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Senate

The Senate met at 9:30 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. Luis Leon, St. John's Episcopal Church, Washington, DC. He is a guest of Senator MARY LANDRIEU.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Luis Leon, offered the following prayer:

Gracious God, who has given us this good land for our heritage, we humbly pray that we may always prove ourselves a people mindful of the grace You have granted us. Bless our land with honorable industry, sound learning, and faithful leadership. Save us from violence and discord, confusion and chaos, pride and arrogance. Defend our liberties and fashion into one Nation the good people brought here out of many lands and languages. Endue with a spirit of wisdom those to whom in Your name we entrust the authority of government, especially the President and the Congress of the United States, that there may be justice and mercy in this land. Strengthen our resolve to see fulfilled all hopes for a lasting peace among all nations. In a time of prosperity, fill our hearts with thankfulness, and in a day of trouble remind us that we still belong to You. All this we ask in Your name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ORRIN HATCH, a Senator from the State of Utah, led the Pledge of Allegiance as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). Senator GRASSLEY is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, for the leader, I would like to give today's schedule.

Today the Senate will resume consideration of the bankruptcy reform bill. Senator SCHUMER will be recognized to debate his amendments regarding safe harbor and clinic violence. There are several other amendments remaining, and those amendments will be debated throughout this morning's session.

All votes, including final passage, will be stacked and are expected to begin at approximately 12 o'clock noon. After disposition of the bankruptcy bill, the Senate is expected to begin consideration of the nomination of Alan Greenspan to continue as Chairman of the Federal Reserve Board.

The leader thanks all Senators for their attention.

I yield the floor.

RESERVATION OF LEADER TIME

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

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 625, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Feingold modified amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Levin amendment No. 2658, to provide for the nondischargeability of debts arising from firearm-related debts.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could say to the acting majority leader, we do hope to finish the bankruptcy bill this morning. As I have indicated, we have Senators FEINGOLD and LEVIN coming over shortly after 11 o'clock. It will take until 11 o'clock with what Senator SCHUMER has to work on.

I would also say that we want to make sure the record is clear; the leader was wondering about the vote that was originally scheduled on the nuclear waste motion to proceed, whether or not that needed to go forward. I want the record to reflect that the Senators from Nevada withdraw their objection and that the vote need not go forth.

Mr. GRASSLEY. I have been informed by staff that we will work on that agreement, and it seems that can be accomplished.

The PRESIDING OFFICER. Under the previous order, the Senator from New York, Mr. SCHUMER, is recognized to call up his amendments.

Mr. SCHUMER. I thank the Chair.

First, I ask that the amendment be considered as read. It is at the desk.

The PRESIDING OFFICER. To which amendment is the Senator referring?

Mr. SCHUMER. Amendment No. 2763. On the other amendment, I just inform my good friend from Iowa, we are trying to work out a compromise and we may not have to debate it—the one on the safe harbor.

Mr. GRASSLEY. We think we can.

Mr. SCHUMER. So we now call up amendment No. 2763, and if we cannot work out a compromise on the other, then I would reserve the right to bring it up.

AMENDMENT NO. 2763

(Purpose: To ensure that debts incurred as a result of clinic violence are nondischargeable)

The PRESIDING OFFICER. Amendment No. 2763 is currently pending before the Senate.

The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. DURBIN, proposes an amendment numbered 2763.

The amendment is as follows:

On page 124, between lines 14 and 15, insert the following:

SEC. 322. NONDISCHARGEABILITY OF DEBTS INCURRED THROUGH THE COMMISSION OF VIOLENCE AT CLINICS.

Section 523(a) of title 11, United States Code, as amended by section 224 of this Act, is amended—

(1) in paragraph (18), by striking ''or'' at the end;

(2) in paragraph (19)(B), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(20) that results from any judgment, order, consent order, or decree entered in any Federal or State court, or contained in any settlement agreement entered into by the debtor, including any damages, fine, penalty, citation, or attorney fee or cost owed by the debtor, arising from—

''(A) an actual or potential action under section 248 of title 18;

''(B) an actual or potential action under any Federal, State, or local law, the purpose of which is to protect—

''(i) access to a health care facility, including a facility providing reproductive health services, as defined in section 248(e) of title 18 (referred to in this paragraph as a 'health care facility'); or

''(ii) the provision of health services, including reproductive health services (referred to in this paragraph as 'health services');

''(C) an actual or potential action alleging the violation of any Federal, State, or local statutory or common law, including chapter 96 of title 18 and the Federal civil rights laws (including sections 1977 through 1980 of the Revised Statutes) that results from the debtor's actual, attempted, or alleged—

''(i) harassment of, intimidation of, interference with, obstruction of, injury to, threat to, or violence against any person—

''(I) because that person provides or has provided health services;

''(II) because that person is or has been obtaining health services; or

''(III) to deter that person, any other person, or a class of persons from obtaining or providing health services; or

''(ii) damage or destruction of property of a health care facility; or

''(D) an actual or alleged violation of a court order or injunction that protects access to a health care facility or the provision of health services.''.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Senators SNOWE, REID, JEFFORDS, and KENNEDY be added as cosponsors.

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

Mr. SCHUMER. Mr. President, I am offering this amendment along with Senators SNOWE and REID, JEFFORDS, FEINSTEIN, LEAHY, MURRAY, KENNEDY, LAUTENBERG, and DURBIN to ensure justice is served for those who willfully and gleefully thumb their noses at clinic protection laws by feigning bankruptcy. This amendment makes debts incurred as a result of acts of clinic violence nondischargeable under the bankruptcy code, and it does this clearly and unequivocally. In other words, this amendment will hold the perpetrators of clinic violence responsible for the damage they incur when they imperil, through either violence or intimidation, a woman's legal right to choose.

The history of this amendment goes back several years. Before 1994, a woman's right to choose, guarded carefully by the Supreme Court, was imperiled. That is because a small and radical minority sought to intimidate, to harass, and ultimately commit violence against clinics that offered women their right, their constitutional right for an abortion.

The chart tells the story. Acts of violence were way up, to 437. It reached its peak in 1993. Acts of disruption went to 3,379 and blockades, including arrests, went to 3,885. In many parts of this country a constitutional right—whether one agrees with it or not—was being prohibited by a very small minority who believed their view was more important than our democratically chosen, American people chosen view.

As a result, this body, in a fine moment, gathered together and said the rule of law must prevail whatever our views, pro-choice or pro-life. I was sponsor of the FACE Act in the House. Senator KENNEDY was the sponsor of the FACE Act in the Senate. Very simply, it said this kind of violence and intimidation had to stop. The major tool it used was to give these beleaguered clinics the right to sue those who committed violence.

It was a proud moment on the floor of this body when, with strong bipartisan support and strong support across pro-choice and pro-life lines, this amendment was agreed to, 69–30, in 1994. It was a proud moment for me in the House when I joined with my friend, Congressman HENRY HYDE—perhaps the leading voice of true conviction on the pro-life side—to support this amendment. Congressman HYDE knew that America depended on the rule of law.

The act had dramatic effects. If you look at the statistics, acts of violence went down, from 437 in 1993 to 113 in 1998. Similarly, acts of disruption went down, from 3,379 down to 2,600. The law was working. But, unfortunately, that extreme few has found a new way to avoid the law and threaten the kind of stasis, the kind of peace, the kind of coming together we had found in this body. What they have done is, when they get a judgment against the type of violence depicted here, they declare bankruptcy and the law cannot be enforced against them.

Randal Terry has $1.6 million in judgments against him. So far not a nickel has been collected. Flip Benham brags he will never pay a cent.

Perhaps the most extreme is the case of the Nuremberg Files, which has, today, its 1-year anniversary of a jury verdict of $109 million against those who put it together. The Nuremberg Files was a group of extremists. They published the names of doctors and accused them of murder. They published the addresses where their children went to school. Their graphic on the computer had blood dripping from the pictures of the doctors. They published the name of Dr. Slepian, who was murdered, and after a doctor was injured they put the name in gray. After a doctor was killed, as in Dr. Slepian's case, from my State of New York, up in Buffalo, they put an X through the name.

Because of their activities, because of the ''wanted'' posters, where three doctors were killed once they put out ''wanted'' posters, a Federal court in Oregon urged the judgment against them. That judgment, the jury verdict, was 1 year ago today.

What did the defendants in that case do? The judge knew they would try to clean themselves of their assets and divest them. So the judge ordered them not to divest themselves of their assets. In each case, 2 or 3 days before they were to come to the court for a disposition of how they were going to pay their fine, they went back to their home States and declared bankruptcy. This horrible, horrible situation was compounded by the use of a bankruptcy law that no one in this body or anywhere else intended to be for that purpose.

This is what the attorney for the defendants in the Nuremberg Files case said:

> The jury charge in this case created a negligence standard for threats. The charge on punitive damages embraces reckless or malicious conduct and my understanding is that reckless conduct does not preclude a discharge in bankruptcy.

Anyone who says our present laws cover this horrible situation and the many others like it ought to listen to the very lawyer in the Nuremberg Files case.

So no money has been collected, not only from the Nuremberg Files defendants but from all the others who are laughing at our law. They have gone back to their States and now the whole issue will be litigated again. Because we do not have a law, they will debate again whether the conduct was reckless—which is what the lawyers claim the jury verdict called for—or whether it was violent, in which case it would be covered by present law.

So the reason we are here today, the reason this vote has been so contested, is because a major tenet of our democracy is at stake—the rule of law. We talked about the rule of law last year at this time in this Chamber. If there was ever a case that cried out for

Democrats and Republicans coming together, for pro-choice and pro-life people coming together, it is this very case.

Let me answer a few questions that have been brought up about this amendment. First, is this a move by the pro-choice movement to move the goalposts? Absolutely not. My lead cosponsor on the Democratic side, Senator REID, is probably the foremost advocate on the pro-life side on our side. I respect his view. HENRY HYDE supported the FACE law. Others who disagree with my view on choice have also come to support FACE and the amendment. It is not pro-life or pro-choice, it is pro rule of law. It is pro-American.

Second, some say it is already covered by the willful and malicious exception in the bankruptcy law. It is true that if there is a willful, intentional, malicious tort, it might be covered by the bankruptcy law. But it would have to go to each bankruptcy court, as in the Nuremberg Files case, after the judgment. Without our statute, it would have to go back to each bankruptcy court in the State and be litigated. Then there would be one determination or another.

But what about these types of cases? What about situations where there is reckless conduct but not malicious conduct? The lawyer in the Nuremberg Files matter—clearly conduct we wish to prohibit—said it was reckless, not malicious, and would not be covered by the exception in the bankruptcy law.

What about the case where there is no intent? Thousands come and blockade a clinic but they say: My intent was not to create any violence. Then you would have to prove, for each one of those defendants, their own intent, a next to impossible job.

What about contempt orders? Everyone agrees that contempt orders are not covered by the exception.

So for anyone to argue the present law covers this, I say two things to you: No, it does not. And if you believe it does, there is no reason not to make sure that it does by passing our amendment.

How about some from the other side who argue bankruptcy should not be used to promote public policy? We are not promoting public policy. In fact, it is those who have declared bankruptcy after committing terrible acts who are seeking to use the bankruptcy code for public policy goals. The bankruptcy code was never intended that way. What we are doing by this amendment is protecting the bankruptcy code from those who seek to twist it and turn it and use it for their goals in public policy. In fact, we have done it before in this Chamber. We did it, with almost unanimous support, for drunken drivers. There is an exception in the code for that. It is a horrible thing—so is this.

I argue one more thing to my colleagues. This is the first time we have had an organized movement in America that seeks to use the bankruptcy code for these purposes. They tell people how to declare bankruptcy. One of the major organizations says you have to be judgment proof before you can join it. I have never seen that before in this country—I don't think anyone has—where an organized group seeks to subvert the law and then tells its members you can avoid its consequences by declaring bankruptcy.

One final question. I do not know if my colleagues from the other side will have an amendment similar to this. The Senator from Iowa is shaking his head no. But we have not seen one so far, and the amendment can only argue one of two things.

Mr. GRASSLEY. I just don't know.

Mr. SCHUMER. He doesn't know. I appreciate my friend's candor, although we have been debating this. This amendment came up in the Judiciary Committee in October or November and we do not know. But I argue to my colleagues, whatever you think of the other amendment, if it covers this it cannot hurt to have this one. If it does not cover it, we need it.

I do not have any predisposition, having not seen the amendment, whether you vote for or against an alternative. But voting for or against that alternative will not solve the problem. Voting yes or no on this amendment will.

In conclusion, this amendment and this debate—on its surface about somewhat arcane provisions in the bankruptcy law—is what America is all about. We have always had people with deeply felt views. The bishop in my community every month says the Rosary in front of an abortion clinic.

I disagree with his views. Bishop Daily is a fine man. I would defend his right to do that. I would vote for legislation that would allow him to do that.

We have always had people in America of strongly held views, but every so often we have people whose views not only are strongly held but who believe because they believe it, they should subvert the will of the American people, they should take the law into their own hands.

This happened shortly after the founding of the Republic. It happened throughout the 19th century. It happened throughout the 20th century. Every time that has happened, the Members of this distinguished body have risen and said we must defend the rule of law because nothing is more sacred to America.

People have uttered courageous speeches on the floor of this Chamber about that, even if they did not agree with the specific view. This is one such moment.

The vote is close. It is neck and neck. The Vice President has graciously agreed to interrupt his schedule to be here because the vote is so close and because this bill and this amendment is so important.

I urge my colleagues to look into your hearts and souls. You walk with America. We do it every day in this Chamber. Do not turn your back on what you know is right. Do not turn your back on the rule of law. Do not turn your back on what our Founding Fathers shed blood for, which is the right of a democracy to make its own decisions and not have a small band of people, for whatever reason, take decisions into their own hands.

I urge my colleagues to support this amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume. I hope my friend, Senator HATCH, will debate the fine points of the law with the Senator from New York because I am not a lawyer. I have strong feelings on the issue of abortion which do not have to be expressed today. My friend, the Senator from New York, has opposite views on that issue and he has not expressed them and does not have to express them as far as this amendment is concerned. I oppose this amendment simply because it is not needed.

First, I will comment on the possibility of the Vice President of the United States having to vote today to break a tie. I predict that if the Vice President is in town and this vote is that close, the Vice President will be here and will have an opportunity to cast that vote. If the Vice President is in town to break a tie, there is going to be at least one person who supports that amendment who is going to vote against it just so we can have a tie vote, just so the President can cast his vote because the Vice President running for President of the United States is not going to break into his schedule with the tight vote he had in New Hampshire last night and avoid campaigning in the other States and waste his time here if he does not actually have to cast that vote.

We are in for not only political moments on this issue, but we are in for some very constitutional moments on this issue as well.

I like the theater that is going on this morning. We have seen it at least once before, and we may see it several times between now and November. I do not blame the people on the other side for creating this theater because I think the Vice President is going to need it between now and the November election if he intends to be elected President of the United States.

Mr. SCHUMER. Will the Senator from Iowa yield?

Mr. GRASSLEY. Of course, I will yield. I know what you are going to say—that everything I have said is not true. I have seen it happen before.

Mr. SCHUMER. Let me explain to the Senator from Iowa what happened, and I realize he has not intended to cast stones.

I have been lobbying Members on this vote for the last several weeks. As the Senator knows, this amendment held up the bankruptcy bill from being voted on last year because many of us felt so strongly about it.

As of yesterday, it looked as if the vote was dead even. That is the count we have. Last night, I called the Vice President and said: It looks dead even. You make a decision, but it is an important issue to us. And he determined to come back. It has nothing to do with theater. It has nothing to do with, frankly, the politics of this campaign. It has to do with the fact that so many of us consider the FACE law—both pro-life and pro-choice—so important that we could not bear to see it undermined, particularly if it lost by a very narrow margin.

I do not know what the vote will be. I do not know what kind of arm twisting will go on between now and then. I do know there has been dramatic resistance to this amendment which held up a bill that large numbers of people on both sides of the aisle wanted very much to have come to the floor last year, and I think the remarks of the Senator from Iowa do not fit the facts in this situation regarding the Vice President.

I thank him for the graciousness of yielding.

Mr. GRASSLEY. Mr. President, before I proceed, I presume the Senator from New York is willing to have the time for his remarks come out of his time and not out of my time. I hope he will agree to that.

Mr. SCHUMER. I ask unanimous consent that each side be given an additional 10 minutes because this is an important amendment. I ask unanimous consent we each be given an additional 10 minutes.

The PRESIDING OFFICER. Is there objection to the request?

Mr. GRASSLEY. I still want the time to come out of his side.

Mr. SCHUMER. I will accept that.

The PRESIDING OFFICER. And it will be charged.

The Senator from Iowa.

Mr. GRASSLEY. I give the Senator from New York and all the other people on the other side of the aisle the benefit of the doubt, but as a matter of constitutional fact, there is always some theater when the Vice President has to cast a tie-breaking vote. Also, there is some justification for what I said, not based upon what I know is going to happen this time but what I have seen happen in the past.

The other thing I want to tell the Senator from New York, regardless of what I said about the theater, I want to base my remarks upon what I think is unneeded legislation. This gets to some of the finer points of law that I am not going to argue and debate with the Senator from New York because he would say under certain circumstances, because of intent or because of court orders, the necessity to go back to State courts, his amendment will enhance the protection of people about whom he is concerned. Those are not serious considerations. His amendment is not needed.

First of all, it is very necessary to say, and I hope the Senator from New York will not take offense with this, that we would not even be debating this amendment or anything with bankruptcy if he had his way because he was one of those who voted against the bankruptcy legislation. I do not fault the Senator from New York for doing that. That is, obviously, his right.

He can say he wants bankruptcy legislation and he voted against it because this amendment was not included or maybe he is against bankruptcy generally, but the fact is that he voted against the bankruptcy reform bill we have before us.

People who generally do not want a bankruptcy reform bill have proposed some pretty politically sensitive amendments—and this is one of them—that are basically a distraction from the real issue of why we need bankruptcy reform. I do not need to repeat what I said yesterday, such as we have had a 100-percent increase in personal bankruptcies over the last 7 or 8 years. From that standpoint, we have a very serious social and economic problem with which we have to deal, and particularly the way the present bankruptcy code is written, the amendment is not needed. I want to state why it is not needed because my colleagues are entitled to know.

I hope a lot of the people in this Chamber who want a bankruptcy reform bill will view this amendment in its proper context of being proposed as a distraction from the real issues of bankruptcy reform, particularly since I am going to convince them that this amendment is not needed based upon the way the present law is written.

But putting aside the obvious political nature of the amendment, this amendment should fail on its merits. The amendment would make judgments resulting from violent as well as nonviolent activities engaged in by pro-life activists nondischargeable in chapter 7 bankruptcy.

The amendment does not provide for the same treatment for violent or nonviolent activities engaged in by prochoice activists. In other words, this amendment does not even pretend to be fair and balanced. It is an effort aimed only at one side of this very hot political debate that is known as the abortion debate. I do not think the Senate should change bankruptcy policy in such a one-sided way.

But the amendment does not even accomplish its one-sided goal. The amendment only affects chapter 7 bankruptcy. So I want to give you a second reason for being against it, based upon the fact that it fails on its own merits. Since it only affects chapter 7 bankruptcy, there is another way that people who are affected by this amendment, who want to go into bankruptcy to protect themselves, can do it. They can do that through chapter 13 because the amendment does not make any new debts nondischargeable in chapter 13. So any of the people to whom the Senator from New York refers to that his amendment is necessary for could file under chapter 13, pay pennies on the dollar, and walk away from debt.

As I said when I voted on this amendment in the Judiciary Committee, the nonpartisan Congressional Research Service has concluded that court judgments resulting from violations of the FACE Act are already nondischargeable in chapter 7 under politically neutral provisions of section 523 of the code. This amendment, the Congressional Research Service says, isn't needed.

Finally, it is worth noting that some Senators on the Democratic side have been very critical of making new categories of nondischargeable debts. If you listen to the White House—and we have listened to the White House quite a bit on this bill and have tried to satisfy people by making changes in it that have not hurt our general approach—if you listen to these same people, who have been listened to by me and other people in this body who want bankruptcy reform, you hear that anytime you create nondischargeable debts, the collection of child support suffers. I will bet the Senator from New York has made this same point on other nondischargeable debts concerning child support.

Some of those concerns have been very legitimate. We have responded to them. I guess I would have to say, from where I started 2 years ago on this legislation, I have been educated on some of the writing of our original bill to make those changes so that we make child support No. 1 in our considerations in bankruptcy courts.

But the White House, regardless, is saying nondischargeable debts make collection of child support much more difficult. But here we have an amendment from the minority to create a nondischargeable debt. So based on the arguments of the White House, this amendment should be rejected because it hurts child support claimants.

This is a very serious inconsistency on the part of people, particularly on the other side of the aisle, in proposing this amendment. The fact is, bankruptcy reform is so popular with the American people, so popular with Members of the Senate, that those who oppose real bankruptcy reform look for distractions, distractions based on the merits of their amendment, based on their opposition to the legislation, but also a needless distraction.

If, in their good conscience, they believe their amendment is needed, it in fact isn't needed because our bankruptcy code already deals, in a nonpolitical way, with these political questions that people believe can only be responded to by making one more thing nondischargeable.

This amendment is, on balance, a distraction and should fail for the reason it was offered. But, most importantly, it should fail on its merits. The merits just do not call for its adoption. I have expressed my views on that.

I yield the floor and ask our people to vote against it.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from New York.

Mr. SCHUMER. I yield 4 minutes to the distinguished Senator from the State of Washington, a cosponsor of this legislation.

The PRESIDING OFFICER. The Senator from Washington is recognized for 4 minutes.

Mrs. MURRAY. Mr. President, let me assure my colleagues, this issue is not about theater. It is about the very real issue of violence against women. I join with my colleague, the Senator from New York, and thank him for his work on this amendment and urge my colleagues to support it.

This amendment is not about abortion. This amendment is about violence against women. We cannot allow violent extremists to use the bankruptcy code to carry out their agenda of violence.

If anyone thinks this is simply another abortion or choice issue, let me point out to all of you, there are groups and individuals who teach violent protesters how to protect their financial assets in the event of a civil or criminal penalty. There are classes one can take or pamphlets one can read spelling out how violent protesters can get around any punitive financial damage by simply running to bankruptcy court.

It is simply beyond comprehension how we can allow those convicted of violence and intimidation to be excused from punitive financial penalties. If we are serious about reducing violence and sending the right message to our children, we must support the Schumer amendment.

In 1998, there were two murders and one attempted murder of clinic workers. Since 1990, abortion clinic arson and bombings have resulted in over $8.5 million in damages. Two bombs were recently discovered at clinics in Kentucky and Ohio. Every day, women are harassed and intimidated as they seek proper health care services. This violence must stop, and those responsible must be held accountable.

Passage of the Schumer amendment will send the message that violence will not be tolerated. Peaceful protests will continue. Each individual has a right to freely express their views and their opinions. But no one has a right to carry out a campaign of fear and violence.

For too many women, these clinics are their only access to health care, including cancer screening and prenatal care. Constant and violent threats diminish access to health care for hundreds of women and subject them to unreasonable abuse and intimidation. Do not reward those who seek to deny women access to legal, affordable health care services.

Mr. President, I urge my colleagues to do the right thing and support the Schumer amendment.

I yield back my time to the Senator from New York.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 17½ minutes remaining.

Mr. SCHUMER. Mr. President, how much on our side?

The PRESIDING OFFICER. The Senator from New York has 9 minutes remaining.

Mr. SCHUMER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, bankruptcy law already covers willful, malicious, intentional conduct about which the distinguished Senator from Washington has been talking.

I rise to speak in opposition to this amendment offered by the Senator from New York. Nobody in this body condones violence of any kind. There is no excuse for it; that is, whether it is committed at an abortion clinic, whether it is committed by labor unions, or whether it is committed against churches, or for any other reason. But this amendment has nothing legitimate to do with bankruptcy reform. In my view, we should focus on our task of providing real bankruptcy relief for the American people.

This amendment is unnecessary. It provides that debts and liabilities arising from abortion clinic violence would not be dischargeable in bankruptcy. There simply is no need to place damages regarding access to abortions in a special class with special protections above other damages for other actions, including, for example, actions under civil rights laws. Not only is it poor policy to segregate certain classes of violence for special status in bankruptcy, but the bankruptcy code already allows for the nondischargeability of debts for ''willful and malicious injury by the debtor.'' This is already taken care of, if that is what the Senator is really concerned about, willful and malicious injury caused by the debtor. Indeed, I asked to include a summary of a recent case in the RECORD.

In that case, the Behn case, it is said, in a newspaper report of that case:

> A veteran anti-abortion protester cannot use bankruptcy to erase a debt of more than $50,000 in court-imposed fines, legal fees and interest she owes a Buffalo clinic that performs abortions, a federal judge has ruled.
>
> ''If anyone thought they might escape penalties for violating a judge's order through bankruptcy,'' said Glenn E. Murray, a lawyer who represented the clinic, ''they should read this decision.''

Already the law takes care of what the distinguished Senator from New York would like to have taken care of.

Notwithstanding that this amendment is entitled ''Nondischargeability of Debts Incurred Through the Commission of Violence at Clinics,'' its reach extends much more broadly. That is where the danger comes in.

For example, the amendment, by its own terms, is not limited to acts of violence, as the title would lead us to believe, but covers acts of ''interference with'' a person seeking an abortion, whatever that means. In addition, the amendment refers to ''an actual or potential action under any Federal, State, or local law'' having to do with providing abortions.

As I read this language, it goes far beyond the discrete issue of violence at abortion clinics. In fact, if you read this language in the actual amendment, it has some very strange language in it. It says, in paragraph (3)(C):

> an actual or potential action alleging the violation of any Federal, State, or local statutory or common law, including chapter 96 of title 18 and the Federal civil rights laws (including sections 1977 through 1980 of the Revised Statutes) that results from the debtor's actual, attempted, or alleged—(i) harassment of, intimidation of, interference with, obstruction of . . .

Then it gets into injury to, threat to, or violence against any person. Look at that language: harassment, intimidation, interference. My goodness.

I urge my colleagues to read the actual text of the amendment before they vote. If they believe they are voting on an amendment that strictly covers acts of violence at abortion clinics, they are mistaken. Who knows how this amendment is going to be applied otherwise. The bankruptcy law already takes care of violence, abortion clinic violence, if you will. It does not discharge that in bankruptcy. The cases so state. I do not think we should fail to recognize that the bankruptcy code already provides or allows for the nondischargeability of debts ''for willful and malicious injury by the debtor.''

This goes far beyond real injury. This actually could be used to oppress people who legitimately feel otherwise than the abortion clinic does. I urge my colleagues to reject this amendment. At the appropriate time, I am sure the distinguished Senator from Iowa or myself will move to table the amendment. I hope we can reject this amendment. I hope it is not necessary for the Vice President to come and break a tie vote on this matter. I think this would be catastrophic language in the bankruptcy code, which already does take care of violence at abortion clinics. Case law so states.

This is just another overreach by those who want to make a political issue out of something that does not deserve to be in the bankruptcy code, although I believe it is a sincere overreach that perhaps is not considered such by my dear friend from New York, for whom I have a lot of esteem in the law. I am concerned about this kind of language. It is very broad, very undefined. No question that it goes far beyond actual injury, far beyond malicious conduct, far beyond willful and malicious injury that the bankruptcy code already covers. We have enough in the code to take care of problems at abortion clinics without putting in harassment, intimidation, interference, and obstruction into the bankruptcy code.

I reserve the remainder of our time.

Mr. SCHUMER. Mr. President, I yield 3 minutes to the distinguished Senator from Nevada, cosponsor of this amendment and one of its leaders.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 3 minutes.

Mr. REID. Mr. President, I appreciate very much the statement of the Senator from Iowa where he tried to indicate that the Vice President was coming here because of some problem in the campaign. I direct the attention of the Senator from Iowa to what really took place in New Hampshire last night. As every political pundit in America has stated, Democrat and Republican, those who are neutral, Bush was bushwhacked in New Hampshire. That is the real problem. I appreciate the Senator's attempt to divert attention from the fact that there really was a problem in New Hampshire for Governor Bush.

In the year 1215, in a meadow in England, a group of barons were with King John. King John couldn't sign his name, but he did affix his cross, his X, to a document that we now call the Magna Carta. The reason that was so important in our history is because it was the beginning of common law. It was the beginning of the rule of law that we adopted when we became a nation. We followed the English common law which started with Runnymeade and the Magna Carta. It established the rule of law, not a rule of kings, not a rule of demagogues, not a rule of zealots but a rule where we follow the law.

That is what this debate is about today. There are a group of people in America today who recognize there is a law, but they are above it. They don't have to follow it. They can go and use butyric acid, fire, bullets, guns, causing murder, disruption of businesses. They can, of course, cause all these blockades, and people who disagree have said what you are doing is wrong. You are avoiding the law, and we are going to take you to court and have a court of law determine that you are wrong, and you are going to have to respond in money damages for the violence and the disruption in business and the damage that you have caused. They have gone to court and they have won those lawsuits. They have had money judgments rendered against them. These people who caused this disruption of business, who threw this acid in people's faces in clinics, who set fires, who murdered people, they say we are above the law; we don't have to follow it because we disagree with the law.

We are a country that has a rule of law. These people should not be able to discharge these debts in bankruptcy. That is what this amendment is all about.

We recognize that violence and terror are worsening every day in this world, and we have to stop it. This is one method of stopping it. One of the reasons these people flout the law is they say don't have to follow the law.

Mr. President, these people intimidate. They recognize that they do not have to be held accountable. Today, what we are saying is we must act to ensure that we live in a law-abiding society. This amendment does that by saying that those who have a judgment rendered against them in a court of law, where the court has determined that they engaged in unlawful acts of intimidation and violence, can't escape responsibility for their actions in bankruptcy court.

I believe in our system of justice, where courts and juries make decisions that we as the American public must follow. Some people don't believe in our system of justice; they don't believe in our system of trial by jury and court determinations. They believe money damages awarded against them mean nothing because they are going to discharge them in bankruptcy. In effect, they believe the law is for everybody else but them. We think that is wrong and that is why we should have an overwhelming vote in the Senate. The Vice President, even though he is going to be here, should not have to break a tie. People of good conscience on both sides of the aisle should vote in favor of this amendment. It is the right thing to do because it upholds the rule of law.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, look, let's not get this amendment mixed up. The current law takes care of actual injury. It takes care of malicious injury and willful injury by the debtor. That is not discharged in bankruptcy. So it has nothing to do with violence. The current law takes care of that.

None of us condone violence. That is not what this amendment is about. Look at the doggone language of this amendment. It is unbelievable. What it says here is, ''an actual or potential action alleging the violation of any Federal, State, or local statutory or common law'' and ''that results from the debtor's actual, attempted, or alleged harassment. . .''

What does that mean? ''Intimidation of. . .'' What does that mean? If somebody says ''boo,'' are they intimidating and they could not be discharged in bankruptcy, in an unjust case in bankruptcy where they haven't caused any harm or willful malicious injury? Interference with? Obstruction of? This is an overreach if there ever was one, since we already have bankruptcy law that provides nondischargeability of debts of a debtor who has caused willful or malicious injury to another person, or even to the clinic, I suppose. We should not get into a type of social engineering in the bankruptcy code since we already take care of willful and malicious activities. When you start talking about harassment, intimidation, obstruction, interference—these are words that can be used in a criminal code, but they should not be used in the bankruptcy code which already provides for willful, malicious injury by the debtor as nondischargeable in bankruptcy. I think when we get into that stuff we are getting into areas that basically disrupt the code and should not be part of the code.

None of us tolerate or approve of violence at the abortion clinics. Some of these anti-abortion people who have committed violence should be punished to the full extent of the law. They should not be allowed to get away with it. Whichever side you are on in this issue ought to be a side of debate and a side of honest debate, not a side of violence. But we take care of willful and malicious injury, which may not even be violence. It may be something that even involves negligence, I suppose. We take care of it in the current code.

Why should we amend the code just because some would like to do so with this strange and very undefined language. Plus, it is something that everybody ought to think about—improper and illegal, or should I say nonlegal, to argue that this amendment is all about violence. It is not at all. It is about extending what is already covered to areas that literally do not involve violence or malicious injury or willful and violent and malicious conduct. That is not what the bankruptcy code should be all about. I hope our colleagues will vote this amendment down.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from New York has 6 minutes.

Mr. SCHUMER. I yield myself 3 minutes.

Mr. President, I greatly respect my friend from Utah, who is a fine legislator and a fine human being. He is just dead wrong on this. Let me just answer this. He said we don't need this law, first, because the present code covers it. CRS, which is hardly known as either a pro-life or a pro-choice organization, is respected for their analysis and they say in a memorandum of June 8:

> We conclude, for the reasons discussed below, that the Schumer proposal, which would add a new subsection 19 to 523(a), is far broader in scope and would encompass a far wider range of potential debtor liability than is currently covered by 523(a)(6).

Don't rely on Senator HATCH, don't rely on Senator SCHUMER, but on 523. One other point. The Senator from Utah says everything is covered. Let's hear what the attorney said in that Nuremberg Files case, that horrible and devastating case—so bad that a jury in Oregon awarded $109 million in damages, realizing what has happened in America in terms of the death of doctors. Here is what the lawyer said:

> Your clients are nothing more than nonpriority, unsecured judgment creditors, with other judgment creditors ahead of them . . . even a car loan has priority over your judgment.

Let me repeat that so maybe my friend from Utah can hear me in the

Cloakroom: ''. . . even a car loan has priority over your judgment.''

Is that what we wanted in the present law? No, absolutely not. The record is clear. There are certain instances where the present law would cover it—narrow instances, and even in those cases, you would have to go all the way back to bankruptcy court and relitigate. But in many of these cases, the law is not clear, and in every one of these cases, you make them litigate two, three, four times. We know what the policy of these violent extremists is. It is to delay and delay and delay. They should not be allowed to use the bankruptcy code to do that.

One other point. I think my good friend from Iowa said, well, it doesn't stop violence. That might be done by pro-choice groups. Not so. If a pro-choice group were to decide to blockade a clinic, or threaten a doctor, or use violence because they did not like what that clinic was doing, they would be equally subject to the law.

The reason that statement is so absurd is because we don't have a grand movement on the pro-choice side seeking to use violence. Read the works of Randal Terry and Flip Benham and everybody else. They believe because they are morally superior to the rest of us that they have the right to take the law into their own hands and use violence.

The PRESIDING OFFICER. The Senator's 3 minutes has expired.

Mr. SCHUMER. I thank the President.

The PRESIDING OFFICER. The Senator from New York has 3 minutes remaining, and the Senator from Iowa has 6 minutes remaining.

Mr. GRASSLEY. Mr. President, we have a speaker on his way. Senator SESSIONS wants to speak.

Mr. REID. Mr. President, I am wondering. Senator LEAHY, the ranking member of the committee, could speak. Until everyone is ready, why don't we suggest the absence of a quorum so the time is reserved. I suggest the absence of a quorum and ask unanimous consent that the time not be charged to the respective sides.

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

Mr. SCHUMER. Mr. President, I ask unanimous consent, given we don't have any other business scheduled until 11 o'clock—we have other Members coming from both sides who wish to speak—that each side be given an additional 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object to that. Let's wait until we use our time and make that decision at that particular time.

The PRESIDING OFFICER. Objection is observed. The absence of a quorum has been suggested, and the clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, will the Senator from New York yield 2 minutes?

Mr. SCHUMER. I am happy to yield 2 minutes to the distinguished ranking member of the Judiciary Committee, who has been a guiding inspiration.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I very proudly cosponsored the amendment of the Senator from New York. Senator SCHUMER's amendment on debts incurred through the commission of violence to health service clinics is a good one. It closes a real-life loophole in our bankruptcy code because some people are using the bankruptcy laws to avoid paying debts arising from clinic violence.

That is a dangerous precedent that Congress should stop. It would be the same if somebody was doing this using the bankruptcy laws to escape paying bills for violence against anybody, whether groups with which I agree or groups with which I disagree.

We should not use the bankruptcy laws for this. It is wrong to allow court judgments under the Freedom of Access to Clinic Entrances Act to be discharged under our bankruptcy laws. In fact, 12 individuals who created the Nuremberg Files web site filed bankruptcy to avoid their debts under the law.

If I could make a personal note on this, at a time when a doctor was murdered in New York because his name was on the Nuremberg Files, within days they determined that the chief suspect was a man from Vermont. I went to the Nuremberg Files. My name was listed among those to be shot.

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

Mr. LEAHY. I ask for another 30 seconds.

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

Mr. LEAHY. This was a very chilling thing for both me and my family. To think somebody could use laws to escape any penalties they might receive under their use of our bankruptcy laws is wrong.

I agree with the Senator from New York.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields time, it will be charged equally between the two sides.

Mr. SCHUMER. Mr. President, might I renew the request of Senator REID that we have a quorum call not to be counted against either side until Senator SESSIONS can get here? Is there a way?

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

Mr. GRASSLEY. We have done it that way already.

Mr. REID. I am sorry. I sure wasn't in on the request.

Mr. SCHUMER. If I might answer the question—Mr. President, may I respond to Senator REID's question?

The PRESIDING OFFICER. Is the Senator from New York suggesting the absence of a quorum without the time being charged to either side?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant bill clerk 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 discussed this with the Senator from Iowa, and he has graciously agreed to 1½ additional minutes.

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

Mr. SCHUMER. Then all time will have expired. Is that right? OK.

I thank the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa has 6 minutes.

Mr. GRASSLEY. We will take care of ours. We will yield it.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I say in conclusion to my colleagues that this is an extremely important amendment to keep a bipartisan law, the FACE law, alive and well. If we don't pass this amendment, there will be hundreds and hundreds of instances where people perpetrate violence, and violate the FACE law, and they will not be held accountable.

Let me repeat again what the Nuremberg Files people, who list Members of this body as people who ought to be looked at, say:

> The judgment in this case, in my view, is not only . . . non-priority unsecured debt but fully dischargeable debt.
>
> Even a car loan has priority over your judgment.

That makes a mockery of the rule of law in this country. This is not a pro-choice or a pro-life law. This is the law that says those who seek violence, threat, and intimidation against legal clinics in America because they somehow feel they have a moral superiority to every one of us will be punished for their actions.

It is a desperately needed proposal. I urge my colleagues to support it.

I yield the floor.

Mr. L. CHAFEE. Mr. President, clinics that provide family planning services and counseling as well as abortions are engaged in an honest, law-abiding activity. These services enable women to exercise their right to make reasoned and informed decisions about their reproductive futures. Yet, given the escalating culture of violence surrounding these clinics, abortion providers and clinic workers risk their lives coming to work each day.

In my own state of Rhode Island, I have heard troubling reports of clinic violence from people such as Pablo Rodriguez M.D., medical director of Planned Parenthood Rhode Island.

Although Congress has made strides to stem clinic violence by passing the Freedom of Access to Clinic Entrances Act (FACE), this statute has not been a panacea. While FACE empowered those victimized by clinic violence to sue, many plaintiffs found liable in civil court for clinic violence seek refuge under our nation's bankruptcy law to avoid paying the financial penalties levied against them.

Providing women's health services is legal; clinic violence is not. I believe we must do anything we can to discourage these horrible acts of violence. Senator SCHUMER's amendment closes a loophole that allows perpetrators of clinic violence to escape the consequences of their actions.

The bankruptcy code was intended to provide a fresh start for honest debtors, not those who have violated the law and endangered innocent lives. Therefore, I urge my colleagues to vote in favor of Senator SCHUMER's amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent the 10 minutes set aside for the Harkin amendment be given to Senator KENNEDY to speak on the bill.

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

Mr. REID. Following the statement by Senator KENNEDY, the amendment will be withdrawn.

The PRESIDING OFFICER. The Harkin amendment is not pending.

Mr. REID. I ask unanimous consent the amendment that is now pending be set aside and the Harkin amendment be in order.

The PRESIDING OFFICER. For 10 minutes?

Mr. REID. Yes, and following the statement by Senator KENNEDY, the amendment be withdrawn. And, of course it goes without saying, the time of the majority would be reserved, not be taken as a result of this unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I thank the Chair.

AMENDMENT NO. 2770

(Purpose: Invalidating hidden security interests on nearly valueless household liens)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HARKIN, proposes an amendment numbered 2770.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, add the following section:

SEC. . (a) INVALIDATING HIDDEN SECURITY INTERESTS AND NEARLY VALUELESS HOUSEHOLD LIENS

(1) EXEMPT PROPERTY.—Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

''(4) A lien held by a creditor on an interest of the debtor in any item of household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, or jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor shall be void unless—

''(A) the holder of the lien files with the court and serves on the debtor, within 30 days after the meeting of creditors or before the hearing on confirmation of a plan, whichever occurs first, a sworn declaration that the purchase price for the particular item that is subject to such lien exceeded $1,000 or that the item was purchased within 180 days prior to the filing of the bankruptcy petition, and

''(B)(i) the debtor does not timely object to such declaration; or

''(ii)(I) the debtor objects to such declaration; and

''(II) the court finds that the purchase price of the item exceeded $1,000 or that the item was purchased within 180 days prior to the filing of the bankruptcy petition and that such lien is not avoidable under paragraph (f)(1) of this section.''.

(2) CONFORMING AMENDMENTS—Section 104(b)(1) of title 11, United States Code, is amended by inserting '522(f),' after '522(d)'.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. I thank the leaders.

Mr. President, I yield myself 8 minutes at this time.

The PRESIDING OFFICER. The Senator will be recognized for 8 minutes.

Mr. KENNEDY. Mr. President, as the Senate completes its work on the bankruptcy bill, we are more aware than ever of the potential impact of this legislation on American citizens and businesses.

This legislation purports to reform the bankruptcy system and eliminate debtor abuses, and the banking and credit card industries have been urging action on it for the past two years. They argue that during this time of economic expansion, Congress should deal with the increase in bankruptcy filings by curtailing pervasive debtor fraud. If Congress doesn't act, they say, the economy will suffer.

But the industry's cure is worse than the disease. First, they fail to acknowledge a key fact—the steady decline in bankruptcy filings. Without any action by Congress, the number of bankruptcy filings is going down. Filings have dropped in 42 states. Overall, there were 112,000 fewer personal bankruptcies in 1999 than in 1998—the largest one-year drop on record.

Leading economists believe that the bankruptcy crisis is self-correcting. The significant drop in filing is ample indication that a harsh bankruptcy bill is not needed.

It is abundantly clear that the bill before us is unnecessarily harsh. As House Judiciary Committee Chairman HENRY HYDE acknowledged, it contains dozens of provisions that favor creditors, and it fails to address the serious problems that often force citizens into bankruptcy.

The bill will make it more difficult for thousands of debtors who file for bankruptcy because of the layoffs and corporate downsizing that take place after mergers, and that are ordered by businesses to improve profits.

This bill also makes it more difficult for families already torn apart by divorce—particularly divorced women, who are four times more likely to file for bankruptcy than married women or single men.

The bill would also have a devastating effect on the millions of Americans who have no health insurance or substandard coverage. For almost 20 percent of those filing for bankruptcy protection, a health-related problem led to their economic problems.

Earlier in the debate we took the time of the Senate to go through each of those categories, the numbers of people who went into bankruptcy as a result of the mergers and downsizing of major companies and corporations. These are American men and women who have worked hard all of their lives and through no fault of their own were put in very difficult economic straits and run into bankruptcy.

Because of the escalation of divorce, large numbers of single women are particularly vulnerable, because of their credit situation, to run into problems with bankruptcy. We have seen with the decline of health care coverage, particularly among older workers in their fifties, before they are eligible for Medicare, they have been the increasing targets of bankruptcy. These are groups of Americans who have been hard-working all of their lives and now are going to be caught up in this particular legislation which I think is particularly harsh on these individuals, and needlessly so.

In addition, this bill fails to significantly address the serious problems created by the credit card industry. In an average month, 7 percent of all households in the country receive a credit card solicitation. In recent years, the credit card industry has also begun to offer new lines of credit targeted at people with low incomes—people they know cannot afford to pile up credit card debt.

Facts such as these have reduced the economic stability of millions of families, and have led many of them to file for bankruptcy. Two out of every three bankruptcy filers have an employment problem. One out of every five has a health-care problem. Divorced or separated people are three times more likely than married couples to file for bankruptcy. Working men and women in economic free fall often have no choice except bankruptcy.

Although the Senate spent two weeks debating and amending the bankruptcy

bill last year and several additional days this year, this bill still does not acknowledge the problems that force so many Americans into bankruptcy. It remains heavily tilted toward the financial services industry, and many needed amendments were defeated.

Simultaneously, amendments were adopted that should be an embarrassment to the Senate. By a one-vote margin, the Senate adopted an amendment that provides for school vouchers, as well as harmful changes in the nation's anti-drug policy.

The Republican leadership offered a watered-down minimum wage increase, tied to a poison pill that cuts overtime pay, and an enormous $71 billion in tax breaks that disproportionately benefit the wealthiest Americans. Those provisions are now part of this bankruptcy bill—making a bad bill even worse.

