triple Gate was once a monumental staircase. Much of this staircase has now been reconstructed affording visitors the opportunity to envision the southern entrances to the Temple Mount during the Second Temple period.

This important archaeological restoration effort would not have been possible without the generous support of Dorothy Davidson Gerson and Byron Gerson. They have made possible an extraordinary view of an ancient treasure which has transcendent meaning. I know my Senate colleagues join me in honoring this historic event and thanking Dorothy Davidson Gerson and Byron Gerson for their extraordinary efforts. •

CELEBRATION OF WOOD COUNTY'S BICENTENNIAL

• Mr. ROCKEFELLER. Mr. President, I am proud to draw the attention of Congress and the American people to a very special milestone in the State of West Virginia. Wood County, WV, is celebrating its bicentennial and a two-hundred year history of importance and progress thanks to the continual spirit of its leaders and citizens.

Over the past year, through the Wood County Bicentennial Commission, events and activities have taken place to commemorate the county's rich history and install a spirit of excitement about the years to come. People of all ages, throughout the county, have been involved in historic exhibits, contests, and special ways to share the past and prepare for the future.

With this statement in the CONGRESSIONAL RECORD, I will make this my submission to the next major event in the bicentennial celebration—the placing of a "Time Capsule" at the Wood County Courthouse. With my fellow West Virginians in Wood County, I envision the day one hundred years from the day this capsule will be stored when a future Senator of West Virginia will be presented this piece of history. I am confident that in October of 2099, Wood County will continue to be a center of economic progress, community spirit and commitment, and other features that have defined this corner of the nation for two hundred years already.

Wood County has a long history, in particular, in playing a major role in the development of the oil and gas industry in the State and the county, through its resources and industrial progress, Wood County has been the source of fuel for prosperity and growth way beyond its borders.

The county is also proud to house a significant chemical industry, manufacturing the critical components of products world-wide and involved in path-breaking research and development. For example, the largest DuPont facility in the corporate structure resides outside of Parkersburg on the land that George Washington once owned.

Wood County has tremendous treasures in the form of both its people and its material assets. I join its leadership and citizens in celebrating this bicentennial year, and playing my part in the time Capsule that will reappear another century from now. And I know that All Americans wish Wood County continued prosperity and progress.●

KEEPING KIDS ALIVE

● Mr. LEVIN. Mr. President, last week in Michigan, a coalition of members in the House of Representatives introduced a comprehensive package of gun safety legislation. The principal sponsors of this package are State Representatives Laura Baird, Gilda Jacobs and Samuel Thomas II, three leaders in the state of Michigan on making our state safer for children.

The legislation introduced in the Michigan State House is designed to keep kids alive in Michigan and safe from gun violence. It would create gun-free zones in areas such as schools, day care centers, churches, libraries, hospitals and sports arenas; make Michigan the eighteenth state to enact a child access prevention law, requiring that trigger locks be sold with hand-

guns; close the gun show loophole by requiring that unlicensed dealers be subject to the same standards as licensed dealers; and limit individuals to one handgun purchase a month.

This legislation, if enacted, would make Michigan one of the most responsible gun safety states in the country. By taking firearms out of the hands of minors and closing loopholes that permit criminals easy access to weapons, Lansing will send a clear message to Michigan mothers and fathers that the state is acting to protect children from gun violence.

This legislation is a far cry from the legislation the Michigan Legislature moved forward with last spring. That NRA-backed legislation, designed to loosen the state's law on carrying concealed handguns sailed through the state Legislature only to be rejected by the citizens of Michigan. Michigan's citizens demanded that their lawmakers, enforce stricter, not looser laws, when it comes to gun safety and the protection of their children. The people in Michigan united to reject that bill last spring and I hope they will again unite to seek action from their lawmakers, and urge them to pass this important legislation.●

SMALL BUSINESS ADVOCACY REVIEW PANEL TECHNICAL AMENDMENTS ACT OF 1999

Mr. HAGEL. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 273, S. 1156.

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

The legislative clerk read as follows:

A bill (S. 1156) to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 and to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill to be inserted are shown in italic.)

S. 1156

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 "Small Business Advocacy Review Panel Technical Amendments Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.

(2) Small businesses bear a disproportionate share of regulatory costs and burdens.