By failing to increase the minimum wage last year, Congress failed the American people. It is time—long past time—to raise the minimum wage.

Our proposal is modest—a one dollar increase in two installments—50 cents now, and 50 cents a year from now. Over 10 million American workers will benefit. Our position is clear, it's ''50–50 or fight!''

Our Democratic proposal to increase the minimum wage by a dollar over the next year will make a significant difference in the lives of all workers who earn the minimum wage and their families.

Unlike the Republican proposal, our Democratic proposal will give minimum wage workers the pay raise they need and deserve, so that they can care more effectively for their families and pay for the food and clothing and housing they need.

We shouldn't delay an increase. We shouldn't stretch it out. We shouldn't use it to slash overtime pay. We shouldn't use it as an excuse to give tax breaks to the wealthy.

Raising the minimum wage is an issue of fairness and dignity. No one who works for a living should have to live in poverty.

Before casting our final votes on this legislation, we have the opportunity to adopt several very important amendments that deserve our support. Yesterday, we started debate on the Levin-Durbin gun amendment, which would prevent gun manufacturers from abusing the bankruptcy system.

Today, Senator SCHUMER offered an amendment that eliminates a loop-hole currently being exploited by perpetrators of clinic violence.

Senator SCHUMER's proposed amendment is neither a prochoice amendment nor an anti-choice amendment. At its heart, it is not about abortion at all. Rather, it is about accountability for violent, illegal acts. It is about preventing those who use tactics of violence and intimidation against reproductive health clinics from using the bankruptcy laws as a shield from financial liability for their unlawful acts.

In response to a wave of violence which included murder, arson, bombing and harassment, Congress enacted the Freedom of Access to Clinic Entrances Act in 1994. That Act established criminal penalties and financial penalties for violence and intimidation directed against reproductive health service patients and providers.

I'm proud to be the Senate author of that legislation because since its passage, incidents of clinic violence have declined significantly. In addition, under the act and other federal and state laws, victims of clinic violence have been able to obtain remedies, and perpetrators of unlawful clinic violence have paid substantial fines and civil penalties.

Unfortunately, some of these offenders are attempting to evade their liability by exploiting the bankruptcy system.

For example, last year a federal judge ordered two anti-abortion groups and twelve individuals to pay in excess of $107 million for anti-choice activities and threats. However, within the last few months, five of those defendants, who collectively owe more than $45.5 million in clinic-violence debts, filed for bankruptcy to avoid the judgments.

For over 100 years, our bankruptcy system has enabled honest debtors to receive a fresh start—but, the bankruptcy laws were never intended to be a safe haven for the deliberate disregard of Federal or State laws.

The Schumer amendment preserves the integrity of the bankruptcy laws, and I urge my colleagues to support it.

The Schumer amendment, the Levin amendment, and others are critical in the needed effort to salvage this bill. Our goal is to enact responsible bankruptcy reform, not a sweetheart deal for the credit card industry.

Mr. President, at the appropriate time, I intend to offer a motion to instruct the conferees on the bankruptcy bill to fix the deeply flawed minimum wage proposal contained in the bill. The watered-down wage proposal in this bill is an insult to the hard-working men and women earning the minimum wage. In this time of plenty, we must not shortchange these workers. We should provide a 50-cent raise now and 50 cents a year from now.

Finally, it is fair to ask when we look at any piece of legislation we do who is going to benefit and who is going to lose. As has been demonstrated during the hearings and during the debate, just about every thoughtful person who has studied the bankruptcy bills remarks about how Congress, over the history of our Nation, has proposed bankruptcy bills which have been balanced between the debtor and the creditor, with the understanding that there are so many millions of Americans who may fall onto hard times briefly but are hard-working, decent people.

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

Mr. REID. Mr. President, I ask unanimous consent that 2 minutes of the time that has been set aside for Senator FEINGOLD be allotted to Senator KENNEDY. I have cleared this with Senator FEINGOLD.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, it has been remarkably balanced, with the exception of this legislation.

Finally, when you come down to it, one has to ask who benefits and who loses. It is very clear the winners in this are the credit card companies and the losers are the hard-working men and women who have fallen on difficult times, in most instances due to no fault of their own. They are men and women who have been downsized as a result of mergers. They are men and women who have fallen into serious economic times because of the failure of their health insurance to cover those individuals. They are primarily women who, as a result of their personal relationships, have been divorced and find it difficult to maintain a system of credit.

One can look back over all of these and find they are the victims of this legislation and they are the ones who are going to suffer the harsh penalties of it. It is fundamentally wrong. We have not had the opportunity in this debate to see protections for children and mothers. The reason for the Dodd amendment is to give special protections which historically have been a part of our bankruptcy laws. That has been defeated, as well as the amendments to remedy some of the harsh provisions of the means test.

This legislation is not the legislation that passed the Congress a little over a year ago in which I joined others in supporting. This is not balanced legislation.

For those reasons, plus the fact we have $73 billion of tax breaks for wealthy individuals in here and a denial to the hardest working Americans for fairness in treating them with a minimum wage, it ought to be voted down.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield 6 minutes, or whatever he consumes of the time I have remaining on the SCHUMER amendment, to the Senator from Alabama. What he does not use I will yield back.

The PRESIDING OFFICER. The SCHUMER amendment is now pending. The Senator from Alabama is recognized.

AMENDMENT NO. 2650, AS FURTHER MODIFIED, AS PREVIOUSLY AGREED TO

Mr. SESSIONS. Mr. President, my good friend Senator REED and I have worked together for quite some time now to adopt a provision involving reaffirmations, amendment No. 2650. We have a few technical corrections to which we have agreed, and we have reached an agreement to make these technical corrections.

I send to the desk a modified amendment which includes the technical corrections. I ask unanimous consent that the original amendment No. 2650 be vitiated and that the modified amendment be accepted, substituted, and adopted in its place.

The PRESIDING OFFICER. Under the agreement, the Senator has that right. The Senator from Nevada.

Mr. REID. I have checked with the staff of Senator REED and the floor staff on this side, and there is no objection to the unanimous consent request of the Senator from Alabama.

Mr. REED. Mr. President, I rise to speak briefly on a technical amendment offered by myself and Senator SESSIONS. Senator SESSIONS and I are offering this technical amendment merely to correct some provisions which we felt were needed in order to avoid an unintended reading of the amendment. Reaffirmations are essentially agreements between creditors and consumers whereby the consumer agrees to continue to repay the debt owed the creditor, even after all other debts may be discharged in bankruptcy. Unfortunately, there have been many instances in the past in which consumers have not been well-informed going into these agreements, and in some cases have been coerced into signing them. As some of my colleagues may recall, in offering our original amendment on reaffirmations, Senator SESSIONS and I had two major goals: the first was to improve consumer's understanding of what they are doing when they agree to reaffirm a debt that they were entitled to, under the law, have discharged. The second goal was to promote efficient handling of reaffirmations in the bankruptcy process. Our November amendment developed a uniform disclosure form that is to be filed with the court along with the reaffirmation agreement into which the consumer is entering. The amendment also expands the authority of the bankruptcy court to review those reaffirmations that are most likely to fail, such as debtors whose income and other expenses clearly indicate that they do not have the ability to repay the debt which they are reaffirming. In that respect, the Reed-Sessions amendment seeks to provide courts with the information they need to determine quickly and efficiently whether these reaffirmations are appropriate or not. The specific changes that we are making today to our original amendment simply clarify certain points we felt may be open to misinterpretation. For example, we want to make it clear that the debt a consumer is reaffirming includes two totals: First is the total amount of the debt the consumer owes, and second is the total amount of any other costs accrued by the consumer since the date they were given the disclosure statement. At another point, we wanted to make clear to the consumer that the payments they would be making on the reaffirmed debt are subject to change, based on their reaffirmation or original credit agreement.

In the part of the amendment detailing certain steps the consumer needs to undertake, we wanted to make clear that consumers would not be penalized if their attorney decides not to sign the reaffirmation agreement and the disclosure statement.

We also want to make clear to consumers that in certain circumstances, they can also redeem the item, rather than reaffirming the debt they have on it. to redeem it, they can simply make one payment equal to the actual value of the item.

All of these mostly minor changes will make the original amendment that much more clear and easier for the consumer to understand when they are going through the unpleasant process of bankruptcy. With all that said, it was my hope to have another point included in the final version of this amendment, but I have agreed not to push for its inclusion at this time. This last piece that I was seeking deals with the amount of time one has to file reaffirmations. I would first like to make it clear that it is not my intention to suggest that the original Reed-Sessions amendment was unclear about the need for timely filing of reaffirmations and the new disclosure form with the court. However, in the course of discussions with consumer advocacy groups, there were strong arguments that it could be interpreted that way. Therefore, I sought what I thought was a judicious approach, which was to create a 50-day window—between the first meeting a debtor has with creditors until the time of discharge—to enter into a reaffirmation agreement. The original Reed-Sessions amendment goes to some length to carefully define the information that must be presented to the debtor, the instructions that the debtor must receive, and the conditions under which this information must be presented to the courts. However, I think we will all recognize that this information is most useful to the courts if it can be provided in a timely manner.

The underlying bill already contains a number of provisions that outline certain deadlines for actions that the consumer must undertake within the course of bankruptcy. Therefore, this new deadline would be entirely consistent with those others already present in the bill. I believe a deadline of some kind is necessary in this case as we have seen certain abuses in the past, most notable in the case of Sears, where there appeared to be no effort to file these reaffirmation agreements with the court, yet all the while consumers continue to pay as if they had been. I would also like to point out that several advocates and bankruptcy judges were consulted on the timing issue, notably Judge Eugene Weedoff of Chicago and Judge Thomas Carlson of California, as well as Professor Elizabeth Warren of Harvard University. However, I'm pleased to say that I have come to an agreement with Senator SESSIONS on the technical amendment and on addressing the timing issue with regard to filing reaffirmations. Therefore, I would urge the support of this amendment.

The amendment (No. 2650), as further modified, as previously agreed to, reads as follows:

SEC. 1. REAFFIRMATION.

In S. 625, strike section 203 and section 204(a) and (c), and insert in lieu of 204 (a) the following—

''(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) In subsection (c) by striking paragraph (2) and inserting the following:

''(2) the debtor received the disclosures described in subsection (i) at or before the time the debtor signed the agreement.

(2) By inserting at the end of the section the following—

''(i)(1) the disclosures required under subsection (c) paragraph (2) of this section shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement, statement, declaration, motion and order described, respectively, in paragraphs (4) through (8) of this subsection, and shall be the only disclosures required in connection with the reaffirmation.

''(2) Disclosures made under this paragraph shall be made clearly and conspicuously and in writing. The terms ''Amount Reaffirmed'' and ''Annual Percentage Rate'' shall be disclosed more conspicuously than other terms, data or information provides in connection with this disclosure, except that the phrases ''Before agreeing to reaffirm a debt, review these important disclosures'' and ''Summary of Reaffirmation Agreement'' may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs [(2) through (8)], except that the terms ''Amount Reaffirmed'' and ''Annual Percentage Rate'' must be used where indicated.

''(3) The disclosure statement required under this paragraph shall consist of the following—

''(A) The statement: ''Part A: Before agreeing to reaffirm a debt, review these important disclosures:'';

''(B) Under the heading ''Summary of Reaffirmation Agreement'', the statement: ''This Summary is made pursuant to the requirements of the Bankruptcy Code'';

''(C) The ''Amount Reaffirmed'', using that term, which shall be (I) the total amount which the debtor agrees to reaffirm and (II) the total of any other fees or cost accrued as of the date of the disclosure statement.''

''(D) In conjunction with the disclosure of the ''Amount Reaffirmed'', the statements

(I) ''The amount of debt you have agreed to reaffirm''; and

(II) ''Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement'';

''(E) The ''Annual Percentage Rate'', using that term, which shall be disclosed as —

''(I) If, at the time the petition is filed, the debt is open end credit as defined pursuant to the Truth in Lending Act, title 15 United States Code section 1601 et. seq., then

''(aa) the annual percentage rate determined pursuant to title 15 United States Code section 1637(b)(5) and (6), as applicable, as disclosed to the debtor in the most recent periodic statement print to the agreement or, if no such periodic statement has been provided the debtor during the prior six months, the annual percentage rate as it

would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

''(bb) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed; or

''(cc) if the entity making the disclosure elects, to disclose the annual percentage rate under (aa) and the simple interest rate under (bb).

''(II) if, at the time the petition is filed, the debt is closed end credit as defined pursuant to the Truth in Lending Act, title 15 United States Code section 1601 et. seq., then

''(aa) the annual percentage rate pursuant to title 15 United States Code section 1638(a)(4) as disclosed to the debtor in the most recent disclosure statement given the debtor prior to the reaffirmation agreement with respect to the debt, or, if no such disclosure statement was provided the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor; or to the extent this annual percentage rate is not readily available or not applicable, then

''(bb) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed; or

''(cc) if the entity making the disclosure elects, to disclose the annual percentage rate under (aa) and the simple interest rate under (bb).''

''(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given pursuant to the Truth in Lending Act, title 15, United States Code, section 1601 et. seq, by stating ''The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.''

''(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the obligations you are reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.''

''(H) At the election of the creditor, a statement of the repayment schedule using one or a combination of the following—

''(I) by making the statement: ''Your first payment in the amount $_____ is due on_____ but the future payment amount may be different. Consult your reaffirmation or credit agreement, as applicable.'', and stating the amount of he first payment and the due date of that payment in the places provided;

''(II) by making the statement: ''Your payment schedule will be:'', and describing the repayment schedule with the number, amount and due dates or period of payments scheduled to repay the obligations reaffirmed to the extent then known by the disclosing party; or

''(III) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

''(I) The following statement: ''Note: When this disclosure talks about what a creditor ''may'' do, it does not use the word ''may'' to give the creditor specific permission. The word ''may'' is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirmation or what the law requires, talk to the attorney who helped you negotiate this agreement. If you don't have an attorney helping you, the judge will explain the effect of your reaffirmation when the reaffirmation hearing is held.'';

''(J) The following additional statements:

''Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

''1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

''2. Complete and sign part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

''3. If you were represented by an attorney during the negotiation of the reaffirmation agreement, the attorney must have signed the certification in Part C.

''4. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, you must have completed and signed Part E.

''5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

''6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in part D.''

''7. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your agreement. The bankruptcy court must approve the agreement as consistent with your best interest, except that no curt approval is required if the agreement is for a consumer debt secured by a mortgage, deed of trust, security deed or other lien on your real property, like your home.

''Your right to rescind a reaffirmation. You may rescind (cancel) your reaffirmation at any time before the bankruptcy court enters a discharge order or within 60 days after the agreement is filed with the court, whichever is longer. To rescind or cancel, you must notify the creditor that the agreement is canceled.

''What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy. That means that if you default on your reaffirmed debt after your bankruptcy is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if your are reaffirming an open end credit agreement, the creditor may be permitted by that agreement and/or applicable law to change the terms of the agreement in the future under certain conditions.

''Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

''What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A ''lien'' is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your state's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.''

''(4) To form of reaffirmation agreement required under this paragraph shall consist of the following—

''Part B: Reaffirmation Agreement. I/we agree to reaffirm the obligations arising under the credit agreement described below.

''Brief description of credit agreement:

Description of any changes to the credit agreement made as part of this reaffirmation agreement:

Signature: Date:

Borrower:

Co-borrower, if also reaffirming:

Accepted by creditor:

Date of creditor acceptance:'';

''(5)(i) The declaration shall consist of the following:

''Part C: Certification by Debtor's Attorney (If Any)

I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

Signature of Debtor's Attorney: Date:'';

(ii) In the case of reaffirmations in which a presumption of undue hardship has been established, the certification shall state that in the opinion of the attorney, the debtor is able to make the payment.''

''(6) The statement in support of reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following—

''Part D: Debtor's Statement in Support of Reaffirmation Agreement.

1. I believe this agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $_____, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $_____, leaving $_____ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here:_____

2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'';

''(7) The motion, which may be used if approval of the agreement by the court is required in order for it to be effective and shall

be signed and dated by the moving party, shall consist of the following—

''Part E: Motion for Court Approval (To be completed only where debtor is not represented by an attorney.) I (we), the debtor, affirm the following to be true and correct:

''I am not represented by an attorney in connection with this reaffirmation agreement.

''I believe this agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement above, and because (provide any additional relevant reasons the court should consider):

''Therefore, I ask the court for an order approving this reaffirmation agreement.''

''(8) The court order, which may be used to approve a reaffirmation, shall consist of the following—

''Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'';

''(j) Notwithstanding any other provision of this title—

''(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement with the court.

''(2) A creditor may accept payments from a debtor under a reaffirmation agreement which the creditor believes in good faith to be effective.

''(3) The requirements of subsections (c)(2) and (i) shall be satisfied if disclosures required under those subsections are given in good faith.

''(k) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing and for cause, orders before the expiration of such period), it shall be presumed that the reaffirmation agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of the reaffirmation agreement required under subsection (i)(6) of this section is less than the scheduled payments on the reaffirmed debt. This presumption must be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds to make the payments as agreed upon under the terms of the reaffirmation agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove the agreement. However, no agreement shall be disapproved without notice and hearing to the debtor and creditor and such hearing must be concluded before the entry to the debtor's discharge.''

SEC. 2. JUDICIAL EDUCATION.

Add at the appropriate place the following:

''( ) JUDICIAL EDUCATION.—The Director of the Administrative Office of the United States Courts, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing the act, including the requirements relating to the 707(b) means test and reaffirmations.''

The PRESIDING OFFICER. The Senator from Alabama still has the floor.

REAFFIRMATIONS

Mr. SESSIONS. Mr. President, I would like to address an issue that Senator REED and I have been working on for many months. We have sought to reform the process of reaffirmations, to fully inform debtors of the details and consequences of reaffirming debts, to prevent abuse of this process by dishonest debtors and creditors, and protect honest individuals who wish to enter a reaffirmation agreement. Senator REED and I have worked for months to reach this point, and we have tried to craft a balanced amendment that protects the interests of everyone involved. That amendment passed the Senate last year. At this point, Senator REED and I have agreed on a few technical changes, and identified one substantive issue that remains outstanding. The substantive issue concerns the time limit for reaffirmation agreements to be approved by the court. Current law provides 90 days, and Senator REED would prefer 50 days. Given the support for the underlying amendment, Senator REED and I were most concerned with making the technical changes to ensure that the agreement that was reached accurately represented the common intent and to reserve the timing issue for conference.

Mr. REED. Mr. President, my friend from Alabama is correct. I believe that we have an honest, fair reform to the reaffirmation process and procedure. I know there has been a great deal of work dedicated to this end, and I am pleased we have arrived at this common ground. I have some concerns about the time limits for approval of these reaffirmation agreements. I had hoped this timing issue would be resolved, but I share Senator SESSIONS' desire to see this amendment passed with the technical corrections. I would ask my friend if he shares my interest in addressing this timing issue in conference?

Mr. SESSIONS. I believe your concern is reasonable, and I will work with you to see that this issue is addressed in conference. I am confident that we can reach a consensus on the timing issue, and that all sides will be able to accept the change.

Mr. REED. I thank the Senator.

Mr. SESSIONS. Mr. President, I will briefly say in response to the comments made by the distinguished senior Senator from Massachusetts that this is a fair and balanced bill. It does a number of good things to help those who have financial difficulties. It closes loopholes and ends unfairness in provisions that are being abused and making a mockery out of legitimate bankruptcy law.

For example, children or those who are eligible to receive child support and alimony are raised to the highest possible level, even above attorney fees and trustee fees in bankruptcy. They are the highest possible level. If an individual owes a number of debts and one of those is for child support, the child support is to be paid first.

There is nothing in this bill that is harsh. Any American making below the median income level will fundamentally find their bankruptcy filing procedure under the needs-based rule has not changed. It is only for those who make above the median income that a question will be raised as to whether or not they can pay back some of their debts.

There are literally thousands of individuals in America today who owe limited debts, who may have incomes of $80,000, $90,000, or $200,000, and choose to file for bankruptcy. Under the current law, they can wipe out all their debts, even those owed to people much less wealthy than they, and not pay any debts.

Under this provision of law, if you have an income above the median income level, the bankruptcy court may conclude you can pay some of your debts, and if you can, you are given 5 years to pay some of those debts to somebody from whom you have received a benefit or else you would not have a debt.

I thank Senator GRASSLEY for his work on this bill. I am troubled that anyone would say it is unfair and does not help make this system better. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. We have now yielded back all time on the SCHUMER amendment. It is my understanding this side has 10 minutes reserved under the Harkin amendment.

The PRESIDING OFFICER. The Senator from Iowa is correct.

All time has expired on the SCHUMER amendment.

AMENDMENT NO. 2770

Mr. GRASSLEY. I yield myself such time as I might consume on the Harkin amendment. I will not use all of the time because I want to encourage Senator FEINGOLD or Senator LEVIN to go ahead with their amendments.

Mr. REID. I say to my friend from Iowa, as soon as the Senator completes his statement the Senator from Michigan is ready to proceed.

Mr. GRASSLEY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I wish to respond to what the Senator from Massachusetts spoke about so passionately. I probably do not speak with the same passion he does, but I do want to say that he has it completely wrong. You cannot ignore the fact that since 1980 bankruptcies have increased from around 330,000 in that year to just under 1.4 million in 1999. That is a fact that cannot be ignored.

Consequently, it seems to me to be completely wrong for some other Senator to say we do not have a bankruptcy problem in the United States. Congress ought to deal with it, and changing the law will help. I do not pretend changing the law is going to entirely respond to that problem, but the extent to which it does, we should do it because this increase in bankruptcies is a huge increase. The small dip in the filings that Senator KENNEDY has referred to will not erase this very basic, fundamental problem we have in our economy with the bankruptcy laws. We have a real bankruptcy crisis on our hands. We cannot ignore that.

Perhaps the Senator from Massachusetts does not remember what his own President said in the State of the Union Address. The President of the United States said, just a few days ago, these are prosperous times. People are not in bankruptcy then because of hard times. If this is a problem when we have very prosperous times, what sort of a bankruptcy problem are we going to have when we have a recession or a depression?

One other point that the Senator from Massachusetts spent a great deal of time on is how he sees the problems of minimum wage in this bill. There is a minimum wage increase in this bill. It isn't there because we Republicans sought to join minimum wage with the bankruptcy bill. We were going to debate minimum wage at another time. We were going to increase minimum wage at another time, but it was the Democratic Party that made a decision to put minimum wage on the bankruptcy bill.

I do not even like nongermane things being included on other pieces of legislation, but it is a pattern too often adopted and too readily accepted in the Senate. So it is done. But on this side of the aisle, I argued that we should not mix minimum wage with bankruptcy. I do not want the weight of that issue, as important as increasing the minimum wage is, with the issue of reforming the bankruptcy code. But on the other side of the aisle they chose to do it. So what do we hear?

Now we are hearing complaints about the minimum wage bill on the bankruptcy bill. We are hearing threats about instructing conferees to do something about it. If it is a problem, it is a problem because the other side of the aisle made it a problem by including it. I remind them that they ought to be very careful what they wish for because sometimes they get it.

The Senator from Massachusetts has asked who will win and who will lose. Under this bill, the honest American people, who have to pay the higher prices because other people go into bankruptcy and do not pay their bills—because we have deadbeats out there—are the ones who will win by this legislation.

We still preserve the historic principle of our bankruptcy laws that some people who are in debt, through no fault of their own, are entitled to a fresh start. But when it comes to this basic principle of economics that there is no free lunch, there is no free lunch in bankruptcy, either. Somebody pays.

In this particular instance, the honest American consumer is paying $400, for a family of four, to cover debts of somewhere between $30 billion and $50 billion a year that go unpaid because of people who ought to be paying their bills. Worse yet, we have a situation where some people who do have the ability to pay their bills are not paying their bills, either. We are sending a clear signal that those who have the ability to pay are not going to get off scot-free.

I relinquish the remainder of our time. Hopefully, we can proceed, then, to the next amendment.

The PRESIDING OFFICER. Time has expired on the Harkin amendment.

AMENDMENT NO. 2770, WITHDRAWN

Mr. REID. Mr. President, it is my understanding that automatically, based on the unanimous consent request previously agreed to, the Harkin amendment is withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending business is the Schumer amendment No. 2763.

AMENDMENT NO. 2748, AS MODIFIED

(Purpose: To provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed, and for other purposes)

Mr. FEINGOLD. Mr. President, I ask unanimous consent that amendment be temporarily laid aside so I can call up amendment No. 2748, as modified by amendment No. 2779.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2748, as modified.

Mr. FEINGOLD. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 108, line 15, strike ''; and'' and insert a semicolon.

Beginning on page 108, strike line 18 and all that follows through page 109, line 7, and insert the following:

''(23) under subsection (a)(3) of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property—

''(A) on which the debtor resides as a tenant under a rental agreement; and

''(B) with respect to which—

''(i) the debtor fails to make a rent payment that initially becomes due under the rental agreement or applicable State law after the date of filing of the petition or within the 10 days prior to the filing of the petition, if the lessor files with the court a certification that the debtor has not made a payment for rent and serves a copy of the certification to the debtor; or

''(ii) the debtor's lease has expired according to its terms and (a) or a member of the lessor's immediate family intends to personally occupy that property or (b) the lessor has entered into an enforceable lease agreement with another tenant prior to the filing of the petition, if the lessor files with the court a certification of such facts and serves a copy of the certification to the debtor:

''(24) under subsection (a)(3) of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property, if during the 1-year period preceding the filing of the petition the debtor—

''(A) commenced another case under this title; and

''(B) failed to make a rent payment that initially became due under an applicable rental agreement or State law after the date of filing of the petition for that other case; or

''(25) under subsection (a)(3), of an eviction action based on endangerment of property or the use of an illegal drug, if the lessor files with the court a certification that the debtor has endangered property or used an illegal drug and serves a copy of the certification to the debtor''; and

(4) by adding at the end of the flush material at the end of the subsection the following: ''With respect to the applicability of paragraph (23) or (25) to a debtor with respect to the commencement or continuation of a proceeding described in that paragraph, the exception to the automatic stay shall become effective on the 15th day after the lessor meets the filing and notification requirements under that paragraph, unless the debtor takes such action as may be necessary to address the subject of the certification or the court orders that the exception to the automatic stay shall not become effective or provides for a later date of applicability.''.

Mr. FEINGOLD. Mr. President, how much time am I allotted on this amendment?

The PRESIDING OFFICER. The Senator from Wisconsin has 13 minutes on this amendment.

Mr. FEINGOLD. Mr. President, this amendment is what we have referred to in this debate on the bankruptcy bill as the ''landlord-tenant amendment.'' We had extensive debate on this amendment in November before we recessed for the year. We did make some progress in identifying the areas of dispute and, I think, in narrowing our differences as well.

To remind my colleagues, this amendment is designed to reduce the harsh consequences of section 311 of the bill on tenants, while at the same time protecting legitimate financial interests of landlords.

To review, current law provides for an automatic stay of eviction proceedings upon the filing of a bankruptcy case. Landlords can apply for relief from that stay so the eviction can proceed, but it is a process that often takes a few months.

What section 311 of the bill does is eliminate the stay in all landlord-tenant cases so an eviction can proceed immediately, completely, regardless of the circumstances.

What my amendment would do is allow tenants to remain in their apartments as they try to sort out the difficult consequences of bankruptcy, if—and only if—they are willing to pay the rent that comes due after they file for bankruptcy or that comes due within the 10 days before bankruptcy. If the tenant fails to pay rent, the stay can be lifted without further proceedings 15 days after the landlord provides notice to the court that the rent has not been paid. If the reason for the eviction is

drug use or property damage, the stay can also be lifted after 15 days. Finally, if the lease has actually expired by its terms—in other words, if there is no more time on the lease—and if the landlord or a member of his or her family plans to move in to the property, then again, after 15 days notice, the eviction can proceed.

There is no 15-day notice period, with a chance for the tenant to go into court and challenge the allegations of the landlord, if the tenant has filed for bankruptcy previously. In other words in cases of repeat filings, the stay never takes effect, just as under section 311 in this bill. That is the main abuse that has been alleged in Los Angeles County, where unscrupulous bankruptcy petition preparers advertise filing bankruptcy as a way to live ''rent free.'' So under my amendment, a debtor can never live ''rent free.'' The debtor has to pay rent after filing for bankruptcy. If a debtor misses a rent payment, the stay will be lifted 15 days later. And the automatic stay does not take effect at all if the tenant is a repeat filer.

So my amendment gets at the abuse, and it protects the rights and economic interests of the landlord. What it eliminates is the punitive aspect of Section 311, and the possibility that tenants who are willing and able to pay rent once they get a little breathing room from their other creditors will instead be put out on the street. I am frankly disappointed that my colleague from Alabama, with whom I have had a good debate on this issue, and the property owners organizations are insisting on the harsh aspects of section 311 when my amendment would get at the problems they have identified just as well.

It is also important to note that even in cases where a tenant pays the rent that is due after filing for bankruptcy, my amendment leaves intact the current law that allows landlords to get relief from the automatic stay. Let me be very clear about that. My amendment does not eliminate the ability of landlords to apply for relief from the stay under current law. The law now gives debtors some breathing room in legal proceedings, including eviction proceedings. But landlords can apply for relief from the stay. It is not an abuse of the law to take advantage of the automatic stay to get your affairs in order. Many tenants use that time to work out a payment schedule for their back rent so they can avoid eviction altogether.

Most landlords don't want to throw people out on the street—they just want to be paid. My amendment requires that they be paid once bankruptcy is filed, or the eviction can proceed immediately. But even if the rent is paid while the bankruptcy case is pending, a landlord can still seek relief from stay under the normal procedures and press forward with the eviction.

I have a letter from the National Association of Realtors, a powerful lobbying association, that is unalterably opposed to my amendment. This letter is dated January 24, 2000, several days ago. It urges opposition to my amendment, which it says will ''seriously weaken'' the bill. But listen to what it says about the bill. The letter says that current law allows for ''serious fraud and abuse.'' But my amendment deals with the cases of fraud and abuse by disallowing the automatic stay in the case of repeat filings. And the Realtor's letter says that current law allows tenant to ''live rent free at the expense of the property owner.'' But my amendment does not allow tenants to live rent free. They have to pay rent once the bankruptcy is filed. And it says that prospective tenants often ''have to wait 6 months or longer, as they do now, to get into rental property units occupied by residents overstaying their lease.'' Well that is simply not true under my amendment. This amendment allows for expedited relief from stay in any case where the lease has expired according to its terms and the landlord has entered into a valid rental agreement with another tenant prior to the filing of the bankruptcy petition.

Every single one of the arguments made by the National Association of Realtors against the amendment is refuted by the amendment itself, every one. Yet this group persists in urging the Senate to reject the amendment. It says, speaking about the provisions of the bill that the amendment will modify: ''we believe these common sense provisions will curb abusive use of the Bankruptcy Code.'' If the Realtors were honest, they would admit that my amendment will do exactly the same thing. It will curb abusive use of the Bankruptcy Code. But it will also continue to allow the code to provide protection to people who are not abusing the system, but simply using it to get back on their feet, and keep a roof over their heads. Those people would be treated too harshly by the current bill, and it is unfortunate that the Realtors, in their zeal to get as many advantages for landlords as they can, refuse to see that.

I have modified this amendment in the spirit of compromise to address all of the concerns that the Senator from Alabama raised in debate last year. This amendment addresses the abuse, it is fair to landlords and makes sure they are not economically harmed when a tenant files for bankruptcy, and it is fair to debtors who file for bankruptcy in good faith and simply need a little breathing space to get their lives in order.

I urge my colleagues to look carefully at this amendment, and I hope they will support it.

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

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, the Senator from Alabama wants to speak against the amendment of the Senator from Wisconsin and also against the amendment of the Senator from Michigan very shortly. The manager of the bill has asked permission that we go immediately to the Levin amendment and reserve the remainder of the time of the Senator from Wisconsin, and that the Senator from Alabama, Mr. SESSIONS, be allowed to speak at the same time against both amendments. Does the Senator from Wisconsin have objection to that?

Mr. FEINGOLD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin has 6 minutes remaining on his amendment.

The Senator from Michigan.

AMENDMENT NO. 2658

(Purpose: To provide for the nondischargeability of debts arising from firearm-related debts, and for other purposes)

Mr. LEVIN. Mr. President, what is the pending matter?

The PRESIDING OFFICER. The clerk will report the Levin amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. DURBIN, Mr. WYDEN, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. SCHUMER, proposes an amendment numbered 2658.

The amendment is as follows:

On page 124, between lines 14 and 15, insert the following:

SEC. ___. CHAPTER 11 NONDISCHARGEABILITY OF DEBTS ARISING FROM FIREARM-RELATED DEBTS.

(a) IN GENERAL.—Section 1141(d) of title 11, United States Code, as amended by section 708 of this Act, is amended by adding at the end the following:

''(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt that is—

''(A) related to the use or transfer of a firearm (as defined in section 921(3) of title 18 or section 5845(a) of the Internal Revenue Code of 1986); and

''(B) based in whole or in part on fraud, recklessness, misrepresentation, nuisance, negligence, or product liability.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 901(d) of this Act, is amended—

(1) in paragraph (27), by striking ''or'' at the end;

(2) in paragraph (28), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (28) the following:

''(29) under subsection (a) of this section, of—

''(A) the commencement or continuation, and conclusion to the entry of final judgment or order, of a judicial, administrative, or other action or proceeding for debts that are nondischargeable under section 1141(d)(6); or

''(B) the perfection or enforcement of a judgment or order referred to in subparagraph (A) against property of the estate or property of the debtor.''.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 20 minutes.

Mr. LEVIN. I thank the Chair.

This amendment, which is cosponsored by a number of our colleagues, provides that gun manufacturers and

distributors cannot evade responsibility for damages that are caused by their reckless or negligent conduct or their fraudulent conduct by seeking reorganization in bankruptcy court. It is that straightforward. We already have about 18 provisions in the bankruptcy law based on public policy which provide that certain kinds of debts are not dischargeable.

For instance, we have in the law a provision that says if you drive while drunk and you injure somebody, you cannot discharge that obligation by going bankrupt. Senator Danforth made an eloquent statement on this floor arguing for justification for that particular exception, that nondischargeability, when he said:

> Today there exists an unconscionable loophole in the bankruptcy statute which makes it possible for drunk drivers who have injured, killed or caused property damage to others to escape civil liability for their actions by having their judgment debt discharged in Federal bankruptcy court. This loophole affords opportunities for scandalous abuse of the judicial process.

Following Senator Danforth's and others' pleas that we make liability resulting from drunken driving nondischargeable in bankruptcy, this Congress added another nondischargeable obligation in our bankruptcy law. We have about 18 of those provisions. We have a provision that says if you have an obligation to the Government for a student loan, you are not going to be able to get rid of that by going bankrupt. We have a provision in the bankruptcy law which says if you have an obligation to a co-op or to a condo for a fee you owe to them, under certain circumstances that is not going to be dischargeable in bankruptcy.

And what we are saying now in this amendment is that where a gun manufacturer or a distributor, through his own reckless, negligent, or fraudulent conduct causes damages to individuals or our communities, they should not be able to reorganize in bankruptcy court and get rid of that debt.

This is the public policy purpose beyond this particular provision. It has the support of many organizations such as Handgun Control, which is Sarah Brady's group, has written in support of this amendment, saying:

> Gun manufacturers, distributors, and dealers should not be able to evade these legitimate claims for damages.

In 1996, Lorcin Engineering Company, one of the chief manufacturers of Saturday night specials, or junk guns, filed for chapter 11 bankruptcy. Other gun manufacturers such as Davis Industries and Sundance Industries have followed Lorcin's lead and have filed for bankruptcy to avoid liability. We must not allow other companies to take advantage of this bankruptcy system.

We have an unusual provision in the law that exempts the gun industry from safety and health regulation. It is the only industry that is explicitly exempt from health and safety regulations and from the jurisdiction of the Consumer Product Safety Commission. No agency has safety oversight over manufacturers who have produced unsafe firearms, and so litigation serves as the only mechanism that can hold the industry responsible.

What this amendment says is that where there is damage caused by fraud or reckless or negligent conduct of a manufacturer or distributor, that manufacturer or distributor should not be able to reorganize itself out of accountability, away from responsibility by going to bankruptcy court. The public policy purpose behind this amendment is a powerful one, indeed.

In addition to Sarah Brady's organization, which I have mentioned, the National League of Cities supports this amendment. They have written a letter dated November 16:

> Like debts incurred by drunk driving, Congress must send a clear and convincing message that it will not permit debtors to escape debts incurred by improper conduct. It is crucial that the Federal Government do all that it can to help local law enforcement effectively address gun violence with commonsense legislation that curtails access to firearms, including altering the bankruptcy code.

Too many of these companies have already said they are going to try to reorganize to escape liability. It is a tactic they are using. That is not what the bankruptcy law is all about. The bankruptcy law is not intended to provide that kind of a haven for companies that have engaged in reckless conduct or negligent conduct, to evade responsibility for their obligations.

Now, the reasons the National League of Cities has taken this position are many, but one of them is that 30 cities and counties have filed lawsuits against gun manufacturers or distributors alleging reckless, negligent, or fraudulent conduct on the part of those manufacturers or distributors. New Orleans, LA; Chicago, IL; Miami, FL; Atlanta, GA; Cleveland and Cincinnati, OH; Detroit, MI; San Francisco, CA; St. Louis, MO; and other cities and communities have filed lawsuits alleging reckless conduct, negligent conduct, or fraudulent conduct on the part of a gun manufacturer or distributor. They very strongly support this amendment, as does the U.S. Conference of Mayors and the Violence Policy Center.

The Violence Policy Center issued a statement saying that this amendment is necessary to ensure that firearm manufacturers, which are exempt from Federal health and safety regulation—and I emphasize the only group that is exempt from Federal health and safety regulation explicitly is the firearms manufacturers. They have gotten that exemption. Yet when it comes to trying to close a loophole in the bankruptcy law, which they are using tactically to evade responsibility, they claim they are being singled out. Indeed, they have singled themselves out in gaining exemption from Federal health and safety regulation, and the only way in which they can be held accountable is through the civil justice system. That is why the Violence Policy Center has written a letter of support, indicating that lack of health and safety regulation means the civil justice system is the only mechanism available to regulate the conduct of gun manufacturers.

Mr. President, this amendment is in response to a tactic that has now been declared by a number of gun manufacturers, that when faced with allegations or judgments based on damages caused by reckless or negligent misconduct, they will seek protection through reorganization in the bankruptcy courts. We are trying to reduce the level of gun violence in this country, and one way to do it, a way to support the cities and the mayors and the individuals who have been victimized by reckless or negligent manufacture or distribution, is to close a loophole in the bankruptcy system which a number of gun manufacturers have explicitly said they will use tactically to try to evade responsibility for their misconduct.

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

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator has 11 minutes remaining.

Mr. GRASSLEY. Mr. President, I yield such time as he consumes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 2748, AS MODIFIED

Mr. SESSIONS. Mr. President, Senator FEINGOLD has again presented an amendment involving landlords and eviction cases. It is one of the biggest problems we have in the bankruptcy code. He has made some progress from his original amendment, but it still basically makes a Federal case out of eviction proceedings. Under Senator FEINGOLD's amendment, when a lease has expired, tenants can go to bankruptcy court to delay and file motions and have hearings that can draw out the case even longer than the time that the Senator has suggested would normally occur. That ought to be done in State systems where eviction cases are traditionally litigated—not in Federal Bankruptcy court.

Every State has a procedure and remedies and rights for tenants being evicted. That is where those cases ought to be handled, not in bankruptcy court. We know that 3,886 people filed bankruptcy in Los Angeles County in 1996 simply for the purpose of defeating eviction. We have seen advertisements in newspapers saying, ''hire us as your bankruptcy lawyer and we can delay your eviction for 7 months.'' This is the kind of thing that is not healthy, the kind of thing that has disrupted and distorted bankruptcy law. I believe bankruptcy law upsets legitimate landlords, many of whom are retirees and people who have only a few apartments or a duplex that they manage, when they can't get a tenant out.

So this amendment that he proposes, in effect, continues the process of allowing the tenant to take his eviction case to bankruptcy court. This is what has been happening and what will continue to happen if the Senator's amendment is adopted. A tenant contests an eviction in State court, and as he moves toward the conclusion of that case, he then has his bankruptcy lawyer file bankruptcy. An automatic stay would occur even with this notice Senator FEINGOLD proposes, at least for 2 weeks. Then they would be eligible for a hearing in bankruptcy court on the certification that had been submitted, and then that would delay things.

After the landlord eventually wins, for example, in a case in which the lease has expired, the case still then has to go back to State court and has to be revived because it is at the bottom of the judge's docket. The landlord has to go back to the State court lawyer to proceed with it. I think that is a completely unworkable proposal. I do understand the Senator's concern. We ought to do all we can to help those who are homeless. We have many provisions for dealing with homeless people, but mandating private landlords to provide housing for people who do not have a valid lease is not the right approach, in my view.

Mr. President, with regard to the gun issue, I think we need to think clearly about what we are doing. We are talking about removing bankruptcy protection from two kinds of judgments: Judgments incurred by people who ''potentially'' violate the law near an abortion clinic and judgments incurred by firearms manufacturers or dealers when some third party breaks the law by using a firearm to injure another person.

Each of us has a special responsibility, I believe, to this Senate and our constitutional responsibilities to create a coherent, fair justice system for allowing citizens' debts to be discharged. That is what bankruptcy is. Every time someone declares bankruptcy, someone whom he or she justly owes is not paid—a store owner, a doctor, a bank, or whoever.

So most of us are here to achieve honest bankruptcy reform. These amendments, however, involving the abortion clinic exception and the gun manufacturers exception have all the earmarks of partisan injection of politics into the bankruptcy code and an attack on people who are unpopular, particularly groups or institutions that are unpopular with the political left. These political attacks come at the expense of the integrity and consistency of our bankruptcy system. We should not allow these kinds of attacks to happen. It is our duty to create a legal system for all Americans and not just to pursue special interest politics.

One Senator who proposed this amendment said, well, if it is political, it is popular. I do not believe it would be popular if we had a group of citizens and we explained exactly with regard to the abortion clinic or with regard to the gun manufacturers how they were being targeted specifically in ways that similar businesses and institutions were not being targeted and were not being given an exemption from bankruptcy.

I suggest that this is not a targeting of violence. These amendments are basically targeting political enemies. The amendments create an exception to the generally applicable bankruptcy protections for two specific classes: Pro-life activists who are overzealous and may violate Federal law, and firearms manufacturers that in general adhere to the law with great attention and, as a matter of fact, do what they are supposed to do and sell firearms according to Federal regulations.

Remember that by the established rule of law, any debt that arises from ''wilful or malicious'' conduct by any institution today is not dischargeable in bankruptcy. In other words, if you commit an action that is malicious or willful and you go into bankruptcy court, you can't wipe out that debt; you still have to pay it.

If we remove the general bankruptcy protection for court judgment against these targeted groups, why aren't we eliminating these protections for other types of debtors whose acts other people may not like in this country? If the goal were to stop violence and protect children from exposure to bad products, you might expect my colleagues who support this amendment to offer amendments that remove generally applicable bankruptcy protections from other entities.

For example, I don't see them proposing to remove protections for union leaders who may acquiesce in strike violence around a plant, or environmental terrorists or their organization who may damage the equipment of logging companies. They are not proposing we provide special protections for Hollywood production companies that inundate our children with smut and violence.

Take, for example, the Hollywood entertainment industry. Through pornographic, violent movies and other activities, this industry pumps violent images into the minds of our people, especially children.

Michael Carneal, the high school student in Paducah, KY, who killed several of his classmates, stated that the violent Hollywood movie, ''The Basketball Diaries,'' which featured a disaffected high school student who shoots a gun into a classroom of students, influenced him to commit his horrible crime.

Eric Harris and Dylan Klebold—the killers in the Littleton, CO, Columbine High School—were avid players of the video game ''Doom'' in which they hunted down and shot their victims. As the New York Times stated, ''the search for the cause in the Littleton shootings continues, and much of it has come to focus on violent video games.''

Will there be lawsuits against those companies?

Who can forget Ted Bundy, a serial killer who preyed on young co-eds, who was convicted and sentenced to death in the electric chair? He confessed that he became addicted to pornography and that pornography played a major role in developing his homicidal fantasies that led to his violent and horrific crimes.

As Senator HATCH's recent Report entitled, ''Children, Violence, and the Media'' noted: ''The debate is over,'' begins a position paper on media violence by the American Psychiatric Association, ''[f]or the last three decades, the one predominant finding in research on the mass media is that exposure to media portrayals of violence increases aggressive behavior in children.'' In the words of Jeffrey McIntyre, legislative and federal affairs officer for the American Psychological Association, ''To argue against it is like arguing against gravity.''

But Hollywood and other activist groups are not targets of these bankruptcy penalties. Why? Because they are friends of some of the people proposing these amendments.

After criticizing Hollywood in public for violent movies and video games that could be responsible for tragedies such as the one at Columbine High School, President Clinton that same day went to a fundraiser in which Hollywood contributors gave $2 million to the Democratic Party.

Supporters of this amendment say they want to stop those who peddle violence to children; that is, punish gun manufacturers, they say. But what about these others who could be sued and have judgments against them? I could say let's provide an exception to them. But, really, that is not the right approach for us to take. We ought not to be carving out exceptions and protections and targeting groups we don't like. We need to create a basic bankruptcy law that treats all lawful businesses the same.

It certainly strikes me as odd that we would want to target people who feel deeply about an issue such as abortion and who, through perhaps excess zeal, may potentially violate the law when protesting against abortion. But what about other groups? Union leaders are also picketing. Civil rights groups, ACLU groups—why aren't they being singled out by this amendment?

These amendments do not represent a high-minded, moral stance against the marketing of violence or against violence itself. Instead, the real reason behind these proposals, it appears to me, is to attack political enemies of certain people.

I could consider offering amendments to include groups such as pornographers, but I don't think that is the right approach. I believe we ought to stay with the historic general principles of law that say those who are willful and those who are malicious cannot discharge their debt.

I would like to say a couple of things about the gun manufacturer lawsuits.

Mr. REID. Mr. President, will the Senator withhold?

Mr. SESSIONS. I will.

Mr. REID. We had a number of Senators calling to find out when the votes are going to occur. I think we are in a position now where we could, with the courtesy of the Senator from Alabama, ask unanimous consent to set a time for the votes.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent the amendments be voted in the order in which they were debated today, with 4 minutes prior to each vote for explanation, divided equally.

I ask unanimous consent the remaining parameters of the consent agreement then be in place.

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

Mr. HATCH. Therefore, a series of votes will shortly occur in the following order, with passage the last in this series: Schumer amendment No. 2763, Feingold amendment No. 2748, Levin amendment No. 2658, and the Schumer amendment No. 2762.

I might mention that on the last amendment there is a possibility we may be able to resolve that amendment. If we do, then there will only be three votes and final passage. If we cannot resolve it, we will have four votes and final passage.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Was that a unanimous consent request?

Mr. HATCH. Yes. We already had that.

Mr. LEAHY. I beg the indulgence of the Senator from Alabama. I am hoping we can resolve the last amendment of the Senator from New York. I think it is one that makes sense and one that has broad agreement on both sides.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. SESSIONS. I thank the Senator from Arizona.

The PRESIDING OFFICER. Alabama.

Mr. SESSIONS. Pardon me, that is not the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Alabama is not the Senator from Georgia, and the acting Presiding Officer apologizes to the distinguished Senator from Alabama.

Mr. SESSIONS. I thank the Presiding Officer from——

The PRESIDING OFFICER. Kansas.

Mr. SESSIONS. I trust we will remember next time.

The argument was made previously that we target and provide an exception in the bill for drunk drivers and drunk boaters. Yes, the current law does do that. But drunk drivers and drunk boaters are the people who conduct themselves in a reckless and endangering way. They ought to be punished. It is legitimate for us to give them a different treatment. But the proposed amendment dealing with gun manufacturers does not target the illegal or irresponsible gun user. It targets a responsible, federally licensed, law-abiding gun manufacturer. That is a big difference.

I have not heard any of my colleagues across the aisle argue that automobile and boat manufacturers should have their product liability debt classified as ''nondischargeable.'' And they should not be. Because those manufacturers, as firearm manufacturers, are not at fault. It is the irresponsible driver or the irresponsible shooter.

Briefly, I will say this. With regard to the suits against gun manufacturers, I think it is very instructive to note the Department of Justice, the Presidentially appointed Attorney General, has not agreed to file these lawsuits. The reason is there is no legal basis for them. Two of them have already been dismissed. They have conjured up a political appointee in HUD, the Department of Housing and Urban Development, to come up with this idea that if you sell a gun precisely according to Federal law, with all the regulations and do everything you can possible, and then the buyer goes out and uses it illegally, the seller or manufacturer is liable. That is not going to hold up in a court of law. If they want to make that law, let's pass a law, let's put it on the floor and vote for it. We have to stop utilizing the litigation process to set public policy in this country. And that is what this is. It is a dangerous trend.

Indeed, a number of institutions which you would not expect, and individuals, have commented on this. The Washington Post, which is absolutely committed to gun control in America, as much as any institution I know of, wrote this recently, on the threats of HUD to file a lawsuit. The Post said:

> It seems wrong for an agency of the Federal Government to organize other plaintiffs to put pressure on an industry—even a distasteful industry—to achieve policy results the administration has not been able to achieve through normal legislation and regulation.

They went on:

> It is an abuse of a valuable system, [the legal system] one that could make it less valuable [the legal system could be less valuable] as people come to view the legal system as nothing more than an arm of policymakers.

I remember a number of years ago, Hodding Carter, who used to serve President Jimmy Carter, said on a national TV program, we liberals have gotten to the point where we want to use the legal system to carry out our agenda we can no longer win at the ballot box.

Robert Reich, President Clinton's former Secretary of Labor, has characterized these tactics as:

> . . . blatant end-runs around the democratic process . . . and nothing short of a faux legislation, which sacrifices democracy to the discretion of administrative officials operating under utter secrecy. . . .

Mr. Reich goes on to say:

> The way to fix everything isn't to turn our backs on the democratic process and pursue litigation as the administration [his former administration] is doing.

That is precisely what we are doing. A lawsuit by lawyers who file these actions to set public policy is dangerous because they were not elected to set that policy. They are not accountable to the people, as we are. If we want to pass a law to burden gun manufacturers further, so be it. We are accountable to the American people and we are responsible for the law. But who are these people who, through lawsuits and secret negotiations, are going do that? That is how we got into this. I don't think these lawsuits are going to be successful, but I certainly do not believe we ought to provide a particular exception, that if somehow they are successful and judgments are rendered so the companies have to go into bankruptcy, somehow they cannot even go into bankruptcy and discharge their debts. That is what we are talking about.

With regard to both of these amendments, they are targeted. They have the earmarks of having a political agenda behind them. They interfere with the objectivity and fairness of the bankruptcy code. We ought not pass them. We ought to reject them both, and we ought to reject the Feingold amendment on rent because we do not need to continue to provide a Federal court trial of matters involving eviction.

I yield the floor.

The PRESIDING OFFICER. Does the distinguished Senator from the great and sovereign State of Alabama, where he served as attorney general, the great State of Alabama, wish to be recognized any further?

Mr. SESSIONS. The Senator from Alabama yields the floor and thanks the Chair.

Mr. FEINGOLD. Mr. President, I will oppose the Levin-Durbin amendment, which would make certain judgments against gun manufacturers nondischargeable in Chapter 11 bankruptcy proceedings. I appreciate the sincere views of my friends from Michigan and Illinois who have proposed this amendment as a way to highlight the serious issues of gun violence in this country. I do not believe, however, that this amendment is necessary, and I think it has the potential to set a dangerous precedent in our business bankruptcy system.

First, there is a real question of whether this amendment is necessary. Chapter 11 business bankruptcy is not like Chapter 7 personal bankruptcy where debts are simply wiped out by the bankruptcy decree. In a Chapter 11 bankruptcy, a business's reorganization plan must receive the approval of the court and of the other creditors. It is far from clear that the kind of judgments that are at issue in the Levin amendment will automatically be discharged in a bankruptcy reorganization.

In addition, Chapter 11 bankruptcy often provides a useful forum for making sure that all claimants against a company are treated fairly. We have seen that happen with respect to suits against asbestos and IUD manufacturers. Without it, plaintiffs may end up in a race to the courthouse to try to claim the limited assets of a company.

Because I have some doubt that the amendment is necessary, and whether it is advisable even from the point of view of potential plaintiffs against gun manufacturers, I am reluctant to set the precedent of using the business bankruptcy system in this way. I believe this amendment is different from some of the non-dischargeability provisions already applicable to personal bankruptcies or that will be voted on here before we complete this bill. Whereas we can say to someone who is contemplating personal bankruptcy that it is our judgment that certain debts simply should not be discharged because of the circumstances or culpability that led to the bankruptcy in the first place, it is hard to see how delivering that message in this particular narrow business bankruptcy context accomplishes the same goal. I will therefore vote against this amendment.

Mr. BYRD. Mr. President, I oppose this amendment offered to the bankruptcy reform bill by Senator LEVIN that would prohibit gun manufacturers from discharging debt associated with firearm sales.

Currently, the families of victims who have been harmed by a firearm can sue the gun manufacturer for financial damages in civil court. The bankruptcy code allows for the gun manufacturer to file for bankruptcy protection and discharge the debt that the manufacturer may owe to the victim's family. This amendment would prohibit a gun manufacturer from discharging that debt.

I am voting against this amendment because, at this time, I have not received significant evidence to suggest that gun manufacturers are abusing loopholes in the bankruptcy code to avoid paying their liabilities. Additionally, this amendment is not narrowly tailored to gun manufacturers who are illegally selling firearms. It targets the industry as a whole, and would set an unfortunate precedent by legally separating this industry from other industries in the bankruptcy code.

While I understand the concerns of people who would argue that gun manufacturers are abusing the bankruptcy code, I cannot support the separate treatment of certain industries under our nation's bankruptcy laws absent more significant evidence of actual abuse.

The PRESIDING OFFICER. Who yields time? The distinguished Senator from New York.

Mr. LAUTENBERG. Mr. President, the Senator from New Jersey seeks recognition.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LAUTENBERG. I thank the Senator from Kansas for his recognition.

Mr. President, I rise in strong support of the amendment being offered by my friends and colleagues, Senators LEVIN and DURBIN. It would prevent gun manufacturers from using the bankruptcy system to evade responsibility for the damage caused by their deadly products.

It is time for this Congress to catch up with the American people. The public is demanding an end to the epidemic of gun violence that has turned parts of this country into shooting galleries. Criminals are amassing arsenals of deadly weapons and using them to gun down whole groups of people, from Hawaii to Seattle, from Texas to Kentucky, yet Congress has failed to see the lesson in these tragedies.

As a result, the American people in cities across the country are turning to the legal system, desperate for help. Thirty cities and counties are suing gun manufacturers for death and injuries caused by firearms. Individual families are suing to hold gunmakers accountable for the loss or harm brought to loved ones.

These lawsuits are already making significant headway against the formidable power of the gun industry. In the case of Hamilton v. Accutek, a jury in Brooklyn, NY, found several gun manufacturers responsible for the damage caused by that product.

In Georgia, a judge allowed a suit filed by Atlanta against the gun industry to move forward.

In California, a Federal judge barred gun manufacturers from using bankruptcy as a shield when their products caused death or injury.

It was not long ago that gunmakers would laugh when you suggested they take some responsibility for the devastation firearms have caused. But the tears of our citizens have finally wiped away the smile now that 30 cities and counties across the country are taking them to court.

Today, gun manufacturers are talking about making safer firearms and working to keep guns away from criminals, things they never would have considered discussing just a year ago.

They are making these changes because gun victims are holding them accountable in court. Families, friends, and neighbors of gun victims are using the legal system to seek some measure of solace. Congress ought not to get in the way. The Levin-Durbin amendment sends a clear message that the gun industry must face up to its responsibilities, that it will not find an easy escape in the bankruptcy court when families bring valid lawsuits.

And this Congress has to do more to stop gun violence. It is disgraceful that the Congress has not passed reasonable gun safety measures, including my amendment that requires criminal background checks at gun shows. It is especially troublesome when one stops to consider that the Nation's largest gun manufacturer, Sturm, Ruger and Co., has expressed concern about the sale of its guns at gun shows.

The gunmakers themselves are seeing the light, but Congress is still fumbling for the switch. Most Americans assumed the horrific shootings in Columbine would be enough. Most Americans thought the vision of two high school students systematically killing 12 classmates and a teacher and wounding 23 others would finally spur this Congress to action.

April 20 will mark one year since that terrible tragedy at Columbine, and it would be outrageous for Congress to let that day pass without having passed a single piece of gun safety legislation. The Senate did pass sensible gun safety measures as a part of the juvenile justice bill, including the amendment I offered that would prevent criminals from getting guns at gun shows, but we simply need to finalize a good, tough bill and send it to the President.

While this legislation is technically stuck in conference, I am afraid it is being held hostage by the extremists at the National Rifle Association, and we should not allow that to continue. I am going to continue to speak on the Senate floor. I will take whatever other steps are necessary to engage Congress in that action.

When the Congress wants to act quickly, it does. We often push legislation through the process in a matter of days, but not legislation aimed at reducing gun violence. Those measures run into one delay after another, even though the vast majority of the American people are pleading for action. Failing to act by that horrible anniversary date, April 20, will be a travesty. How will we be able to answer the families who ask what we have done to stop the killing?

I urge my colleagues to join me and others in bringing this nationwide epidemic under control. The forces on the other side are powerful, but we have to help keep our families and communities safe and make the gun industry accountable. Support the Levin-Durbin amendment, and then we ought to complete the work on the gun safety measures in the juvenile justice bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, how much time is left for this side on the Levin amendment?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. GRASSLEY. I yield such time as he might consume to the Senator from Idaho.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized.

Mr. CRAIG. I thank the distinguished Presiding Officer from Kansas for recognizing the Senator from Idaho.

Mr. President, I said yesterday—and I meant it most sincerely—that I am very respectful of the Senator from

Iowa and the Senator from Utah who have tried to reshape bankruptcy law in this country to be fair and equitable and representative of those who find themselves in desperate straits as a result of debt and the need to reorganize and reshape that and, in some instances, to discharge it altogether. We have said historically that those who willfully, maliciously, or recklessly cause endangerment cannot do that. That has been the standard, and that ought to remain the standard.

Today, there is an attempt by the Senator from Michigan to use the bankruptcy code to be politically correct, to be more political than substantive as it relates to the law; that is, to single out an industry and that industry's legal distributors as somehow being separate, special, and unique and, therefore, not being allowed to use the bankruptcy law.

It is a great mistake for the Senate to begin to play that kind of game. That is raw politics, and we have not done that in the past. I am not sure we should ever do it for any reason other than the ones we have already said: a willful, malicious kind of action.

They say this is for gun manufacturers, those folks whom they attempt to paint as a very evil group who produce a legal and legitimate product and sell it through federally licensed dealers. Somehow they are all wrong now because the Senator from Michigan and the Senator from New Jersey say the American people sweepingly demand that we change. The American people do not sweepingly demand this change; they demand that the Justice Department enforce the laws, which we know they have not, and, as a result, some misuse of firearms has certainly gone on in our country.

The issue is not with the Kmarts, it is not with the Wal-Marts, it is not with the local hardware dealer, and it should not be with the manufacturer. But for some reason today, for political correctness in this Chamber, that is exactly what they are attempting to do. I hope my colleagues understand and recognize that we are not shielding somebody who acts willfully and maliciously but who acts knowing their action endangers others. They are not going to be exempt because they are not now and they will not be later.

The Senator from Alabama is right; judges are already dismissing these kinds of frivolous, politically motivated lawsuits, and they will keep filing them hoping someday they can find a judge on whom they can hang it and he will say OK.

If that happens, then what happens? If a company that finds itself in this situation is not allowed to use chapter 11 to reorganize, then they will use chapter 7. What does that mean? It means they will go bankrupt, they will liquidate, they will go overseas, if they need to, to manufacture their product, and jobs on Main Street in a lot of our communities can and will be lost.

Is this a jobs issue? It can be when you straitjacket the law, when you pick winners and losers, when you want to play the politically correct game against someone who, by their judgment, has fallen out of favor with the American people. I hope we do not use bankruptcy law or any other part of the Federal code of this country for that kind of political gamesmanship.

Last year, my colleagues on the other side of the aisle worked overtime trying to make guns an issue, and they failed. The reason they failed is that the American people said: Wait a moment; there are tragedies being perpetrated out there and guns being used in those tragedies, and there are 60,000 gun laws in America and the Justice Department is not enforcing them.

Somehow we just stack more laws up and the world becomes safer? No. The American people are way ahead of us by last year's polling and this year's current polling. They say: Don't do that. More laws do not a safer world make unless the laws are effectively enforced and administered against the criminal element of our society or those who would misuse their rights.

Here the Senator from Michigan is deciding who is going to be criminal and who is going to be malicious by standing in this Chamber and saying: I think I will find these people less than popular in my judgment because back home it might be politically correct with my base of support.

That is not good policy. It may be good politics. We have already found even that politics is not working very well.

I ask my colleagues to join in a motion to table. We should not mess up the bankruptcy law. It ought to be used for the purposes it is being used, and those who find themselves misusing the laws of our land or acting in a reckless, willful, malicious way are going to be treated appropriately within the law; that is, to not discharge their debt or their liability if they find themselves in this kind of an environment.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

AMENDMENT NO. 2762, AS MODIFIED

Mr. GRASSLEY. Mr. President, I have an opportunity to avoid one vote by sending to the desk a modified amendment. It is amendment No. 2762. So I send it to the desk and ask unanimous consent that the amendment be modified and that the modified amendment be agreed to, and the motion to reconsider be laid upon the table. If necessary, I ask unanimous consent to lay the pending amendment aside.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection on this side.

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

The amendment (No. 2762), as modified, was agreed to, as follows:

On page 14, strike lines 8 through 14 and insert the following:

''(5)(A) Only the judge, United States trustee, bankruptcy administrator, or panel trustee may bring a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the data of the order for relief, when multiplied by 12, is equal to or less than—

''(i) the national or applicable state median family income reported for a family of equal or lesser size, whichever is greater; or

''(ii) in the case of a household of 1 person, the national or applicable State median household income last reported by the Bureau of the Census for 1 earner, whichever is greater.

''(B) Notwithstanding subparagraph (A), the national or applicable State median family income for a family of more than 4 individuals shall be the national or applicable State median family income last reported by the Bureau of the Census for a family of 4 individuals, whichever is greater, plus $583 for each additional member of that family.''.

Nothing in this title shall limit the ability of a creditor to provide information to a judge, U.S. trustee, Bankruptcy administrator or panel trustee.

Mr. GRASSLEY. Does the other side of the aisle have speakers?

Mr. LEVIN. Mr. President, I think we are ready to yield back whatever time we have, if the other side is ready to yield back whatever time they have.

I withdraw that.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin is recognized.

AMENDMENT NO. 2748, AS MODIFIED

Mr. FEINGOLD. I believe I have 6 minutes remaining, is that correct?

The PRESIDING OFFICER. The Senator has 6 minutes remaining on his amendment.

Mr. FEINGOLD. I ask if I can use a portion of that time at this point to respond on the landlord-tenant amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I wish to respond briefly to the short remarks the Senator from Alabama made with regard to the landlord-tenant amendment.

I want to reiterate, as the Senator from Alabama acknowledged, that he raised a whole series of concerns out here on the floor in the course of our debate on the amendment a few months ago. And he does not dispute that we addressed every single one of those concerns, as we modified the amendment. We have been very attentive to the fact there were aspects of the amendment that made the Senator, and others, uncomfortable. We made changes in the spirit of compromise in order to try to get something done.

By eliminating the automatic stay, section 311 of this bill is an enormous change in the law in favor of landlords. What the Senator does not make clear is that we are not undoing that change with this amendment. What our amendment does is streamline the process for lifting the automatic stay, rather than eliminating the stay altogether. So instead of a 6- or 8-week period, or longer, to get the stay lifted,

our amendment provides a 15-day period, and the State eviction proceedings go forward. But those proceedings cannot go forward when the tenant is paying rent.

All we are saying is that if a person is truly trying to get his or her act together, and is willing, from the time of the bankruptcy filing forward, to pay rent every month, on time, then in those cases the stay should be in place. I think that is enormously reasonable.

For the Senator to suggest this is somehow federalizing this area is the opposite of what is going on. In fact, this bill, as it will undoubtedly pass, will remove Federal court, in effect, in an awful lot of cases that currently are protected by Federal bankruptcy proceedings because of the automatic stay. And so will our amendment. If a tenant misses a rent payment, or is damaging the apartment, all the landlord has to do is file a simple one page certification to that effect with the bankruptcy court and the stay is lifted.

All we are saying is, in some cases there still needs to be that stay in place where someone is honestly trying to stay in that apartment, someone is truly trying to get their life together, and is willing to make the rent payments.

So it is simply incorrect to say this is going to gut the provision in the bill. Our amendment still is a dramatic change from current law. It is a change that is very pro-landlord. All we are saying is, let's be fair.

It is not accurate when the Senator from Alabama says there is automatically going to be a hearing at the end of the 15 days. That is not the case. Yes, it is conceivable that tenants could come and seek a hearing if they claimed that the landlord's certification was inadequate or mistaken, but there is no automatic right to a hearing. If those 15 days lapse, that is it. The State eviction proceeding goes ahead, the automatic stay is lifted.

In summary, I think this is a classic case of where, instead of there being a fundamental disagreement that we cannot bridge, we tried very hard to add a few elements of fairness to the bill. I think the Senator from Alabama would have to concede we did do that. It would be appropriate for Members to take a good look at this modified amendment and adopt it to make sure we do not have an unduly harsh change in the law. I cannot believe even the harshest landlord would want to have some of the consequences that could result if we do not adopt the reasonable modifications contained in this amendment.

Mr. President, with that, I ask, how much time is remaining?

The PRESIDING OFFICER. The distinguished Senator has 3 minutes remaining.

Mr. FEINGOLD. Mr. President, with the understanding the other side will yield their time, I will yield my time, as well. But if, instead, they wish to speak again, I will keep the 3 minutes.

Mrs. FEINSTEIN. Mr. President, after much deliberation, I am voting in favor of tabling the Feingold amendment on the use of the automatic stay in eviction proceedings.

In California, we have had very serious problems with bankruptcy mills, fly-by-night firms that have advised tenants to avoid eviction by filing for bankruptcy. These firms have even gone so far as to place ads in newspapers which encourage renters to ''stop evictions from one to six months by filing for bankruptcy,'' or promise to ''legally stop your eviction for up to 120 days at rock bottom prices.''

In 1996 alone, the Los Angles County Sheriff's Department reported 3,800 cases in which the tenant filed for bankruptcy after all state eviction proceedings were exhausted—causing an extra $ 6 million in costs.

While the Feingold amendment is well-intentioned, it does not adequately address the misuse of the ''automatic stay'' in eviction proceedings.

Let me explain why:

First, once an individual files for bankruptcy, the Feingold amendment only permits an eviction to go forward if the tenant subsequently fails to pay rent again. Thus, a debtor could refuse to pay debts for many months, and when the landlord begins the eviction proceeding, the landlord's hands would be tied if the debtor then starts paying the rent.

This in effect gives a renter the ability not to pay rent, go through bankruptcy, and, by agreeing to pay future rent, get to keep the apartment even if no back rent is paid. In the meantime, he could have had eight or ten or twelve months of free rent.

Second, the amendment gives landlords the incentive to evict tenants immediately upon non-payment. If, according to the Feingold amendment, the landlord begins eviction proceedings more than 10 days after nonpayment of rent and then the tenant files bankruptcy, the eviction would be subject to the automatic stay. This quirk in the amendment could deter landlords from entering into negotiations with tenants and lead to quicker evictions.

Finally, I have concerns about the impact of this amendment on small landlords. I have received letters from small, private landlords about the burden of current bankruptcy law. These landlords, who may own just one or two apartments, report that the nonpayment of rent by tenants threatens their own ability to meet mortgage payments.

I believe strongly in protecting the rights of tenants. However, the Feingold amendment tips the scales too far. A more balanced approach is needed.

Mr. GRASSLEY. Mr. President, how much time do we have on the amendments?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. GRASSLEY. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, I wish to take this particular time to not speak on either one of the amendments before us but to speak about the necessity of passing this bill. Because we have votes on two or three amendments and then final passage, I will not take the time of the Senate at the time of final passage.

As we prepare for final passage on this bankruptcy bill, I remind all my colleagues what we are voting for and on. The most fundamental question we face with this bill is whether or not people should repay their debts.

This bill says that when someone can repay their debts, they are not going to be able to take the easy way out. This bill will end the free ride for wealthy freeloaders and deadbeats who walk away from their debts and pass the bill on to the rest of us, to the consumers, who are honest and who should not pick up the tab for those who are not.

We have a real bankruptcy crisis in need of action. This bill does it without violating the principle that people who are entitled to a fresh start have that fresh start.

As a result of an amendment offered by Senator TORRICELLI and myself, this bill contains the most sweeping, wide-ranging set of consumer protections the Senate has enacted in a long time.

Those of us from farm country have an extra reason to vote for this bill since it contains crucial protections for family farmers who may face bankruptcy due to low commodity prices. Chapter 12 will expire in June unless we pass this bill. Under this bill, farmers in chapter 12 will get significant tax relief when they sell off assets.

Mr. President, this bill is fair and balanced and deserves to be passed by an overwhelming vote.

Mr. President, I ask unanimous consent that two newspaper articles on the subject of bankruptcy be printed in the RECORD.

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

[From the Des Moines Register, May 20, 1999]

THE BANKRUPTCY PARADOX

If you are a single parent in Iowa whose spouse takes the family can, takes the family bank account and takes a powder, society will provide you with something over $300 per month, plus health care and food stamps while you hunt a job. If you don't get on your feet in the alloted time, society may take action to take your kids away.

If you have some assets but have managed to go thousands of dollars in debt by losing big at the casino, society will forgive your debt immediately and let you keep the house and car and continue to gamble. If you're back in the red in a few years, society will bail you out again. And again.

That's the paradox posed by bankruptcy laws. The average American declaring bankruptcy is forgiven $11,000 in debt with no obligation to pay it back. Instead, society pays it. The deadbeat's debts show up in the higher prices you pay and the higher interest on borrowed money.

Don't look for help from the consumer groups or the civil-rights groups or the bankruptcy attorneys. They're fighting against

efforts to hold debtors more responsible, and blaming the credit-card industry for luring the reckless into bankruptcy. No question but that the industry is guilty of inviting deadbeats to go into debt by its indiscriminate pushing of credit cards. For the industry to now complain because some are defaulting is the height of chutzpah.

Their critics argue that the lenders simply want the government, by tightening bankruptcy laws, to become a collection agency for them.

There's plenty of blame for everyone. Too many Americans are flat-out irresponsible in handling money; too many lenders are equally irresponsible in taking advantage of that irresponsibility, and our bankruptcy laws are too eager to make responsible society pay for the mess. As usual.

It's impossible to legislate responsibility. But steps could be taken. We could discourage the credit-card industry from offering credit without checking creditworthiness. We could require that lenders describe credit terms exactly, and explain why paying only the ''minimum balance'' is like owing your soul to the company store. We could eliminate ''Chapter 7'' bankruptcies, which free debtors of any responsibility.

Legislation tightening up the bankruptcy law has cleared the House, with ''yea'' votes from the entire Iowa delegation. Unfortunately, it lets state bankruptcy laws continue to allow the bankrupt to keep their homes, no matter how expensive. Millionaires can still sell their homes, buy mansions in certain states like Florida and Texas, and become ''bankrupt'' millionaires, paying their creditors nothing.

The saddest aspect of the credit mess is in its indictment of the integrity of modern culture. Today's society no longer sees bankruptcy as carrying any stigma, seems no longer to attach any guilt to financial irresponsibility, and teaches that when anything goes wrong in one's personal affairs, it is someone else's fault, and the bailout is someone else's duty.

The price we will eventually pay for this collective soft-headedness could be staggering.

[From the Omaha World-Herald, May 10, 1999]

BANKRUPTCY IS FOR THE NEEDY

The ability to declare bankruptcy and dump one's debts should not become regarded as merely another financial management tool to facilitate irresponsible spending. Such a remedy should be limited to people who truly cannot repay their creditors. That is one of the principles underlying legislation passed by the House despite a veto threat by the White House.

The proposal is an attempt to slow a flood of bankruptcies in the United States. Nearly 1.4 million people filed for personal bankruptcy protection last year, an increase of 95 percent since 1990.

Bankruptcy is a substantial problem. While no official figures exist, creditors have said that the amount of debt that gets wiped out by bankruptcy proceedings each year totals between $30 billion and $50 billion. Some people might say that's good. But such a view would be uninformed. Debts that the law forces creditors to forgive are ultimately paid by others in the form of higher prices.

All sides in the debate agree that current law allows debts to be written off even though the debtor is capable of partial repayment. Studies by the Justice Department and the American Bankruptcy Institute, a nonpartisan think tank in Alexandria. Va., indicate the figure is between $800 million and $1 billion. A study paid for by major credit-card companies came up with $3 billion.

The legislation, pushed by credit card companies, would make it nearly impossible for people earning more than the national median income ($50,000 for a family of four) to wipe out their debts entirely. Rather, the higher income family would have to gradually repay its debts on a schedule set by the court.

Blame for the surge in bankruptcies can be spread widely. Lenders suggest that the number has risen because the laws making it easier to take cover under the bankruptcy laws. Consumer organizations have asserted that lenders, particularly credit-card issuers, are largely at fault because they aggressively push credit—even households with marginal financial resources are targeted by many companies these days.

Clinton administration officials object to the legislation, arguing that it would hurt people who are not capable of repaying their debts.

Debtor attorneys and some bankruptcy experts have said that the new law would bring increased paperwork, raising the cost of filing bankruptcy and making it more difficult for low-income families to take advantage of it.

The problems seem small, however, in relation to the worthy principle that would be strengthened. Anyone who can repay his debts should do so. Period, Bankruptcy should not be an easy out for people who live it up beyond their means. The proposed legislation would redirect the law to cut off their escape route.

Mr. GRASSLEY. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

Mr. GRASSLEY. Mr. President, before we have a quorum call, I have a message from Senator SESSIONS, that Senator SESSIONS is willing to have me yield back our time on our side if Senator FEINGOLD is willing to yield back the time on his side.

Mr. FEINGOLD. With that understanding, I yield back my remaining time.

Mr. GRASSLEY. We yield back the time on our side.

The PRESIDING OFFICER. All time has been yielded back.

Mr. REID. Mr. President, parliamentary inquiry: Would the Chair inform the Senators how much time remains? It is my understanding Senator LEVIN has approximately 4 minutes on his amendment. Is that true?

The PRESIDING OFFICER. The time remaining is 4 minutes for the distinguished Senator from Michigan and 2 minutes for the distinguished Senator from Iowa.

Mr. REID. What other time is remaining on the amendments?

The PRESIDING OFFICER. All of the other time has expired.

Mr. REID. I suggest the absence of a quorum, with the time running against both the majority and minority.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, at the end of this matter we are going to vote on these amendments. Then we will have a managers' amendment and finish the bill.

I want to personally express my respect for and appreciation of both Senators GRASSLEY, TORRICELLI, and others for the hard work they have done in bringing this bill through the subcommittee and through the Judiciary Committee and on to the floor. Senator SESSIONS has been a very solid supporter of good bankruptcy legislation, as well as others on the Judiciary Committee—I hate to leave anybody out—but especially Senators GRASSLEY and TORRICELLI. They deserve a lot of respect for what was a very difficult bill to bring through even a subcommittee, let alone the full committee and the floor.

I am hopeful we will get this bill all the way through and signed by the President. It is a bill that will make a great deal of difference in everybody's lives and, I think, will set the bankruptcy code in the direction it should go and stop some of the fraud and some of the misuses of bankruptcy that are going on currently in our bankruptcy system.

There are some things we will have to work on in conference; there is no question about that. We will try to perfect this bill as best we can, hopefully, so that both sides are pleased with it. There are some problems that naturally do exist, but we will work with our friends on the other side and see what we can do to resolve any conflicts we have.

Again, I thank the distinguished ranking member on the Judiciary Committee, Senator LEAHY. He and his staff have played an excellent role, along with the staffs of Senators GRASSLEY and TORRICELLI, in helping to bring this about.

I thank my own staff for the work they have done. All of these staff members have worked diligently to do what is a very good job on bankruptcy.

Having said that, I suggest the absence of a quorum.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there are 4 minutes remaining for the Senator from Michigan.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I yield those to the Senator from Vermont, ranking member of the committee.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I intend to vote for the Bankruptcy Reform Act to send it to conference in the hope that we can continue to improve the bill so that a balanced bankruptcy reform bill can be signed into law by President Clinton this year.

We have adopted 45 amendments during the floor debate on this bill—

amendments offered by Republicans and Democrats.

During the course of our floor debate, Senators from both sides of the aisle have come forward to made bipartisan progress to improve this bill from that reported by the Judiciary Committee. I want to thank Chairman HATCH and Senator GRASSLEY for working with us, with me and Senator REID and Senator TORRICELLI, and with the proponents of many amendments. This debate has not been easy with more than 300 amendments filed to the bill back in November. We have worked through those amendments.

Let there be no confusion: This is certainly not the bill that I would have drafted, even now after the amendment process. This is not as good or as balanced a bill as that which the Senate passed by a 97 to one vote in 1998. Still, it has been significantly improved in its bankruptcy provisions through a bipartisan amendment process.

We have worked in good faith with the Republican managers to have an open debate. This is how the Senate works and how it should work. From a total of 320 amendments, we have now worked through them all. That is a bipartisan accomplishment of which we can all be proud.

I have tried during the course of this consideration to protect the rights of Democratic Senators to offer and debate their amendments. While we have not always prevailed after a vote, we have at least been faithful to our Senate tradition and preserved the opportunity to offer, debate and vote in relation to those amendments.

In some significant regard, we have been successful in improving this bill. Over the course of the last three years we have been able to help reshape the bill to protect child support payments as a priority in bankruptcy.

We added modest but essential credit industry reforms to the bill. The millions of credit card solicitations made to American consumers the past few years have caused, in part, the rise in consumer bankruptcies. The credit card industry should bear some responsibility for these problems. The improvements to the Truth In Lending Act that we have been able to add to this measure provide for more disclosure of information so that consumers may better manage their debts and avoid bankruptcy altogether.

We adopted other important amendments to improve the bill, as well. Indeed, we adopted amendments during Senate debate on this bill. I want to list just a few of these important amendments for the record.

The Senate overwhelmingly voted to close the homestead exemption loophole in the Bankruptcy Code. By a vote of 76 to 22, the Senate adopted the Kohl-Sessions amendment to cap any homestead exemption at $100,000. In States such as Florida and Texas, debtors have been permitted to take an unlimited exemption from their creditors for the value of their home. This has lead wealthy debtors to abuse their State laws to protect million dollar mansions from creditors. This has been a real abuse of bankruptcy's fresh start protection.

We adopted the Leahy-Murray-Feinstein amendment to clarify that expenses to protect victims of domestic abuse are necessary expenses in a bankruptcy proceeding. We adopted a Feingold amendment to clarify the long-term expenses of a debtor caring for a nondependent parent or relative are necessary expenses in a bankruptcy proceeding. We adopted the Kennedy amendment to protect a debtor's Social Security benefits in a bankruptcy proceeding. These are good amendments that improve the bill.

We adopted the Grassley-Torricelli-Specter-Feingold-Biden amendment to provide bankruptcy judges with the discretion to waive filing fees for low-come debtors. Bankruptcy is the only civil proceeding without in forma pauperis filing status and this amendment corrects that anomaly. And we adopted the Feingold-Specter amendment that struck the bill's requirement that a debtor's attorney must pay a trustee's attorney fees if the debtor is not ''substantially justified'' in filing for chapter 7. That requirement could have discouraged honest debtors from filing for chapter 7 for fear of paying future attorney fees. Together these amendments improve the fairness of bankruptcy proceedings.

We adopted the Leahy amendment that struck the bill's mandate for all debtors to file past tax returns and instead permits parties in interest to request tax information if needed. The wasteful provision stricken by my amendment should save taxpayers an estimated $24 million over the next five years by cutting down on unnecessary storage costs and paperwork burdens.

We adopted the Reed-Sessions amendment to protect debtors by giving them adequate information for decisions about reaffirmations of unsecured and low-value secured debt. We adopted the Sarbanes-Durbin amendment on disclosure of consumer credit information.

Forty-three amendments were adopted to the Committee bill, many made important improvements, many on a bipartisan basis.

Unfortunately, while we made progress on the underlying bill in many regards, it still lacks the balance that it needs to become good law and remains tilted too far toward making taxpayers and the bankruptcy courts pay for the excesses of the credit industry. It is my hope that with the help of the Administration and the continuing cooperation of Chairman HATCH and Senator GRASSLEY and our House counterparts that we can continue to improve this measure during the course of a House-Senate conference and report a consensus bill that we can all proudly support.

Most threatening to the prospects of this bill becoming law are the nonrelevant, nongermane amendments adopted last November to this bill. Last year, Senate adoption of those nonrelevant, nongermane amendments quite properly led to a presidential veto threat. I will work in the House-Senate conference to have those amendments removed from the conference report and final bill. If they are not, I have grave doubt whether any bankruptcy reform bill can become law this year.

Regrettably the Senate rejected the Kennedy amendment to provide a real minimum wage increase and, on a virtual party line vote, chose to adopt an amendment that includes unpaid tax breaks and a watered down increment in the minimum wage for working people. The President noted that the Republican majority used its amendment ''as a cynical tool to advance special interest tax breaks.''

Last year, the Senate also adopted by a one-vote margin, a poison pill amendment regarding sentencing policy. I opposed this amendment because it attempted to solve the unfair discrepancy between sentences for powder and crack cocaine in precisely the wrong way—by increasing the use of mandatory minimums for those who possess, import, manufacture, or distribute powder cocaine, without taking any steps to reduce the use of disproportionate mandatory minimums for those who commit crack cocaine offenses.

I have repeatedly stated my objections to the shortsighted use of mandatory minimums in the battle against illegal drugs, and my objections are all the more grave when an attempt is made to increase the use of mandatory minimums through provisions placed in the middle of a unrelated bill offered at the end of a session. Returning to the failed drug policies of the recent past is not the way to enact a fair and balanced bankruptcy reform bill.

The bipartisan methamphetamine legislation included in that amendment was passed separately at the end of the last session. Accordingly, the only portion of that amendment worth voting for has already been passed separately. That nonrelevant, nongermane amendment should also be jettisoned in conference.

The Senate's actions last year in adopting the two Republican nonrelevant and nongermane amendments were both unfortunate and unwise. I hope the House-Senate conference committee will discard these two poison pill amendments as we craft a final bankruptcy reform bill that can become law.

I look forward to working with the Senate and House conferees to improve the Bankruptcy Reform Act in conference. I hope the majority has learned from the mistakes made during the bankruptcy reform conference in the last Congress two years ago. This year, we should work together to make further improvements and add balance to the Bankruptcy Reform Act.

Finally, I want to commend Chairman HATCH and Senator GRASSLEY for

their management of this bill and thank Senator REID, our Assistant Democratic Leader, for all his effort and assistance in connection with this matter.

Senator GRASSLEY has persevered in this effort when lesser men would have given up and he continues to work with us in good faith to craft reform legislation.

Chairman HATCH has returned to his important leadership responsibilities in the Senate without missing a step. He is a legislator of the first order with whom I am glad to work on many matters. Today we culminate our work together on initial Senate passage of the Bankruptcy Reform Act so that we can continue our efforts in a House-Senate conference.

Senator REID has worked with me to protect the rights of Democratic Senators and to improve the bill. I have thanked him many times in the days and weeks that we have been on the Senate floor together working to improve this bill and do so, again, today.

I look forward to working together with Chairman HATCH, Senator GRASSLEY, Senator TORRICELLI, the House conferees, and the Clinton Administration on a conference report that leads to enactment of a fair and balanced Bankruptcy Reform Act.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. Mr. President, we yield back the remainder of the time on our side.

Mr. LEAHY. We will on this side, too.

AMENDMENT NO. 2763

The PRESIDING OFFICER. By previous agreement, the amendment pending is on the Schumer amendment No. 2763, with 4 minutes equally divided for final argument and explanation. Who seeks time?

Mr. HATCH. Mr. President, the distinguished Senator from New York is coming to the floor. I suggest the absence of a quorum until we start the 2 minutes of debate on each side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I reiterate to my colleagues how important this amendment is. Six years ago, the rule of law was challenged in this country because some who believed that they had more moral authority than the rest of us could take the law into their own hands and commit acts of violence against clinics, against doctors, against health care workers. They could harass; they could threaten; they could blockade, because they thought they had more moral authority than the rest of us.

The FACE law, a bipartisan law even supported by Henry Hyde, caused that violence to decline significantly. Now they have found a new way against these clinics; that is, once a judgment is made against them because they have violated the law, to hide behind the false shield of bankruptcy.

We will see violence increase. We will see a woman's right to choose impinged upon if we don't pass the Schumer-Reid-Snowe-Jeffords amendment. This is not an issue of simply pro-choice or pro-life. This is an issue about violence against women. This is an issue about the rule of law in America. I urge my colleagues to support the Schumer amendment and preserve a woman's right to make her own decision on the issue of choice.

The VICE PRESIDENT. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, many Members have come to different conclusions as to the need for this amendment concerning the dischargeability of debts related to abortion clinic violence. It is clear from today's debate, nobody in the Congress supports violence at abortion clinics, or at any other venue. Those of us who support bankruptcy reform do not believe that the bankruptcy laws should be used to shield any acts of violence.

Many of us believe that current law already precludes those found guilty of violent activities at abortion clinics from discharging debts arising from such activity in bankruptcy. But apparently the sponsors of the amendment believe there is more than can be done in this area.

Although I believe this amendment to be tremendously flawed, the majority leader, Senator GRASSLEY, and I recommend that members on both sides vote for this amendment. We will, in good faith, in conference correct the amendment and resolve these problems at that time. With this amendment accepted, nobody will be able to politically demagogue this issue in the context of true bankruptcy reform.

We pledge to work with our friends on both sides of the aisle who are interested in this issue during conference to make sure that the law is clear, that with due respect for the first amendment, debts arising from violent acts cannot be discharged in bankruptcy.

Mr. President, have the yeas and nays been ordered?

The VICE PRESIDENT. They have not.

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

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from New York.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote ''no.''

The result was announced—yeas 80, nays 17, as follows:—

[Rollcall Vote No. 2 Leg.]

YEAS—80

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

NAYS—17

Allard	Grams	Roberts
Brownback	Helms	Sessions
Bunning	Hutchinson	Smith (NH)
DeWine	Kyl	Thompson
Enzi	Lugar	Voinovich
Gramm	Nickles	

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—2

Burns McCain

The amendment (No. 2763) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, could we have order, please.

The VICE PRESIDENT. The Senate will be in order. Senators will cease all conversation or retire to the Cloakrooms.

The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent the next series of votes be limited to 10 minutes in length.

The VICE PRESIDENT. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object.

The VICE PRESIDENT. The Senator from Vermont.

Mr. LEAHY. Mr. President, reserving the right to object, and I will not object, I did want to thank the Presiding Officer. I know he has had a busy day and evening and night. I thank him for coming back and joining those of us who supported this amendment.

I will not object.

The VICE PRESIDENT. Without objection, it is so ordered. There remains 4 minutes equally divided on the Feingold amendment.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, my amendment is designed to lessen the harsh effects of section 311 of the bill on tenants, while at the same time protecting the legitimate financial interests of landlords.

Mr. WELLSTONE. Mr. President, could we have order in the Chamber, please?

The VICE PRESIDENT. Senators will cease audible conversation. Even on the dais.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, current law provides for an automatic stay of eviction proceedings upon the filing of a bankruptcy case. Landlords can apply for relief from that stay so eviction can proceed, but under current law the process often takes several months. Section 311 of the bill eliminates the stay in all landlord-tenant cases so eviction can proceed immediately.

My amendment would allow tenants to remain in their apartments as they try to sort out the difficult consequences of bankruptcy, if and only if they are willing to pay the rent that comes due after they file for bankruptcy. If the tenant fails to pay the rent, the stay can be lifted 15 days after the landlord provides notice to the court that the rent has not been paid. So no hearing and no delay. If the reason for the eviction is drug use or property damage, the stay can also be lifted after 15 days. Under the amendment, this 15-day notice period does not apply if the tenant has filed for bankruptcy previously. In other words, in the case of repeat filings, the automatic stay would never take effect, just as under section 311 in the bill.

Under my amendment, therefore, you could never live rent free as some of the opponents suggest. The debtor has to pay rent after filing for bankruptcy. If a debtor misses a rent payment, the stay will be lifted after 15 days. So the amendment gets at the abuse and it protects the rights and economic interests of the landlord. What it does eliminate is the punitive aspect of the bill. We have modified this so it is fair. The major reform in favor of landlords still holds, but there has to be some fairness and balance with regard to the effect of the bill on evictions. That is what I am trying to protect through this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The time allotted to the distinguished Senator has expired. The Senator from Iowa is recognized for 2 minutes. The Senate will be in order.

The Senator from Iowa?

Mr. GRASSLEY. I yield my time to the Senator from Alabama.

The PRESIDING OFFICER. The distinguished Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Chair. You got it right.

Mr. President, I must register my strongest opposition to this amendment. It continues the one thing that causes so much grief. It makes a Federal case out of eviction proceedings. We know that in Los Angeles 3,886 bankruptcy cases were filed in 1996 simply to delay the eviction cases that were pending in the State court. In other words, if you file for eviction, under the current law when a person files bankruptcy, that eviction case is stayed. It then goes to bankruptcy court.