(3) Federal agencies must consider the impact of their regulations on small businesses early in the rulemaking process.

(4) The Small Business Advocacy Review Panel process that was established by the Small Business Regulatory Enforcement Fairness Act of 1996 has been effective in allowing small businesses to participate in rules that are being developed by the Environmental Protection Agency and the Occupational Safety and Health Administration.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To provide a forum for the effective participation of small businesses in the Federal regulatory process.

(2) To clarify and strengthen the Small Business Advocacy Review Panel process.

(3) To expand the number of Federal agencies that are required to convene Small Business Advocacy Review Panels.

SEC. 3. ENSURING FULL ANALYSIS OF POTENTIAL IMPACTS ON SMALL ENTITIES OF RULES PROPOSED BY CERTAIN AGENCIES.

Section 609(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Before the publication of an initial regulatory flexibility analysis that a covered agency is required to conduct under this chapter, the head of the covered agency shall—

"(A) notify the Chief Counsel for Advocacy of the Small Business Administration (in this subsection referred to as the 'Chief Counsel') in writing;

"(B) provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected; and

"(C) not later than 30 days after complying with subparagraphs (A) and (B)—

"(i) [with the concurrence of] *in consultation with the Chief Counsel*, identify affected small entity representatives; and

"(ii) transmit to the identified small entity representatives a detailed summary of the information referred to in subparagraph (B) or the information in full, if so requested by the small entity representative, for the purposes of obtaining advice and recommendations about the potential impacts of the draft proposed rule.

"(2)(A) Not earlier than 30 days after the covered agency transmits information pursuant to paragraph (1)(C)(ii), the head of the covered agency shall convene a review panel for the draft proposed rule. The panel shall consist solely of full-time Federal employees of the office within the covered agency that will be responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs of the Office of Management and Budget, and the Chief Counsel.

"(B) The review panel shall—

"(i) review any material the covered agency has prepared in connection with this chapter, including any draft proposed rule;

"(ii) collect advice and recommendations from the small entity representatives identified under paragraph (1)(C)(i) on issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c); and

"(iii) allow any small entity representative identified under paragraph (1)(C)(i) to make an oral presentation to the panel, if requested.

"(C) Not later than 60 days after the date a covered agency convenes a review panel pursuant to this paragraph, the review panel shall report to the head of the covered agency on—

"(i) the comments received from the small entity representatives identified under paragraph (1)(C)(i); and

"(ii) its findings regarding issues related to paragraphs (3), (4), and (5) of section 603(b) and section 603(c).

"(3)(A) Except as provided in subparagraph (B), the head of the covered agency shall print in the Federal Register the report of

the review panel under paragraph (2)(C), including any written comments submitted by the small entity representatives and any appendices cited in the report, as soon as practicable, but not later than—

“(i) 180 days after the date the head of the covered agency receives the report; or

“(ii) the date of the publication of the notice of proposed rulemaking for the proposed rule.

“(B) The report of the review panel printed in the Federal Register shall not include any confidential business information submitted by any small entity representative.

“(4) Where appropriate, the covered agency shall modify the draft proposed rule, the initial regulatory flexibility analysis for the draft proposed rule, or the decision on whether an initial regulatory flexibility analysis is required for the draft proposed rule.”.

SEC. 4. DEFINITIONS.

Section 609(d) of title 5, United States Code, is amended to read as follows:

“(d) For the purposes of this section—

“(1) the term ‘covered agency’ means the Environmental Protection Agency, the Occupational Safety and Health Administration of the Department of Labor, and the Internal Revenue Service of the Department of the Treasury; and

“(2) the term ‘small entity representative’ means a small entity, or an individual or organization that *primarily* represents the interests of 1 or more small entities.”.

SEC. 5. COLLECTION OF INFORMATION REQUIREMENT.

(a) DEFINITION.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (5) by inserting “and” after the semicolon;

(2) in paragraph (6) by striking “; and” and inserting a period; and

(3) by striking paragraphs (7) and (8).