The landlord, many of whom are individual people without great wealth, have already hired a lawyer to handle the eviction and now has to hire a Federal court bankruptcy lawyer to go into Federal court. After they win, as they always do because an expired lease is not an asset of the estate and cannot be subject to the control of the bankruptcy judge, they have to then go back to State court, ask the State judge to pick up the litigation, and proceed.

The 15-days that the Senator suggests is better than his first amendment, but it does in no way deny the person from going to Federal court. They can then have a hearing after the 15 days. They can contest whether the tenant used drugs or not in Federal court. They are evicting them from the apartment because of drug use or other reasons.

We simply should not do this. The true fact is that eventually all these contests in bankruptcy court are eventually lost. Why go through the process? Let the State court eviction proceedings hold sway and make the decisions where they have always been made.

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

The PRESIDING OFFICER (Mr. BUNNING). The yeas and nays have been requested. Is there a sufficient second?

Mr. GRASSLEY. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2748, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote ''yea.''

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—54

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

NAYS—43

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

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—2

Burns McCain

The motion was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2658

The PRESIDING OFFICER. Under a previous order, there are 4 minutes divided on the Levin amendment. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, my amendment very simply provides that gun manufacturers or distributors cannot evade responsibility for damages which are caused by their reckless or negligent conduct or their fraudulent conduct by reorganizing in bankruptcy.

The question has been raised, why single out one industry? The answer is, there are 18 exemptions in the bankruptcy law. We have singled out 18 different instances where public policy is such that we have decided people should not be able to discharge their debts. For instance, students who take out student loans cannot discharge their obligations in bankruptcy. So where public policy indicates we should say something is not dischargeable, we have done that on 18 different occasions.

This amendment is strongly supported by the League of Cities and by the Conference of Mayors. About 30 cities have initiated lawsuits, cities from all parts of the country: New Orleans, Chicago, Atlanta, Cleveland, Cincinnati, St. Louis, and San Francisco being among them.

This is a response to a tactic which is being used by a number of gun manufacturers that are being sued for reckless or negligent or fraudulent conduct, saying: No, we are going to hold you accountable. You cannot reorganize

yourself in bankruptcy out of accountability and responsibility for the damages that have been caused by your own reckless or negligent conduct.

I hope this amendment will pass. It has the support of the Violence Policy Center which points out that the gun industry is the only industry that is exempt from Federal health and safety regulations. There is no other industry explicitly exempt except for firearms manufacturers. Insisting they not be able to escape liability for their own reckless or negligent conduct is certainly in keeping with the exemption they sought from Federal health and safety regulations since judicial liability is the only way in which they can be held accountable.

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

The Senator from Utah.

Mr. HATCH. Mr. President, I have said before, this amendment bars firearm manufacturers and sellers, including retailers, from business reorganization under the bankruptcy code by not allowing the discharge of debts that might result from one of these recently filed tort suits. That means a major retailer could go bankrupt and would not be able to reorganize to be able to pay off their debts. It would just gradually be sold off to meet the needs of this particular amendment. Manufacturers that could pay off injured parties substantially in full over time would simply not be able to do so under this amendment. Instead, they would be forced into liquidation.

It is both poor policy and a dangerous precedent to single out an unpopular industry for unfavorable treatment under the bankruptcy code. This is political correctness gone awry. As I recall, there are 18 exemptions on the personal side but none on the corporate side in this bill so far. Let us keep the bankruptcy laws nondiscriminatory in the sense of attacking and loading it up on an unpopular business just for political purposes. That is the wrong political correctness to be used. In this particular case, it just doesn't make sense. We ought to want them to go into reorganization so the debts could be paid and the business might be able to survive. That is why this amendment needs to be voted down.

I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2658. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote ''no.''

The result was announced—yeas 29, nay 68, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—29

Akaka	Hollings	Murray
Biden	Inouye	Reed
Boxer	Johnson	Reid
Chafee, L.	Kennedy	Rockefeller
Cleland	Kerry	Sarbanes
Daschle	Kohl	Schumer
Durbin	Lautenberg	Torricelli
Feinstein	Levin	Wellstone
Graham	Mikulski	Wyden
Harkin	Moynihan	

NAYS—68

Abraham	Dorgan	Lott
Allard	Edwards	Lugar
Ashcroft	Enzi	Mack
Baucus	Feingold	McConnell
Bayh	Frist	Murkowski
Bennett	Gorton	Nickles
Bingaman	Gramm	Robb
Bond	Grams	Roberts
Breaux	Grassley	Roth
Brownback	Gregg	Santorum
Bryan	Hagel	Sessions
Bunning	Hatch	Shelby
Byrd	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Conrad	Jeffords	Stevens
Coverdell	Kerrey	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
DeWine	Leahy	Voinovich
Dodd	Lieberman	Warner
Domenici	Lincoln	

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—2

Burns McCain

The amendment (No. 2658) was rejected.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 625) was ordered to be engrossed for a third reading and was read the third time.

BANKRUPTCY JUDGESHIPS

Mr. COVERDELL. Mr. President, the Judicial Conference recommends that Congress authorize 24 new bankruptcy judgeship positions in districts where bankruptcy filings and judicial caseloads are particularly burdensome. S. 625 authorizes 18 of these judgeships; these same positions were included in the conference report to the bankruptcy legislation in the 105th Congress. S. 625 does not, however, include six positions that the Judicial Conference submitted to Congress on March 24, 1999.

I thank the chairman of the Subcommittee on Administrative Oversight and the Courts for working so closely with me in my efforts to include these judges in the pending legislation. The chairman conducted a joint hearing with the House Judiciary Committee on November 2, 1999 to consider these six additional judgeships and has given them appropriate scrutiny. I have consulted with the Chairman both before and after this hearing regarding these judgeships, and I believe I have his commitment to address these positions when S. 625 is conferenced with the House.

Mr. GRASSLEY. If the Senator from Georgia will yield. I can assure him that during the conference with the House on S. 625, I will in good faith address the Judicial Conference's recommendation for the additional judgeships. The hearing in November was indeed useful in helping us assess the merits of authorizing these additional judgeships. Subsequent to that hearing, my staff and I have engaged in discussions with the Administrative Office to clarify some remaining questions and concerns. I can report that most of my requests have been satisfactorily addressed. However, I am still awaiting some additional information, and so I am reluctant to add these positions to S. 625 at this time.

Mr. COVERDELL. I thank the Chairman for his efforts and assurances. As a fiscal conservative myself, I understand and appreciate his dedication to ensuring that these positions are truly warranted.

One of these new judgeships would help address a judicial caseload problem in Georgia. This new position would actually provide relief to two Georgia districts where caseloads far exceed the national average. By authorizing a new judgeship for the Southern District, an existing judgeship that is currently split between the Southern and Middle districts would move full-time to the Middle District.

Mr. GRASSLEY. I thank the Senator for his statement and for his efforts in moving this issue forward.

Mr. MOYNIHAN. Mr. President, I rise today to voice my concern over the bankruptcy bill that is before the Senate. I do this not because I am an expert on bankruptcy law, but because I have been involved with social policy for almost a half-century and can tell you that this is no way to reform the bankruptcy system.

A May 9, 1999, New York Times editorial said that the House bill is ''bankruptcy reform that spares the wealthy . . . and makes life harder for poor and middle-class people who file for bankruptcy.'' Representative HENRY HYDE (R–IL) said the bill is ''truly tilted toward the creditors.'' The Senate bill is not much better. The effect of the bill is not complicated—the wealthy benefit, the poor suffer. After the President signed the Personal Responsibility and Work Opportunity Act of 1996—the so-called welfare reform bill—I stated that ''this act terminates the basic Federal commitment of support for dependent children in hopes of altering the behavior of their mothers.'' That bill broke the Social Contract of the 1930s. We would care for the elderly, the unemployed, the dependent children. Drop the latter;

watch the others fall. We broke the social contract then, and will again if this bill passes.

We were born a nation of debtors. A large number of early European settlers came here indentured. The British rejection of debtor relief laws in Massachusetts and Virginia was one of the precipitating factors of the Revolutionary War. In justifying its actions, the British Board of Trade noted that 9 out of every 10 creditors resided in Great Britain—the Americans were the debtors. Shays' Rebellion, which followed the War of Independence, was a direct response by farmers to the courts' attempt to imprison fellow farmers for their debts.

Daniel Webster understood the tension and possible dangers that could arise between debtor and creditor. Speaking in Congress on the Bankruptcy Act of 1841, the Massachusetts statesman remarked on the post-Revolutionary crisis:

> The relation between debtor and creditors, always delicate, and always dangerous, whenever it divides society, and draws out the respective parties into different ranks and classes, was in such condition in the years 1787, 1788, and 1789 as to threaten the overthrow of all government; and a revolution was menaced, much more critical and alarming than that through which the country had recently passed.

In an attempt to address the relationship between debtor and creditor, the U.S. Constitution was adopted with explicit bankruptcy authority granted to Congress. Congress came up with the Bankruptcy Act of 1800, which was similar to the English law in effect at the time of independence. The 1800 Act was repealed in 1803. One of the unfortunate stories from this period was that of Robert Morris, who had the honor to sign the Declaration of Independence, the Articles of Confederacy, and the U.S. Constitution. After creating the budget for the early American government and heading the Yorktown campaign, he experienced considerable misfortune speculating on land out West, incurring debts that landed him in Philadelphia's Prune Street Jail from 1798 to 1801. Morris was eventually relieved by the Bankruptcy Act of 1800.

Following the devastating Panic of 1837, the controversial Bankruptcy Act of 1841 became law. It was repealed 18 months later. The 1841 Act for the first time in British or American law allowed the debtor to file for bankruptcy. Until this time, only creditors could put a debtor into bankruptcy, which made it easier to collect their debts. Although the Supreme Court did not address the 1841 Act before it was repealed in 1843 because of political resistance, its constitutionality was upheld at the circuit level, bringing voluntary bankruptcy by non-merchants within the scope of Congress' bankruptcy power.

Under the 1841 Act, 33,739 debtors were adjudicated bankrupt, of whom only 765 were denied a discharge. (If you were to declare bankruptcy in Illinois, your attorney very likely would have been Abraham Lincoln.)

The panic of 1857 and the devastation of the Civil War brought enactment of the Bankruptcy Act of 1867, repealed in 1878. The 1867 Act allowed the debtor to retain increased exempt property under state or Federal exemptions and required a 50 percent distribution to creditors and creditor consent as preconditions to a discharge. But, the 1867 Act contained so many grounds for denying discharge that fewer than one-third of the debtors filing under the Act ever received one discharge.

These three laws were born and died amid controversy. But taken together, they contained grand innovations that greatly helped ordinary American debtors: Individual debtors were given voluntary access to bankruptcy relief, to broader state exemptions, and to the discharge of their debts with less creditor approval.

The Bankruptcy Act of 1898, largely with us today in concept although supplanted by the 1978 Bankruptcy Reform Act and subsequent amendments, consolidated and improved many of these innovations for the benefit of debtors.

In 1934 the United States Supreme Court encapsulated the American view toward the discharge of individual debtors through bankruptcy as follows:

> One of the primary purposes of the Bankruptcy Act is to relieve the honest debtor from the weight of oppressive indebtedness and permit him to start afresh free from the obligations and responsibilities consequent upon business misfortunes. This purpose of the act has been again and again emphasized by the courts as being of public as well as private interest, in that it gives to the honest but unfortunate debtor who surrenders for distribution the property which he owns at the time of bankruptcy, a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of pre-existing debt.

America is truly the land of the second chance. To repeat the Supreme Court, our nation believes in a bankruptcy system that ''gives the honest but unfortunate debtor who surrenders for distribution the property which he owns at the time of bankruptcy, a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of pre-existing debt.'' This nation has been blessed with a hard-working, independent, creative, and risk-taking citizenry. We also have embraced a free-market economy that has brought us great wealth and prosperity. But with this economic system comes great risks (and opportunities) for our citizens, and relatively meager safety nets are provided. The fresh start that bankruptcy provides is one of those safety nets. Let's not shred that safety net with this bill.

The bill before us contains an arbitrary means test that makes it harder for low to moderate income people to wipe out their debts and start clean, includes provisions favoring the credit card industry, provides inadequate consumer protections, incorporates insufficient privacy safeguards, and will have a disproportionately negative impact on individuals with lower incomes, minorities, and older Americans.

This bill punishes the wrong people. We seem hell-bent to punish elderly people who incur unexpected health bills or individuals who unexpectedly lose their jobs. Instead, why don't we address the credit card industry's predatory practices? Credit card issuers mailed out 3.45 billion—not million but billion—solicitation letters last year. Professor Elizabeth Warner of Harvard Law School said that banks make so much money on unpaid credit card balances—thanks to interest rates much higher than those of home mortgages, car loans or other forms of ''secured'' debt—that they deliberately lure people into borrowing beyond their means. Now, they are trying to get Congress to rig rules so their own loan losses will be reduced. This is special interest legislation at its worst.

Locke wrote that government has a fiduciary responsibility to act in the best interest of the people. If we pass this bill, we will be breaching that duty and undermining the fundamental sense that our government is founded on the twin principles of decency and fairness, a unique system that believes in extending a helping hand rather than a boot across the throat.

Mr. DURBIN. Mr. President, the Senate has been debating, S. 625, the bankruptcy reform bill for weeks. I am happy to say that many Democratic amendments have been accepted which have brought much needed balance to the bill.

The issue of bankruptcy is a highly technical and convoluted area of our law replete with terms like cram downs, reaffirmations, panel trustees, automatic stays, nondischargeable debt, priority debt, secured debt, and even something known as a ''superdischarge.''

And the bankruptcy code is not only complex and arcane. It is the fulcrum point of a delicate balance. When you push one thing, almost invariably something else will give. That's because no matter how hard you try there is a limited resource pie. All we do many times is increase the fighting over the small pie—and usually no one really wins that fight.

The Senate made several improvements to ease the burdens on low income debtors while making sure that wealthy debtors pay their fair share. The Senate adopted my amendment to allow debtors to attend mandatory credit counseling by telephone or over the Internet, which will make it easier for debtors with transportation difficulties. By adopting a cap on the homestead exemption of $100,000, Congress will continue the longstanding policy of giving a debtor a fresh start—not a windfall.

Improvements were also made to make the bill more cost effective and less expensive for taxpayers. My

amendment to streamline the means test for debtors between 100 and 150% of the median income was adopted and will save the taxpayers $8 million a year in administrative costs. In addition, Senator LEAHY's amendment to exempt certain debtors from the requirement of filing 3 years of tax returns will reduce both costs and undue burdens on low income debtors.

Finally, tremendous progress was made on the bill in the area of credit card disclosure. If we are going to make it harder for people to file for bankruptcy, then we need to provide them enough information to ensure they are making informed decisions about their credit.

I was happy to join Senator SARBANES in an effort to require creditors to warn consumers about interest costs and provide toll free numbers where debtors can learn how long it will take to eliminate a credit card balance by making only the minimum monthly payment.

I will be watching the bankruptcy conference closely to ensure that all of the hard fought amendments adopted on the Senate floor remain in the bill through conference. If these provisions are stripped out in conference, then this bill will likely face the same fate as last year's bill—it will never become law.

Because of improvements in areas of concern to me, I will vote for the underlying bankruptcy legislation, but I want to make clear my opposition to the Republican minimum wage measure. It was clear from last year's debate and it's clear today that the Republican minimum wage does little to help America's lowest wage earners. In fact, it's a slap in the face for all of our hardworking citizens who strive every day to lift themselves out of poverty and into a better way of life.

Over the next three years, a minimum wage worker would receive over $1,200 less under the GOP version than the Democratic proposal. Let's break that down, Mr. President, into real terms. For America's lowest wage earners: $1,200 a year translates into over four months worth of groceries, over three months of rent, almost half a year worth of utilities. For the lucky ones, that's one full year of tuition and fees at a two-year college. Yet, the Republicans want to deny their constituents this opportunity and I can't understand why.

Mr. President, this Republican minimum wage proposal sounds vaguely familiar to us. You may recall how the other side of the aisle tried to stretch out tax refunds for our lowest income workers under the Earned Income Tax Credit. We grant tax relief to those that need it most and then the Republicans turn around and try to delay their refunds. These types of delaying tactics didn't work for the EITC and they certainly won't work for an increase in the minimum wage.

Something I've heard very little about, and maybe it's because the Republicans don't want you to know about it, is Section Two of their amendment that effectively repeals overtime pay provisions of the Fair Labor Standards Act that have been the law for over 60 years. This provision would eliminate the requirement that bonuses, commissions, and other compensations based on productivity, quality, and efficiency be considered part of a worker's ''regular rate'' of pay for purposes of calculating overtime pay. Because overtime pay is based on one and a half times regular pay, overtime pay is lower if a worker's regular pay is lower. Today, almost 73 million Americans are entitled to overtime pay and the GOP provision jeopardizes their overtime benefits. Think about it. If employers can pay less for overtime, they have a financial incentive to require workers to work overtime without getting the pay they deserve. That's another slap in the face on top of the one they get from this half-hearted attempt to raise their wages from $5.15 an hour.

Mr. President, it's clear that the Democratic bill would do a better job at getting a pay increase to those who need it most. On our side of the aisle, we believe it's not only our obligation, but our duty to help those who need it the most. It is my hope that the conference committee will wake up and remedy this malady that will be imposed on the American people by the Republicans should this bill become law.

Mr. ROBB. Mr. President, I would like to begin by thanking my colleagues, Senators TORRICELLI and GRASSLEY, for their leadership in putting together the bankruptcy legislation that is before us today. I was one of the co-sponsors of the initial bankruptcy bill and continue to support the legislation that is before us today. I'm concerned, however, that we are including a tax provision which runs counter to the entire essence of the bill.

As we finish debate on this measure, we ought to focus on one overriding theme: responsibility. In the context of bankruptcy, this includes both financial and social responsibility. Debtors need to be more responsible when making decisions about purchasing goods or services. And just as we expect those who purchase goods and services to pay for these benefits, we expect lenders and sellers to be responsible in their business practices. This is going to be a difficult balancing act—both sides are going to have to give a little bit. Right now, I hope that we are closer to fixing many of the problems that needed to be addressed.

Financial responsibility, however, is not just relevant for our debate today—it needs to become a theme for this Congress. This bankruptcy bill is based on a simple premise: if you are able to pay your debts, you should. I believe this premise should also be applied to the federal government. For decades, the government spent more than it took in. It ran up a $5 trillion debt. We are now in a position to pay our debts. Before we go on a massive tax-cutting or spending binge, we should focus on reducing our debt. It rings hollow for us to insist upon financial responsibility from individuals and then fail to exercise financial responsibility ourselves.

We should start this session exercising fiscal restraint, and we should begin with this bill. It is ironic that this bill contains a tax cut that costs more than it should and fails to hit its target. Although the tax package contained in this bill is being described as helping small businesses, it is poorly targeted and will provide little help to the businesses that will be most affected by the minimum wage bill.

If minimum wage legislation continues to move forward, I urge my colleagues to look once again at S. 1867, The Small Business Tax Reduction Act of 1999, the bill that Senator BAUCUS and I introduced last November. This tax package offers real relief to those employers who will be most affected by the minimum wage increase. That was the purpose of the minimum wage tax bill, and our bill accomplishes that goal.

For instance, our bill would accelerate the full deduction for self-employed health insurance so that it takes effect immediately instead of delaying it for several more years. Our bill would increase the expensing limit for small businesses so they can purchase new and better equipment. We would also raise the business meals deduction from 50% to 60% to help restaurants accommodate increased labor costs.

At the same time, we would provide estate tax relief for small family-owned farms and businesses. Death is an inappropriate catalyst for the forced sale of a family-held business or farm. Farmers would benefit as our bill would be sure that income averaging does not increase a farmer's potential Alternative Minimum Tax liability. We also provide farmers with a longer period to use their net operating losses if they have them. These are real tax provisions that help real people.

The Small Business Tax Reduction Act of 1999 also contains provisions targeted to geographic areas with the greatest need of economic assistance. The New Markets proposal, for example, would reward employers who operate in economically distressed areas, where the minimum wage is the most prevalent. It also includes a credit that encourages employers to give their lower income employees information technology training. We also expand current empowerment zones credits so that more communities and more people are able to take advantage of these credits. These are all provisions that will provide assistance to areas that are most in need of help.

Moreover, the pension provisions in our bill are designed to address the needs of small employers struggling to

develop effective retirement plans for their employees. For example, we would allow small businesses to take plan loans as large businesses can, and we have included Senator BAUCUS' proposal to provide a credit for new small business pension plans. Everyone benefits when small businesses are better able to offer their employees retirement plans.

In short, the tax package I offered accomplishes the purpose of providing relief to those employers who will have higher costs when the minimum wage increases. And it is responsible. It does not squander the surplus that we have fought so hard to achieve, but rather maintains it for debt reduction. At the same time, it protects Social Security Trust Funds from being misallocated to other programs and expenditures. The tax package that is currently contained in the bill is not responsible and must be substantially improved in conference. We are going to face several tough issues this year. I hope that our colleagues agree that this is the time to start.

Mr. KOHL. Mr. President, I rise today to express my guarded support for the Bankruptcy Reform Act currently before the Senate. The troubling and dramatic rise in the number of bankruptcy filings demands our careful attention, and this legislation—if balanced and fair—will shore up the most significant cracks in our current system, but still grant a ''fresh start'' to those debtors who truly deserve it.

One of the ways this bill works to eliminate the most egregious abuses of the bankruptcy code is by finally placing a federal cap on the unlimited homestead exemption. This provision, which I introduced with Senators SESSIONS and GRASSLEY, would close an inexcusable loophole which currently allows millionaire deadbeats to keep their luxury homes while their legitimate creditors get left out in the cold. A cap is not only the best policy, it sends the best message: that bankruptcy is a tool of last resort, not a tool for financial planning.

And don't just take my word for it: ask my colleagues in the Senate. At the end of last session, we passed our $100,000 homestead cap by an overwhelming margin of 76–22.

However Mr. President, if this legislation comes out of Conference unbalanced, rest assured that I will be happy to vote against final passage of the bill, as I did last Congress. A major factor in my determination of what constitutes ''balance'' will be the status of the homestead cap.

That said, I support this bill today because I believe it will repair and improve our bankruptcy system, and help restore the stigma to bankruptcy. But without the homestead cap, this bill will likely fall short of its goal.

Mr. LEVIN. Mr. President, in the 105th Congress, the Senate passed a meaningful bankruptcy reform bill by an almost unanimous vote. I voted for that bill because I thought it was a well-balanced reform bill that would discourage abuse of the system and provide enhanced protections and reasonable information to consumers. The final version of that bill was not approved in the 105th Congress, and so, once again, we engaged in debate over how to restructure the nation's bankruptcy laws. When we started debate on this bill, it was substantially different from the moderate, bi-partisan bill of last Congress. I was particularly concerned with the provisions relative to the means-test and consumer credit card disclosures. However, over the course of this debate, the Senate has adopted more than 40 amendments, making this a more reasonable approach to bankruptcy reform.

As reported out of the Judiciary Committee, the bankruptcy reform bill did not include consumer protections providing reasonable disclosures of unsecured credit such as credit cards. Studies show that bankruptcy filings increase as household debt increases. High debt-to-income ratios makes working Americans more vulnerable to financial emergencies. I am pleased that the Senate accepted an amendment to provide enhanced access to consumer credit information. Creditors will be responsible for warning debtors about potential dangers of paying only minimum monthly payments and will make a toll free number available to the debtor for more specific information. Although this is not as helpful as the Senate's 1998 bill, it is a step in the right direction. The previous bankruptcy bill gave specific information to consumers about the months and years it would take for consumers to pay off their debts by paying the minimum payment and provided them with their total costs in interest and principle. A more detailed disclosure regarding minimum monthly payments will help families exercise personal responsibility and limit financial vulnerability.

In addition, the Senate has made modest steps relative to the bankruptcy bill's means-test. The purpose of a means-test is to prevent consumers, who can afford to repay some of their debts, from abusing the system by filing for Chapter 7. Directing so-called abusive debtors away from Chapter 7, where debts are forgiven, and into Chapter 13, where the debtor must enter into a debt repayment plan, makes sense. But an inflexible means test, with virtually no exceptions, will, in the words of HENRY HYDE, ''deprive debtors and their families of the means to pay for their basic needs.'' I hope that in conference, the Senate-House conferees will work toward establishing a more flexible means-test, one that makes allowances for basic expenses such as transportation, food and rent.

I am pleased that two amendments I sponsored, a credit card redlining study and the prohibition of retroactive interest charges, were accepted by the Senate. The redlining amendment requires the Federal Reserve to conduct a study and report to the Banking committee about whether financial institutions use place of residence as a factor in determining credit worthiness. It is an important study that will bring to light the problem of unequal credit opportunity.

My other amendment seeks to clarify what credit card companies refer to as a ''grace period.'' Credit card lenders use complicated definitions to explain that ''grace periods'' only apply if the balance is paid in full. For example, assume that a consumer charges an average of $1000 each month and always repays in full on time. If one month, due to an error he writes a check that is $10 less than the full amount he owes, but which is paid on time and is within the ''grace period,'' he probably would expect to pay the $10 charge and the interest on the $10 unpaid balance. However, he is really charged retroactively on the full $1,000 balance to the date the charges were made, even though he had paid 99% of the balance. This consumer's $10 error ends up costing him up to four times that in interest charges.

Current practice by these companies undermines reasonable consumer expectations about what how a grace period for their payment works and results in monetary penalties from the application of interest charges. This amendment makes clear that the definition of a grace period is one where a consumer is extended credit. No finance charge can be imposed on the amount paid before the end of the ''grace period.''

I have decided to support this bill. However, I am very concerned by the inclusion of non-germane tax provisions which spend $76 billion of the projected non-Social Security surplus over the next ten years. While some of the provisions included in this package make sense, it is premature and unwise for the Congress to begin spending a surplus which is uncertain before we have begun to pay down the national debt and assured that our priorities in protecting Social Security and Medicare, investing in education, and considering other types of tax cuts have been met. For that reason, should this legislation come back from conference with some of these tax provisions or without the modest amendments we adopted in the Senate, I will consider opposing the bill at that time.

Mr. BYRD. Mr. President, I shall vote in favor of S. 625, the Bankruptcy Reform Act of 1999, in order to restore fiscal responsibility to the nation's bankruptcy code. Last year, a record 1.4 million people declared bankruptcy, which was almost triple the number in 1988 (549,612) and five times the number in 1980 (287,057). That the number of households in severe financial difficulty has risen so dramatically is perplexing, given the prosperous economy, and suggests that some filers are abusing the bankruptcy code to erase debts they are able to pay. The dramatic rise in bankruptcy filings may also suggest

that there is no longer a stigma attached to bankruptcy filers, and that the bankruptcy laws are seen more as a financial planning tool rather than a system of last resort. This bill would curb potential abuses of the bankruptcy code by channeling debtors away from chapter 7 liquidation, where a debtor's liabilities are erased, and towards chapter 13 repayment, where debts are reorganized under a repayment plan. While I am not satisfied that this bill will decrease the bankruptcy rate as dramatically as advocates claim, I am convinced that S. 625 is a worthwhile effort in restoring fiscal responsibility.

However, during the bankruptcy debate, the Republican-controlled Senate passed an amendment that would attach $75 billion in tax cuts over ten years to the bankruptcy bill. These tax cuts were adopted in lieu of targeted cuts that would have benefitted low-income and rural families, which I supported, and that would have been fully paid-for by closing down tax loopholes that would force businesses to pay their fair share of taxes. Instead, the Senate adopted a tax package that would not have been paid-for, and would largely benefit high-income taxpayers. This means that Congress may have to borrow needed money or cut spending to vital programs that benefit hundred of thousands of West Virginians in order to pay for these tax cuts. It is almost ironic that Congress attached these unpaid-for tax cuts to the bankruptcy bill. Here we are today voting on a bill that would demand financial prudence of debtors at the same time that Congress is providing for $75 billion in unpaid-for tax cuts.

In addition to these tax cuts, the Senate rejected a minimum wage proposal by Senator KENNEDY, which I supported, that would have raised the minimum wage from $5.15 to $6.15 over two years. Instead, the Senate adopted a one dollar rise in the minimum wage over three years that was proposed by Senator DOMENICI. This would effectively delay a pay raise to minimum wage workers, and cost year-round, full-time minimum wage workers approximately $1,200 over three years. I have always supported the minimum wage because of the 11.4 million workers who rely on it to support their families. The two-year minimum wage proposal would have provided an additional $2,000 a year for 11.4 million minimum wage workers. That $2,000 translates into an additional seven months of groceries, five months of rent, almost ten months of utilities, and eighteen months of tuition and fees at a two year college.

My hope and expectation is that the three year minimum wage hike and $75 billion tax cut provisions will be replaced with a two year minimum wage rise and more targeted tax package when the conferees from the House of Representatives and the Senate meet in the coming months to work out the differences between the House- and Senate-passed versions of this legislation. Consequently, I have joined with forty-four other senators in sending a letter to the bankruptcy conferees urging that they remove the Domenici provisions and accept the Kennedy proposal.

Mrs. LINCOLN. Mr. President, I voted for final passage of the Bankruptcy Reform Act today because bankruptcy reform has been desperately needed in this country and I have worked throughout my public career to bring it about. This bill, however, is not without its problems. It is my sincere hope that the Bankruptcy bill that emerges from the Conference Committee will be just that, a Bankruptcy Bill. I believe that the nonbankruptcy and poison pill riders that were added to the bill on the floor should be stripped, or at least reformed in Conference, so that we can move forward on bankruptcy. Our country needs, and we owe to our constituents, a bankruptcy bill that the President will sign.

Mr. President, we made various amendments to this bill which should be readdressed in Conference and changed. For instance, I am pleased that this body passed an increase in the minimum wage for working families in Arkansas. However, I urge my Colleagues in Congress to strengthen this provision in Conference implementing the $1.00 increase over two years instead of three.

I also support tax cuts, however, the tax cuts in this bill are not paid for and will do nothing to help small business and working people. I am especially disappointed that this body failed to pass the needed estate tax relief for family farms and small businesses that was included in the tax amendment offered by the Minority.

The Senate also agreed to an amendment during consideration of this bill designed to combat the spread of methamphetamine use in rural and urban areas. While I agree we must do something to stop the terrible spread of meth use in our country, I voted against that amendment because, as the language stands, it will allow federal education funding to be spent for tuition at private and religious schools. Everyone wants to fight the scourge of drugs. Let's have a clean amendment so we can move forward as a nation and fight against methamphetamine with a concerted effort.

These are just a few examples of what needs to be fixed in this bill. If we really want bankruptcy reform to become a reality we have to craft a bill that the President will sign. Without a hard working conference and bipartisan efforts, this can't possibly happen. I urge my colleagues to work together to bring a clean bill back from the conference, and to bring needed bankruptcy reform home to the American people.

Mrs. FEINSTEIN. Mr. President, I rise to support the underlying goal of the bankruptcy bill, which is to promote personal financial responsibility. Bankruptcy filings have increased at an astonishing pace since the last overhaul of the Bankruptcy Code in 1978. In 1978, there were 182,000 consumer bankruptcy filings. Twenty years later in 1998, 1,444,812 people filed for bankruptcy. Bankruptcy has become so commonplace that more than one in a hundred households will file for bankruptcy this year.

The rise in bankruptcy filings is particularly disconcerting given the record expansion of our economy, which this week became the longest expansion in our Nation's history.

Bankruptcy should be a last-resort legal option, and not a vehicle for avoiding personal responsibility. People should not be able to file bankruptcy if they can easily pay back their debts.

Another key aspect of bankruptcy reform is the need to address the growth of consumer credit. It's a simple matter of arithmetic. The typical family filing for bankruptcy in 1998 owed more than one-and-a-half times its annual income in short-term, high-interest debt. This means the average family in bankruptcy with a median income of just over $17,500, and $28,955 in credit card and other short-term high interest debt.

There are over a billion credit cards in circulation—a dozen credit cards for every household in the country. Three-quarters of all households have at least one credit card. Credit debt has doubled between 1993 and 1997 to $422 billion from just over $200 billion.

A constituent from Lakewood, California describes the situation aptly: ''What really bugs me about this is that credit card companies send out these solicitations for their plastic cards and then when they get burned, they start crying foul. They want all kinds of laws passed to protect them from taking hits when it's their own practices that caused the problem.''

This legislation has taken some steps to address the problem of consumer credit, but more needs to be done.

One of the major reasons that I am supporting the bill is that it includes my amendment to require the Federal Reserve Board to investigate the practice of issuing credit cards indiscriminately, without taking steps to ensure that consumers are capable of repaying their debt, or in a manner that encourages consumers to accumulate additional debt.

The amendment allows the Federal Reserve Board to issue regulations that would require additional disclosures to consumers, and to take any other actions, consistent with its statutory authority, that the Board finds necessary to ensure responsible industry-wide practices and to prevent resulting consumer debt and insolvency.

In addition, I am pleased that the bill requires credit card companies to warn consumers about interest costs, and provide a toll-free phone where they can find out how long it would take to

eliminate a balance when just paying the minimum balance each month. Credit card companies also are required to better explain teaser rates and late fees in their solicitations.

The Senate also has made important improvements to this bill, both in the Judiciary Committee and on the floor. In my home state of California, for example, we have suffered from the abusive practices of bankruptcy mills including price gouging of debtors, incompetent service, and fraud. The bill includes an amendment to curb this abusive practice.

However, I remain very concerned about the minimum wage and tax amendments attached to this bill. Let me first say that I am strong supporter of raising the minimum wager. In the four years since Congress last past a minimum wage increase, the U.S. economy has continued to surge at an unprecedented rate.

Nine million new jobs have been added to the economy. More than a million of those are in the retail sector. Unemployment is down and the number of jobs for women, African-Americans, Hispanic Americans, and teenagers has grown. Clearly the increase in the minimum wage has helped working families and it is time to do so again.

The problem with the minimum wage increase in this bill is that it is spread out over too long a period of time. The amendment would raise the minimum wage by $1 in three steps of 35 cents, 35 cents, and 30 cents.

California's minimum wage is $5.75. Under this proposal, working families there would not benefit at all in the first year, receive only a 10 cent wage increase in the second year, and would not feel the full increase until 2003. That is simply unacceptable.

The time to raise the minimum wage is not when the economy is ailing. It's when the economy is flush and that time is now.

Congress should raise the minimum by $1 over two years as proposed by Democrats and we should do it now.

The bill also contains a $77 billion tax package whose benefits are skewed toward upper-income taxpayers. Specifically, the package has health insurance and long-term care provisions which would disproportionately benefit higher income taxpayers. I am also concerned about the fairness of the package's pension provision which would principally benefit highly-compensated employees.

In summary, I think there is a lot of good in the bankruptcy bill, and I intend to vote for it because it can still yield a worthwhile final product. However, extensive improvements are still needed in conference. The Conference negotiations must resolve the minimum wage and tax problems, and other deficiencies is the bill.

I need to work with my Senate colleagues to implement these needed changes.

Mr. KERRY. Mr. President, today we will vote overwhelmingly in support of a measure to dramatically reform the bankruptcy system. I join my colleagues in support of this bill, because I believe it is time we repair the bankruptcy system and I believe that this bill should progress to conference. However, the bill we support today is seriously flawed. It is my hope that some of the bill's more serious problems will be addressed in conference.

The Bankruptcy Reform Act fails to provide disclosures which would tell consumers how long it would take to pay off their balance at the minimum rate and what their total costs in interest and principle would be. Without this simple provision, American consumers will not receive the kind of specific information that will encourage them to pay their balance off more quickly, and avoid falling into debt in the first place.

I am also concerned that this bill fails to protect women and children who are entitled to child support and alimony. The bill increases the amount of debt for which debtors will remain liable through the creation of new types of nondischargeable debts to credit card companies and by permitting coercive ''reaffirmation'' agreements. With more competition for limited debtor resources, the bill fails to insure that parents and children will prevail over credit card companies and banks.

This bill includes an arbitrary and inflexible means test to determine which debtors must file Chapter 7 bankruptcy instead of Chapter 13. It is based on IRS standards not drafted for bankruptcy purposes that do not take into account individual family needs for expenses like transportation, food and rent. If we are going to shift individuals from Chapter 7 to Chapter 13 bankruptcies, we must ensure that we are taking into account individual needs and do not inadvertently harm those who need bankruptcy protections the most.

The bill also contains a number of nongermane provisions that concern me. The methamphetamine amendment increases the sentences for powder cocaine, thereby causing further overcrowding in prisons and increasing the representation of young minority males in prisons. I am also opposed to another provision that authorizes the use of public funds to pay for private school tuition for students who were injured by violent criminal offenses on public school grounds.

Despite its flaws, which I sincerely hope will be addressed in conference, the bill has a number of provisions I support, I take this opportunity to thank the managers of this bill, Senators GRASSLEY, TORRICELLI, and Ranking Member LEAHY for their consideration and assistance in accepting three amendments that I believe are important to fishermen in Massachusetts and small businesses across America.

First, I believe that the small business provisions originally in this bill establish too short a time for small businesses that must resort to bankruptcy. These provisions are counter to this country's long held policy of fostering small business creation and expansion. The amendment to the bill which was accepted will increase the time for small businesses to develop a reorganization plan to 300 days. This will allow small businesses to continue to have adequate time to develop a reorganization plan during bankruptcy proceedings. The amendment will also allow bankruptcy judges more discretion to develop an appropriate time frame for small business reorganization.

I thank Senator COLLINS and her staff for their fine work in developing an amendment which was accepted to make Chapter 12 of the Bankruptcy Code, which now applies to family farmers, applicable for fishermen. I was proud to be the lead Democratic cosponsor of this amendment that will make bankruptcy a more effective tool to help fishermen reorganize effectively and allow them to keep fishing while they do so.

The final amendment which was accepted allows the expansion of the credit committee membership under Chapter 11 bankruptcies to include a small business when it is determined that the small business' claims are disproportionally large to its gross revenues. This will ensure better access to information for those small businesses not included in the committee by allowing the committee to be open for comment and subject to additional reports or disclosures.

It is my hope that each of these amendments will be included in the Conference Report for the Bankruptcy Reform Act of 1999. I look forward to working with the Managers of the bill during Conference on these and other issues.

Mr. HATCH. Mr. President, S. 625, the Consumer Bankruptcy Reform Act, is one of the most important legislative efforts to reform the bankruptcy laws in decades.

I want to thank a few of the people who have worked on this bill. Let me first acknowledge the Majority Leader, who has worked very hard to keep this bill moving forward. Given the demanding Senate schedule, it would have been easier for him to have refused to take up the bill, but because of his dedication to the important reforms in this bill, we now have legislation that makes enormous strides in eliminating abuse in the bankruptcy system. I am also grateful to the assistant majority leader, Senator NICKLES, along with Senators DASCHLE and REID for their efforts in working with us to move the legislation forward.

Let me also acknowledge the Ranking Member of the Senate Judiciary Committee, Senator LEAHY, who has worked tirelessly to reach agreement on many of the bill's provisions, and who ably managed the bill for his side of the aisle. I also want to commend

my colleagues, Senators GRASSLEY and TORRICELLI, the Chairman and ranking minority member of the Subcommittee on Administrative Oversight and the Courts, respectively, for their tremendous efforts in crafting this much needed legislation. I particularly appreciate the dedication they have shown in making the passage of this bill an inclusive and bipartisan process.

Also, let me express my thanks to Senator SESSIONS who has shown unwavering dedication to accomplishing the important reforms in this bill, to Senator BIDEN for his efforts over the past two years in helping see sensible reform through the Senate, and to the many other members of the Senate for their hard work and cooperation.

At the Committee staff level, let me acknowledge a few people who have worked very hard on this bill. Kolan Davis and John McMickle of the Administrative Oversight and the Courts Subcommittee staff, along with Ed Haden, Kristi Lee and Sean Costello of the Youth Violence Subcommittee staff deserve praise for their impressive efforts on this legislation. In addition, Judiciary Committee Counsels Makan Delrahim, who was the lead counsel on this bill, Rene Augustine, and Kyle Sampson, as well as staff assistant Karen Wright, are to be commended for their hard work on this important bill. Thanks as well should be given to the Judiciary Committee's Chief Counsel and Staff Director, Manus Cooney, one of the most able and hard-working Chief Counsels the Committee has had.

On Senator LEAHY's Committee staff, I want to acknowledge Minority Chief Counsel Bruce Cohen, along with counsel Ed Pagano for their efforts. In addition, I want to recognize the tireless efforts of Eric Shuffler and Jennifer Leach of Senator TORRICELLI's staff, as well as the hard work of Jim Greene of Senator BIDEN's staff, the Youth Violence Subcommittee's Minority Chief Counsel Sheryl Walter, as well as Ben Lawsky of Senator SCHUMER's staff.

I also want to commend Jim Hecht of the majority leader's staff, Stewart Verdery, Eric Ueland, and Matt Kirk of the assistant majority leader's staff, Jonathan Adelstein of Senator DASCHLE's staff, and Eddie Ayoob and Peter Arapis of the Minority Whip's staff for their efforts on this legislation.

The compelling need for this reform is underscored by the dramatic rise we have seen over the past several years in bankruptcy filings. The Bankruptcy Code was liberalized back in 1978, and since that time, consumer bankruptcy filings have risen at an unprecedented rate.

Mr. President, the bankruptcy system was intended to provide a ''fresh start'' for those who truly need it. We need to preserve the bankruptcy system within limits to allow individuals to emerge from severe financial hardship. What we do not need is to preserve the elements of the system that allow it to be abused—that allow some debtors to use bankruptcy as a financial planning tool rather than as a last resort. I firmly believe that by allowing people who can repay their debts to avoid their financial obligations, we are doing a disservice to the honest and hardworking people in this country who end up paying for it.

Mr. President, again I would like to applaud the bipartisan efforts of my colleagues who have made S. 625 a broadly-supported bill. The impact of this important legislation not only will be to curb the rampant number of frivolous bankruptcy filings, but also will be to give a boost to our economy.

The PRESIDING OFFICER. The clerk will report the House bill.

The bill clerk read as follows:

A bill (H.R. 833) to amend title 11 of the U.S. Code, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Without objection, all after the enacting clause of H.R. 833 is stricken and the text of S. 625, as amended, is inserted in lieu thereof.

The question is on the third reading of the bill.

The bill (H.R. 833), as amended, was ordered to a third reading and was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote ''yea.''

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

The result was announced—yeas 83, nays 14, as follows:—

[Rollcall Vote No. 5 Leg.]

YEAS—83

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

NAYS—14

Boxer	Harkin	Reed
Brownback	Hutchison	Sarbanes
Dodd	Kennedy	Schumer
Feingold	Lautenberg	Wellstone
Graham	Moynihan	

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—2

Burns McCain

The bill (H.R. 833), as amended, was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House. S. 625 is returned to the calendar.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senate has taken an important step toward real bankruptcy reform on a bipartisan basis. None of this would have been possible without the hard work and cooperation of the ranking member on the subcommittee, Senator TORRICELLI. We introduced the bill together.

We have a good bill that will restore personal responsibility and crack down on abuses of debt collectors and provide key information to credit card customers about the problems of minimum payment.

I believe we go into conference in a strong position. I think our bill in the Senate is better than the House companion. We will have a spirited conference, I believe, but this year will be easier than last year since the bills are much closer.

In any event, the Senate has done a good job. I thank Senators HATCH, SESSIONS, REID, TORRICELLI, BIDEN, and LEAHY for the strong support they showed for reform.

I also thank Rene Augustine and Makan Delrahim of Senator HATCH's staff; Jennifer Leach and Eric Shuffler of Senator TORRICELLI's staff; Jim Greene of Senator BIDEN's staff; Eddie Ayoob of Senator REID's staff; and Kolan Davis and John McMickle of my own staff for their hard work on this bill.

I also thank Ed Haden and Sean Costello of Senator SESSIONS' staff.

Of course, this bill would not be here if not for Senator REID working with us on the floor and Senators HATCH and LEAHY helping steer this very difficult bill through the Senate as they helped get it out of the Senate Judiciary Committee. Of course, in this regard, I also thank the people who supported our legislation.

Most important, if anybody had asked me when we adjourned last year if we could have passed the bill this early this year, if at all, I would have

been very pessimistic about it. But because of the cooperation we have had on the other side of the aisle, it was possible. Once again, in a very generic sense, I thank all who made this a bipartisan effort and made it possible to accomplish this goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Iowa for his kind remarks. He has persevered in this effort. He and I talked about this last fall when we were about ready to recess. We both committed ourselves to the fact that if this came back up this year, we would try to make it work. We told our respective leaders, Senator LOTT and Senator DASCHLE, that we would continue to work whittling down amendments. We were able to dispose of, I believe, well over 300 amendments.

The distinguished Senator from New Jersey, Mr. TORRICELLI, and the distinguished Senator from Utah, Mr. HATCH, worked so hard on this. Lesser people might have given up. They did not. They continued on.

The chairman, Senator HATCH, returned to his important leadership responsibilities without missing a step. I have been glad to work with him on this. We culminated our work on initial Senate passage of this bankruptcy act. Now we can go to conference.

Senators TORRICELLI and GRASSLEY will have their work cut out for them, as well as the rest of us, in trying to work that out. We will not have the help of the distinguished Senator from Nevada, Mr. REID, in removing a lot of amendments for us as he did on the floor. He has been tremendous in working that out.

On this side of the aisle, he worked to protect the rights of Democratic Senators and to improve the bill, and he has worked with his counterparts on the other side of the aisle in our joint effort to get amendments off this bill.

As the Senator from Iowa and I discussed earlier, we both have been here long enough to know we did have an enormous number of amendments to a bill, but we also know many are called but few are chosen.

So we will work together with Chairman HATCH, Senator GRASSLEY, Senator TORRICELLI, the House conferees, and the Clinton administration on a conference report that I think will be well worthwhile.

I hope we will not make the mistake of the past Congress where we came out of conference with something that never went anywhere. We have demonstrated in the Senate now twice, in lopsided votes, that we can pass a bankruptcy reform act. I hope we will come out of the conference with something that we can pass.

Lastly, I know a number of staff members, all of whom deserve praise, have been mentioned on this floor, but it is often said Senators are usually only constitutional necessities to the staff who really do the work around here. In that regard, Bruce Cohen and Ed Pagano of the Senate Judiciary Committee staff have worked long hours, many weekends, and late nights to get us this far, and they deserve a great deal of credit.

I see my good friend from New Jersey, the ranking member of the subcommittee, who told us it would be possible to get a bill through here back when many thought it would not be possible. He was right. He worked very hard. He deserves a great deal of credit.

I yield the floor to him.

Mr. TORRICELLI. I thank Senator LEAHY for his very kind comments and leadership in bringing this legislation to the floor, as well as, certainly, Senator GRASSLEY, who began this effort so long ago and worked so very hard. So many Senators have played an important role that I think it bears some analysis of how we came to this point. And there are some provisions of the bill that should be mentioned before we go to conference in order to set our clear agenda.

I know there are those from the outset who doubted whether, indeed, real reform of bankruptcy law could be achieved in this Congress. There was some reason to be skeptical because there were some conflicting provisions. Some of us had some very real needs that had to be met before the beginning legislation could ever be enacted.

The PRESIDING OFFICER (Mr. HUTCHINSON). If the Senator would suspend, there is a previous order. It will take unanimous consent for the Senator to continue.

Mr. TORRICELLI. I ask unanimous consent that the order be postponed for 10 minutes.

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

Mr. TORRICELLI. Most important of these objectives, in my mind, was dealing with the need for some consumer credit protection because, indeed, while there may be abuses in bankruptcy by debtors, to be certain, there are clearly problems in the credit industry.

I believe several important amendments have achieved this goal. Most importantly, in my mind, was the adoption of the Grassley-Torricelli disclosure amendment. Other important amendments were additions by Senators SCHUMER and SARBANES that will together provide real consumer protection.

All three amendments are based on the belief that if consumers have knowledge, they will make rational choices. Simply providing information will avoid many credit problems from which the American people are currently suffering. These include—if you look at the Torricelli-Grassley, Schumer, and Sarbanes amendments—a combination of disclosing prominently on credit documents: The effects of only making minimum payments on your account every month; second, when late fees will be imposed; and, third, the date on which introductory or teaser rates will expire and what the permanent rate will be upon that expiration.

Additionally, the Grassley-Torricelli amendment includes a provision authored by Senator JACK REED prohibiting the canceling of an account because the consumer pays the balance in full every month. That was a growing problem where people with good credit and good bill-paying habits were being penalized unnecessarily. That provision is now in the bill.

For all of these good additions that have made this better legislation, there are some problems which I hope and trust can be resolved in conference so that this can genuinely be bipartisan legislation, broadly accepted, and signed by the President.

The principal obstacle between what we want to achieve and that reality is obviously the minimum wage provisions in this legislation.

Mr. President, 12 million Americans continue to earn the minimum wage. Although they work all day, every day, throughout the year, they are in a daily struggle simply to survive. A mother of two working at the minimum wage earns only $10,712 per year, 22 percent below the poverty line, a wage at which it is impossible to provide housing and food and clothing for a child, no less two children—or even a person, no less a family. It is not a minimum wage; it is a poverty wage.

In the last 15 years, inflation rose by 86 percent, but the minimum wage rose by only 37 percent. The fact remains that the United States is allowing a standard of living by working people below what those who stood in this institution only 15, 20, and 25 years ago were permitting by law.

We in America are allowing the establishment of a near-permanent underclass of working people doomed to poverty and children who do not have a chance of breaking out of these circumstances, who are likely to enter life malnourished, poorly clothed, inadequately housed, knowing only poverty.

We need to reach the same judgment that our grandparents and our parents have reached for 70 years: A working, fair minimum wage.

With the proposed new minimum wage, a full-time worker will have an annual income of $12,700, an increase of $2,000 a year. The problem with our bill is that this change is brought over the course of 3 years rather than 2 years, as many of us have proposed.

If it is the right thing to do, upon which most Senators seem to agree, it is the right thing to do now. Leaving millions of American children in poverty for this extra time makes no sense, and it is indefensible.

Indeed, during that extra time it denies $1,200 to families who are struggling trying to work their way out of poverty.

I can think of no better addition to legislation dealing with debts and the struggling realities of American economic life in this reform of bankruptcy

legislation than including a real minimum wage.

It is obviously my hope that when the bill returns from conference we will return to a 2-year increase in the minimum wage rather than the 3-year provisions in this legislation.

The second area of concern—for all that we have achieved in this legislation—is the creation of a new school voucher program which was contained in a Republican antidrug amendment.

I want to make clear that I voted against this amendment last fall. I did so not because of objections to the underlying amphetamine prevention legislation, which I voted for in the Judiciary Committee, but to the voucher program.

When we considered this provision in the Judiciary Committee, it did not have this voucher provision. It actually was dealing with narcotics problems in schools with younger people. It was a good provision. It has now been changed on the floor to include this voucher program. It is a simple diversion of desperately needed public moneys in the public schools, which can only make the problem worse. Money that would go to children at risk to deal with many problems, including narcotics problems, would now be removed from the schools. This provision does not make sense. It should be removed.

I believe if these objections are dealt with, we can return to this floor with a conference committee report of which we can all be proud.

For all the divisions we might have faced when this legislation began, I think we all now understand there is a problem with bankruptcy abuse in the United States. In 1998, 1.4 million Americans sought bankruptcy protection. Something is wrong. There either are not adequate credit protections to ensure people under the circumstances when they borrow money, or the law does not properly deal with their filings for bankruptcy, or both and other factors. In my judgment, it is all of these things.

Currently, 70 percent of bankruptcy petitions are filed in chapter 7, which provides relief from most unsecured debt. Just 30 percent of petitions were filed under chapter 13, which requires a repayment of debt.

More than anything else, in addition to consumer protection, we will assure that people who can pay back part of these debts will do so. That is not simply a benefit to the financial industry; it is also a benefit to every mom-and-pop store, every small business in America that is being abused by these unnecessary filings for bankruptcy. Indeed, it is estimated by the Department of Justice that 182,000 people every year can afford to pay back some of the debts they are now escaping by inappropriate filings. This means $4 billion to creditors, financial institutions, to be sure, but also many small businesses that cannot afford losing these funds.

I conclude, once again, by thanking Senator GRASSLEY for his extraordinary leadership, Senator LEAHY for his patience through this process, Senator HATCH in chairing our committee and bringing us to this point, and the very great contributions made by Senators BIDEN, REID, SCHUMER, and Senator DURBIN who worked on this legislation so tirelessly in the last Congress.

This is good legislation. We can be proud of it. With modest adjustments, we can, indeed, make it something that both parties in both Chambers can bring to the President for his signature.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I understand we are about to go into executive session for the consideration of the nomination of Alan Greenspan. I wish to speak on another subject, so I ask unanimous consent that the order be set aside and I be permitted to speak for up to 10 minutes as in morning business.

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

COSTS OF WTO MINISTERIAL

Mr. GORTON. Mr. President, earlier this afternoon the distinguished Senator from Vermont, Mr. LEAHY, welcomed to the chair in which the Acting President now sits the Vice President of the United States in his capacity as President of the Senate. It was out of order for me to speak at that point, and I regret the fact that I was unable to do so because my message is to the Vice President of the United States.

Leaving this place, he is now on his way to Seattle, my home State, in pursuance of the Democratic nomination for the Presidency. On a number of occasions during the course of the last year when the Vice President has graced us with his presence, I have asked on this floor and elsewhere that he address some of the controversial and burning issues in the Pacific Northwest, usually without getting a particularly significant response.

I don't intend to do that today. I welcome the Vice President to Seattle, and I am going to ask him for his help and for a favor to the people of that city and the region.

Early last year, the Clinton administration picked Seattle out of 40 city applicants to host a conference by the World Trade Organization for an extended period of time. Careful preparations for that meeting were made by the administration, by State officials, by officials in the city of Seattle and in the surrounding area, and by private organizations that desired to take part in the WTO meetings.

We, as is customary when a major international conference goes to an American city, recognized the extra costs that would accrue to Seattle and the region by directing the State Department to reimburse Seattle and surrounding communities by upwards of $5 million for the extra costs of law enforcement that were inevitably to be a part of that WTO conference. Senator MURRAY, my colleague, and I joined in strongly supporting that proposal, and it was accepted, not only by the Senate but by the Congress, memorialized in the Commerce-State-Justice appropriations bill.

As we all know now, to our regret, the preparations for that WTO meeting were inadequate to meet the deluge of demonstrators who descended on Seattle, some of them quite violent in nature. While in my view our law enforcement officers performed in exemplary fashion under extremely difficult circumstances, neither the political preparation for that meeting on the part of their superiors, the disposition of the law enforcement officers, nor their leadership was up to the task. We ended up with a very regrettable and probably disastrous experience in the city with security for the organization, added to, very significantly, for the future of our trade relations by what I consider to be the utterly inappropriate performance of the President of the United States in undercutting his own negotiators.

Nevertheless, the net result was approximately a cost of $12 million to law enforcement over and above what would normally have been the circumstances. Not only does that exceed by a margin of more than 2 to 1 the $5 million that we directed be added as assistance for those efforts, but the State Department of the United States of America has flatly refused to reimburse Seattle or any of the other communities in the area by so much as $1.

I may say, the State Department seems quite happy to reimburse the costs of all of the Members of both Houses of Congress who went to Seattle for that conference, but a direction from this Congress, a direction from this Senate, that the Seattle area deserved a $5 million contribution to these law enforcement problems has, to this point, been utterly ignored by the State Department. Seattle and other local officials have been spurned in all of their efforts to get that assistance by what I consider to be weak and inadequate grounds.

Mr. President, I have come to the point. Yesterday I wrote a letter to the Vice President of the United States that I ask unanimous consent be printed in the RECORD in full at the end of my remarks.

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

(See Exhibit 1.)

Mr. GORTON. I asked in the letter that the Vice President, in his exalted position in this administration, do his very best to see to it that the State Department ends this arbitrary action and promptly reimburses the region with that entire $5 million figure, to be distributed as is most just among the various agencies that incurred those

costs. This is a simple request. It is a request to the Vice President of the United States to see to it that the United States keeps its obligations, obligations which to this point have been disgracefully ignored.

I am certain the Vice President has sufficient authority and importance in the administration that his views on this case, if they are made known forcibly and well, will be acted upon. I hope very much he will do exactly that and help us, at least for a modest degree of compensation for what was an extremely unhappy experience in the community as a whole and among our law enforcement officials.

EXHIBIT 1

U.S. SENATE,
Washington, DC, February 1, 2000.

Hon. AL GORE,
The White House,
Washington, DC.

DEAR MR. VICE PRESIDENT: Last spring, the administration selected the City of Seattle from a list of 40 entries to be the honorary host site for the largest trade meeting ever held on U.S. soil, the World trade Organization Ministerial. While the outcome of the event was not what we might have liked, hosting the Ministerial imposed a severe financial burden on the City of Seattle and surrounding communities.

Recognizing that the city and other involved jurisdictions would need assistance and support for security, members of the Washington State Delegation in the House and Senate supported language in the Fiscal Year 2000 Commerce, Justice, State and Judiciary Appropriations bill to provide $5 million to be used for costs related to the WTO Ministerial in Seattle. Just as the trade event was set to convene and the first foreign dignitaries were arriving in Seattle, this language and allocation became law.

Unfortunately, at the same time that foreign and U.S. Trade representatives were convening in Seattle for the initiation of a new round of trade agreements, so too did tens of thousands of protestors, including many who had every intent of disrupting the Ministerial. While I have expressed reservations about how the City of Seattle chose to deal with the onslaught of protesters, I believe that the enacted financial assistance is not only required, but overdue.

To make matters worse, as Seattle continues the task of mending its wounds, the U.S. State Department has refused to release one nickel of the aforementioned allocation. Seattle, its residents and law enforcement still feel the sting of the black eye endured during the week of the WTO.

Preliminary estimates suggest that local taxpayers spent more than $12 million for security expenses related to the WTO, and the Washington State Patrol suggests that at least $2.3 million was absorbed for overtime security expenses. To expect local communities to absorb such security costs for a major international event is unjustified.

As you visit Seattle this week to curry favor with our voters, I will not chastise you, as I have done in the past, for not speaking out on key issues facing the Northwest. Instead, I ask you to assist our community by placing a call to your colleague, Secretary of State Madeleine Albright and demand that the funds prescribed in the FY2000 CJSJ Appropriations bill be released to Seattle.

Thank you in advance for your assistance.

Sincerely,

SLADE GORTON,
U.S. Senator.

EXECUTIVE SESSION

NOMINATION OF ALAN GREENSPAN, OF NEW YORK, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the nomination of Alan Greenspan, of New York, which the clerk will report.

The legislative clerk read the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mr. GRAMM. Mr. President, we have an unusual time agreement where we have 4 hours 50 minutes. I have asked, as chairman of the committee, to have 45 minutes under my control to make the case for Chairman Greenspan, the President's nominee.

I have a very small number of people who wish to speak. Senator SARBANES, as ranking member, has made a similar request for 45 minutes. I think the normal procedure would be to run off time proportionately among those who have asked for time. But since Senator SARBANES and I have such a small amount of time, and many other Members who aren't members of the committee have more time reserved than we do, I would like to begin, so that there will be no dispute, no misunderstanding, by asking unanimous consent that the time be charged proportionately to the two sides. The minority side has 4 hours 5 minutes. The majority side has 45 minutes. I ask unanimous consent that the time be charged proportionately.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMM. Secondly, let me say that when we do have the minority side represented on the floor, I am going to seek to amend that to protect the time of the distinguished ranking member of the committee, Senator SARBANES, and to protect my time. I urge those who have reserved up to an hour each in some cases to come to the floor and speak.

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

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, parliamentary inquiry: What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the nomination of Alan Greenspan.

Mr. SARBANES. I thank the Chair.

Mr. President, I rise in support of the nomination of Alan Greenspan to be Chairman of the Federal Reserve Board. As I mentioned in the Banking Committee when we held the hearing on the nomination of Alan Greenspan to a fourth term as Chairman of the Federal Reserve Board, one of the distinctive aspects of the Federal Reserve Board as an institution has been its remarkable stability of leadership.

Since 1934, when President Franklin Roosevelt appointed Marriner Eccles to be Federal Reserve Board Chairman until today—a period of over 65 years—there have been only seven Federal Reserve Board Chairmen; only seven. Among them are some of the outstanding economic leaders of our country. Marriner Eccles himself served 14 years as Chairman of the Federal Reserve. William McChesney Martin served 19 years. Arthur Burns and Paul Volcker each served 8 years.

If Chairman Greenspan is confirmed—I am assuming, I think reasonably so, that would be the case—and serves the full length of his fourth term, as I expect he will, he will be the second longest serving Chairman of the Federal Reserve Board. I think it is fair to say, in looking at his tenure as Chairman, that he will take his place among those other outstanding public servants who have provided exceptional economic leadership to our country.

Earlier this week, the U.S. economy achieved the longest expansion in its history with 107 months of continuous growth. We have achieved high levels of growth that have brought us the lowest levels of unemployment in 30 years, and all of this has been accomplished with the lowest levels of inflation in 30 years.

We have had a very virtuous economy in terms of low unemployment and low inflation. The expansion has now gone on long enough that its benefits have begun to be felt by the hardest to employ workers in our economy. Many companies now have instituted training programs which, of course, is all to the good. It enables us to improve the skills and the abilities of our workforce. It enables us to draw people into the workforce who heretofore have not been a part of it. A strongly vibrant economy is important to the success of any Welfare-to-Work initiative. One of the reasons that Welfare to Work has shown some of the results which it has shown is because it has taken place in the context of an economy moving towards or at full employment.

The performance of the economy has defied the conventional wisdom once held by some in the economic profession that there was some arbitrary rate of unemployment below which the economy could not go without triggering inflation.

Credit for this achievement should be shared. President Clinton and former Treasury Secretaries Bentsen and Rubin deserve credit for their disciplined leadership on fiscal policy which has eliminated our budget deficit and moved us into budget surpluses. The Congress also should share in that credit for maintaining fiscal discipline which has enabled us to come out of a deficit budget situation

into a surplus budget situation, although I would add as a word of caution that I think we need to be extremely careful and prudent now in the steps we take.

These surpluses about which so many people are talking in terms of what are they going to do with them are projected surpluses. They are not surpluses in hand and they depend very much on the continued healthy performance of the economy. I think it is imperative that we not go to excesses, whether on the spending side or the tax-cutting side, which would knock this economic engine off the track.

In addition—obviously highly relevant to the subject before us—Chairman Greenspan deserves credit for complementing the tight fiscal policy of the administration and the Congress with a monetary policy that has allowed our economy to grow. In doing so, he focused on the evidence before him and was not bound by arbitrary assumptions about the limits of our economy's ability to grow without triggering inflation.

I think the Chairman has been very pragmatic as he has made his judgments. I think he has been very much driven by the facts of the situation and has not come at it with these ideological presuppositions into which he then tries to bend the facts but has taken the facts, evaluated them, and made his judgments.

I am reminded of the fact that some years back within the Federal Reserve System there was a regional bank president who asserted that if the economy started growing and drove the unemployment rate down or looked as though it was going to be below 6.7 percent unemployment, then inflation would virtually automatically start to rise and, therefore, the Fed had the responsibility—the Open Market Committee—as the economy was growing in this direction to start curtailing the economy, of slowing it down by raising the interest rates because unless they did that, a strongly growing economy would bring the unemployment rate down below 6.7 percent. And that was the magic point at which the inflation rate would start going up.

Fortunately, the Chairman, Chairman Greenspan, and a majority of his colleagues, never bought into this theory. Now we see the fact we have brought unemployment down to just over 4 percent, and we have no significant inflation problem before us.

There is a lot of credit that can go around. I mean, when you have success, everyone has fostered it. But I am quite happy certainly to allocate a portion of that to the Chairman and the policies of the Federal Reserve Board.

I have disagreed with Chairman Greenspan in the past about monetary policy, and may well disagree with him again in the future. I have been very much oriented to growth and jobs. I have always been deeply concerned about these so-called preemptive strikes against inflation where you slow growth and job production without any visible sign of inflation—simply some sort of anticipation of it. I have always argued that we ought to let the economy run for a while and see what it produces. The recent experience, of course, has been very encouraging because we brought unemployment down very significantly and have not triggered an inflation problem.

All in all, though, I think it is more than fair to say that Alan Greenspan has been a skillful and dedicated Chairman of the Federal Reserve Board and merits confirmation for another term.

I urge my colleagues in the Senate to join in supporting this nomination of Alan Greenspan to another 4-year term as Chairman of the Federal Reserve Board.

Mr. President, I yield 5 minutes to the able Senator from New York, and not only a member but a very strongly contributing member of our committee.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Maryland, not only for the generous yielding of time but for his thoughtful remarks—as always. I think the name ''SARBANES'' and the word ''thoughtful'' are almost attached in this body, and with good reason.

I rise today in full support of the nomination of Alan Greenspan. I do it for a whole variety of reasons. Before I get into those reasons, I am holding something in my hand. Senator GRAMM's staff gave us the application of a man of such gravity and success and magnitude, it is kind of funny to hold an application where he lists his schooling. Even on the last page, there is a section that says ''qualifications,'' why he would be a good Chairman of the Federal Reserve. But he begins by saying, ''I have been an economist for almost half a century.'' One does not have to read this application, fortunately, to know of Chairman Greenspan's merit to be renominated as Chairman of the Federal Reserve.

First, I am proud personally, and I know the other representatives of my State are proud, because Alan Greenspan is one of New York's contributions to the national economy. He is a true New Yorker, born in the Bronx, attended George Washington High School, got his B.S., M.A., and Ph.D. from NYU. When you think about it, the two men who have had their hand on the economic tiller for a large part of the past decade, Bob Rubin and Alan Greenspan, are both New Yorkers. We are proud of our contribution. We have always been proud, in New York, that we send men and women around the country in so many different fields who make real contributions to America. Sometimes America does not recognize it as much as we would want, but it is true. I think there can be no one we can be more proud of, at least in the last decade, than Alan Greenspan.

Alan Greenspan is the perfect man for the job. He is thoughtful. I regularly eat breakfast with him at the Fed. I will never forget the first time we had breakfast together. I really didn't know him that well. He had been Chairman of the Fed for maybe 3 or 4 months.

I said, ''Mr. Chairman, how do you like the job?''

He said, ''I love it.''

''What do you like best about it?''

His eyes lit up. He rubbed his hands together, and he said, ''The data.''

That, I think, is at the root of Alan Greenspan's great success as Chairman of the Fed—his knowledge. He knows the economy. He is a careful man. Those of us who have sat in the Banking Committee, both in the Senate and the House, as I did before I was lucky enough to become a Senator, know he is a careful thinker—almost too careful sometimes, when we ask questions. But that is his job, not to reveal too much. At the root of his merit for the position is the fact that he believes knowledge should guide his decisions, the data should guide his decisions.

He has also been a very careful Chairman of the Fed, and that is a job where care is important. I was always opposed to some of the people in my party who wanted to tie the hands of the Fed or subject the Fed to more popular whim because, frankly, monetary policy is one of those areas of policy that should have some distance from the popular whim. That is because monetary policy takes a while; it takes a while to formulate, and then it takes a while to have its effect once it is implemented. To have it subject to the political vicissitudes and whims to too great an extent would be a tragedy and would make no sense for this country.

In fact, I always marvel at the genius of our Founding Fathers in setting up the structure of merit. But one of the great additions that was made was made in 1912 or 1913 when the Federal Reserve System was finally established. Over the years, we have seen the merit to that system. Yes, there is some popular control, but there is also some distance. I think Chairman Greenspan understands that very well.

There is a third reason I think he makes such a fine Chairman.

I ask unanimous consent I be given 3 additional minutes.

Mr. SARBANES. Yes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. SCHUMER. Not only his thought and care but his solid and sound judgment. The Chairman told me, and he said it repeatedly, he always had a slight lean towards combating inflation. It was not an ideological lean, as opposed to stimulating the economy or combating inflation. But he always said, once you let the genie out of the bottle, it is very hard to get it back. So he erred on the side of caution in terms of letting the economy overheat. My goodness, has that served us well during his 12 years as Chairman.

His steadiness, his intelligence, his judgment, his thoughtful care, his

knowledge, all add up to the fact that this is a wonderful day, not only for him—and I hope he will be approved unanimously by this body. This should not be a nomination where ideology—I think he is a Republican, actually. I think he served in the Council of Economic Advisers under, I guess it was President Ford. It is not one where ideology or party should play but, rather, the good of America.

So it is my honor to cast my vote for a great New Yorker, a great American, a great Chairman of the Federal Reserve, and someone who is truly a national treasure. I will be proud to vote for Alan Greenspan.

I thank the Chair and yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is reserved?

The PRESIDING OFFICER. The Senator from Vermont has 19 and one-half minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, the economy is now entering its 107th month of expansion. That is almost 9 years out of the 25 years I have had the pleasure to serve in this Chamber. Not since the 1960s has the economy experienced such an extended period of growth.

A number of Senators have spoken on the floor today to commend Alan Greenspan for his foresight and his quick hand in raising interest rates to keep inflation in check. The actions of Alan Greenspan and the Fed have certainly contributed to our unprecedented growth—growth that has also been sustained by the sound fiscal policies of President Clinton and Congress. I would remind the Congress, that we can also do our part to help the economy by continuing to pay down our national debt.

Today the Fed is meeting again to consider another possible rate hike. The American economy was certainly on fire during the fourth quarter of 1999. Mr. Greenspan and the Fed have hesitated little in hiking rates to nip inflation in the bud. Last year, the Fed raised interest rates three times by a quarter point each—three times over the short span of 6 months. Such vigilance has been one important part of maintaining the unprecedented growth of our economy.

While it might be blasphemy among macroeconomic economists, I would like to take a moment to urge members of the Federal Open Market Committee to consider the disproportionate effect that these hikes have on low and middle income families. As the Fed mulls rate policy as we speak, I would urge Mr. Greenspan to be doubly sure about raising rates when such hikes, while keeping the economy strong to the benefit of wealthy Americans, may also be tying the hands of low and middle income Americans.

Each time the Fed raises interest rates, average Americans are hit by an immediate increase in mortgage costs, car payments, and credit card rates. These payments are a disproportionate burden on lower and middle income Americans.

For the past week we have been debating a reform of our country's bankruptcy laws. During the course of debate, we have talked at length about the rise in credit card debt. By December of 1999, Americans racked up nearly $589 billion in revolving credit debt. This burden is carried primarily by low and middle income families. An increase in interest rates is likely to pinch these individuals and make it more difficult to pay off their debt and save for the future.

I have been contacted by Vermonters who say they are struggling to pay off their debt and save money to buy homes. These Vermonters face a major setback each time the Fed makes the decision to increase interest rates. In its meeting today and in the future, I urge the Federal Reserve to consider the effect of raising rates on these individuals.

With all the praising being done of Chairman Greenspan today, I wish to note there are a number of Vermonters who contacted me who feel quite a bit differently. Nobody doubts a strong economy, an expansive economy. I think much of the credit, frankly, goes to those who, in 1993, were willing to face down the naysayers and take the first step to have a real balanced budget in the Congress. It sent a signal to the financial markets that for the first time, certainly in my lifetime, the Congress was serious about balancing the budget.

During the 1980s we had seen all the lip service paid and the sloganeering about balancing the budget, while during the 1980s we tripled the national debt and ran the biggest deficits of any nation in the history of the world.

In 1993 I heard many voices, actually on the other side of the aisle, saying if we cast these votes to bring about balancing the budget, it would bring about economic collapse. It would bring about staggering unemployment. It would bring about runaway inflation. And it would bring about huge deficits. It did just the opposite. The unemployment rate has dropped, inflation came to a standstill, the economy boomed, the deficits disappeared, and now we have a budget surplus. Many Members of Congress were courageous enough to cast the real votes that might do that—as compared to simply the sloganeering and doing nothing—and many of them lost their place in the House and Senate for doing it, even though they made a better country for all of us and for our children.

I note that because I believe that vote was as significant a part of bringing about the credibility necessary for a strong economy as anything we have done. The expansion of the information technology industries, high tech, and so forth, also were part of it and a steadying influence by Chairman Greenspan and the Fed.

But this idea that one person controls this economy by himself is something that even some who sit here in the Senate cannot say with a straight face. As many Vermonters have told me, when they see interest rates being raised over and over and over again at a time when there is no inflation, when the economy has more and more people coming into the workforce—because every time you have a merger, thousands of people are laid off. They go and seek jobs in other parts of the labor market. We see all these things and question why interest rates go up. The interest rates going up apparently have given a great benefit to the wealthiest of Americans but has done very little for the average man and woman, certainly in my State.

In my State, we have seen oil prices and heating oil costs go up substantially this winter, and now the Fed is about to tell everybody: We are going to raise your interest rates again; we are going to raise your mortgages rates again; we are going to raise the interest rates on your credit cards again. If you are a small business, we are going to raise your costs of doing business again.

I am not sure what is gained by these interest rate hikes. It puts a very heavy burden on those families where the husband and wife are both working and trying to pay the kids' tuition, pay the bills, and pay the mortgage. It certainly puts a heavy burden on small businesses in my State.

It will help some bankers, absolutely. It will help credit card companies, absolutely. It will help some of the wealthiest, absolutely. And maybe there is a plan in here that by helping all of them, some day it may help the people who keep the country going and pay the bills. Possibly.

I share the skepticism of those Vermonters, and I hope when this vote is cast, which I assume will be overwhelming for the reconfirmation of Chairman Greenspan, that he will not take this as some kind of an accolade that nobody disagrees with what he has done; that he will understand there are those who actually have to pay their mortgages, those who do not have millions of dollars, those who do not have six-figure incomes and are hurt by these interest rate hikes; that they are the ones who see no inflation and probably have been laid off from jobs because of mergers and are out seeking another job and are now hit with an extra whammy of paying more for their mortgages, their credit cards, for the things they need.

Some of the thoughts of the Fed that the boom will not continue, that inflation was around the corner has not been proven, and I do not think the steps they are taking are right. That is one person's opinion. Obviously, it is very much a minority opinion but certainly an opinion that is felt strongly by the average man and woman who are earning a weekly salary and paying the bills.

I hope the Fed will look at some of the data they have available to them and understand there are other ways of combating inflation than simply raising interest rates and that the country will realize there are a lot of very courageous people who voted for a balanced budget in 1993. Rather than simply talking about it, all those courageous people who lost their places in Congress for doing that are also the ones who deserve an enormous amount of credit today for the huge economy we have underway.

Mr. President, how much time does the Senator from Vermont have remaining?

The PRESIDING OFFICER. The Senator has 11½ minutes remaining.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time I have remaining be turned over to the Senator from Maryland for such use as he may wish to make of it.

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

Mr. SARBANES. Mr. President, what is the time situation now?

The PRESIDING OFFICER. The time situation is as follows: The Senator from Maryland controls 38½ minutes; the Senator from Texas controls 42 minutes; the Senator from Minnesota, Mr. WELLSTONE, controls 58 minutes; the Senator from Iowa, Mr. HARKIN, controls 58 minutes; the Senator from Nevada, Mr. REID, controls 29 minutes; and the Senator from North Dakota, Mr. DORGAN, controls 29 minutes.

Mr. SARBANES. I simply make the observation for those Members of the Senate who wish to be heard on this nomination that this is an opportune time, and that includes members of the committee and others who will seek either Senator GRAMM or myself to yield time to them in order to speak. There are other Members who have been actually allocated time specifically. Of course, we presume they will be coming to the floor in order to use that time.

I put an inquiry to the Chair: I understand that if no one speaks, the time will be charged proportionately to all those to whom time has been allocated?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. Mr. President, I cease and allow that circumstance to prevail.

The PRESIDING OFFICER. Time will be charged proportionately to those who have time reserved.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, we are experiencing the longest economic expansion in the history of this country. As of the end of January, we underwent 107 consecutive months of economic growth. Much of this can be attributed to the economic policies of Federal Reserve Chairman Alan Greenspan.

In the midst of this unprecedented prosperity, it's easy to say, let's not change anything. Let's not rock the boat. Things are great, why rain on the parade? Why even ask tough questions that might upset the delicate and fine-tuned mechanism of the economy?

But I think that we have to ask those questions.

Today the Senate is considering the President's nomination of Mr. Greenspan to his fourth consecutive four-year term as Chairman of the Federal Reserve Board of Governors. In my opinion, if we are to confirm him to serve in that post again, we should not do so simply to reward him for the good that he has accomplished over the last few years—we should only do so because we think that he is the best person for the job for the next four years.

In making that decision, we have to take a hard look at everything that has happened under Chairman Greenspan's watch—the bad as well as the good.

We are considering him not only for his views on the economy, but for his ability as a manager, as the head of the largest, most powerful institutions in the world.

Viewing his record as a whole, Mr. President, I am not convinced that Chairman Greenspan is the best man to guide the Fed for the next four years. I intend to vote against his confirmation.

Let me make this clear: I rise today not to criticize Alan Greenspan as a person, or to criticize his economic policies. Chairman Greenspan is a fine man, who has worked hard for this Nation. The results of Chairman Greenspan's monetary policies over the last 10 years speak for themselves, in rather eloquent terms.

The Federal Reserve is one of the most powerful institutions in the world. It makes decisions that fundamentally change our economy, and the world economy.

It is also, as columnist Jack Anderson wrote, a secret government of unaccountable, unelected bankers and bureaucrats that has long resisted Congressional oversight, and that is completely exempt from the Congressional budgeting process.

For the past six years, Senator DORGAN and I have worked to try to achieve greater accountability over the Federal Reserve. Last year, we added an amendment to the Financial Services Modernization Bill that would have required a consolidated yearly audit covering the operations of each Federal Reserve Bank, the Federal Reserve Board of Governors and the Federal Reserve System.

Our amendment was all about accountability in the day-to-day operations of the Fed. It did not seek to interfere with monetary policy. That is an area that should be kept separate, for good reason. Our amendment sought to open the doors of a taxpayer-financed institution which has been closed to Congressional oversight or review for more than 80 years.

Unfortunately, our amendment was stripped down in conference. That happened in part because the Federal Reserve strongly opposed any kind of audit or oversight.

In 1993, Senator DORGAN and I asked the GAO conduct a review of the Fed's operation and practices. The review found a number of disturbing revelations about the way the Federal Reserve does its business, including evidence of serious mismanagement at the highest levels.

Significantly, many of the incidents of waste and mismanagement have increased since 1988, the year Mr. Greenspan first became Chairman.

(1) The Report found numerous and significant weaknesses in the Fed's planning, budgeting, oversight, and audit processes that have resulted in unnecessary waste in the Fed's operating costs.

(A) The Fed's operating policies and practices do not include cost-minimizing that are commonplace in private-sector entities and even other government agencies.

(B) Overall Federal Reserve operating expenses increased from $1.36 billion in 1988, to $1 billion in 1994:

A 50 percent increase that was more than twice the rate of inflation during that same time period;

The increase in operating expenses also exceeded the rate of increase in the Fed's revenues; and

It also far exceed the 17-percent increase in overall federal discretionary spending.

(C) The report concluded that, among other things, the Federal Reserve could reduce its personnel benefits and travel-related reimbursements without affecting its operation:

The employee benefits paid by the Fed for even low-level employees were called ''generous'' compared to other government agencies and comparable financial institutions; and

Travel reimbursement policies among the various Reserve banks varied widely

(D) The report found that the Fed's Interdistrict Transportation Service has been engaging in questionable practices such as the implementation of non-competitive contracts, gifts of payments for missing backup and grounded aircraft to non-performing contractors, and a disturbing pattern of indifference to fraud, waste and abuse.

(2) The Board's internal oversight mechanisms were called ''fragmented, inefficient, and lacking in independence.''

(A) Operating costs vary among Reserve banks because the Federal Reserve has not established consistent policies.

(B) Several Reserve banks used contracting and procurement policies that violated written government policies, and which resulted in favoring some sources over others—raising questions of conflicts of interest, favoritism, and whether the Federal Reserve is receiving the best services and most favorable prices.

(C) The Los Angeles branch alone documented over $121 million in bookkeeping errors in a single month.

(3) The Fed maintains a reserve account of $5.2 billion dollars which could be re-directed into the Federal Treasury. That fund is intended to protect the Fed against unexpected losses.

But the Fed has recorded substantial net profits for 84 straight years, and the fund has never been used since it was created in 1913. Nonetheless, the size of that fund has increased nearly 150 percent in only the last ten years, rising from $2.1 billion in 1988 to $5.2 billion in 1998.

Most important, the report raised serious questions about Mr. Greenspan's ability to manage the Fed in a time of rapid economic change.

The Report concluded that numerous technological, political, and marketplace developments could profoundly affect the Fed's mission and operation in the years to come, and which require the Fed's careful attention and leadership.

(A) Increased competition from private institutions and a shift to electronic banking could significantly reduce the Fed's revenues, particularly in areas such as check-clearing. The Fed has not taken sufficient steps to compensate for these shrinking revenue sources.

(B) A major consolidation in the banking industry is going on that could significantly affect the Fed's oversight and review activities.

Changes in the number and location of bank-holding companies the Fed oversees could require adjustments in Fed staffing at the various Reserve banks.

To pay for these changes, the Fed's oversight staff could charge local banks a fee for their oversight activities, but choose not to, resulting in taxpayers paying the bill for those activities to the tune of $388 million a year.

The Fed's Reserve banks have not changed their geographic location since 1913, despite major shifts in population demographics and economics, raising question of whether the Fed's oversight functions are being performed effectively and equally around the country.

(C) Overall, increasing competition from private-sector suppliers of financial services, coupled with changes in technology and commerce, and increasing globalization of economic policy,'' present significant challenges to the Federal Reserve to rethink many aspects of its operations and raise important questions regarding the future role of the Reserve banks, their management structures, their locations''—and ''call for a careful re-examination of the Federal Reserve's mission, structure, and work processes.'' But it appears that no such re-examination has taken place in the five years since the report was issued.

The report concluded that if the Federal Reserve Board is to plan strategically for the future, so that it can continue to deliver services efficiently in a world that is changing rapidly and substantially, it will need the Board's ''sustained leadership.'' That sustained leadership appears to have been absent.

If this report had been made about a Cabinet Secretary, the Congress and the public would demand answers. If it were about the CEO of a private corporation his board would probably send him packing.

We live in a world of change.

Only a few years ago, nobody had heard of the Internet, and electronic commerce didn't exist.

Nobody bought stock on-line.

Only a few years ago, the European Economic Union was a pipe dream.

GATT and NAFTA didn't exist.

Japan's economy was the envy of the world, and the United States was thought to be in decline.

Nobody can predict what the world will be like years from now. But one thing we do know, is that if the Fed is to continue its ability to successfully manage our economy, change will be necessary. Not superficial tinkering, but fundamental, structural changes.

I do not believe that Mr. Greenspan is the right kind of manager to drive that change.

Let me read to you from the GAO report:

> The Federal Reserve must create the necessary self-discipline for the institution to adequately control its costs and respond effectively to future challenges. However, GAO found weaknesses in the planning and budgeting processes that are key mechanisms for accomplishing those goals . . . the Federal Reserve did not have an integrated, systemwide strategic plan that identified the emerging issues and challenges affecting the entire system and how to effectively address them.

In a climate of rapid change, that is a recipe for disaster.

For these reasons, I do not believe that Alan Greenspan is the right man for the job, and I intend to vote against his confirmation, and I urge my colleagues to do the same.

Mr. DORGAN. Mr. President, does the unanimous consent agreement include a time for me to speak?

The PRESIDING OFFICER. It does. The Senator has 24 minutes remaining.

Mr. DORGAN. Mr. President, I understand we are here on the floor of the Senate to talk about the renomination of Alan Greenspan as Chairman of the Federal Reserve Board. I want to start my presentation by saying it is not my intention to come to the floor of the Senate to persuade people Mr. Greenspan is not a good person or has not been a good public servant—I do not believe that. He is someone with great skill and great devotion to public service.

But I do come to say that I have profound differences with Mr. Greenspan over monetary policy issues and I believe his stewardship with the Federal Reserve Board, while widely hailed by many, falls short of what I think should have been done at the Fed during the same period. I would like to spend some time describing that.

As I begin this discussion, let me point out that just this afternoon the Federal Reserve Board has announced yet another interest rate hike. They have announced today that the Federal Open Market Committee is hiking short-term interest rates another one quarter of 1 percent.

What does that mean? A lot of people will not think much about the one quarter of 1 percent in terms of what it means to them. It means the Federal Reserve Board is imposing a tax on every single American with these interest rate hikes because they are worried about some new wave of inflation that does not exist in our country. I had some work done at the North Dakota State University by Dr. Won Koo in the Department of Agricultural Economics. I asked him to tell me what it means, just in terms of North Dakota, when the Federal Reserve Board has now on four occasions in a matter of 8 months raised interest rates by 1 percent. What does it mean when we have a 1-percent interest rate increase?

The additional average interest payments for North Dakota farmers will be nearly $23 million a year as a result of the actions of the Federal Reserve Board, or about $719 per farm annually.

A typical North Dakota household will see their interest charges go up by an additional $356 a year because of the four Fed interest rate hikes. The Federal Reserve Board is imposing a tax on every single American with these four rate hikes.

I will explain more later why I think the rate hikes are unjustifiable. But these rate hikes are unjustifiable because the Federal Reserve Board is searching for inflation that does not exist. Inflation has gone down, down, way down, all the while the Federal Reserve Board has insisted the fires of inflation are just around the corner. The Fed has been consistently wrong on that. And there seems to be almost no debate about it. It is OK if the Fed decides it wants to increase interest rates and effectively tax all the American people with higher interest rates.

Some of those who come to the floor of the Senate who are the most aggressive people in opposition to any kind of a tax increase, sit silently while the Federal Reserve Board says: We want to impose new costs on the American people in the form of mandated higher interest charges. That is rather curious to me. Why so silent when the Federal Reserve Board does this without justification, I might add.

Here is the Federal Reserve Board. And I do this to give the American people a sense of who makes monetary policy. We have a Board of Governors. There are two seats that are currently vacant. We are hoping maybe we can get someone appointed to the Federal Reserve Board who cares something about consumers and family farmers and others who will have to pay the higher interest charges. It is not likely

to happen, but we are trying. None of the current Board members is from our part of the country. There have only been three Board members from the Upper Midwest appointed to the Board of Governors since it was created. We are hoping maybe somebody who might take one of these vacant seats will be somebody who knows how to make something, to produce something, who does something every day and will come here not representing the money center bankers' interests but representing the interests of consumers, family farmers, or Main Street businesses.

The Board of Governors and, the presidents of the regional Fed banks on a rotating basis, go in a room, shut the door, and in secret decide what kind of monetary policy they want to employ and whether they want to increase interest rates. The American people were not present in the room and I was not present in the room because we are excluded from these deliberations by the Federal Reserve Board.

These are the folks who went into that room: Roger W. Ferguson, Jr., Alan Greenspan, Edward Gramlich, Edward W. Kelley, Jr., Laurence Meyer; and then these folks from the Fed regional banks, the ones with the gold stars: Robert Perry, Jack Guynn, Mr. Broaddus, Mr. Jordan, and Mr. McDonough. They apparently think the American people's interest charges are not high and decided to raise it one-quarter of 1 percent, a total of 1 percent over the last four rate hikes. The question is why.

It is interesting, the Chairman of the Federal Reserve Board says he does this because there is a threat of new inflation in this country. Over the past 12 months, however, inflation has been well under control. The CPI has risen 2.7 percent in the last 12 months. In the last 3 months, the CPI has risen at an annual rate of 2.2 percent, and the core CPI—if you take out volatile food and energy prices, has risen 1.9 percent in the last 12 months, the lowest it's been since 1965.

In addition, Mr. Greenspan has come to the Capitol and said: We think the CPI overstates inflation by 1.5 percent. I do not think he is right about that, but if he is right, we have effectively no inflation in this country. If we have no inflation in this country, what on Earth are these folks doing in a secret meeting downtown, wearing suits and glasses and talking in bankerspeak, deciding to increase taxes in the form of a higher interest rate on every American? What are they doing? How do they justify that? Why do those in this Congress who wail so much about taxes sit silently while the Federal Reserve Board does this without justification? You tell me where the new fires of inflation exist.

Alan Greenspan for years came to counsel us on Capitol Hill. He said: We cannot countenance economic growth in this country more than 2.2 or 2.5 percent without risking substantial new waves of inflation—just can't do it. He was wrong. Again and again he was wrong. Economic growth has been well above 2.5 percent, and inflation has been way down, not up. Mr. Greenspan came to Congress and gave us the sage advice that if we saw unemployment fall below 6 percent, we risked new fires of inflation. He was wrong again and again. He was wrong.

Yet we hear people come to the floor to say he is the greatest American ever. He is a nice enough fellow. I have nothing against him personally. His policies, in my judgment, have imposed an added financial burden on the American people in the form of higher interest charges than is justifiable. I ask all of you who know these numbers, evaluate what have been the interest rates relative to inflation—that is, the real rate of interest—in the Greenspan years versus pre-Greenspan years. What is the real economic rent for money? What kinds of policies imposed by the Greenspan years at the Fed have resulted in what kinds of charges to the American people relative to what had been done before Mr. Greenspan came to the Fed?

I will tell you the answer. The answer is, interest rates on a real basis have been higher in the Greenspan years by about one-half of 1 percent than the pre-Greenspan years. Can you justify that? I do not think so. And Mr. Greenspan, leading this Fed—and make no mistake, he is in charge, it is his policy, no one would contest that—has said over the years: We must grow more slowly; we cannot support higher growth; we must shade on the area of having more people unemployed rather than fewer people unemployed, and because of the risks of having too few people out of work and too much economic growth, we must retain interest rates at a level that is higher than historically justified relative to the rate of inflation.