(b) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—The [fourth] *fifth* sentence of section 603 of title 5, United States Code, is amended to read as follows: “In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary, and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.”.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

Mr. BOND. Mr. President, I rise today to speak in support of the Small Business Advocacy Review Panel Technical Amendments Act of 1999, S. 1156. This bill was approved by the Committee on Small Business which I chair, with unanimous bipartisan support. Senator KERRY, the Ranking Member of the Committee, was the lead cosponsor of this important small business legislation.

Our bill is simple and straightforward. It clarifies and amends certain provisions of the law enacted as part of my “Red Tape Reduction Act,” the Small Business Regulatory Enforcement Fairness Act of 1996. In 1996, this body led the way toward enactment of this important law. With a unanimous vote, we took a major step to ensure that small businesses get an opportunity to participate in the rulemaking process when their input can have the greatest impact, and that they are treated fairly by federal agencies.

The overall purpose of the Regulatory Flexibility Act and the Small

Business Regulatory Enforcement Fairness Act, is to identify and minimize the burdens of the regulations on the small businesses affected by the agency’s actions, and to help the agency make the rule as effective as possible when it is implemented.

Under the Small Business Regulatory Enforcement Fairness Act of 1996, which amended the Regulatory Flexibility Act, each “covered agency” is required to convene a Small Business Advocacy Review Panel (Panel) to receive advice and comments from small entities that will be affected by the regulation being developed. Specifically, under section 609(b), each covered agency is to convene a Panel with representatives from the Office of Information and Regulatory Affairs within the Office of Management and Budget, the Chief Counsel of Advocacy of the Small Business Administration, and the covered agency promulgating the regulation, to receive input from small entities prior to publishing an Initial Regulatory Flexibility Analysis for a proposed rule with a significant economic impact on a substantial number of small entities. The Panel produces a report containing comments from the small entities and the Panel’s own recommendations. The report is provided to the head of the agency, who reviews it and, where appropriate, modifies the proposed rule, Initial Regulatory Flexibility Analysis or the decision on whether the rule significantly impacts small entities. The Panel report then becomes a part of the rulemaking record.

Under current law, the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) are the only agencies covered by the Panel process. So far, the results are encouraging with these agencies clearly benefitting from the input of the small entities that have participated in the review panels. In addition, the bill will bring the Internal Revenue Service, the agency that has perhaps the most pervasive impact on small businesses, into the Panel process by mandating the agency to convene panels for certain proposed rulemakings that will impact small businesses.

Our bill also clarifies how the Regulatory Flexibility Act generally applies to the IRS. In 1996, Congress expressly included the IRS within the coverage of the Red Tape Reduction Act which amended the Regulatory Flexibility Act. However, the Treasury Department has interpreted the language in the law in a manner that essentially writes them out of the law. The Small Business Advocacy Review Panel Technical Amendments Act of 1999 clarifies which interpretative rules involving the Internal Revenue Code are to be subject to compliance with the Regulatory Flexibility Act. As I noted previously, for those rules that will impose a significant economic impact on a substantial number of small entities, the IRS will also be required under our

bill to convene a Small Business Advocacy Review Panel as required by SBREFA.

If the Treasury Department and the IRS had implemented the Red Tape Reduction Act as Congress originally intended, the regulatory burdens on small businesses could have been reduced, and small businesses could have been saved considerable trouble in fighting unwarranted rulemaking actions. For instance, with input from the small business community early in the process for their 1997 temporary regulations on the uniform capitalization rules, the IRS could have taken into consideration the adverse effects that inventory accounting would have on farming businesses, and especially nursery growers. Similarly, if the IRS had conducted an Initial Regulatory Flexibility Analysis, it would have learned of the enormous problems surrounding its limited partner regulations prior to issuing the proposal in January 1997. These regulations, which became known as the “stealth tax regulations,” would have raised self-employment taxes on countless small businesses operated as limited partnerships or limited liability companies, and also would have imposed burdensome new recordkeeping and collection of information requirements.

Specifically, the bill strikes the language in section 603 of title 5 that limits inclusion of IRS interpretative rules under the Regulatory Flexibility Act, “only to the extent that such interpretative rules impose on small entities a collection of information requirement.” The Treasury Department has misconstrued this language in two ways. First, unless the IRS imposes a requirement on small businesses to complete a new OMB-approved form, the Treasury Department contends that the Regulatory Flexibility Act does not apply. Second, in the limited circumstances in which the IRS has acknowledged imposing a new reporting requirement, the Treasury Department has limited its analysis of the impact on small businesses to the burden imposed by the form, ignoring the more substantive and complicated burdens. As a result, the Treasury Department and the IRS have turned Regulatory Flexibility Act compliance into an unnecessary, second Paperwork Reduction Act.