Some might come to the floor and be able to justify that in their own minds. I certainly cannot. I do not think the American people believe either that Mr. Greenspan's higher interest rates relate to this new economy that can grow faster with lower unemployment numbers than most economists ever thought available or doable.

Let's talk just about the numbers for a few minutes. I mentioned that the core rate of inflation is now 1.9 percent over the last 12 months, the lowest its been since 1965. I mentioned Mr. Greenspan thinks the CPI overstates the rate of inflation by a percent and a half. That means we have virtually no inflation. But today the Fed said we are worried about inflation, therefore we must increase interest rates once again. The Fed is wrong once again.

In 1999, the GDP grew at 4 percent; in 1998, 4.3 percent; in 1997, 4.5 percent. In other words, in the two previous years to 1999, we had higher rates of growth than in the last year, and yet the Fed today, by its interest rate increase, says our economy is growing too fast. Again, in my judgment, it is implausible. This Fed Chairman steers the Fed on monetary policy on the side of money center banks. I think monetary policy ought to be steered in a direction and on a course that relates to all of the needs and all of the interests of this economy and of the American people.

I talked a little about unemployment. In the past, the Fed has preached that the non-accelerating inflation rate of unemployment was 6 percent. In short, if the unemployment rate goes below 6 percent, consumer prices will go up. The Fed's reliance on this and other buggy-whip approaches to economic analysis have been terribly misdirected given the globalization and the galloping globalization of the workforce.

The unemployment rate has been below 6 percent for 64 consecutive months, over 5 years, without a peek at a new wave of inflation. Today, unemployment rates are at a 30-year low of 4.1 percent, and our economy is growing at a healthy rate without a shred of evidence that there is a new threat of inflation.

Some say Mr. Greenspan is increasing interest rates not so much because he is worried about inflation, although that is what he says, but because he wants to curb speculation in the stock market. He thinks there is something in the stock market; he said once ''irrational exuberance''—whatever that means to economists. I used to teach economics ever so briefly. Irrational exuberance, he says—it is interesting—irrational exuberance on the part of those who are engaging in transactions on Wall Street that are presumably market transactions, and presumably in a circumstance where the market works. It is interesting that Mr. Greenspan decides, because of this irrational exuberance, he wants to impose a penalty on all the American people through higher interest rates rather than deal with what I think may be the cause of this so-called irrational exuberance.

If Mr. Greenspan really wants to try to bust some of the bubble on Wall Street, maybe he ought not raise interest rates that cause direct and immediate harm to families and to producers, but maybe he ought to consider taking real steps to put limits on the use of ''margins'' by investors to buy stocks.

It is interesting, the amount borrowed by investors to buy equity securities is growing to levels of significant concern.

Last November, the margin amount increased by 13.2 percent in 1 month alone—the largest monthly increase since 1971. Perhaps Mr. Greenspan might want to put some limits on the use of margins; but, no, not Mr. Greenspan. He would sooner impose an added interest charge on all Americans.

Let me talk for a moment about what I think is the low watermark of the Fed in recent times. That is the

issue of Long-Term Capital Management, the ill-fated hedge fund, because it relates not only to the management of the Fed, but it relates to what the Fed is interested in and relates to the Fed's, in my judgment, insensitivity of or, perhaps in a stronger sense, blindness to solve the risks that exist that they ought to be concerned about but are not.

Long-Term Capital Management.

Mr. President, how much of my time remains?

The PRESIDING OFFICER. Eleven minutes.

Mr. DORGAN. Mr. President, some while ago the Federal Reserve Board orchestrated a $3.6 billion bailout of something called Long-Term Capital Management, the highflying hedge fund, which I think calls into question the leadership at the Federal Reserve Board and calls into question what they think is important and what they are willing to ignore.

The federally insured banks were lenders and investors in this Long-Term Capital Management fund. The GAO, in its 1999 report, requested by myself and Congressman MARKEY, Senators HARKIN and REID, found that federal regulators failed to detect lapses in risk management by lenders, and others, that allowed Long-Term Capital Management to become large and excessively leveraged until after the crisis.

Mr. Greenspan testified that the intervention in the Long-Term Capital Management debacle was needed to prevent a crisis in the global financial markets. But then he appears just as quickly to dismiss the Fed role in the bailout as little more than a spectator providing office space.

What makes this more troublesome, to me, is that just days before the Federal officials visited Long-Term Capital Management in Connecticut to discuss its financial problems, Chairman Greenspan was testifying before the House Banking Committee that: ''Hedge funds were strongly regulated by those who lend the money.'' Of course, nothing could have been further from the truth, as was uncovered by the GAO's 1999 investigation of the Long-Term Capital Management's near collapse.

The independent report reveals that our Federal regulators, including the Fed, allowed this speculative hedge fund to load up with $1.4 trillion notional value in derivatives, which threatened to bring chaos in financial markets here and around the world.

While I am on this subject of unregulated hedge funds, which the Fed on a Sunday had to bail out by arranging bank loans, shortly after they said: Gee, there is no problem here with hedge funds.

Let me add that the subject of derivatives ought to have some attention by not only our committees but by the Fed and other banking regulators, as well. There is something around $33 trillion notional value derivatives by banks in this country, and we have banks whose deposits are insured by the Federal Government, doing proprietary trading on derivatives on their own accounts.

They could just as well put a craps table in the lobby of a bank. They could just as well put a roulette wheel in the lobby of a bank. A bank, with federally insured deposits, trading on its proprietary accounts in derivatives, and nobody seems to care. But someday, some way, someone will care because this is going to go the way of Long-Term Capital Management, unless there is adequate supervision. When those cards collapse, that collapse is going to be significant.

We need, in my judgment, strong management. We need assertive oversight by our committees. We need strong, aggressive oversight in the regulatory approaches by the Federal Reserve Board. Regrettably, that is not the case these days with respect to the Federal Reserve Board.

Since the chairman of the Banking Committee is here, I will say that I urge the committee to pay some attention. You probably already have. I am not suggesting you have not. I don't know what your agenda is. I hope very much the issue of derivatives and the issue of the regulation of hedge funds, or at least the concern about what hedge funds are doing in light of Long-Term Capital Management scandal, is something that is part of the agenda of the Banking Committee in this Congress.

I have described, at the start of my presentation, it is not my intention, nor would I expect it to be the intention of the Senator from Iowa, Mr. HARKIN, or others, to come to the floor to say that the Chairman of the Federal Reserve Board is a bad person. I do not believe that. I met him. I like him. I think he is a good public servant. I think he has given a great deal to this country.

He and I simply have fundamental differences on monetary policy. He has run monetary policy with a tight fist, believing a certain way, and those beliefs include that we could not allow more growth. We had to have slower growth in order to avoid inflation. We had to have more people unemployed in order to avoid inflation. He was wrong on both counts, wrong consistently.

My point is, I think it is time—and I have told this to the President—I think it is time for new blood at the Federal Reserve Board.

I say to the Senator from Iowa, who has come to the floor, look at this Board. I, from time to time, as a public service—because the Fed is so closed and so secretive; it is the last dinosaur on the American landscape in public policy—I bring pictures to the floor to show people what the Fed looks like. Here is who they are. Here is where they graduated from. Here is what their degrees are. Put a gray suit on all these folks, and they all look the same, talk the same, and think the same. That is why this policy is a homogenized policy that does not provoke any debate in this country about monetary policy.

A century ago they used to debate monetary policy in bars and barbershops. I thought that was healthy. Fifty years ago and 40 years ago, when McChesney Martin was running the Federal Reserve Board up here, he was going to raise interest rates by one quarter of 1 percent, and Lyndon Johnson got him down to the ranch in the Perdinales in Texas and darn near broke his shoulders he was squeezing him so tight.

The point is, it was front page headlines around the country because McChesney Martin was going to have the Fed raise interest rates by a quarter of 1 percent. The President got so upset he even called McChesney Martin down to the ranch. The Fed did not have to respond to Lyndon Johnson, but my point is, back then interest rate policy was a matter of public concern, of public debate. These days, these folks go in that well-paneled room and shut the door, and it is all done in secret. Then they open the door and say: Guess what we have done for you. There are too many people working. We are growing too fast, so therefore we have increased a tax on all the American people by increasing interest rates once again.

Four successive interest rate increases—1 full percent. Again, let me say that the average North Dakota household, which pays $356 a year more in interest rate charges—that is a new tax on the American consumer in my State and around the country.

Mr. HARKIN. That is true.

Mr. DORGAN. It was not a tax debated on the floor of the Senate. If we had that debate, my friend from Texas, Senator GRAMM, the distinguished chairman of the Banking Committee, would be on the floor, I guarantee you, because when we debate taxes he is on the floor. He is a passionate combatant in those debates. But we cannot have that debate on the floor of the Senate because the Federal Reserve Board does not have a debate in public. It does it in secret.

What I am saying is, I think the Federal Reserve Board process needs to be more open. I know the response and the rejoinder to that will be: Well, the Senator wants to make the Federal Reserve Board process politics on the floor of the Senate. That is not my point. My point is, I think there ought to be, leading into this process somehow, some interests of the American people. It does not exist at the moment.

It is my intention to not support this renomination. I expect this renomination will carry with a very large vote in the Senate, but it will not carry with my vote because I believe monetary policy ought to change in this country. I do not believe our country is growing too fast. I do not believe too few people are unemployed. I do not

share that view, that is too often shared in the bowels of the Federal Reserve Board. I would like someday for us to have a monetary policy that represents the entire interests of our country, not just the interests of money center banks.

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

Mr. DORGAN. I am happy to yield.

Mr. HARKIN. I thank the Senator for his statement on the floor, pointing out that what this interest rate increase is is a tax on hard-working Americans, a very insidious kind of tax, too. It is going to have other repercussions.

The question I have to ask of the Senator is this: The Senator talked about the Federal Reserve Board meeting in secret and not knowing what is going on. I don't want to make it political either. No one wants to make it political. But I think we do have a right to know why they make the decisions they make.

It is my understanding that the transcripts of the meetings of the Fed are kept secret for 5 years, if I am not mistaken. It may be a shorter period. I stand to be corrected. We don't know for years why they made the decisions they made. What is so secretive about this?

Even if they do meet in secret, it seems to me that within 1 month or 3 months or 6 months we ought to at least have the transcript so we would know what was the discussion that went into why the Board raised interest rates a quarter of a point today; what the discussions were last year that caused them to raise interest rates three times. Keep in mind, the Fed has raised interest rates four times in a 1 year period. A little nick here, a little nick there, pretty soon you are bleeding pretty badly. Four times in a 1 year period. What were the reasons for it? We don't know because they meet in secret. Again, it is my understanding—I stand to be corrected—that the transcripts are kept secret for 5 years.

Again, the Senator from North Dakota has pointed this out many times, the Federal Reserve was not created by the Constitution of the United States. The Federal Reserve was created by legislation. It is a creature of Congress created by legislation. It seems to me we have a right and a responsibility to have a better understanding not only of how the Fed operates but why they make the decisions they do. I ask the Senator that question, about opening up the transcripts so we know why they make those decisions.

Mr. DORGAN. I don't know what length of time they keep the transcript private. However, the Federal Reserve Board is enormously private. I have said it is the last dinosaur. A little sunlight would be a great disinfectant for monetary policy.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. DORGAN. There is so little known about the Federal Reserve Board that when Senator REID and I had a GAO report done recently, they said that the Federal Reserve Board has stashed away now close to $6.4 billion—then I believe it was $3.7 billion—in a kind of a rainy day fund. The rainy day fund was described by the Fed as a surplus fund that was to be used in the event they needed it if they suffered a loss.

This is an institution that makes money. This is an institution that has never had a loss, will never have a loss, and stashes away a cash reserve in the event that it has a rainy day. The GAO report, of course, was very critical of the management of the Fed on a wide range of things. But I will not put it in the RECORD.

The PRESIDING OFFICER. The Senator's additional minute has expired.

The Senator from Texas.

Mr. GRAMM. Mr. President, I thank Senator HARKIN. It is my understanding that since the distinguished Senator from Missouri wanted to speak only 3 or so minutes, that he had agreed that after I speak—and I should speak only 5 or 10 minutes—the Senator from Missouri could speak 3 or 4 minutes before Senator HARKIN takes the floor. I think he has an hour. I thank him for that.

I hope people are watching this debate. Our dear colleague from North Dakota does an excellent job of presenting his point of view. It is not a point of view I agree with, but it is a point of view that obviously he believes and he presents very effectively, as does Senator HARKIN.

For people who believe that there are no differences among Members, that parties don't make any difference, that Democrats and Republicans are identical, I hope they are listening to this debate because we are getting to the very heart of the fundamental differences that separate us and, in separating us, serve the country. In the process, we have an opportunity to present competing visions. Then every 2 years, on the first Tuesday after the first Monday of November, people decide whose vision they want to follow.

I think this debate is very informative and very important. I have asked for a fairly short amount of time. I think the minority side has 4 hours 5 minutes. I have asked that our side have 45 minutes because I think our case is a very strong one, and we don't think we have to be repetitive to make it.

As I look down the list of Americans who have served as Chairmen of the Board of the Federal Reserve Board, it reads like a Who's Who in economics and banking: Paul Volcker, Arthur Burns, William McChesney Martin. These are Americans who have provided distinguished service to our country. But as I look at the record of Alan Greenspan, I can stand on the floor of the Senate and say, without any fear of contradiction, that Alan Greenspan's record is the finest record that has ever been established by a Chairman of the Board of Governors of the Federal Reserve Board since we created the Federal Reserve and it began operating in 1913.

I go further in saying that whether we are talking about Nicholas Biddle at the Second Bank of the United States or about monetary policy conducted by the Treasury or about any central banker in any monetary center anywhere on the planet, I believe a strong case can be made that Alan Greenspan is the greatest central banker in the history of the world.

Why do I say these things? Let the record speak for itself in terms of what has happened under Alan Greenspan's leadership. First, how many people have been appointed to the highest appointed position in the land by Ronald Reagan, George Bush, and Bill Clinton? Is there any other person who has been appointed to a high position of public trust by those three men? The answer is no. And why have three successive Administrations appointed Alan Greenspan to be Chairman of the Board of Governors of the Federal Reserve Board? Because he is the best central banker we have ever had.

As we all debate this issue and have our opportunity to second-guess Alan Greenspan, let me talk about the record. The day Alan Greenspan became Chairman of the Board of Governors of the Federal Reserve Board in 1987, long-term interest rates were 8.98 percent. Today they are 6.42 percent. As a result, millions of Americans who did not have the opportunity to build and buy their own homes the day Alan Greenspan became Chairman of the Federal Reserve Board, now have that opportunity, and they are seizing it in record numbers.

The day Alan Greenspan became Chairman of the Board of Governors of the Federal Reserve Board, the Dow Jones Industrial Average stood at 1,938.83. Today the Dow stands at over 11,000. In other words, the equity value of the broad cross-section measure of the fundamental industry in America has risen during the period that Alan Greenspan has been Chairman of the Board of Governors of the Federal Reserve Board by nearly 500 percent.

Today, schoolteachers, firemen, insurance salesmen, and coaches find that the value of their 401(k)s and their IRAs have skyrocketed, and as a result, their financial security has grown. They approach retirement in a better position than anyone could have ever expected. And that wealth is widely distributed. More Americans own part of the equity value of America than ever before in history. Indeed, we have come the closest of any society in history of fulfilling the Marxist dream of workers owning the means of production—only we have done it the real

way, not with the government stealing it and claiming that workers own it; workers really do own it.

The unemployment rate the day Alan Greenspan became Chairman of the Board of Governors of the Federal Reserve Board stood at 5.7 percent. Today, it is 4.1 percent—the lowest level in 30 years. In fact, when you look at the array of social programs in the economy and their impact on the incentive of people to take jobs, when you look at the environment in which that 4.1 percent exists, I doubt if there has ever been a day in American history where the unemployment rate was effectively lower than it is today. The wonderful thing about this growth in employment is that it is not just the same people who are always getting jobs. A Congressman's daughter and the son of the bank president get jobs—good times and bad times.

What is wonderful about the golden economic age in which we are living is that employment among minorities is growing faster than employment in the economy as a whole. We have had an explosion in the number of women who have gone into business and succeeded, and the benefits of this economic growth are being more widely shared today than any economic growth that we have ever achieved.

The rate of inflation on the day Alan Greenspan became Chairman of the Board of Governors of the Federal Reserve Board was 4.5 percent, and we were grateful. Today, the inflation rate is just 2.7 percent. As one of our colleagues already noted, if we could account for quality differences, if we could take into account the quality differences in a new Suburban versus a Suburban 10 years ago, or the quality difference in a Sony television as compared to 10 years ago, that inflation rate would be virtually zero.

Just as Alan Greenspan was beginning his service as chairman of the Federal Reserve Board in 1987, we had a stock market drop of 500 points. That was a time when 500 points were real and represented a dramatic drop in equity values. Some argued that the Government had to intervene; too many people are investing in the equity market; we have to have dramatic reforms. But under the stable leadership of Alan Greenspan, and several other members of the Working Group that was put together at that time, we basically set about to strengthen the system in terms of liquidity and transparency, and Government kept its cold, dead hand off the equity market, and we have seen in the 1990s what the result has been.

At the end of the 1980s, we experienced the S&L collapse, the greatest financial crisis during my period of service in Congress. It cost $100 billion to fix. It could have been avoided had we put up money earlier and acted earlier, as President Reagan urged. But under the leadership of Alan Greenspan, while nobody knew it at the time, we instituted a procedure of closing troubled thrifts and selling off assets, which the whole world looks at as the standard of how you deal with a financial crisis.

Have we forgotten the Mexican peso crisis? Have we forgotten the Asian economic crisis? Can you remember when it was conventional wisdom that the collapse in Asia was going to mean an economic downturn in America? I missed that downturn, and so did America. Under Alan Greenspan's leadership, we have set a course that helped Asia regain its footing. Korea, through reforms, has done it. Other countries will achieve greater stability when they reform. Have we forgotten the Russian economic collapse? Have we forgotten the Brazilian currency collapse?

In other words, Alan Greenspan's stewardship as chairman has not been uneventful. But the net result is that the American economy has stayed on track. It is easy for us to second-guess the policies of the Federal Reserve Board, but who thought Alan Greenspan would raise interest rates on the very day that we are considering his confirmation? If that is not a statement of confidence in him, I don't know what is, and I don't see any reason to be second-guessing Alan Greenspan's record.

If I have a concern today as we move toward this vote, it is what are we going to do when Alan Greenspan is gone. I hope there is someone out there who will be capable of matching this record. But I am not sure there is such a person, and it worries me. My grandmother used to say, ''The graveyard is full of indispensable men.'' Alan Greenspan is not going to have this job forever. But as long as he wants it, and I have a vote about whether he is going to get it, based on this record, I am going to vote to give him the opportunity to continue to serve.

Let me conclude with a final remark, and then I will turn it over to my colleague. Our founders were afraid of men on white horses. They tried to write a system so that it didn't make any difference how elections turned out. They tried to make it so that it didn't matter who was appointed to various positions because they knew that people were fallible. They tried to write a system that was relatively infallible. And so when someone achieves a record like this, while you can't give Alan Greenspan all the credit—I think a lot of the credit goes back to Ronald Reagan and the reforms that we undertook then, and I am willing to give some credit to Bill Clinton and some to Congress. But if you were going to pick anybody who is currently holding a position of public trust and ask who has had more to do with the success we have had in this last decade—the last 12 years, really—of unparalleled economic achievement, I think you would have to give the prize to Alan Greenspan.

So there are two sides to the story. I hope people will listen to these arguments. This is serious business when you are talking about the Chairman of the Board of Governors of the Federal Reserve Board. I hope they will listen to these arguments and that they will see that there are differences among Members, differences between the two parties. As long as there are people like Alan Greenspan who are willing to serve, I think America is in good shape. I am eager to see him have the opportunity to serve for another 4 years. I hope he is blessed with health that will allow him to continue in this job for a very long period of time.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the distinguished chairman of the Banking Committee for giving me the opportunity to make these remarks. I hope our colleagues are listening to his remarks. As a former economics professor, he has been able to bring to common terms, in understandable language, the message that is so important in economics.

I have stayed awake longer listening to his treatises on economics than I have on most of the ones I had in school. While the record is not perfect, at least it is better. We appreciate his kind words.

I also thank my colleague from Iowa for permitting me to make these remarks.

Mr. President, I rise to express my strong support for the nomination of Alan Greenspan for his fourth term as Chairman of the Board of Governors of the Federal Reserve System.

As has just been said, since Chairman Greenspan was originally appointed in 1987, his wise stewardship of the monetary policy of this country has in no small part contributed to the best economic times in our country's history.

Yesterday we reached a milestone of economic expansion. Our country has a record 107 consecutive months of economic growth. At no other time in our history have we experienced uninterrupted economic growth that has lasted this long. Moreover, it does not appear that this growth is slowing. Unemployment is at record lows. Consumer confidence is at record highs. Inflation, the unfortunate byproduct of expansion in the past, has been kept under control.

Some of our colleagues on the other side of the aisle have raised questions about the way Chairman Greenspan and the Federal Reserve have conducted their business. Make no mistake—it is an arcane science. Maybe it is an art. I am never sure whether it is an art or a science. Make no mistake about the fact that the Chairman of the Federal Reserve and the Board itself have tremendous power in this economy. It can cause inflation or it can foster low inflation. It can promote sound economic growth or it can cause a depression. As tough as that job is—and probably none of us here in this body would fully understand it—fortunately, we have a means of judging the

success of the work that is done by the Chairman and by the Federal Reserve. In no place can I think of a better application for the admonition that you shall be judged by your works or, as we say at home in Missouri and in the country: Show me. Don't tell me what you are going to do; show me what you have done. Under that test, Alan Greenspan has received the highest marks.

When you look at what has happened, more people are working. More people can buy homes. More people can keep their jobs. And they can see that their savings are not eroded by inflation.

It was only about 20 years ago we saw inflation destroying savings and driving the price of homes out of reach of almost every American—a tremendous crisis—because monetary policy had gotten out of control. Today we see monetary policy under control; we see growth; we see opportunity. All American citizens stand to benefit from this growth, and I think they owe a debt of gratitude to the dedicated public service of Chairman Greenspan.

Many economists did not believe low unemployment and low inflation could exist for a significant period of time. Indeed, our colleagues on the other side of the aisle have cited the fact that even Chairman Greenspan has learned as he has gone along. As he stated in his remarks, he has seen that there is a new paradigm. There is a new operation in effect. Times have changed, and we are learning more about economics.

But as we learn more about them and how monetary policy affects our country, the Chairman's firm hand on the rudder of economic policy has been responsible for keeping us on the straight and steady course. He wisely steered America clear of the potential harm that may have resulted from the Asian financial crisis and, as the chairman of the Banking Committee said, the other crises back through the savings and loan debacle.

In addition, he has provided unwavering support for fiscally conservative budgetary policy and has been of enormous assistance to this body. He explained to us even recently, as he probably well needed to, the necessity of continuing to link sound monetary and sound fiscal policy. I believe if you translate what he said in his speech, it was: Don't blow the surplus on big spending programs. That is an important message for us.

As we look to the future, we see that the near-term economic future of this country looks promising. There are clearly—and we all recognize it—dangers to our prosperity that will likely arise, including inflation fears, increasing labor costs, dampening market problems, and structural problems in the economy. But Chairman Greenspan's thoughtful leadership over the last 12 years will serve us well in the coming years.

I am very proud to add my name in support of Alan Greenspan for another term as Chairman of the Federal Reserve. I congratulate and I thank President Clinton for nominating him because I think not only we as a country are grateful that he has agreed to accept a fourth term but we will all benefit from his service in that term.

I urge all of my colleagues to support his nomination.

I thank the Chair. I thank my colleague from Iowa.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Forty nine and one half minutes.

Mr. HARKIN. I would like to let my fellow Senators know I don't intend to take that much time.

Mr. President, I noted with some interest that the chairman of the committee, Senator GRAMM from Texas, when he started speaking a few moments ago said this debate we were having—and he mentioned the Senator from North Dakota, he mentioned this Senator—indicated the fundamental difference between the parties. I waited to see just exactly what he meant by that. I never heard an explanation.

But maybe this debate does show some fundamental differences. For example, we are for openness. We believe the Federal Reserve ought to meet in the open, that it shouldn't meet in private. We believe transcripts ought to be made available to the public sooner than they are. Of course, we believe in lower interest rates. We want open meetings and lower interest rates, and the other side wants private meetings and higher interest rates. Perhaps that is really the fundamental difference we are talking about. I say it only tongue in cheek. But it does, I think, really say what this is all about.

That is whether or not we are going to have some more accountability and openness in the Federal Reserve rather than what we have had in the past. Its decisions affect every American's life. It affects all of us. This recent interest rate increase today, as the Senator from North Dakota said, is a tax on all Americans. We are all going to pay for it. Some of us can afford to pay it a lot more easily than others. If you are a creditor, if you are part of the creditor class in America where your income exceeds your outgo, where you are able to save, where you have a lot of assets, and you are into investing and lending, higher interest rates may not be such a bad idea.

However, if you are in the lower income sector of our economy, you need to buy a new car to get to work and the old one has run out, you do not have enough money, you have to put some money down, pay for it on time, or roll your interest on your credit cards month to month, maybe you need to make your house payment, maybe your kids are in college, you need to make some college payments, and you are an individual making less than $30,000 a year as a family, this is a real tax. It is going to cost you more money. Yet we don't know what the debate was. We don't know the details of why they did this. We will not know for years.

I believe there is an important difference. The Open Market Committee just announced another quarter-point interest rate from 5.5 to 5.75 and an increase in the discount rate as well.

This makes four times in 1 year that we have had interest rate increases—four times, three times last year, and then once this month.

These increases hurt prospective homeowners. It is going to hurt the housing market. I want to say at the outset, we all want Americans to save more money. For modest-income Americans, the best savings program they have is owning their own homes. For modest-income Americans, when they are through with their working lives and they retire and they are on Social Security, the biggest asset they have, and in many cases the only asset they have, is the equity they have in their homes. So we want Americans to become homeowners.

This interest rate increase will hurt Americans hoping to own their own homes. It will decrease the number of Americans who can own their own homes and have that as their savings vehicle. It will hurt small businesses and manufacturing. My farmers, who are already hurting enough and who have to borrow every year to get their crops in, they are going to get hit again. Everyone will be hurt one way or another. Some will feel it more profoundly than others. The prime rate is moving up today from 8.5 percent to 8.75 percent. That means the real interest rate, not the nominal but the real interest rate, adjusted to inflation, is close to 6.55 percent.

Again, it is the real interest rate that you feel, not the nominal. For example, if interest rates were at, say, 10 percent, and inflation were at 8 percent, the real rate of interest would be 2 percent. If, however, interest rates are 8.75 percent, and inflation is only 2.2 percent, your real rate of interest is 6.55 percent. That hurts you more.

When our economy was flourishing in the 1960s with the highest growth rates we ever had, our real prime rates ran around 2 percent to 3 percent. In other words, the real interest rates were 2 to 3 percent. Today it is about 6.55 percent. Think about that.

Hopefully, the Fed will not be continuing this process because this hurts people, and there is no reason for it. That is really the essence of my remarks today. Mr. Greenspan and the Federal Reserve Board seemed to think they needed to make a preemptive strike on inflation before we see clear signs of inflation out there. This view, if aggressively acted upon, would place an absolute cap on our economy's ability to grow. It would destroy much of our potential for growth. That is a tragedy.

Back in 1996, I opposed the renomination of Mr. Greenspan along with a number of my colleagues—a small

number. I said at the time, and I say again today, I have no personal animus toward Mr. Greenspan. I agree with those who said he has had a distinguished career in public service. I think he is a bright individual. Like I say, I have only met him, as I can remember, once in my entire lifetime, so I have no personal animosity toward him. I think he is an honorable individual, exceptionally smart—bright.

I did have one thing someone brought to my attention at one time. They said back in his youth he was a follower of Ayn Rand, and was with some little group with Ayn Rand in New York City. I said: Don't hold that against him. I said: If you can't test way-out theories, far-out kinds of philosophies when you are young, when are you ever going to test them? I assume Mr. Greenspan has moved on from his youthful days of following that way-out philosophy of Ayn Rand's and is now more mainstream and more centrist than that. But like I say, that is fine. I don't mind what people do in their youth. That is the time to test theories and philosophies, when you are young.

As the Senator from North Dakota said, I have no personal animosity toward Mr. Greenspan. I just have a problem with what I believe the philosophy is at the Fed. I don't think it just applies to Mr. Greenspan, It applies to a lot of people at the Federal Reserve Board.

In 1996, I opposed the renomination because I feared that he, along with others, had a history of jumping to raise interest rates and to choke off economic growth too soon, blocking the economy from growing at its potential and keeping millions of modest-income, middle-income Americans from benefiting from their hard work.

A former Chairman of the Fed, William McChesney Martin, once said it was the Fed's job to remove the punch bowl at the party. At some point that should be done. But doing it too early kills our chance for growth, for jobs. It effectively kills any chance for the maximum number of Americans to climb the ladder of opportunity.

Prior to 1996, Mr. Greenspan showed very little concern in that regard. He was focused on the possibility of accelerating inflation. He had, in the past, I believe—and again I say he and the others on the Fed—had damaged the economy by moving too quickly to raise rates and choking off our growth potential.

For some time, a lot of economists, not all but a lot of economists took the view that NAIRU, the nonaccelerating inflation rate of unemployment, was 5½ or 6 percent; in other words, that if unemployment went below 5½ or 6 percent for a period of time, then inflation would take off. Once it started to accelerate, it would be very hard to stop. So that view was once unemployment got down to that level for a period of time, one had to raise interest rates and stop unemployment from being too low.

At the same time, the orthodox view among a lot of economists about how fast could the economy grow over the long term was about 2.3 percent; somewhere between 2 and 2.5 percent.

I must again be very frank. That was the administration's estimate of the economy's potential for sustainable growth. That was in President Clinton's budget's economic assumptions for FY 97 and I opposed that. I said to the President and his economic advisers at the time: That is nonsense. You are following some of these economists who do not understand the new economy that is out there. They do not understand the new rate of productivity growth and what is causing it. They are still looking back. They are back in the eighties and not in the 1990s.

So it was not just the Fed at that time, it was also the administration of President Clinton and the CBO.

They saw it as a simple calculation. You take the increased expected productivity of the economy, estimated at 1.2 percent—again, very low—add the increase to the labor pool—about 1.1 percent—and you get a 2.3-percent rate of growth.

Again, they said if economic growth exceeded 2.3 percent over time, or if unemployment fell below 6 percent, the alarm bells would have to go off. It was prudent to raise interest rates or we would be on the perilous path of accelerating inflation.

So in 1996, viewing that, I feared we would never get a chance to see what our economy was really capable of doing. That is why I opposed the renomination of Mr. Greenspan in 1996. I suggested in 1996, that the supporters of NAIRU were wrong, that it was an outdated concept. I said at the time we could have unemployment at 4.5 percent or less, and I said it was possible because of increased productivity due to the new technologies, because of the greater integration of the world economy, the new marketing techniques that are taking place in America and that NAIRU was wrong and ought to be thrown out the window.

I suggested in 1996 that we ought to give our economy a chance to do better or we would limit our economic growth and limit the ability of average Americans to see their incomes rise.

Mr. Greenspan indicated that he would not raise rates simply because of the NAIRU. That was a good statement, but again we had a history of these preemptive strikes, and I feared we would not let the economy reach its potential.

I believed Mr. Greenspan would be quick to see the specter of inflation behind some little statistic. I am here to say fortunately I was wrong about that. Mr. Greenspan and the Fed have allowed the economy to grow. Part of the reason was particular situations, such as the crash of the Asian economies, but I believe there was a willingness to let the economy grow and a new attitude that there were some new things happening in the economy.

I read a speech Mr. Greenspan gave in which he mused about the increase in productivity and how it did not seem to have any end, the use of computers and how they helped to control inventories. Quite frankly, there seemed to be a shift then at the Fed at that time.

The results have been very impressive. Gross domestic product has been increasing at an average rate of about 4.3 percent since Greenspan was last confirmed. Unemployment has gone down by over a percentage point. The portion of our population over 16 in the workforce is at or near a record high. Unemployment for minorities, teenagers, traditionally hard-to-employ groups are at record lows. Incomes for those at the middle are rising—not as much as I would like—and, to some extent, those at the bottom are rising.

What has happened is unemployment fell below 6 percent and inflation did not take off; economic growth was near 3 percent and inflation did not take off. And then unemployment came down to 5.5 percent and nothing happened. Then unemployment went below 4.5 percent. It has been under 4.5 percent for almost 2 years now. No inflation. We are seeing our GDP increase at over 4 percent on average per year, almost twice what people were saying a feasible sustainable rate of growth of 2.3 percent and there is no inflation and productivity continues to increase.

That was in the initial years. Then starting last year Mr. Greenspan seems to have shifted his view. The concern was not NAIRU. It was irrational exuberance in the stock market. Therefore, we had to put interest rates back up. Last year, there were three ticks up. Today there was another tick up; bringing us to a 1-percent increase in 1 year. It almost seems as Fed are looking for something out there. If it is not NAIRU, which has been discarded, then it is something else out there as to why we have to raise interest rates. There is something else out there lurking that is going to cause inflation to happen.

Is it irrational exuberance in the stock market. What this is going to mean is that, quite frankly, we are going to have more ticks up in the interest rate, enough till we see the rate of unemployment start to rise again.

I believe that would be a tragic mistake. People need to be employed. We still have people out there who need job training and skill upgrading. Can unemployment stay this low without causing accelerating inflation? Absolutely. The common wisdom is that we have a pool of low-skill workers still to be tapped. All they need is job training and skill upgrading, but they are there.

Robert Lerman, in an October 26, 1998, Washington Post article said:

> Differences between the groups entering and leaving the workforce explains the surprisingly high qualifications of newly employed adults. Older workers without a high school degree are retiring, replaced by younger, better educated workers. In the past 6 years, the population of college graduates aged 25 and over increased by about 20

percent, well above the 7 percent growth in total adult population. Meanwhile, the population of high school dropouts declined by nearly 3 million.

We are getting that higher skilled workforce, and they are more productive. The economy is also attracting people who were not considering work to come back into the work force.

The job market has been tight in most places. In Iowa, we have a low rate of unemployment, about 2.2 percent, and that is good. Are wages skyrocketing in Iowa because we have low unemployment? No. Are they rising modestly? Yes, and they should. With this booming economy and 4-percent growth in our GDP, wages ought to be going up.

As an aside, I find it more than passing strange that here we are in the second week back this year and we could move through the Banking Committee at almost light speed the renomination of a central banker, Mr. Greenspan, to be head of the Fed, but we cannot do it to raise the minimum wage. We cannot do anything to help low-income people get a better share of the economic growth of this country. Gosh, we could sure move fast to help the banking system out, but not to help modest-income Americans.

Many economists now come to conclude that NAIRU should not be used to predict a new wave of inflation. Quite frankly, I am happy it is dead. We had this irrational exuberance in the stock market. Now we have a new concept. As I said, if it is not NAIRU, then it is this irrational exuberance. The new concern is the wealth effect. Mr. President, have you heard about the wealth effect? Mr. Greenspan is talking about the wealth effect as a reason we should fear inflation and that we should have some preemptive strike. You have to have something, there has to be something out there. Chairman Volcker had the money supply. Now we have the wealth effect.

In a speech at the Economic Club in New York earlier this month, Chairman Greenspan noted the possible negative impacts of the wealth effect. He said that estimates of the wealth effect on the GDP has hovered around 1 percent of the GDP since late 1996. He then said, in part:

> . . . the impetus to spending by the wealth effect by its very nature clearly cannot persist indefinitely. In part, it adds to the demand for goods and services before the corresponding increase in output fully materializes. It is, in effect, increased purchasing from future income, financed currently by greater borrowing or reduced accumulation of assets.

There are always limits, aren't there? Economists were right not to clamp down on the economy until we see real signs of inflation. The Fed should stick with that view. Today's increase makes me believe the Fed will endanger the economy by not waiting for real signs of inflation, and now the wealth effect has become the latest reason, despite the fact inflation is nowhere in sight, except for the runup in oil prices caused, in large part, by OPEC's setting of limits on oil production. The Fed raising interest rates will have no effect on that. I think everyone agrees with that.

This wealth effect is estimated by some to add about 4 cents in extra spending per dollar of increased wealth. A prominent study by senior vice president Charles Steindel and economist Sydney Ludvigson, both with the New York Fed, concluded the wealth effect was likely to be between 3 and 4 cents per dollar in annual consumption. They also said it is impossible to predict how quickly the wealth effect will kick in. It can take years for consumer spending to reach a permanently higher level. They said:

> Forecasts of future consumption growth are not typically improved by taking changes in existing wealth into account.

So I guess what I am saying is the wealth effect—just like NAIRU, should not be the reason for raising interest rates, simply because of the fear that it will cause an inevitable cascade of economic effects leading to accelerating inflation.

As the Senator from North Dakota said earlier, I believe if the Fed wants a more targeted instrument to more carefully check some of the excesses in the stock market, they should look at margin requirements for buying stock on credit. But raising the interest rates is not going to do it without great harm to the economy as a whole.

So quite frankly, again, we see no signs of higher inflation. We have had inflation down from 3.3 percent in 1996 to 1.7 percent in 1997, and 1.6 percent in 1998, and in 1999 it jumped to 2.7 percent.

Is that a problem? It sounds like a problem until we take out food and energy. Without food and energy, the core inflation rate continues to improve on a December-to-December basis. In 1996 it was 2.6 percent, in 1997 it was 2.2 percent, in 1998 it was 2.4 percent, and in 1999 it dropped to 1.9 percent—when you take out food and energy.

So inflation is going down. Inflation is dropping. And the Fed is raising interest rates. Please, will some economist tell us what is going on here?

Again, inflation took a jump in December two-tenths of a percent. But, again, without food and energy. And energy—that was the culprit, not food—energy prices shot up 1.4 percent that month. Raising the interest rate is not going to cure that. I do not know of anyone who says it will.

Petroleum prices move with the OPEC cartel's production, not by the effects of interest rate increases. I will repeat that. We all understand petroleum prices move with the OPEC cartel's production and not by the effects of interest rate increases.

So again, I repeat, last year inflation actually went down on a December-to-December basis. Yet we had three increases in interest rates last year and another increase just today.

Why? What is happening out there? This is hitting our farmers. It is hitting our working families. It may not be hitting Senators and Congressmen making 130-some thousand dollars a year. It is not hitting people making money in the stock market. We have our share of megamillionaires in this body. It is not hurting us, not hurting them.

But you go out and talk to that husband and wife who are both working jobs, and they have a couple of kids at home, and they are making $40,000 a year, and they are trying to pay a mortgage on a house, trying to keep a car—maybe two cars; they need two for both of them with their jobs—and keeping their kids in clothes. This is a tax on them.

We have no signs of accelerating inflation. I believe we are going down the wrong path in raising interest rates.

I basically believe we ought to have the lowest possible reasonable interest rates at all times, and only when we see clear signs of inflation should we then begin the process of ratcheting up interest rates. We have had a period of quality growth and we should be doing all that we can to sustain it.

Again, I have a lot more I could say about this and what we ought to be doing. What we should be doing is keeping interest rates low. We ought to be taking the surpluses we have, not using them for a tax cut, which, again, would be the wrong thing to do at this time. That would do more to stimulate inflation than anything, having some tax cut that is going to stimulate and fuel even more demand out there.

What we ought to be doing is using the surplus we have now to buy down the national debt. This is where I do agree with Mr. Greenspan: Buy down the national debt. He is right in that regard. I do agree with him on that.

But we also need to use some of the surplus to invest in our children's education so they can partake of the new economies as they grow older. Every child in grade school today ought to have access to computers and to the Internet. Every teacher who teaches in grade school today ought to be fully trained in teaching the new kinds of skills using the new technologies.

We need to reeducate those already in our workforce with job training. We need to upgrade our infrastructure. There are $100 billion in needed repairs in our schools in America. I understand the President's budget was going to have $1.3 billion for that.

We need to improve our infrastructure. We need to improve our transportation infrastructure in this country. These are the things we ought to be doing. This would help to keep our GDP high, keep our workforce employed, keep unemployment low, and keep inflation down. It would not be a tax on working Americans like raising the interest rates that the Fed is doing right now.

Productivity is good. Productivity is increasing. We hope it will get back to

where it was in the 1960s. Long term high productivity. A lot of people think we are more productive today than in the 1960s. From 1960 to 1970, our productivity increased by 31.8 percent. From 1990 to the year 2000, it increased 21 percent, although we are doing a lot better in the last half of the 90s. So we have a ways to go before we are as productive as in the 1960s. But I believe that will happen in the next decade if we have reasonable policies. In the next decade, I believe our productivity will continue at a high level and further increase and will closely approximate what we had in the 1960s.

I was chastised back in 1996 when I opposed the Greenspan nomination. I was on a couple talk shows, and people asked: What do you think the growth rate could be, the sustained growth rate? I said: At least 3.5 percent, 3 to 3.5 percent without any problem. I got hit by a few economists who said: Oh, HARKIN is way out on that one.

Since 1996 we have had—what?—4 percent and no inflation. So even I—as optimistic as I am about the American economy and the ability of our workforce—was a little underestimating the real rate of growth we could have.

I am just saying, in the next 10 years we can still maintain a 3- to 4-percent growth rate. I believe we can maintain an honest average of over a 3-percent growth in the next decade. It is not going to happen if this Federal Reserve continues to raise these interest rates. They are going to choke it off. And they are going to choke it off for no good reason whatsoever.

We can improve the quality of the lives of Americans, and we can invest in our future, and we can buy down the national debt. We can do all those wonderful things. But if the Fed persists in raising interest rates, it is going to choke off our rate of growth. All of the good we do here—in terms of keeping a surplus, in getting rid of the national debt, of investing in young people and in education—all that will be for naught because our rate of growth will be choked off. When that rate of growth is choked off, unemployment is going to go up.

The Fed talks about a soft landing. If you are flying well and the airplane is working and you have a lot of fuel and the sky is clear, why are you worried about a landing? Why are they talking about a landing? This economy, I believe, can grow at a 3-percent plus rate for the next decade. We will have a landing all right. If they keep raising interest rates, we will have a landing.

Let me close by saying I think there is a reverse side to the wealth effect. I coin the term the ''poor effect.'' Some economists believe that shrinking wealth has an even bigger effect on spending than growing wealth. If we push the economy into a dive, we will experience the poor effect again. Economist Mark Zandi suggests that declining wealth reduces spending by about 7 cents per dollar of wealth lost. So if the wealth effect is 3 to 4 cents a dollar, declining wealth reduces spending by 7 cents per dollar, almost twice as much. So any danger that is out there of accelerating inflation must be weighed against the possible result of slowing the economy and what I call the poor effect, not the wealth effect but the poor effect.

Rural Iowa, my State, experienced the poor effect in a deep agricultural recession in the mid-1980s. The value of land fell by more than 50 percent as our rural economy crumbled. I saw grown friends of mine cry in public, farmers lose their lands, and some of them took their own lives. Families fell apart; couples divorced. The economy of rural Iowa shrunk. Let's not jump too quickly to use the club of higher interest rates.

The Federal Reserve has two mandates in law. The Federal Reserve is not a creature of the Constitution of the United States. You won't find it in the Constitution anywhere. It is a creature of Congress. We legislatively created it. We gave it two mandates: to balance concerns about inflation on the one hand and to stimulate full employment on the other. Those goals were placed in the law in 1978.

Prior to 1978, there was no specific mention of inflation at all in the law. It was not in any of the laws about the Fed going all the way back to its founding in 1913. By the Full Employment and Balanced Growth Act of 1978, the Congress, in the exercise of its constitutional power, said to the Fed: You have two functions now: check inflation and stimulate full employment. That law we passed in 1978 set a goal of 4-percent unemployment for those 16 and older, 3 percent for those over 19. We are near 4 percent now. Throughout the 1980s and 1990s, conservative economists laughed at those goals. They said they were ridiculous targets set by politicians. That is the law of the land, and it sure doesn't look so silly now.

I worry that the Fed has a hard time maintaining a balance between inflation and full employment concerns. They are only focused on the specter of inflation, and there is no inflation out there. As I said, new advances in our technology, in our computers, designing products at high speed, the rapid replacement of parts, tight controls on inventories at lower cost, reduces the inventory buildup, one of the classic causes of past recessions. Communications costs are dropping like a rock. Every day I get something in the mail that I can make long-distance calls cheaper than I did the day before. Now you can get computers individually tailored for retail customers under $1,000 from Gateway Computer. Amazing, a world economy, capital flowing around the world.

I know others want to speak. I see my good friend from Minnesota, who has been a great leader on this in the past, on the floor. I know he wants to speak. I took this time because, as I said, I don't want anyone to mistake that I have some personal animosity toward Mr. Greenspan. That is not so. I do have very deep-seated questions about the direction of the Fed, the fact they are raising interest rates without any inflation, and they are going to choke off this great growth we are having in this country with a series of interest rate increases. They are going to push up unemployment.