To address this problem, our bill revises the critical sentence in section 603 to read as follows:

In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules (including proposed, temporary and final regulations) published in the Federal Register for codification in the Code of Federal Regulations.

The remaining provisions of our bill address the mechanics of convening a Panel and the selection of the small-entity representatives invited to submit advice and recommendations to the Panel.

Coverage of the IRS under the Panel process and the technical changes I

have just described are strongly supported by the Small Business Legislative Council, the National Association for the Self-Employed, and many other organizations representing small businesses. Even more significantly, these changes have the support of the Small Business Administration's Chief Counsel for Advocacy.

Our mutual goal is to ensure that the views of small entities are brought forth through the Panel process and taken to heart by the "covered agency"—in short, to continue the success that EPA and OSHA have shown this process has for small businesses. I thank the Senator from Massachusetts for his support, and I look forward to seeing the Small Business Advocacy Review Panel Technical Amendments Act of 1999 signed into law at the earliest possible date.

Mr. HAGEL. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1156), as amended, was read the third time and passed.

MISSING, EXPLOITED, AND RUNAWAY CHILDREN PROTECTION ACT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives to accompany S. 249 to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

There being no objection, the Presiding Officer (Mr. ALLARD) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 249) entitled "An Act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing, Exploited, and Runaway Children Protection Act".

SEC. 2. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to

match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center."

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children."

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714-11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Administrator to carry out this subsection, \$10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

“(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

“(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnappings, and the number of children who are recovered each year; and

“(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.”.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting “the Center and with” before “public agencies”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking “1997 through 2001” and inserting “2000 through 2003”.

SEC. 3. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking “accurate reporting of the problem nationally and to develop” and inserting “an accurate national reporting system to report the problem, and to assist in the development of”; and

(2) by striking paragraph (8) and inserting the following:

“(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;”.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) GRANTS FOR CENTERS AND SERVICES.—

“(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

“(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

“(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

“(B) shall include—

“(i) safe and appropriate shelter; and

“(ii) individual, family, and group counseling, as appropriate; and

“(C) may include—

“(i) street-based services;

“(ii) home-based services for families with youth at risk of separation from the family; and

“(iii) drug abuse education and prevention services.”;

(2) in subsection (b)(2), by striking “the Trust Territory of the Pacific Islands,”; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking “paragraph (6)” and inserting “paragraph (7)”;

(B) in paragraph (10), by striking “and” at the end;

(C) in paragraph (11), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

“(A) information regarding the activities carried out under this part;

“(B) the achievements of the project under this part carried out by the applicant; and

“(C) statistical summaries describing—

“(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

“(ii) the services provided to such youth by the project.”; and

(2) by striking subsections (c) and (d) and inserting the following:

“(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

“(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

“(2) provide backup personnel for on-street staff;

“(3) provide initial and periodic training of staff who provide such services; and

“(4) conduct outreach activities for runaway and homeless youth, and street youth.

“(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

“(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

“(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

“(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

“(4) provide initial and periodic training of staff who provide home-based services; and

“(5) ensure that—

“(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

“(B) staff providing such services will receive qualified supervision.

“(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

“(1) a description of—

“(A) the types of such services that the applicant proposes to provide;

“(B) the objectives of such services; and

“(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

“(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.”.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

“SEC. 313. APPROVAL OF APPLICATIONS.

“(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a)

may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

“(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

“(2) which areas of such State have the greatest need for such services.

“(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

“(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

“(2) eligible applicants that request grants of less than \$200,000.”.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-1) is amended—

(1) in the section heading, by striking “PURPOSE AND”;

(2) in subsection (a), by striking “(a)”;

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(9)) is amended by inserting “, and the services provided to such youth by such project,” after “such project”.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21) is amended to read as follows:

“SEC. 341. COORDINATION.