I will yield the floor with the final statement that we need to open up the Federal Reserve System's meetings. I don't want to make them political. It should not be political. We need to know why they are making the decisions they make. The decision they make on raising interest rates taxes every working American. How would they feel if we debated tax policy behind closed doors? I don't want to make it political, but I think it ought to be open. Secondly, I believe the Fed should pay more attention to unemployment and to growth and not just get so fixated on some specter of inflation that is not even out there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my colleague from Virginia is here. I have a fairly lengthy statement. I know our colleague from Virginia wants to speak. I wish to take a few minutes. I ask the Chair, are we going to vote tomorrow? Do we have a time limit today or not?

The PRESIDING OFFICER. We do have a time limit. The Senator has 49 minutes remaining.

Mr. WELLSTONE. If I take a few minutes now and then come back after the Senator from Virginia speaks, are we going to be in session for a while tonight speaking on this? Will I be able to do that?

The PRESIDING OFFICER. The Chair is not aware of any time limit.

Mr. WELLSTONE. I thank the Chair.

Mr. WARNER. I wonder, if I took but 3 minutes, would that convenience my colleague?

Mr. WELLSTONE. I have to leave anyway in a few minutes for a meeting with some farmers. Let me take a few minutes, and I will be done. Then I will be pleased to yield the floor and then come back later.

Mr. President, first of all, let me thank the Senator from Iowa for his comments. I think I can be brief because much of what he says I am in such strong agreement with.

Mr. President, tomorrow morning, do we have any time for debate before the vote?

The PRESIDING OFFICER. There are no orders that have been entered for tomorrow as of yet.

Mr. WELLSTONE. Is there a scheduled vote tomorrow at a particular time?

The PRESIDING OFFICER. Nothing has been ordered yet for tomorrow, so the Senator can assume there might be some time.

Mr. WELLSTONE. I ask unanimous consent that I may have 20 minutes to speak tomorrow morning.

Mr. WARNER. Reserving the right to object, I suggest that the manager of this nomination be consulted first. Can the Senator withhold that and as a matter of courtesy discuss it with the manager and leadership of the Senate? I think that would be an important consideration. At this time, with no discourtesy to my colleague, I register an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Forty-two minutes.

Mr. WELLSTONE. I yield the floor.

Mr. WARNER. Mr. President, I say with a great sense of humility that I have been privileged to be in public office for over 30 years. In the course of that time, I have had the privilege and wonderful opportunity to meet dozens and dozens of people who have held public office. I have listened to the very interesting comments of my colleagues with regard to the economy and interest rates and the like concerning the distinguished nominee, Mr. Greenspan. I simply go to a very simple but direct point with regard to this nomination; that is, dollars have a different meaning to people—savings, investments, and the like. But almost without exception they represent the efforts of hard work.

Therefore, when it comes time to preserve, invest, save, whatever you may do with those dollars—the man and woman primarily who have earned it—you want to know that the system, the value of that dollar, the protection of that dollar is there for your anticipated use and in many instances for the next generation. As to those people who are directly concerned with the regulatory process and decision process which vitally affects the value of the dollar and the protection of the investments, you want to know they are of unquestionable character.

I have known the nominee for many years and have had the privilege of working with him, playing golf and tennis with him. You get to know the totality of the man. This man is extraordinary. There will not be raised in the course of this debate, in my judgment, one single comment by any of my colleagues questioning this man's character. He is known by many in this community, he is known in this country, and he is known worldwide. The solidarity of his character and ethical standards is second to none. You may differ with him on some of his decisions, and that is understandable, but in terms of integrity, character, and ethics, he is beyond question. How fortunate we are that the President has selected this man to continue to serve this country and, indeed, the world because we are the world's leader in economics, national security, and in every other respect.

I am happy to add my few words and indicate my support that we are fortunate to have a person of his great character to step up once again and assume the arduous role and time-consuming lifestyle of this important post. But before we confer on him the advice and consent of the Senate and every other aspect, he is not infallible. As I said, I remember someone many years ago talking about Great Britain who said: You get to know a man—on the playing fields I think it was. He is not infallible. This man cannot keep a golf score. His partners constantly have to remind him. He cannot keep score in a tennis game. This is perplexing. I can bring witnesses to attest to this. But we have to overlook that minor matter as he deals with major figures, and we wish him luck with the anticipated action of this distinguished body.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be able to use as much time under Senator GRAMM's time allotment as I may consume.

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

Mrs. HUTCHISON. Mr. President, I rise in support of Alan Greenspan's nomination as Chairman of the Federal Reserve Board. Many years from now, historians may look at the Clinton Presidency and say that the best decision he made in office was to keep Alan Greenspan at the helm of the Federal Reserve.

Alan Greenspan, the individual, is a man of unquestioned integrity and intellect. I have known him for over two decades. He is truly one of our finest public servants. He has served at the Federal Reserve since 1987, and a steady hand at the wheel he has been. When the economy could have been volatile with a less experienced person, having him there caused the seas to be more tranquil. As my colleague Senator GRAMM has said, he may be the finest central banker we have ever had in the United States or, for that matter, the world has ever known.

In fact, it is the example he has shown that has caused many other countries to realize the importance of having a central bank of transparency, of having someone who is not political at the helm of Federal Reserve policy. This example is going to strengthen many new democracies we are seeing in the world today, and his example will be the one they follow.

I find it curious that there are some in opposition to this nomination, and it is really ironic in light of yesterday's headlines that the economic expansion that began in 1991 is now the longest in American history. That did not happen by accident. It did not happen by luck. It happened because there was a steady hand at the wheel. That may not be the only reason we have had economic expansion. Our creativity, the spirit of entrepreneurship in our country, also has a part in that. But if we had someone who was trigger happy at the Fed, someone who would jump too quickly and too far, it could have caused a very different result. I am very pleased that the President has renominated Alan Greenspan.

There is an old saying: If it ''ain't'' broke, don't fix it. It seems to me some of the Senators I have heard on the floor today speaking in opposition to Alan Greenspan's renomination are fixing a Maytag. In fact, this ''ain't'' broke, and the last thing we need to do is tinker with something that is working very well.

America is enjoying an unprecedented economic expansion. Of course, Alan Greenspan's steady hand at the Federal Reserve Board has allowed our economy to flourish and not be crippled by high inflation or interest rates. It has not been an easy task. Every time the Federal Open Market Committee meets, the airwaves are full of people saying the Fed either made the right decision or the wrong decision, they should have done more, they should have done less. It is a careful balancing act, but I can think of no one I would be happier to have in charge than Dr. Greenspan.

He knows the power of his words. Many times I have been in the audience when he has spoken, and he is very careful not to overstep. He knows that what he says is going to affect the stock market, and he does not want to have such an impact. He himself jokes sometimes to audiences: If you think you understand what I am about to say, you have misunderstood.

He does not want to do something that is going to have a drastic impact, that will have a 1-day impact or a 2-day impact or a 1-week impact. What he wants is to have a steady, noninflationary atmosphere so we will not have interest rates that are too high, interest rates that are too low, an economy that is too hot, an economy that is not hot enough. He understands these issues because of his experience.

We do not know what our economic future holds, but this much we do know: Whatever economic ups or downs may confront us in the future, and particularly economic ups and downs of other countries which we cannot control, the person most capable of dealing with them is Alan Greenspan. With him in charge, we are much more likely to avoid economic pitfalls for our country.

I urge the Senate to approve his nomination. I am certain it will. From the speeches I have heard on the floor today, the overwhelming sentiment is going to be to confirm Alan Greenspan.

He has been at the Federal Reserve for 13 years. He has presided over the greatest economic expansion in the

world, and most surely we will be in our strongest position to withstand whatever might hit us in the future if we have someone with his experience, his integrity, and his intellect at the head of the Federal Reserve Board.

I hope my colleagues will confirm him tomorrow and that it will be an overwhelming vote. The time has come for us to move on this important nomination.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. VOINOVICH. Madam President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

(The remarks of Mr. VOINOVICH pertaining to the introduction of S.J. Res. 38 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, as I did 4 years ago, I wish to record my emphatic and enthusiastic support for the nomination of the honorable Alan Greenspan to a fourth term as Chairman of the Board of Governors of the Federal Reserve System. He is a national treasure. He has served our Nation with principle and wisdom, and I shall attempt to show in these brief remarks, unprecedented success.

Let me cite four principal reasons—updated from four years ago—why he should again be confirmed by the Senate.

The economy is now in its 107th month of an expansion—the longest in American history—which shows no sign of ending.

The unemployment rate for December was 4.1 percent and has been below 5 percent for almost three years. Not too long ago, economists estimated that the NAIRU, as the acronym was for the nonaccelerating inflation rate of unemployment—what we might call full employment—was about 6 percent.

Next, inflation is in check. Measured by the CPI—which economists believe overstates inflation—consumer prices have increased by less than 3 percent per year for the past three years.

Finally, the misery index—the sum of the unemployment rate and the inflation rate—is about 7 percent, the lowest level in 30 years.

These outcomes are a tribute to Alan Greenspan's stewardship of our Nation's monetary policy for the past 13 years. But his wisdom and influence extend far beyond mere stewardship of monetary policy.

Last Wednesday, at his confirmation hearing before the Senate Committee on Banking, Housing, and Urban Affairs he had this to say in response to a question about the use of budget surpluses from Senator PHIL GRAMM, the Committee's Chairman, Dr. Greenspan said:

> . . . my first priority would be to allow as much of the surplus to flow through into a reduction in debt to the public. . . . From an economic point of view, that would be, by far, the best means of employing it.

And last month, in remarks before the Economic Club of New York, Chairman Greenspan demonstrated why he has been so successful. He understands—as perhaps few others in high level economic policy positions—how the economy works. One can only marvel at the clarity and insights he brought to bear as he explained to his audience the impact on productivity of just-in-time inventories, and reasons why the wealth effect from the increase in the stock market has sustained the current expansion, while at the same time containing ''the potential seeds of rising inflationary and financial pressures that could undermine the current expansion.'' Ever vigilant to these potential dangers explains why the FED, under Chairman Greenspan, today increased interest rates by one-quarter of a percentage point.

Based on his performance, Chairman Greenspan deserves to be reconfirmed. I have no doubt that the Senate will, in a near unanimous vote, concur.

I ask unanimous consent that remarks of Chairman Greenspan, at the Economic Club of New York be printed in the RECORD.

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

REMARKS BY ALAN GREENSPAN, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, BEFORE THE ECONOMIC CLUB OF NEW YORK, JANUARY 13, 2000

We are within weeks of establishing a record for the longest economic expansion in this nation's history. The 106-month expansion of the 1960s, which was elongated by the Vietnam War, will be surpassed in February. Nonetheless, there remain few evident signs of geriatric strain that typically presage an imminent economic downturn.

Four or five years into this expansion, in the middle of the 1990s, it was unclear whether going forward, this cycle would differ significantly from the many others that have characterized post-World War II America. More recently, however, it has become increasingly difficult to deny that something profoundly different from the typical postwar business cycle has emerged. Not only is the expansion reaching record length, but it is doing so with far stronger-than-expected economic growth. Most remarkably, inflation has remained subdued in the face of labor markets tighter than any we have experienced in a generation. Analysts are struggling to create a credible conceptual framework to fit a pattern of interrelationships that has defied conventional wisdom based on our economy's history of the past half century.

When we look back at the 1990s, from the perspective of say 2010, the nature of the forces currently in train will have presumably become clearer. We may conceivably conclude from that vantage point that, at the turn of the millennium, the American economy was experiencing a once-in-a-century acceleration of innovation, which propelled forward productivity, output, corporate profits, and stock prices at a pace not seen in generations, if ever.

Alternatively, that 2010 retrospective might well conclude that a good deal of what we are currently experiencing was just one of the many euphoric speculative bubbles that have dotted human history. And, of course, we cannot rule out that we may look back and conclude that elements from both scenarios have been in play in recent years.

On the one hand, the evidence of dramatic innovations—veritable shifts in the tectonic plates of technology—has moved far beyond mere conjecture. On the other, these extraordinary achievements continue to be bedeviled by concerns that the so-called New Economy is spurring imbalances that at some point will abruptly adjust, bringing the economic expansion, its euphoria, and wealth creation to a debilitating halt. This evening I should like to address some of the evidence and issues that pertain to these seemingly alternative scenarios.

What should be indisputable is that a number of new technologies that evolved largely from the cumulative innovations of the past half century have not begun to bring about awesome changes in the way goods and services are produced and, especially, in the way they are distributed to final users. Those innovations, particularly the Internet's rapid emergence from infancy, have spawned a ubiquity of startup firms, many of which claim to offer the chance to revolutionize and dominate large shares of the nation's production and distribution system. Capital markets, not comfortable dealing with discontinuous shifts in economic structure, are groping for sensible evaluations of these firms. The exceptional stock price volatility of most of the newer firms and, in the view of some, their outsized valuations, are indicative of the difficulties of divining from the many, the particular few of the newer technologies and operational models that will prevail in the decades ahead.

How did we arrive at such a fascinating and, to some, unsettling point in history? The process of innovations, of course, is never-ending. Yet the development of the transistor after World War II appears in retrospect to have initiated an especial wave of innovative synergies. It brought us the microprocessor, the computer, satellites, and the joining of laser and fiber-optic technologies. These, in turn, fostered by the 1990s an enormous new capacity to disseminate information. To be sure, innovation is not confined to information technologies. Impressive technical advances can be found in many corners of the economy.

But it is information technology that defines this special period. The reason is that information innovation lies at the root of productivity and economic growth. Its major contribution is to reduce the number of worker hours required to produce the nation's output. Yet, in the vibrant economic conditions that have accompanied this period of technical innovation, many more job opportunities have been created than have been lost. Indeed, our unemployment rate has fallen notably as technology has blossomed.

One result of the more-rapid pace of IT innovation has been a visible acceleration of the process of ''creative destruction,'' a shifting of capital from failing technologies into those technologies at the cutting edge. The process of capital reallocation across the economy has been assisted by a significant unbundling of risks in capital markets made possible by the development of innovative financial products, many of which themselves owe their viability to advances in IT.

Before this revolution in information availability, most twentieth-century business decisionmaking had been hampered by wide uncertainty. Owing to the paucity of timely knowledge of customers' needs and of the location of inventories and materials flowing throughout complex production systems, businesses, as many of you well remember, required substantial programmed redundancies to function effectively.

Doubling up on materials and people was essential as backup to the inevitable misjudgments of the real-time state of play in a company. Decisions were made from information that was hours, days, or even weeks old. Accordingly, production planning required costly inventory safety stocks and backup teams of people to respond to the unanticipated and the misjudged.

Large remnants of information void, of course, still persist, and forecasts of future events on which all business decisions ultimately depend are still unavoidably uncertain. But the remarkable surge in the availability of more timely information in recent years has enabled business management to remove large swaths of inventory safety stocks and worker redundancies.

Information access in real time—resulting, for example, from such processes as electronic data interface between the retail checkout counter and the factory floor or the satellite location of trucks—has fostered marked reductions in delivery lead times and the related workhours required for the production and delivery of all sorts of goods, from books to capital equipment.

The dramatic decline in the lead times for the delivery of capital equipment has made a particularly significant contribution to the favorable economic environment of the past decade. When lead times for equipment are long, the equipment must have multiple capabilities to deal with the plausible range of business needs likely to occur after these capital goods are delivered and installed.

With lead times foreshortened, many of the redundancies built into capital equipment to ensure that it could meet all plausible alternatives of a defined distant future could be sharply reduced. That means fewer goods and worker hours are caught up in activities that, while perceived as necessary insurance to sustain valued output, in the end produce nothing of value.

Those intermediate production and distribution activities, so essential when information and quality control were poor, are being reduced in scale and, in some cases, eliminated. These trends may well gather speed and force as the Internet alters relationships of businesses to their suppliers and their customers.

The process of innovation goes beyond the factory floor or distribution channels. Design times and costs have fallen dramatically as computer modeling has eliminated the need, for example, of the large staff of architectural specification-drafters previously required for building projects. Medical diagnoses are more thorough, accurate, and far faster, with access to heretofore unavailable information. Treatment is accordingly hastened, and hours of procedures eliminated.

Indeed, these developments emphasize the essence of information technology—the expansion of knowledge and its obverse, the reduction in uncertainty. As a consequence, risk premiums that were associated with all forms of business activities have declined.

Because the future is never entirely predictable, risk in any business action committed to the future—that is, virtually all business actions—can be reduced but never eliminated. Information technologies, by improving our real-time understanding of production processes and of the vagaries of consumer demand, are reducing the degree of uncertainty and, hence, risk.

In short, information technology raises output per hour in the total economy principally by reducing hours worked on activities needed to guard productive processes against the unknown and the unanticipated. Narrowing the uncertainties reduces the number of hours required to maintain any given level of production readiness.

In economic terms, we are reducing risk premiums and variances throughout the economic decision tree that drives the production of our goods and services. This has meant that employment of scarce resources to deal with heightened risk premiums has been reduced.

The relationship between businesses and consumers already is being changed by the expanding opportunities for e-commerce. The forces unleashed by the Internet are almost surely to be even more potent within and among businesses, where uncertainties are being reduced by improving the quantity, the reliability, and the timeliness of information. This is the case in many recent initiatives, especially among our more seasoned companies, to consolidate and rationalize their supply chains using the Internet.

Not all technologies, information or otherwise, however, increase productivity—that is, output per hour—by reducing the inputs necessary to produce existing products. Some new technologies bring about new goods and services with above average value added per workhour. The dramatic advances in biotechnology, for example, are significantly increasing a broad range of productivity-expanding efforts in areas from agriculture to medicine.

Indeed, in our dynamic labor markets, the resources made redundant by better information, as I indicated earlier, are being drawn to the newer activities and newer products, many never before contemplated or available. The personal computer, with ever-widening applications in homes and businesses, is one. So are the fax and the cell phone. The newer biotech innovations are most especially of this type, particularly the remarkable breadth of medical and pharmacological product development.

At the end of the day, however, the newer technologies obviously can increase outputs or reduce inputs and, hence, increase productivity only if they are embodied in capital investment. Capital investment here is defined in the broadest sense as any outlay that enhances future productive capabilities and, consequently, capital asset values.

But for capital investments to be made, the prospective rate of return on their implementation must exceed the cost of capital. Gains in productivity and capacity per real dollar invested clearly rose materially in the 1990s, while the increase in equity values, reflecting that higher earnings potential, reduced the cost of capital.

In particular, technological synergies appear to be engendering an ever-widening array of prospective new capital investments that offer profitable cost displacement. In a consolidated sense, reduced cost generally means reduced labor cost or, in productivity terms, fewer hours worked per unit of output. These increased real rates of return on investment and consequent improved productivity are clearly most evident among the relatively small segment of our economy that produces high-tech equipment. But the newer technologies are spreading to firms not conventionally thought of as high tech.[1]

It would be an exaggeration to imply that whenever a cost increase emerges on the horizon, there is a capital investment that is available to quell it. Yet the veritable explosion of high-tech equipment and software spending that has raised the growth of the capital stock dramatically over the past five years could hardly have occurred without a large increase in the pool of profitable projects becoming available to business planners. As rising productivity growth in the high-tech sector since 1995 has resulted in an acceleration of price declines for equipment embodying the newer technologies, investment in this equipment by firms in a wide variety of industries has expanded sharply.

Had high prospective returns on these capital projects not materialized, the current capital equipment investment boom—there is no better word—would have petered out long ago. In the event, overall equipment and capitalized software outlays as a percentage of GDP in nominal dollars have reached their highest level in post-World War II history.

To be sure, there is also a virtuous capital investment cycle at play here. A whole new set of profitable investments raises productivity, which for a time raises profits—spurring further investment and consumption. At the same time, faster productivity growth keeps a lid on unit costs and prices. Firms hesitate to raise prices for fear that their competitors will be able, with lower costs from new investments, to wrest market share from them.

Indeed, the increasing availability of labor-displacing equipment and software, at declining prices and improving delivery lead times, is arguably at the root of the loss of business pricing power in recent years. To be sure, other inflation-suppressing forces have been at work as well. Marked increases in available global capacity were engendered as a number of countries that were previously members of the autarchic Soviet bloc opened to the West, and as many emerging-market economies blossomed. Reductions in Cold War spending in the United States and around the world also released resources to more productive private purposes. In addition, deregulation that removed bottlenecks and hence increased supply response in many economies, especially ours, has been a formidable force suppressing price increases as well. Finally, the global economic crisis of 1997 and 1998 reduced the prices of energy and other key inputs into production and consumption, helping to hold down inflation for several years.

Of course, Europe and Japan have participated in this recent wave of invention and innovation and have full access to the newer technologies. However, they arguably have been slower to apply them. The relatively inflexible and, hence, more costly labor markets of these economies appear to be an important factor. The high rates of return offered by the newer technologies are largely the result of labor cost displacement, and because it is more costly to dismiss workers in Europe and Japan, the rate of return on the same equipment is correspondingly less there than the United States. Here, labor displacement is more readily countenanced both by law and by culture, facilitating the adoption of technology that raises standards of living over time.

There, of course, has been a substantial amount of labor-displacing investment in Europe to obviate expensive increased employment as their economies grow. But it is not clear to what extent such investment has been directed at reducing existing levels of employment. It should always be remembered that in economies where dismissing a worker is expensive, hiring one will also be perceived to be expensive.

An ability to reorganize production and distribution processes is essential to take advantage of newer technologies. Indeed, the combination of a marked surge in mergers and acquisitions, and especially the vast increase in strategic alliances, including

Footnotes at end of Remarks.

across borders, is dramatically altering business structures to conform to the imperatives of the newer technologies.[2]

We are seeing the gradual breaking down of competition-inhibiting institutions from the keiretsu and chaebol of East Asia, to the dirigisme of some of continental Europe. The increasingly evident advantages of applying the newer technologies is undermining much of the old political wisdom of protected stability. The clash between unfettered competitive technological advance and protectionism, both domestic and international, will doubtless engage our attention for many years into this new century. The turmoil in Seattle last month may be a harbinger of an intensified debate.

However one views the causes of our low inflation and strong growth, there can be little argument that the American economy as it stands at the beginning of a new century has never exhibited so remarkable a prosperity for at least the majority of Americans.

Nonetheless, this seemingly beneficial state of affairs is not without its own set of potential challenges. Productivity-driven supply growth has, by raising long-term profit expectations, engendered a huge gain in equity prices. Through the so-called ''wealth effect,'' these gains have tended to foster increases in aggregate demand beyond the increases in supply. It is this imbalance between growth of supply and growth of demand that contains the potential seeds of rising inflationary and financial pressures that could undermine the current expansion.

Higher productivity growth must show up as increases in real incomes of employees, as profit, or more generally as both. Unless the propensity to spend out of real income falls, private consumption and investment growth will rise, as indeed it must, since over time demand and supply must balance. (I leave the effect of fiscal policy for later.) If this was all that happened, accelerating productivity would be wholly benign and beneficial.

But in recent years, largely as a result of the appreciating values of ownership claims on the capital stock, themselves a consequence, at least in part, of accelerating productivity, the net worth of households has expanded dramatically, relative to income. This has spurred private consumption to rise even faster than the incomes engendered by the productivity-driven rise in output growth. Moreover, the fall in the cost of equity capital corresponding to higher share prices, coupled with enhanced potential rates of return, has spurred private capital investment. There is a wide range of estimates of how much added growth the rise in equity prices has engendered, but they center around 1 percentage point of the somewhat more than 4 percentage point annual growth rate of GDP since late 1996.

Such overall extra domestic demand can be met only with increased imports (net of exports) or with new domestic output produced by employing additional workers. The latter can come only from drawing down the pool of those seeking work or from increasing net immigration.

Thus, the impetus to spending from the wealth effect by its very nature clearly cannot persist indefinitely. In part, it adds to the demand for goods and services before the corresponding increase in output fully materializes. It is, in effect, increased purchasing from future income, financed currently by greater borrowing or reduced accumulation of assets.

If capital gains had no evident effect on consumption or investment, their existence would have no influence on output or employment either. Increased equity claims would merely match the increased market value of productive assets, affecting only balance sheets, not flows of goods and services, not supply or demand, and not labor markets.

But this is patently not the case. Increasing perceptions of wealth have clearly added to consumption and driven down the amount of saving out of current income and spurred capital investment.

To meet this extra demand, our economy has drawn on all sources of added supply. Our net imports and current account deficits have risen appreciably in recent years. This has been financed by foreign acquisition of dollar assets fostered by the same sharp increases in real rates of return on American capital that set off the wealth effect and domestic capital goods boom in the first place. Were it otherwise, the dollar's foreign exchange value would have been under marked downward pressure in recent years. We have also relied on net immigration to augment domestic output. And finally, we have drawn down the pool of available workers.

The bottom line, however, is that, while immigration and imports can significantly cushion the consequences of the wealth effect and its draining of the pool of unemployed workers for awhile, there are limits. Immigration is constrained by law and its enforcement; imports, by the willingness of global investors to accumulate dollar assets; and the draw down of the pool of workers by the potential emergency of inflationary imbalances in labor markets. Admittedly, we are groping to infer where those limits may be. But that there are limits cannot be open to question.

However one views the operational relevance of a Phillips curve or the associated NAIRU (the nonaccelerating inflation rate of unemployment)—and I am personally decidedly doubtful about it—there has to be a limit to how far the pool of available labor can be drawn down without pressing wage levels beyond productivity. The existence or nonexistence of an empirically identifiable NAIRU has no bearing on the existence of the venerable law of supply and demand.

To be sure, increases in wages in excess of productivity growth may not be inflationary, and destructive of economic growth, if offset by decreases in other costs or declining profit margins. A protracted decline in margins, however, is a recipe for recession. Thus, if our objective of maximum sustainable economic growth is to be achieved, the pool of available workers cannot shrink indefinitely.

As my late friend and eminent economist Herb Stein often suggested: If a trend cannot continue, it will stop. What will stop the wealth-induced excess of demand over productivity-expanded supply is largely developments in financial markets.

That process is already well advanced. For the equity wealth effect to be contained, either expected future earnings must decline, or the discount factor applied to those earnings must rise. There is little evidence of the former. Indeed, security analysts, reflecting detailed information on and from the companies they cover, have continued to revise upward long-term earnings projections. However, real rates of interest on long-term BBB corporate debt, a good proxy for the average of all corporate debt, have already risen well over a full percentage point since late 1997, suggesting increased pressure on discount factors.[3] This should not be a surprise because an excess of demand over supply ultimately comes down to planned investment exceeding saving that would be available at the economy's full potential. In the end, balance is achieved through higher borrowing rates. Thus, the rise in real rates should be viewed as a quite natural consequence of the pressures of heavier demands for investment capital, driven by higher perceived returns associated with technological breakthroughs and supported by a central bank intent on defusing the imbalances that would undermine the expansion.

We cannot predict with any assurance how long a growing wealth effect—more formally, a rise in the ratio of household net worth to income—will persist, nor do we suspect can anyone else. A diminution of the wealth effect, I should add, does not mean that prices of assets cannot keep rising, only that they rise no more than income.

A critical factor in how the rising wealth effect and its ultimate limitation will play out in the market place and the economy is the state of government, especially federal, finances.

The sharp rise in revenues (at a nearly 8 percent annual rate since 1995) has been significantly driven by increased receipts owing to realized capital gains and increases in compensation directly and indirectly related to the huge rise in stock prices. Both the Administration and the Congress have chosen wisely to allow unified budget surpluses to build and have usefully focused on eliminating the historically chronic borrowing from social security trust funds to finance current outlays.

The growing unified budget surpluses have absorbed a good part of the excess of potential private demand over potential supply. A continued expansion of the surplus would surely aid in sustaining the productive investment that has been key to leveraging the opportunities provided by new technology, while holding down a further reliance on imports and absorption of the pool of available workers.

I trust that the recent flurry of increased federal government outlays, seemingly made easier by the emerging surpluses, is an aberration. In today's environment of rapid innovation, growing unified budget surpluses can obviate at least part of the rebalancing pressures evident in marked increases in real long-term interest rates.

As I noted at the beginning of my remarks, it may be many years before we fully understand the nature of the rapid changes currently confronting our economy. We are unlikely to fully comprehend the process and its interactions with asset prices until we have been through a complete business cycle.

Regrettably, we at the Federal Reserve do not have the luxury of awaiting a better set of insights into this process. Indeed, our goal, in responding to the complexity of current economic forces, is to extend the expansion by containing its imbalances and avoiding the very recession that would complete a business cycle.

If we knew for sure that economic growth would soon be driven wholly by gains in productivity and growth of the working age population, including immigration, we would not need to be as concerned about the potential for inflationary distortions. Clearly, we cannot know for sure, because we are dealing with world economic forces which are new and untested.

While we endeavor to find the proper configuration of monetary and fiscal policies to sustain the remarkable performance of our economy, there should be no ambiguity on the policies required to support enterprise and competition.

I believe that we as a people are very fortunate: When confronted with the choice between rapid growth with its inevitable insecurities and a stable, but stagnant economy, given time, Americans have chosen growth. But as we seek to manage what is now this increasingly palpable historic change in the way businesses and workers create value, our nation needs to address the associated dislocations that emerge, especially among workers who see the security of their jobs

and their lives threatened. Societies cannot thrive when significant segments perceive its functioning as unjust.

It is the degree of unbridled fierce competition within and among our economies today—not free trade or globalization as such—that is the source of the unease that has manifested itself, and was on display in Seattle a month ago. Trade and globalization are merely the vehicles that foster competition, whose application and benefits currently are nowhere more evident than here, today, in the United States.

Confronted face-on, no one likes competition; certainly, I did not when I was a private consultant vying with other consulting firms. But the competitive challenge galvanized me and my colleagues to improve our performance so that at the end of the day we and, indeed, our competitors, and especially our clients, were more productive.

There are many ways to address the all too real human problems that are the inevitable consequences of accelerating change. Restraining competition, domestic or international, to suppress competitive turmoil is not one of them. That would be profoundly counterproductive to rising standards of living.

We are in a period of dramatic gains in innovation and technical change that challenge all of us, as owners of capital, as suppliers of labor, as voters and policymakers. How well policy can be fashioned to allow the private sector to maximize the benefits of innovations that we currently enjoy, and to contain the imbalances they create, will shape the economic configuration of the first part of the new century.

FOOTNOTES

[1] Since the early 1990s, the annual growth rate in output per hour of nonfinancial corporate businesses outside high tech has risen by a full percentage point.

[2] For example, the emergence of many alternate technologies in areas where only one or two will set the standard and survive has created high risk, high reward outcomes for their creators. The desire to spread risk (and the willingness to forgo the winner-take-all return) has fostered a substantial number of technology-sharing alliances.

[3] The inflation expectations employed in this calculation are those implicit in the gap between the interest rates on ten-year Treasury inflation-indexed notes and those on a nominal security derived from Treasury STRIPS constructed to have comparable duration. The latter are used because, they have the same relatively limited liquidity as inflation-indexed notes.

Mr. MOYNIHAN. I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, about the only chance we ever have to discuss interest rates and monetary policy in this body is when Alan Greenspan gets renominated to the Federal Reserve Board, which admittedly seems to happen on a fairly regular basis.

That is a shame, because there aren't many issues we debate in the Senate that have a bigger impact on the average American family. Why are interest rates so important? Well, for one thing, the decision to raise or lower interest rates directly affects pretty much every single American, in one way or another. Small businesses and farmers who need to take out loans. Families who want to buy a home or a car. Parents who need a loan to send their children to college. The economic future of all these people may hinge on the decisions of the Federal Reserve Board.

More importantly, the decision to raise or lower interest rates has a direct effect on anybody who has or wants a job. Interest rates have got to be the single most important factor determining the rate of unemployment. They're also tremendously important in determining how fast our economy grows. If the Fed slams the brakes on the economy, consumer demand falters, inventories pile up, employers lay workers off, and millions of lives are disrupted. The health and vitality of every community in every corner of every state depends to some extent on monetary policy decisions made by the Federal Reserve Board in Washington.

The importance of monetary policy has only grown over time. As former Labor Secretary Bob Reich likes to point out, we used to have two accelerator pedals for the economy. One was cutting interest rates. The other was government stimulus. But now that we're locked into running surpluses for as far as the eye can see, fiscal policy is pretty much dead. Interest rates are the main policy tool we have left for influencing the economy. Indeed, interest rates have a greater impact on most American families than the budgets we pass and most of the legislation we consider.

Yet for some reason monetary policy has fallen off the political radar screen. At one time, of course, it was a front-burner political issue. Certainly in the late 19th century, there were few issues that inspired more heated debate among farmers in the Midwest than the gold standard and monetary policy. And for decades after the Great Depression, one of our most pressing national political issues was full employment, which was—and is—integrally connected to interest rates.

While interest rates and monetary policy have become the most important instruments of U.S. economic policy, they have also been virtually walled off from democratic decision-making and debate. In this as in so many other areas, there seems to be an inverse relationship between an issue's importance to the American people and the amount of time we spend debating it here on the floor of the U.S. Senate.

I don't think that's the way it ought to be. That's not the way a democratic government should operate. These are vitally important issues, and they deserve a full and open debate involving broad public participation.

We did have something of a debate on monetary policy the last time Mr. Greenspan was renominated to the Board. Looking back on that discussion, I'm proud to say it was a substantive one. It focused not on personal criticisms, but on the important issues of monetary policy that affect all of our constituents.

I also think the arguments raised in the 1996 debate can serve as a useful starting point for today's deliberations. We have a record from that debate, and we have four years of economic experience to compare it against. And based on that record and that experience, we can draw certain conclusions.

The conclusions I draw are as follows. I think monetary policy over the past 4 years has been a pleasant surprise for some of us, in ways that I'll discuss in a moment. Nevertheless, it seems to me that the premise of the current movement toward higher interest rates is not only unfounded—but also contradicted by our experience of the last four years. In other words, I'm less troubled by where we've been than by where I see us heading in the near future.

The past four years have been a tremendously successful experiment in monetary policy. I would hope we could all draw the right lessons from that success. During this entire period, we have had relatively low levels of unemployment and strong economic growth. Yet throughout that time, we have also heard repeated demands from various quarters for the Fed to raise its rates.

We all know what these appeals sound like, but let me just give a couple examples. In January 1997, soon after the conclusion of our last debate, the Bond Buyer quoted an analyst from Merrill Lynch as saying,

> If we see further employment gains that are above the equilibrium level, it looks like wage acceleration will get worse and that will be about as bad a news as we could have for the markets.

In the January 1997 American Banker, an analyst from Chase Manhattan issued a very similar warning:

> The labor market is growing progressively tighter because of job growth, unemployment is near 20-year lows and there is an unambiguous acceleration in wage rates when you get beyond the volatility. At some point the Fed is going to have to raise interest rates.

Another banker quoted in the January 1997 American Banker said,

> The Fed is going to have to do something to slow the economy down. If you want to have an impact and want to slow the economy down, you hit it with the big stick first.

And so on and so forth. There is nothing unusual about these appeals from inflation hawks. We hear them all the time, no matter what economic conditions may be. The Fed hears them all the time from the Reserve Banks. In fact, Chairman Greenspan makes the same argument himself from time to time. This is more or less the same argument he made last month in his speech before the Economic Club of New York.

The difference is that back is 1997 and 1998, Mr. Greenspan and the Federal Reserve ignored those repeated and urgent appeals for higher rates to put a lid on wage growth. For its wise

and dovish stance on interest rates in 1997 and 1998, I think the Fed deserves a great deal of credit.

The important thing for us to realize is that this unexpected experiment in monetary policy worked. The Fed's unusual deviation from tight money orthodoxy was clearly successful. Yesterday the President was handling out kudos for the longest economic expansion in our history. He did praise Chairman Greenspan, but I think we need to be more specific in our praise. The key policy choice we should be focusing on is the Fed's reluctance to raise rates during a critical period in the mid to late 1990's.

The results of that policy choice have been much-discussed elsewhere, so I don't need to go into all the details here. But there is one thing I want to emphasize: the importance of sustained low unemployment for people on the lower end of the income scale. Finally, in the last couple years we are beginning to see wage gains for lower-income workers—for the first time since the 1970's. Unemployment for workers who haven't completed high school was only 6 percent in December, an historical low. And low unemployment is especially important for minorities, who traditionally experience higher rates of joblessness. Black male joblessness has fallen to its lowest level in 30 years, through it's still about twice the rate for whites.

The benefits of low unemployment and strong economic growth extend beyond the people who found jobs or are starting to see higher wages for the first time in a long time. We all benefit. The principal reason why the federal budget went into surplus four years ahead of schedule—in 1998 rather than 2002—was because of higher-than-expected economic growth. That wouldn't have been possible had the Fed slammed on the brakes.

Higher economic growth also extended the life of the Social Security Trust Funds, demonstrating how probably the best thing we can do to protect Social Security is to ensure strong economic growth in the future. Because of lower unemployment and higher growth, crime rates declined, as many people who would otherwise have no hope were able to obtain stable employment. And finally, it goes without saying that the consequences of welfare reform would have been much more devastating had the Fed followed the advice of those inflation hawks and raised interest rates.

There is one other milestone decision by the Fed that deserves to be singled out for praise. In September 1998, I and several other senators spoke on the floor about the need for interest rate reductions to address the instability in the global economy in the wake of the Asian Crisis and the collapse of the Russian economy. The Fed acted quickly and decisively. It not only resisted calls to raise rates in 1998; it actually lowered them by ¾ of a percentage point between September and November. I'm convinced that those rate reductions made a decisive contribution towards stabilizing global financial markets.

So much for my sweet talk about the Federal Reserve. Today I also want to express my deep concern about where the Fed appears to be headed in the next few months. I'm troubled that the Board may be unlearning the lessons of its successful recent experiment in monetary policy and reverting to its old ways. Already in June, August, and November of last year, the Fed raised rates by ¼ of a percentage point. These hikes effectively restored rates to where they were before the Russian crisis of 1998.

In his speech last month, Chairman Greenspan announced that he is once again worried about wage-induced inflation. Virtually everyone understood those remarks as another signal that the Fed will raise rates soon. The Federal Open Markets Committee (FOMC) has been meeting yesterday and today, and today announced another increase of ¼ percent. Some economists believe there could be a total of four rate increases by the end of June.

To panic over inflation in the present economic circumstances strikes me as something close to irrational paranoia. Inflation is the true ''Phantom Menace.'' First of all, the core inflation rate last year fell to 1.9 percent in 1999, the lowest it's been since 1965. Let me repeat that: core inflation is the lowest it's been since 1965. It's true that consumer prices rose faster than that last year, but this was due to sharply higher energy prices, which should not lead to higher rates. Most commodity prices are still at record lows.

In his speech last month, Chairman Greenspan spelled out his concerns. He underscored the danger that rising wages could cause inflation to spiral out of control. I find this argument very troubling. It seems to disregard our experience since 1996, for which the Fed deserves, as I said, a great deal of credit. Just a moment ago I was praising the Federal Reserve for rejecting this very same argument in 1997 and 1998.

Simply put, I do not believe there is any credible indication that labor costs are about to send inflation spinning out of control. Wage growth actually slowed in the last year, despite persistently low unemployment. In the fourth quarter of 1999, average hourly wages increased at an annual rate of 3.3 percent. That's less than the 4 percent they increased from 1997 to mid-1999. Measured a different way, wage growth fell from 4.1 percent in 1999 to 3.6 percent in 1998. Wage growth could not have been slowing down over the past couple years if labor markets were operating as Chairman Greenspan describes.

As Chairman Greenspan and the President have both pointed out, a remarkable feature of the current recovery is that workers' wage demands have been lower than their historical levels. Yesterday the President claimed the reason why American workers have not made ''enormous wage demands'' is that they have become ''very sophisticated about the way the world economy works.'' That's an interesting comment. He seems to be suggesting that the way the world economy works is to depress wages.

In his now-famous testimony before the Senate Budget Committee in January 1997, Mr. Greenspan had a slightly less upbeat explanation for slackening wage demands. He pointed to job insecurity. ''Heightened job insecurity explains a significant part of the restraint on compensation,'' he testified. Of course, Chairman Greenspan raised this issue because he was concerned the situation could not continue forever: ''At some point in the future,'' he said, ''the trade-off of subdued wage growth for job security has to come to an end.''

There are several reasons why workers would be more insecure in today's economy, but it's hard for me to consider any of them good news. An unprecedented wave of mergers and corporate restructurings has led to layoffs for many senior employees. Labor unions have lost a great deal of its bargaining power, for various reasons. These include deregulation, a trade deficit that destroys unionized manufacturing jobs, and competition from low-wage imports.

But even if wage growth really were picking up steam, it would not necessarily lead to inflation. I think pretty much every economist would agree that wages can increase at least as fast as productivity growth—without causing a rise in prices. That's because when there's more wealth to go around due to greater efficiencies, more of that wealth can be shared with workers without asking consumers to pay more.

And that's exactly what's been happening. Ever since 1996, productivity has been rising at about 1 percent above the expected trend line. For the past couple of years productivity has been rising at about 2 percent, though real wages rose only 1.5 percent last year. Unit labor costs have fallen since 1996, meaning that wages have not been keeping up with productivity. Moreover, productivity growth is expected to remain strong in the future. There is plenty of room for more wage growth.

One of the lessons of this recovery is that low unemployment can actually lead to higher productivity. It makes sense. For one thing, when labor markets are tight, businesses have to make more efficient use of their workers. That leads to higher efficiency and more wealth that can then be shared with workers. It's a virtuous cycle.

In fact, this recovery has taught us several lessons which don't seem to be reflected in the Fed's recent shift toward higher rates. First and foremost, the theory that there is a natural rate of unemployment—around 5.5 or 6 percent—below which inflation will spiral out of control appears to be thoroughly discredited.

In June 1996, when we were debating Mr. Greenspan's previous renomination, I came to the floor to take issue with this theory, which is called the NAIRU (Non-Accelerating Inflation Rate of Unemployment). At that time, unemployment was 5.6 percent. I was arguing that unemployment could go lower without sending wages—and therefore prices—into an upward spiral.

Let's look at the record since 1996. Unemployment has been below 6 percent the entire time, with no inflationary spiral in sight. Unemployment has been 4.1 percent for four months now. It's been below 5 percent for 30 months. It's been below 4.5 percent for 14 months. Not only is inflation not spiraling out of control, it's pretty hard to detect any sign of inflation at all. Core inflation is the lowest it's been since 1965.

In the most recent issue of the American Prospect, the economist James K. Galbraith writes,

> Faced with such embarrassing facts, only a handful of economists continue to defend the natural rate idea. And yet, the natural rate movement still influences policy. Some of its survivors vote on the Federal Reserve's Open Market Committee. They are presently driving interest rates upward on precisely the pretext that low unemployment must otherwise soon bring rising inflation. It is a notion for which no evidence exists. And except for the damage that higher interest rates will do, it would be hard not to laugh.

The case for raising interest rates is also exceedingly weak. In fact, the very arguments made recently by Chairman Greenspan and various Wall Street analysts should actually persuade us to keep rates where they are. Yes, sustained low unemployment is having some effect on wages, especially at the lower end. It's not sending inflation spiraling out of control, but it is having an effect. But this is a positive phenomenon that we should be attempting to prolong, for all the reasons I listed before in praising the Fed's performance in 1997 and 1998. The price of raising rates now is all the benefits we've seen flowing from lower unemployment and faster growth.

After all, many working people are only now beginning to feel the effects of this recovery. Only in the last two years have wage increases given workers back some of what they had lost over the past two decades. During most of the recovery of the 1990s, the median wage actually fell. Wages for low and middle-income workers dropped sharply in the early 1990's, due in part to an unnecessarily tight monetary policy by the Federal Reserve.

This trend didn't start to reverse itself until 1996—thanks to a looser monetary policy from the Federal Reserve, as well as an increase in the minimum wage. It wasn't until 1999 that median wages regained their peak level from 1989, before the last recession. That's where most workers are today: about where they were before the last recession. This is no time to actively dampen wage growth—precisely at the moment when workers are starting to benefit from this recovery. The policies that brought about these much-delayed benefits for working people are precisely the ones that the Federal Reserve is now poised to reverse.

I think we have an obligation to make sure all Americans, not just corporate CEOs and those at the top of the income ladder, can benefit from this recovery. Just recently, the Center on Budget and Policy Priorities and the Economic Policy Institute released a report on income inequality in America. This is what they found. Despite strong economic growth, income disparities were significantly greater in the late 1990's than they were in the 1980's. In two-thirds of all states, income inequality between the top 20 percent and the bottom 20 percent increased. The earnings of the poorest fifth of American families rose less than 1 percent between 1988 and 1998, but the earning of the richest fifth jumped 15 percent. The income gap significantly narrowed in only three states—Alaska, Louisiana, and Tennessee.

Even my friend JOHN MCCAIN has noted the widening gap between the haves and the have-nots in America, and that message seemed to go over pretty well in New Hampshire.