“With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

“(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

“(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.”.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in the section heading, by inserting “EVALUATION,” after “RESEARCH,”;

(2) in subsection (a), by inserting “evaluation,” after “research,”; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) STUDY.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

“SEC. 345. STUDY

“The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

“(1) in the case of sexual abuse, the relationship of the assaulter to the runaway; and

“(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section.”.

(j) ASSISTANCE TO POTENTIAL GRANTEEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) **REPORTS.**—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

“SEC. 381. REPORTS.

“(a) **IN GENERAL.**—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

“(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

“(A) alleviating the problems of runaway and homeless youth;

“(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

“(C) strengthening family relationships and encouraging stable living conditions for such youth; and

“(D) assisting such youth to decide upon a future course of action; and

“(2) in the case of projects funded under part B—

“(A) the number and characteristics of homeless youth served by such projects;

“(B) the types of activities carried out by such projects;

“(C) the effectiveness of such projects in alleviating the problems of homeless youth;

“(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

“(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

“(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

“(G) activities and programs planned by such projects for the following fiscal year.

“(b) **CONTENTS OF REPORTS.**—The Secretary shall include in each report submitted under subsection (a), summaries of—

“(1) the evaluations performed by the Secretary under section 386; and

“(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.”

(l) **EVALUATION.**—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

“SEC. 386. EVALUATION AND INFORMATION.

“(a) **IN GENERAL.**—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

“(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

“(2) collecting additional information for the report required by section 384; and

“(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

“(b) **COOPERATION.**—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.”

(m) **AUTHORIZATION OF APPROPRIATIONS.**—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

“SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—

“(1) **AUTHORIZATION.**—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

“(2) **ALLOCATION.**—

“(A) **PARTS A AND B.**—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

“(B) **PART B.**—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

“(3) **PARTS C AND D.**—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

“(b) **SEPARATE IDENTIFICATION REQUIRED.**—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.”

(n) **SEXUAL ABUSE PREVENTION PROGRAM.**—

(1) **AUTHORITY FOR PROGRAM.**—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

“PART E—SEXUAL ABUSE PREVENTION PROGRAM

“SEC. 351. AUTHORITY TO MAKE GRANTS.

“(a) **IN GENERAL.**—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

“(b) **PRIORITY.**—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.”

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

“(4) **PART E.**—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.”

(o) **CONSOLIDATED REVIEW OF APPLICATIONS.**—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

“SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.

“With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

“(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

“(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.”

(p) **DEFINITIONS.**—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (l) of this section, the following:

“SEC. 387. DEFINITIONS.

“In this title:

“(1) **DRUG ABUSE EDUCATION AND PREVENTION SERVICES.**—The term ‘drug abuse education and prevention services’—

“(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

“(B) may include—

“(i) individual, family, group, and peer counseling;

“(ii) drop-in services;

“(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

“(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

“(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

“(2) **HOME-BASED SERVICES.**—The term ‘home-based services’—

“(A) means services provided to youth and their families for the purpose of—

“(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

“(ii) assisting runaway youth to return to their families; and

“(B) includes services that are provided in the residences of families (to the extent practicable), including—

“(i) intensive individual and family counseling; and

“(ii) training relating to life skills and parenting.

“(3) **HOMELESS YOUTH.**—The term ‘homeless youth’ means an individual—

“(A) who is—

“(i) not more than 21 years of age; and

“(ii) for the purposes of part B, not less than 16 years of age;

“(B) for whom it is not possible to live in a safe environment with a relative; and

“(C) who has no other safe alternative living arrangement.

“(4) **STREET-BASED SERVICES.**—The term ‘street-based services’—

“(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

“(B) may include—

“(i) identification of and outreach to runaway and homeless youth, and street youth;

“(ii) crisis intervention and counseling;

“(iii) information and referral for housing;

“(iv) information and referral for transitional living and health care services;

“(v) advocacy, education, and prevention services related to—

“(I) alcohol and drug abuse;

“(II) sexual exploitation;

“(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

“(IV) physical and sexual assault.

“(5) **STREET YOUTH.**—The term ‘street youth’ means an individual who—

“(A) is—

“(i) a runaway youth; or

“(ii) indefinitely or intermittently a homeless youth; and

“(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

“(6) **TRANSITIONAL LIVING YOUTH PROJECT.**—The term ‘transitional living youth project’ means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

“(7) **YOUTH AT RISK OF SEPARATION FROM THE FAMILY.**—The term ‘youth at risk of separation from the family’ means an individual—

“(A) who is less than 18 years of age; and

“(B)(i) who has a history of running away from the family of such individual;

“(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

“(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.”

(q) **REDESIGNATION OF SECTIONS.**—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this Act, are redesignated

as sections 380, 381, 382, 383, and 384, respectively.

(r) **TECHNICAL AMENDMENTS.**—*The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—*

(1) in section 331, in the first sentence, by striking "With" and all that follows through "the Secretary", and inserting "The Secretary"; and

(2) in section 344(a)(1), by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

SEC. 4. STUDY OF SCHOOL VIOLENCE.

(a) **CONTRACT FOR STUDY.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior;

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings;

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others; and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, families, communities, school experiences, and utilization of mental health services;

(B) the relationship between perpetrators and their victims;

(C) how the perpetrators gained access to firearms;

(D) the impact of cultural influences and exposure to the media, video games, and the Internet; and

(E) such other issues as the panel deems important or relevant to the purpose of the study. The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) **REPORT.**—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) **APPROPRIATION.**—Of the funds made available under Public Law 105-277 for the Department of Education, \$2.1 million shall be made available to carry out this section.

Mr. LEAHY. Mr. President, at-long last the Congress is approving and passing S. 249, the Missing, Exploited and Runaway Children Protection Act, which will reauthorize programs under the Runaway and Homeless Youth Act and will authorize funding for the National Center for Missing and Exploited Children. I have been working since 1996 to get this legislation reauthorized. For each of the past several

months I have come to the floor to express my disappointment over how long it has taken to pass this noncontroversial legislation.

I had some minor concerns with the House amended version of S. 249, but as I said in my statement June 30 of this year, after receiving some clarification and assurances from Secretary Shalala on these concerns, I decided that the House amendments should not keep this important piece of legislation from passing. I am pleased that we could finally clear this bill on the other side of the aisle.

The Missing, Exploited and Runaway Children Protection Act of 1999 reauthorizes programs under the Runaway and Homeless Youth Act and authorizes funding for the National Center for Missing and Exploited Children. Both programs are critical to our nation's youth and to our nation's well-being.

In addition to providing shelter for children in need, the Runaway and Homeless Youth Act ensures that these children and their families have access to important services, such as individual, family or group counseling, alcohol and drug counseling and a myriad of other resources available to help these young people and their families get back on track. As the National Network for Youth has stressed, the Act's programs "provide critical assistance to youth in high-risk situations all over the country."

The National Center for Missing and Exploited Children provides extremely worthwhile and effective assistance to children and families facing crises across the U.S. and around the world. In 1998, the National Center helped law enforcement officers locate over 5,000 missing children. The National Center serves a critical role as a clearinghouse of resources and information for both family members and law enforcement officers. They have developed a network of hotels and restaurants which provide free services to parents in search of their children and have also developed extensive training programs.

I do want to thank the many advocates, who have worked with me over the years, for their tireless efforts to improve the bill. In particular, I must mention the members of the Vermont Coalition of runaway and Homeless Youth Programs and the National Network for Youth for their dedication throughout this process.

This bill, S. 249, should have been enacted last year. It should have been enacted when the Houses finally sent it back to us in May of this year. There was absolutely no reason to stall on this noncontroversial legislation. I am pleased that we were finally able to pass it so these important programs can continue to succeed.

I reincorporate my remarks from June 30, July 15 and August 5 and I ask unanimous consent that a copy of my letter to Secretary Shalala and the response that I received be printed in the RECORD.

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

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 26, 1999.

Hon. DONNA SHALALA,
Secretary of Health and Human Services, Washington, DC.

DEAR SECRETARY SHALALA: I am pleased that we are close to enactment of S. 249, the Missing, Exploited, and Runaway Children Protection Act of 1999, which will reauthorize programs under the Runaway and Homeless Youth Act (RHYA) and authorize funding for the National Center for Missing and Exploited Children. The Senate passed the Leahy-Hatch substitute to S. 249 on April 19, by unanimous consent. Yesterday, the House passed its version of this legislation.

I am concerned about language inserted into the bill during House consideration upon which the Senate was not consulted. That language provides for a "consolidated review of applications" of RHYA grants. Before agreeing to the new language, I need to be assured that this could in no way be construed as consolidating any of the RHYA programs under a single formula allocation.

As you know now, under the RHYA, each year each State is awarded at a minimum \$100,000 for housing and crisis services under the Basic Center grant program. Effective community-based programs around the country can also apply directly for the funding available for the Transitional Living Program and the Sexual Abuse Prevention/Street Outreach grants.

I hope that you can clarify that the new language inserted by House will do nothing to collapse the distinct programs authorized under the RHYA. These programs are very important and I would like to see the legislation passed without further delay.

I have been working since 1996 to enact this reauthorizing legislation. I worked to have the Senate pass this legislation during the last Congress and again earlier this year. With your assurance that Vermont and other small states will not be disadvantaged by the language inserted by the House in competing for national grant funding, I will seek to expedite enactment.

Sincerely,

PATRICK LEAHY,
Ranking Member.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, June 7, 1999.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: You have asked us to consider the impact of certain language recently inserted into the House version of S. 249, the "Missing, Exploited, and Runaway Children Act of 1999". Specifically, you have asked us to consider whether proposed section 385, Consolidated Review of Applications, will adversely affect the eligibility of small States to receive Runaway and Homeless Youth Act (RHYA) funding above the minimum grant allotment of the RHYA Basic Center Grant program.

I am advised by General Counsel that currently the Secretary has wide statutory discretion to prescribe the procedures which will be used in awarding various grants under the RHYA. The Secretary presently exercises this discretion by choosing to include in a consolidated grant announcement several discrete funding opportunities with distinct application requirements. After studying the pertinent language in S. 249, General Counsel has concluded that the proposed legislation provides for a similar level of discretion with respect to procedures to be

used for various grant awards under the RHYA. Therefore, since the proposed legislation does not require the Secretary to change in any way her current procedures for awarding RHYA grants, it will not require the Secretary to commingle the current separate and discrete RHYA funding opportunities so as to adversely affect the eligibility of small States to receive RHYA funding above the minimum grant allotment of the RHYA Basic Center grant program.

I hope this information is helpful to you as you proceed with final consideration of S. 249. The Department deeply appreciates all your efforts to reauthorize the Runaway and Homeless Youth Act.

Sincerely,

RICHARD J. TARPLIN,
Assistant Secretary for Legislation.

Mr. HAGEL. I ask unanimous consent that the Senate agree to the amendment of the House.

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

VETERANS OF FOREIGN WARS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 190, H.J. Res. 34.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 34) congratulating and commending the Veterans of Foreign Wars.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HAGEL. I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be

laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The joint resolution (H.J. Res. 34) was read the third time and passed.

The preamble was agreed to.

ORDERS FOR WEDNESDAY, SEPTEMBER 29, 1999

Mr. HAGEL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 10 a.m. on Wednesday, September 29. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the Labor-HHS appropriations bill. And I ask consent that the motion to proceed to that bill be considered agreed to.

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

PROGRAM

Mr. HAGEL. For the information of all Senators, the Senate will convene on Wednesday at 10 a.m. and will begin consideration of the Labor-HHS appropriations bill. Amendments will be offered; therefore, votes will occur throughout the day and into the evening in an effort to make progress on the last remaining appropriations bill. Also, the Senate may be asked to consider any appropriations conference

reports as they become available for action.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HAGEL. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:21 p.m., adjourned until Wednesday, September 29, 1999, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 28, 1999:

DEPARTMENT OF STATE

CHARLES TAYLOR MANATT, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

GARY L. ACKERMAN, OF NEW YORK, TO A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PETER T. KING, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE JUDICIARY

RICHARD LINN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE GILES S. RICH, DECEASED.

THOMAS L. AMBRO, OF DELAWARE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE WALTER K. STAPLETON, RETIRED.

DEPARTMENT OF JUSTICE

QUENTON I. WHITE, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE JOHN MARSHALL ROBERTS, RESIGNED.

CORPORATION FOR PUBLIC BROADCASTING

FRANK HENRY CRUZ, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006. (REAPPOINTMENT)