Raising interest rates now could also have an indirect effect on inequality—by raising the value of the dollar and therefore contributing to the problems of our trade deficit. In the last 4 years, our trade deficit has grown from less than 1.0 percent of GDP to almost 3.5 percent of GDP in the fourth quarter of 1999. This is unprecedented.

The burgeoning trade deficit has contributed to inequality by resulting in the loss of manufacturing jobs. We lost 248,000 manufacturing jobs in 1999, and 520,000 since March 1998. Because of low unemployment, those job losses are generally made up by job creation elsewhere. But the new jobs tend to be nonunionized, with lower pay and fewer benefits. In the last two years, job growth has occurred exclusively in the service industries, where wages and benefits are often much lower.

A second problem with the trade deficit is that it casts a pall over this recovery. We are now the world's largest debtor nation. We have accumulated over $2 trillion in trade deficits over the last couple decades. Yesterday, even President Clinton said he worried that if foreign investors lost confidence in our economy and pulled out their money, they could do major damage to the economy.

We have to consider the danger that unmanageable trade deficits or unnecessary monetary tightening could not only erase wage gains for lower-income workers, but could actually send the economy into a tailspin. This recovery has been kept alive by Americans who have been spending more than they earn, partly due to the ''wealth effect'' of soaring stock prices. Lowering growth with higher interest rates could cause investors to reassess their rosy assumption about future growth and puncture the speculative bubble on Wall Street.

In fact, in his speech last month in New York, Chairman Greenspan also mentioned the danger of a stock market correction. If the goal is to curb ''irrational exuberance'' on Wall Street, there are much better ways of doing that. In the 1950's and 1960's, Fed Chairman William McChesney Martin, Jr., repeatedly raised margin requirements, but Mr. Greenspan has refused to take that step.

Given the sizable dangers involved—both in terms of the damage it would do to lower-wage workers and to the overall economy—I think raising interest rates at this time would be extremely unwise. If an inflationary situation actually materializes and turns out not to be a figment of bankers' collective imaginations, the Fed can always deal with that problem if and when it arises. Recent evidence suggests that interest rate moves no longer operate with a lag due to the increased openness of the Fed.

We have made a tremendous advance in the four years since we last debated this issue. We have discovered that the three-decade-old mystery over falling wages and rising inequality turns out to be not so mysterious after all. The fact is, we know how to raise wages and reduce inequality. We do not have to reinvent the wheel. Among other things, we need to maintain low unemployment over a sustained period. We've done this before and we can do it again. It would be a tragedy if an unjustified fear of rising wages or an economic downturn kept us from continuing that progress.

I think Chairman Greenspan's performance at the Fed has been very helpful in drawing out these lessons over the past 4 years. It would be a tragedy—both for our country and especially for workers at the lower end of the income scale—if he were to ignore those lessons to once again focus on putting a stop to rising wages.

Mr. President, it is kind of ironic that about the only time relevant to really discuss monetary policy or have a debate about monetary policy is when Alan Greenspan gets renominated to the Federal Reserve Board. It is a shame because there is probably not an issue that has greater impact on people's lives. People just do not know that much about monetary policy. But the fact is, when you look at the real interest rates, you are talking about a policy that dramatically affects small business people, dramatically affects family farmers, dramatically affects the industrial base of our country, dramatically affects low- and moderate-income people, and it is critically important to policy.

There was a time in the history of our country, in the late 1800s, when there was a tremendous emphasis on monetary policy and the need to keep real interest rates down. There was a time post-Depression when there was a

real focus on employment policy and the need to move toward full employment, and the whole question of what the tradeoff was between having high interest rates that would choke off economic growth, and then people would not be able to find jobs at decent wages.

I think in 1996 we had a very good debate. I don't think the debate was so much about Alan Greenspan—I voted against Alan Greenspan's nomination then—but it had more to do with the debate about monetary policy.

What was going on during that debate is that many of us were saying we were very concerned about the Federal Reserve policy. We were concerned about the focus on raising interest rates, and what we argued was all this discussion about NAIRU, all this discussion that you could not have low levels of officially defined unemployment without at the same time setting off an inflationary cycle, was simply wrong. What we were saying is it is extremely important to have a public policy which puts as our first priority that people should be able to obtain jobs at decent wages and that this was critically important when you looked at monetary policy. That is because when interest rates go up, then in fact it is very difficult to sustain this kind of growth.

I am pleased to say tonight—I think this is the irony—I was right about the policy and wrong about Alan Greenspan. I think I was right to say that the Fed is not accountable to citizens in this country. There is no democratic accountability, with a small ''d.'' These are critically important decisions that are sort of walled off from any kind of public accountability. I think that is a profound mistake. This is a decisionmaking body with enormous power that crucially defines the quality or lack of quality of people's lives. But what we were saying, some of us, was that we took exception to the Fed's policy of always seeing inflation right around the corner when it did not exist, a kind of phantom inflation, and raising interest rates and having as its conscious policy: We are going to raise interest rates because unemployment is falling too low and we have to do something because surely there will be inflation.

Therefore, many people still do not get jobs or the jobs they get are jobs at fairly low wages. And, when real interest rates go up, it has a draconian effect, again, on small businesspeople, a horrible effect on farmers and producers in my State, and a very harsh effect on low- and moderate-income people, a harsh effect on home buyers, a harsh effect on people who do not have a lot of money who are trying to buy a car.

I give Alan Greenspan credit. What has happened in 1997 and 1998 is that Alan Greenspan did a superb job of being a dove. He was a dove. He did not raise the interest rates. There were many people in the Banking Committee, many people in the financial community, who kept saying he needed to raise those interest rates. He did not do so. I think his stewardship has been very important. As a result of that, this is what has happened. As a result of not raising these interest rates up until this past year, as a result of not accepting this orthodoxy, what have we been able to accomplish? Record low levels of unemployment—that is very important to communities of color; very important to people who are traditionally the ones who are most affected by high levels of unemployment. It is very important to the basic idea of economic opportunity in America because the key to economic opportunity is to be able to find a job, even more a job at a decent wage, even more a job at a decent wage under civilized working conditions.

What else has been accomplished? Because we have had low levels of unemployment, finally we have seen the lowest wage workers be able to bid up their wages because this is a good market for them. We are beginning to see some closing of the gap. It is closing very little, but up until the past couple of years, or this past year, we had not seen much improvement at all in terms of real wages. We have seen some improvement.

What have we been able to accomplish? Record surpluses. What have we been able to accomplish? The Social Security trust fund appears much stronger than it did because of economic performance. What have we been able to accomplish? High levels of productivity. By the way, if your productivity is ahead of your wage increases, I do not believe you are ever going to have to be concerned about an inflationary cycle.

So I come to the floor of the Senate to say it was important we had this debate about monetary policy in 1996. I think those of us who took exception to the Fed's policy of continuing to raise interest rates were correct. Those of us who did not accept NAIRU and this whole argument that below a certain level of unemployment you could not go any further, I think we were correct. Those of us who argued it was important to keep interest rates down for economic growth and economic recovery and jobs at decent wages, that it was important to keep interest rates down for the sake of our producers, for the sake of the manufacturing sector, for the sake of small businesses, for the sake of moderate- and middle-income households were right. I was wrong about Alan Greenspan because, as it turns out, under his guidance, the Fed has what I think is a pretty darned good record.

Therefore, I now come to part three. I am perplexed that now, again today, we saw an increase. The Fed is now raising interest rates, this past year I think three or four times. Yet inflation is at a record low level, and the only sector of the economy where we see inflation is energy costs, which has a whole lot to do with the OPEC cartel and does not have anything to do with ordinary families in the United States of America.

So it seems to me, for reasons I cannot explain, Mr. Greenspan and the Fed are ignoring the very success that they have had. I do worry because I think if we continue to raise the interest rates, not only is it going to undercut our economic growth, not only will it have a disproportionate negative effect on those Americans who struggle the most, much less middle-income families, not only is it going to add to our already serious trade imbalance which plays havoc—which is both a result of and plays havoc with our industrial sector—but I think if it is going to continue to raise these interest rates, it threatens this unbelievable economic performance we have seen.

One final point I make tonight is that during this period of economic growth we have not all grown together. To a certain extent we have grown apart. Actually, the gap between the richest 20 percent and poorest 20 percent grows wider and wider. Why, given the success of the Federal Reserve, why, given the success of this economic performance while keeping interest rates down, why, given some improvement for the lowest wage workers, why, given the surpluses, why, given the Social Security trust fund looking better because people are working, because people are making better wages, why at this point in time does Mr. Greenspan and the Federal Reserve seem to be going down the path of raising interest rates in direct contradiction to a policy that has been successful? That is the question.

I wanted to come to the floor to speak because I find it, as a teacher, much less a Senator, to be just an interesting and, to a certain extent, perplexing irony. In 1996, we had a debate about monetary policy. It only comes up when the Greenspan nomination comes up. I think we should be debating monetary policy more. Once upon a time it was a front burner issue. But then Alan Greenspan has surprised me and kept real interest rates down. I want to give him all the credit in the world for that, and I think it has been very important and tied to our economic performance. It is very important to the people with the least amount of economic clout in our country who do not do as well financially. But now it looks as if Alan Greenspan and the Federal Reserve have been going in the exact opposite direction of what has been a successful economic policy. That I fear, that I worry about, that I dissent from, and that I wanted to speak about as a Senator.

SECURITY CONCERNS

Mr. WELLSTONE. Mr. President, I just finished speaking with our Sergeant at Arms on the Senate side, Jim Ziglar. He is in full accord with what I am about to say.

Many of us, perhaps all of us, attended the services for Officer Chestnut and Agent Gibson. I think one of the things we all agreed on is there were many ways we were going to honor these officers. One of them was to make sure we provided the utmost support and security for them, much less security for the Congress and the citizens who visit the House and the Senate.

What I have noticed is that we have still been having single posts, where you have one officer at a very busy post with many people streaming in. I have raised this question for quite a few months now. I have never spoken about it on the floor of the Senate, but I am intending to try to put some pressure on as a Senator because we have to do something about this.

I know the Senate Sergeant at Arms feels strongly about this. I have talked to many police officers whom I think all of us respect, and we owe them a real debt of gratitude for their service. Frankly, this is no way to say thank you to the Capitol Police—to have one officer at a station where you have all sorts of people coming in, it is an impossible security situation. It is impossible. I have seen this with my own eyes. I have had police officers come up to me and say, ''This is just intolerable. We thought there was going to be a change.''

I want to say on the floor of the Senate—and I have waited month after month to do this, but again I see it with my own eyes, and police officers come to me about this—I believe there has to be change. I don't think there can be any possible excuse for not living up to our commitment that at least two police officers be at every one of these posts.

One example: One officer was at a post where during his shift 700 people came in—one officer. This is unacceptable, absolutely unacceptable. I think we have to do much better.

I am not going to be a know-it-all, I am not going to tell you that I know how much additional money needs to be spent, or whether this is a systems or management issue, or whether there is some slowness on the House side. I don't know what is going on. I just know there is no excuse for it.

We did a supplemental appropriation after these two officers were slain, murdered, of a little over a million dollars, about $50 million each year. That was for weapons, vests, for security enhancement, and for overtime staffing up in ways that we need to staff up. I don't know what has happened with this appropriation, whether we need more money, more authorization, or something. The only thing I know is we have a situation right now—after two officers were murdered—where we have at some of these posts just one officer. There should be two officers at every post. I believe that is a commitment we have made. I speak on the floor of the Senate to say that we have to do better for these police officers, and the sooner we do, the better.

I say to my colleague from Virginia, I think I will come back every day and speak to this situation that exists. I will defer to my colleague from Virginia and I say to the Chair that I hope to come back this evening.

SENATE PASSAGE OF IMPORTANT HISTORIC PRESERVATION MEASURES

Mr. LOTT. Mr. President, unfortunately this statement was inadvertantly left out of the CONGRESSIONAL RECORD at the end of last session. Therefore, today, I would like to recognize that on November 19th the United States Senate unanimously passed much needed legislation to protect some of America's most threatened historic sites, the Vicksburg Campaign Trail and the Corinth battlefield.

S. 710, the Vicksburg Campaign Trail Battlefields Preservation Act of 1999, is a bipartisan measure that authorizes a feasibility study on the preservation of Civil War battlefields and related sites in the four states along the Vicksburg Campaign Trail.

As my colleagues know, Vicksburg served as a gateway to the Mississippi River during the Civil War. The eighteen month campaign for the ''Gibraltar of the Confederacy'' included over 100,000 soldiers and involved a number of skirmishes and major battles in Mississippi, Arkansas, Louisiana, and Tennessee.

The Mississippi Heritage Trust and the National Trust for Historic Preservation named the Vicksburg Campaign Trail as being among the most threatened sites in the state and the nation. S. 710 would begin the process of preserving the important landmarks in the four state region that warrant further protection. I appreciate the cosponsorship of Chairman MURKOWSKI, Chairman THOMAS, and Senators LANDRIEU, BREAUX, COCHRAN, HUTCHINSON, and CRAIG on this measure.

Mr. President, the Senate also approved S. 1117, the Corinth Battlefield Preservation Act of 1999, a measure that establishes the Corinth Unit of the Shiloh National Military Park.

The battle of Shiloh was actually part of the Union Army's overall effort to seize Corinth. This small town was important to both the Confederacy and the Union. Corinth's railway was vitally important to both sides as it served as a gateway for moving troops and supplies north and south, east and west. The overall campaign led to some of the bloodiest battles in the Western Theater. In an effort to protect the city, Southern forces built a series of earthworks and fortifications, many of which remain, at least for now, in pristine condition. Unfortunately, the National Park Service in its Profiles of America's Most Threatened Civil War Battlefields, concluded that many of the sites associated with the siege of Corinth are threatened.

S. 1117 would give Corinth its proper place in American history by formally linking the city's battlefield sites with the Shiloh National Military Park.

Mr. President, I want to thank Senators ROBB, COCHRAN, and JEFFORDS for cosponsoring this measure.

I would also like to express my appreciation to Chairman THOMAS for his ever vigilant efforts on parks legislation, and in particular, for moving both the Vicksburg Campaign Trail and Corinth battlefield bills forward.

I would also like to take this opportunity to recognize Chairman MURKOWSKI for his continued stewardship over the Senate Energy and Natural Resources Committee.

Mr. President, I also want to recognize Ken P'Pool, Deputy State Historic Preservation Officer for Mississippi; Rosemary Williams, Chairman of the Siege and Battle of Corinth Commission; John Sullivan, President of the Friends of the Vicksburg Campaign and Historic Trail; and Terry Winschel and Woody Harrell of the United States Park Service for their support and guidance on these important preservation measures.

Lastly, I would like to recognize several staff members including Randy Turner, Jim O'Toole, and Andrew Lundquist from the Senate Energy Committee, Darcie Tomasallo from Senate Legislative Counsel, and Stan Harris, Angel Campbell, Steven Wall, Jim Sartucci, and Steven Apicella from my office, for their efforts to preserve Mississippi's and America's historic resources.

Mr. President, as a result of the Senate's action today, our children will be better able to understand and appreciate the full historic, social, cultural, and economic impact of the Vicksburg Campaign Trail and the Siege and Battle of Corinth.

GREENSPAN CONFIRMATION VOTE

Mrs. BOXER. Mr. President, I was informed that the vote on the Greenspan nomination would be at 6 p.m. on Wednesday, so I had rearranged my schedule to return to my State. As I am unable to be present for the 10:30 a.m. Thursday vote, I ask that the RECORD show that if I were present to vote, I would vote in favor of confirming Alan Greenspan for another term as Chairman of the Federal Reserve Board of Governors.

ANNOUNCEMENT OF ABSENCE

Mr. STEVENS. Mr. President, I want the RECORD to show that I ask unanimous consent to be excused from voting on Thursday and Friday of this week. I am leaving for the West Coast for a matter of urgent personal concern in connection with the airline crash, and I will not be here to vote. I want the RECORD to show why I am not here.

The PRESIDING OFFICER. Without objection, the RECORD will so reflect.

PEACEKEEPING THE DEMOCRATIC REPUBLIC OF THE CONGO

Mr. FEINGOLD. Mr. President, I rise to speak about the crisis in the Democratic Republic of the Congo. In that

devastated country, we see one of the worst international crises of the last decade. It is a bloody and brutal conflict, one that has drawn country after country into an un-winnable struggle, one that has cost the lives of thousands of civilians and has displaced hundreds of thousands more, and one about which this body has been strangely quiet.

Congo's conflict is as complex as it is destructive. It is born of the long absence of any semblance of political legitimacy in the government of that battered state, it is fed by the horrifying legacy of the Rwandan genocide, and it is intensified by the constant struggle for resources and wealth in the region. The litany of the causes of the war in Congo is a catalogue of the problems that plague the heart of Africa. Its outcome will likely determine the course of the region's future.

Mr. President, we need to wake up and realize that the U.S. has a stake in that future. Our interests in global peace and stability, the rule of law, and respect for basic human rights are bound up in Congo's future. Africans and their potential American trading partners can have no hope of realizing Africa's vast economic potential until the region's cycles of violence come to an end. And America urgently needs to stop the spread of infectious disease, to address environmental degradation, and to build a global coalition to fight international crime—but these needs cannot be met without stability in central Africa.

And Mr. President, global forces of instability will thrive, and their insidious influence will grow, when parties to the conflict in Congo turn to them, in desperation, for support.

Mr. President, central Africa's leaders know that the region cannot prosper while the war in the D.R.C. continues. For that reason, last summer the parties to the conflict signed a blueprint for ending the conflict—the Lusaka Agreement. That Agreement calls for an end to the fighting, for a free political dialogue within Congo, and lays out the path to the withdrawal of foreign forces.

Mr. President, I traveled to many of the countries involved in the crisis at the end of last year. In Angola, Zimbabwe, and Namibia, in Uganda and Rwanda, and in the D.R.C. itself, I personally heard heads of state acknowledge the importance of making the Lusaka Agreement work. They understand the challenge before them, the precious opportunity embodied by Lusaka.

Last week the parties to the Congo conflict renewed their commitment to the Lusaka Agreement in a series of extraordinary meetings at the United Nations in New York. They have all agreed to a facilitator, former President Masire of Botswana, to move the inter-Congolese dialogue forward. And all parties have called for a strengthening of the Joint Military Commission that is at the heart of the framework for peace.

Mr. President, just as the U.S. has a stake in the outcome, the United States also has a role to play in supporting these efforts. The U.N. has already deployed a small team of liaison officers to the scene. Now, the United Nations Secretary General has issued a report laying out the next phase of U.N. involvement. It calls for the deployment of 500 monitors, with a 5,000-strong force providing security and logistical support to their mission. They will have a robust mandate that ensures their ability to protect themselves.

Mr. President, none of the troops would be American, and that is as it should be. In fact, in my meetings with heads of state in the region, I explicitly asked about their expectations with regard to American troops, and I can report that no one has visions of a large American presence on the ground in Congo. But by creating the breathing room necessary to allow the belligerents to move toward peace, these troops will serve American interests.

The U.N. Secretary-General has endorsed a good plan. Its value comes, in part, from what it does not do. The U.N. does not plan to send tens of thousands of troops into Congo to impose peace on hostile parties. Nor does the U.N. intend to stand by while the most brutal elements in Congo seize power through violence and impose their will on civilians.

Instead, the plan that has emerged in New York harnesses international support to the commitment of the parties to the conflict. It recognizes that the only viable peace to be found in Congo is a peace created by the belligerent parties themselves. It acknowledges African responsibility for this African war, and strengthens the Joint Military Commission created by combatants when they signed the Lusaka accords. At the same time, this plan ensures that the international community does not turn its back on Africa.

There can be no double-standard, whereby African conflicts are measured by a different scale than that used for conflicts in Europe or Asia. The plan for the deployment of the monitors and their supporting team has been vetted as thoroughly as any U.N. project. The stakes—in terms of human life and regional stability—are unquestionably high enough to meet the threshold for international action. Now, the U.N. has an opportunity to get it right in Congo.

Supporting this U.N. mission is the least we should do to secure our interests and fulfill our responsibilities as responsible members of the international community. Should we fail to support it, should we ignore this terrible conflict any longer, we will weaken the international community's mechanisms for burden-sharing at the dawn of this new century. And we will lose an opportunity to reinforce a model for ending conflict and embracing a better future.

I want to say, because obviously this has to be true and I am concerned about it, that the plan is not guaranteed to succeed.

Little worth attempting ever is. Zambian President Frederick Chiluba was right when he said, last week, that no peacekeeping operation anywhere in the world is risk-free. But Mr. President, this is the best chance for shoring up the Lusaka Agreement and helping African states to end the conflict that we are likely to see.

I strongly urge my colleagues to look at this program that is being suggested and to give it their support.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 1, 2000, the Federal debt stood at $5,702,651,446,667.03 (Five trillion, seven hundred two billion, six hundred fifty-one million, four hundred forty-six thousand, six hundred sixty-seven dollars and three cents).

One year ago, February 1, 1999, the Federal debt stood at $5,588,099,000,000 (Five trillion, five hundred eighty-eight billion, ninety-nine million).

Five years ago, February 1, 1995, the Federal debt stood at $4,810,860,000,000 (Four trillion, eight hundred ten billion, eight hundred sixty million).

Ten years ago, February 1, 1990, the Federal debt stood at $2,994,932,000,000 (Two trillion, nine hundred ninety-four billion, nine hundred thirty-two million).

Fifteen years ago, February 1, 1985, the Federal debt stood at $1,672,555,000,000 (One trillion, six hundred seventy-two billion, five hundred fifty-five million) which reflects a debt increase of more than $4 trillion—$4,030,096,446,667.03 (Four trillion, thirty billion, ninety-six million, four hundred forty-six thousand, six hundred sixty-seven dollars and three cents) during the past 15 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 a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:09 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, in which it requests the concurrence of the Senate:

H.R. 1023. An act for the relief of Richard W. Schaffert.

H.R. 1838. An act to assist in the enhancement of the security of Taiwan, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes.

The message further announced that, pursuant to section 702(b) of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120), the Minority Leader has appointed the following Member to the National Commission for the Review of the National Reconnaissance Office: Mr. DICKS of Washington.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1733 An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

The enrolled bill was signed subsequently by the Vice President (Mr. GORE).

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1023. An act for the relief of Richard W. Schaffert; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported on today, February 2, 2000, he had presented to the President of the United States, the following enrolled bill:

S. 1733. An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

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–7182. 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 ''Revocation of Class E and Class D Airspace; El Toro MCAS, CA; Docket No. 99–AWP–19 [11–30/12–2]'' (RIN2120–AA66) (1999–0378), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7183. 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 ''Modification of Class D Airspace and Establishment of Class E Airspace; Dayton, Wright-Patterson AFB, OH''; Docket No. 99–AGL–50 [12–3/12–9]'' (RIN2120–AA66) (1999–0389), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7184. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Del Rio, TX; Direct Final Rule: Request for Comments; Docket No. 99–ASW–31 [12–17/12–20]'' (RIN2120–AA66) (1999–0407), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7185. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class D Airspace; NAS JRB, Fort Worth, TX; Docket No. 99–ASW–19 [12–17/12–20]'' (RIN2120–AA66) (1999–0401), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7186. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class D Airspace; Hobbs, NM; Direct Final Rule; Request for Comments; Docket No. 99–ASW–32 [1–18/1–20]'' (RIN2120–AA66) (2000–0009), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7187. 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 ''Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rule to Implement Major Provisions of the American Fisheries Act'' (RIN0648–AM83), received January 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7188. 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 ''Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications'' (RIN0648–AN36), received January 18,2000; to the Committee on Commerce, Science, and Transportation.

EC–7189. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''Marine Mammals; Incidental Take During Specified Activities'' (RIN1018–AF87), received January 31, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7190. A communication from the Chairman, Merit Systems Protection Board transmitting, pursuant to law, a report relative to appeals submitted to the Board for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7191. A communication from the Comptroller General transmitting, pursuant to law, the report of the General Accounting Office reports for November 1999; to the Committee on Governmental Affairs.

EC–7192. A communication from the Comptroller General transmitting, pursuant to law, a report relative to bid protests for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7193. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–7194. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'', received January 28, 2000; to the Committee on Energy and Natural Resources.

EC–7195. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Addition to Quarantined Areas'' (Docket # 00–004–1), received January 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7196. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Imported Fire Ant; Quarantined Areas and Treatment'' (Docket # 98–125–2), received January 31, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7197. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Additional Guidance on Cash or Deferred Arrangements'' (Rev. Rul. 2000–8), received January 28, 2000; to the Committee on Finance.

EC–7198. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Substantiation of Business Expenses'' (RIN1545–AV87) (RIN1545–AT97), received January 28, 2000; to the Committee on Finance.

EC–7199. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Title IV–E Foster Care Eligibility Reviews and Child Care and Services State Plan Reviews'' (RIN2970–AA97), received January 31, 2000; to the Committee on Finance.

EC–7200. A communication from the Secretary of Veterans Affairs and the Secretary of Defense transmitting jointly, pursuant to law, a report relative to the implementation of that portion of ''The Department of Veterans Affairs and the Department of Defense Health Resources Sharing and Emergency Operations Act'' dealing with sharing of healthcare resources between the two departments; to the Committee on Veterans' Affairs.

EC–7201. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the allotment of emergency funds to eleven states under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Health, Education, Labor, and Pensions.

EC–7202. 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: Polymers'' (Docket No. 98F–0569), received January 31, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7203. 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 ''Medical Device Reporting; Manufacturer Reporting, Importer Reporting, User Facility Reporting, Distributor Reporting'' (RIN0910–ZA18), received January 31, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7204. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''Endangered Status for 'Erigeron decumbens var. decumbens (Willamette daisy)' and Fender's blue butterfly (Icaricia icariodes fenderi) and Threatened Status for 'Lupinus sulphureus ssp. kincaidii' (kincaid's lupine)'' (RIN1018–AE53), received January 18, 2000; to the Committee on Environment and Public Works.

EC–7205. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Final Rule to List the Yreka Phlox (Phlox hirsuta) as Endangered'' (RIN1018–AE82), received January 28, 2000; to the Committee on Environment and Public Works.

EC–7206. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for the Woundfin and Virgin River Chub'' (RIN1018–AD23), received January 20, 2000; to the Committee on Environment and Public Works.

EC–7207. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Determination of Endangered Status for Blackburn's Sphinx Moth from the Hawaiian Islands'' (RIN1018–AE20), received January 28, 2000; to the Committee on Environment and Public Works.

EC–7208. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report entitled ''1996 CERCLA/SARA Activities'' dated December 1999; to the Committee on Environment and Public Works.

EC–7209. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7210. A communication from the Attorney General, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7211. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7212. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7213. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7214. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7215. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7216. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7217. A communication from the Office of Independent Counsel, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7218. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7219. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7220. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7221. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7222. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7223. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7224. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7225. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7226. A communication from the Federal Co-Chairman, Appalachian Regional Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7227. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7228. A communication from the Chief Executive Officer, Corporation for National Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7229. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7230. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; and the report of the Executive Director of the Pension Benefit Corporation; to the Committee on Governmental Affairs.

EC–7231. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the management report for the period April 1 , 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7232. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7233. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7234. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7235. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7236. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7237. A communication from the Chairman, National Endowment of the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7238. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7239. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7240. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7241. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7242. A communication from the Chairwoman, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7243. A communication from the Chairman, and the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7244. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7245. A communication from the Acting Director, the Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7246. A communication from the Board of Directors, Panama Canal Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7247. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7248. A communication from the Chairman, Corporation for Public Broadcasting, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7249. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on management decisions and final actions on the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–7250. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Hebbronville, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–24 [1–6/1–10]'' (RIN2120–AA66) (2000–0003), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7251. 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; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Request for Comments; Docket No. 99–NM–260'' (RIN2120–AA64) (1999–0485), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7252. 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; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Request for Comments; Docket No. 99–NM–260'' (RIN2120–AA64) (1999–0485), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7253. 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; Boeing Model 767 Series Airplanes; Docket No. 99–NM–186'' (RIN2120–AA64) (1999–0530), received December 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7254. 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; Boeing Model 737–100, –200, –200C Series Airplanes; Docket No. 98–NM–189'' (RIN2120–AA64) (1999–0528), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7255. 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; Boeing Model 747–400, and 767 Series Airplanes powered by P & W 4000 Series Engines; Docket No. 99–NM–114'' (RIN2120–AA64) (1999–0527), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7256. 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; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Request for Comments; Docket No. 99–NM–260'' (RIN2120–AA64) (1999–0485), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7256. 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; Boeing Model 737–600, –700, –800 Series Airplanes; Docket No. 99–NM–134 [12–20/12–23]'' (RIN2120–AA64) (1999–0526), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7257. 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; Boeing Model 777–200, and –300 Series Airplanes; Correction; Docket No. 99–NM–323 [12–22/12–23]'' (RIN2120–AA64) (1999–0523), received December 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7258. 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; Boeing Model 737 Series Airplanes; Correction; Docket No. 98–NM–383 [12–13/12–16]'' (RIN2120–AA64) (1999–0516), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7259. 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; Boeing Model 747 Series Airplanes; Request for Comments; Docket No. 99–NM–361 [1–7/1–10]'' (RIN2120–AA64) (2000–0012), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7260. 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; Boeing Model 757–200, –200PF, and –200CB Series Airplanes; Docket No. 98–NM–323 [1–3/1–6]'' (RIN2120–AA64) (2000–0011), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7261. 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; Boeing Model 767–200, –300, and –300F Series Airplanes; Docket No. 97–NM–241 [1–4/1–6]'' (RIN2120–AA64) (2000–0005), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7262. 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; Boeing Model 777–200, and –300 Series Airplanes; Request for Comments; Docket No. 99–NM–323 [12–8/12–13]'' (RIN2120–AA64) (1999–0509), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7263. 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; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Docket No. 99–NM–47 [11–19/11–29]'' (RIN2120–AA64) (1999–0480), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7264. 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; Boeing Model 767–200, and –300 Series Airplanes; Request for Comments; Docket No. 99–NM–303 [11–19/11–22]'' (RIN2120–AA64) (1999–0461), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7265. 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; Boeing Model 747 Series Airplanes; Docket No. 99–NM–46 [11–30/12–2]'' (RIN2120–AA64) (1999–0498), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7266. 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; Boeing Model 757–200, and –300 Series Airplanes; Docket No. 99–NM–89 [11–30/12–2]'' (RIN2120–AA64) (1999–0497), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7267. 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; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes; Request for Comments; Docket No. 99–NM–332 [11–30/12–2]'' (RIN2120–AA64) (1999–0490), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7268. 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; Boeing Model 777–200 Series Airplanes; Docket No. 98–NM–374'' (RIN2120–AA64) (2000–0041), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7269. 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; Boeing Model 737–300, –400, and –500 Series Airplanes; Docket No. 98–NM–351 [1–25/1–27]'' (RIN2120–AA64) (2000–0049), received January 27, 2000; to the

Committee on Commerce, Science, and Transportation.

EC–7270. 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; Boeing Model 737–300, –400, –500, –600, –700, and –800 Series Airplanes; Request for Comments; Docket No. 99–NM–342 [1–14/1–20]'' (RIN2120–AA64) (2000–0033), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7271. 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; Boeing Model 777 Series Airplanes; Docket No. 99–NM–58 [1–14/1–20]'' (RIN2120–AA64) (2000–0034), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7272. 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 A300, A300–600, and A310 Series Airplanes; Request for Comments; Docket No. 2000–NM–09 [1–25/1–27]'' (RIN2120–AA64) (2000–0047), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7273. 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 A340–211, 212, 213, 311, 312, 313 Series Airplanes; Request for Comments; Docket No. 99–NM–336 [1–6/1–10]'' (RIN2120–AA64) (2000–0016), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7274. 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 A300, B4–203 Series Airplanes; Request for Comments; Docket No. 99–NM–327 [1–4/1–6]'' (RIN2120–AA64) (2000–0010), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7275. 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 A319, A320, and A321 Series Airplanes; Docket No. 98–NM–284 [12–8/12–13]'' (RIN2120–AA64) (1999–0510), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7276. 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 A300 B4–600R and A300 F4–600R Series Airplanes; Docket No. 99–NM–130 [1–4/1–6]'' (RIN2120–AA64) (2000–0009), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7277. 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–222 [1–4/1–6]'' (RIN2120–AA64) (2000–0002), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7278. 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 A319 and A320 Series Airplanes; Docket No. 96–NM–92 [12–28/12–30]'' (RIN2120–AA64) (1999–0538), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7279. 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 A300, A310, 600 Series Airplanes; Docket No. 98–NM–303 [12–13/12–16]'' (RIN2120–AA64) (1999–0519), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7280. 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 A330–301, 321, 322 and A340–211, 212, 213, 311, and 313 Series Airplanes; Docket No. 99–NM–195 [12–20/12–20]'' (RIN2120–AA64) (1999–0521), received December 21, 1999, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7281. 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 A300 B2 and B4 Series Airplanes; Docket No. 99–NM–248 [12–21/12–23]'' (RIN2120–AA64) (1999–0532), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7282. 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. 96–NM–194 [12–21/12–23]'' (RIN2120–AA64) (1999–0534), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7283. 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; McDonnell Douglas Model MD–11 Series Airplanes; Request for Comments; Docket No. 99–NM–262 [12–20/12–23]'' (RIN2120–AA64) (1999–0529), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7284. 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–7 Series Airplanes; Docket No. 99–NM–165 [12–20/12–20]'' (RIN2120–AA64) (1999–0520), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7285. 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; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes; Docket No. 99–NM–71 [12–13/12–16]'' (RIN2120–AA64) (1999–0518), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7286. 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; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes; Docket No. 99–NM–05 [12–27/12–30]'' (RIN2120–AA64) (1999–0537), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7287. 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; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–167 [11–19/11–22]'' (RIN2120–AA64) (1999–0476), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7288. 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; McDonnell Douglas Model DC–8 Series Airplanes; Docket No. 98–NM–309 [1–25/1–27]'' (RIN2120–AA64) (2000–0039), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7289. 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; McDonnell Douglas Model MD–90 Series Airplanes; Docket No. 99–NM–209 [1–19/1–20]'' (RIN2120–AA64) (2000–0032), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7290. 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; McDonnell Douglas Model DC–8 Series Airplanes; Docket No. 99–NM–217 [1–19/1–20]'' (RIN2120–AA64) (2000–0035), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7291. 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 Model 4101 Airplanes; Docket No. 99–NM–306 [1–27/1–27]'' (RIN2120–AA64) (2000–0043), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7292. 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 Model HS 748 Series Airplanes; Docket No. 99–NM–147 [11–22/11–22]'' (RIN2120–AA64) (1999–0464), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7293. 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; BFGoodrich Main Brake Assemblies as Installed an Airbus A319 and A320 Airplanes; Request for Comments;

Docket No. 99–NM–341 [12–8/12–9]'' (RIN2120–AA64) (1999–0507), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7294. 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 Model 4101 Airplanes; Docket No. 99–NM–296 [12–8/12–9]'' (RIN2120–AA64) (1999–0508), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–7295. 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 Model 4101 Airplanes; Docket No. 99–NM–302 [12–28/12–30]'' (RIN2120–AA64) (1999–0539), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7296. 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 Model BAC 1–11 200 and 400 Series Airplanes; Docket No. 99–NM–31 [1–4/1–6]'' (RIN2120–AA64) (2000–0003), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7297. 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 Model BAe 146 and Avro 146RJ Series Airplanes ; Docket No. 98–NM–331 [12–28/12–30]'' (RIN2120–AA64) (1999–0536), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7298. 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 Model HS 748 Series Airplanes; Docket No. 99–NM–147'' (RIN2120–AA64) (1999–0483), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

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 (Rept. No. 106–228).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2022. A bill to provide for the development of remedies to resolve unmet community land grant claims in New Mexico; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. SANTORUM, Ms. LANDRIEU, Mr. ABRAHAM, Mrs. FEINSTEIN, Mr. ROBB, and Mr. BAYH):

S. 2023. A bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2024. A bill to amend title 28, United States Code, to provide for an additional place of holding court in the District of Oregon; to the Committee on the Judiciary.

By Mr. GRAMS:

S. 2025. A bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. SMITH of Oregon, and Mr. KENNEDY):

S. 2026. A bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts; to the Committee on Foreign Relations.

By Mr. VOINOVICH (for himself and Mr. GRAMM):

S.J. Res. 38. A joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. TORRICELLI, Mr. ABRAHAM, Mr. BIDEN, Mr. DEWINE, Mr. DODD, Mr. HARKIN, Mr. KENNEDY, Mr. KOHL, Ms. MIKULSKI, Mr. ROBB, Mr. ROTH, Mr. THOMAS, Mr. WARNER, Ms. LANDRIEU, Mr. MOYNIHAN, Mr. SARBANES, Mr. LAUTENBERG, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FITZGERALD, Mrs. MURRAY, Mr. DURBIN, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. GRASSLEY, Mr. STEVENS, Mr. SCHUMER, Mr. REED, Mr. LEVIN, and Mr. ENZI):

S. Res. 251. A resolution designating March 25, 2000, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. Res. 252. A resolution expressing the sense of the Senate that Rebiya Kadeer, her family member and business associate, should be released by the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2022. A bill to provide for the development of remedies to resolve unmet community land grant claims in New Mexico; to the Committee on Energy and Natural Resources.

NEW MEXICO COMMUNITY LAND GRANT REVIEW ACT

• Mr. BINGAMAN. Mr. President, I rise today to introduce a bill, along with Senator DOMENICI, which will move us toward resolving a long standing issue of great controversy in my State of New Mexico.

Today marks the anniversary of one of the most significant dates in the creation of modern America. On this date one hundred and fifty-two years ago, our government and the government of Mexico entered into an agreement which ended a bloody war, and which brought a huge swath of territory into the United States.

The addition of this new territory, which became the American Southwest, forever changed the makeup of our nation, its place on the world stage, and its culture. The infusion of a large Hispanic population and a myriad of Native American communities into fabric of American society enriched the diversity of country and strengthened the dynamism of our culture.

It is day which should be one for celebration. A day in which New Mexicans should reflect on the confluence of cultures which make up our state. It is a day to remember the sweat and grit of the people who traveled north up El Camino Real (the Royal Road) passing through one area that was so arduous that it was known as La Jornada del Muerte (the Journey of Death), and those who came west over the Santa Fe trail to reach New Mexico and who, together with the Pueblo, Apache, and Navajo peoples who had already carved a life out of this arid land, built our modern culture.

It is a day for celebration, but unfortunately it is also a day which recalls great pain for many. For that agreement between nations which established the American Southwest, the Treaty of Guadalupe-Hidalgo, also carried with it a promise to the new citizens of America. That promise was that their ownership of lands established under Spanish and Mexican law would be respected and validated by their new government. Many who would be celebrating today do not believe that that promise was kept. The serious questions that have been raised concerning the validation of Spanish and Mexican community land grant claims in New Mexico cast a cloud over this day, and a cloud over our national honor.

Given the long history of dispute over community land grant claims in New Mexico, and the large amount of disputed land, a credible neutral analysis of the United States' implementation of the Treaty has been needed. To that end, Senator DOMENICI and I have requested that the General Accounting Office review the United States' legal obligations under the Treaty and whether the Federal government met those obligations with regard to community land grant claims.

This will be the first national study of the issue, and it is overdue. Given how long it has taken for the heirs of these land grants to get a credible review of their claims, it is that important that this study not end up gathering dust on some shelf. If the GAO finds that the United States denied

these communities their rights under the treaty, then it is imperative that the Federal government develop a remedy to resolve this issue.

Therefore I, along with Senator DOMENICI, am introducing a bill today which will move us in that direction. This bill would require that, should the GAO find that the United States has failed to meet its Treaty obligations, the Justice Department prepare for the President a list of methods to remedy the problem, and that the President must propose to Congress his preferred remedy.

Unlike the Treaty of Guadalupe-Hidalgo, which was an agreement between nations, this bill represents a promise directly to land grant heirs that their claim will be fully considered by the United States Government. I hope we can pass this measure, and make that promise to them.

Mr. President I ask that the bill be printed in the RECORD.

The bill follows:

S. 2022

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 ''New Mexico Community Land Grant Reivew Act.''

SEC. 2. PURPOSE, DEFINITIONS, AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to provide for the development of potential remedies to resolve unmet obligations by the United States with regard to community land grant claims in New Mexico under the Treaty of Guadalupe-Hidalgo.

(b) DEFINITIONS.—As used in this Act:

(1) TREATY OF GUADALUPE—HIDALGO.—The term ''Treaty of Guadalupe-Hidalgo'' means the Treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848, with the amending Protocol of Queretaro signed May 26, 1848; entered into force on May 30, 1948 (TS 207; 9 Bevans 791).

(2) COMMUNITY LAND GRANT.—The term ''community land grant'' means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(3) LAND GRANT CLAIM.—The term ''land grant claim'' means a claim to land owned by a community land grant.

(4) GAO.—The term ''GAO'' means the United States General Accounting Office.

(c) FINDINGS.—The Congress finds:

(1) New Mexico has a unique and complex history regarding land ownership due to the substantial number of land grants awarded by the King of Spain and the Republic of Mexico as an integral part of the colonization of New Mexico prior to the takeover of the area by the United States under the Treaty of Guadalupe-Hidalgo.

(2) Under the Treaty of Guadalupe-Hidalgo, the United States agreed to respect valid land grants claims.

(3) Several studies, including the New Mexico Land Grant Series published by the University of New Mexico, have called into question whether the United States has fulfilled its obligations under the Treaty. There continue to be claims that citizens of the United States were illegally deprived of the property rights protected by the Treaty of Guadalupe-Hidalgo through the actions of the Office of the Surveyor General established in 1854, the Court of Private Land Claims established in 1891, and the Territory of New Mexico.

(4) There was a remarkable difference in outcomes between the land claims adjudications in the State of California, where approximately 73 percent of the claimed acreage was confirmed, and the former Territory of New Mexico, where only 24 percent of the claimed acreage was confirmed. This difference in outcomes raises serious questions as to whether adjudications in New Mexico were equitably and fairly administered.

(5) Following the United States' war with Mexico and for much of this century, the economy of New Mexico was dependent on land resources. When the land grant claimants lost title to their land, the predominantly Hispanic communities in New Mexico lost a keystone to their economy, and the effects of this loss had long lasting economic consequences for these communities.

(6) Whether the United States failed to meet its obligations under the Treaty of Guadalupe-Hidalgo has been a source of continuing controversy and has left a lingering sense of injustice in some communities in New Mexico over the last one-hundred and fifty years.

(7) This issue, which regards the integrity of the United States with regards to its international commitments and its commitments to its citizenry, must be resolved.

(8) The GAO has been requested to review how the United States implemented the provisions of the Treaty of Guadalupe-Hidalgo which pertain to the protection of community land grant claims New Mexico, and to provide a report to the Congress and the President by December 31, 2002, which includes an assessment of whether the procedures established by the United States to implement the treaty appear to have been adequate, and whether the community land grants claims appear to have been equitably adjudicated.

SEC. 3. DEVELOPMENT OF REMEDY RECOMMENDATIONS AND PRESIDENTIAL PROPOSAL.

If the GAO concludes, in the report to Congress and the President described in Section (2)(c)(8) of this Act, that the obligations of the United States under the Treaty of Guadalupe-Hidalgo regarding the protection of the community land grant rights do not appear to have been met, the Department of Justice shall prepare for the President a list of alternative methods to remedy the problem. The President shall then submit to Congress recommendations to resolve these claims within six months of the submission of the GAO report. In no event shall these recommendations include the divestiture of private property rights.●

● Mr. DOMENICI. Mr. President, I am pleased to be joining Senator BINGAMAN in introducing legislation to help resolve whether the federal government inadequately implemented the Treaty of Guadalupe-Hildalgo in New Mexico. Today is the 152d anniversary of the signing by the United States of the Treaty of Guadalupe-Hidalgo with Mexico. Under this 1848 treaty, the United States acquired the territory that is now California, Nevada, Utah, Arizona, New Mexico, Colorado and Wyoming. Unfortunately, the potential failure of this country to meet its obligations under the Treaty of Guadalupe-Hildalgo has been a source of continuing controversy, and many New Mexicans claim they were illegally deprived of property rights by the federal government. For example, in California, about seventy-three percent of land grant claims have been confirmed compared to only twenty-four percent in New Mexico, which raises questions as to whether adjudications in New Mexico were equitably and fairly administered.

We must take the opportunity to reverse the heritage of ill-will between the Hispanic people of New Mexico and the Federal government. Hispanic descendants in our state have been waiting over 150 years to get the federal government to fairly look into the community land grants issue. In 1848, land grant claimants were led to believe that their property rights would be honored and protected, but they have repeatedly been frustrated by government officials. One Surveyor General for New Mexico has been described by historians as ''steeped in prejudice against New Mexico, its people and their property rights.'' Other opportunists used long legal battles to acquire empires that extended over millions of acres—all at the expense of local Hispanics.

In 1891, the Surveyor General was replaced by the Court of Private Land Claims, but the court's procedures heavily favored the government. The Court of Claims required that claimants prove that the Spanish or Mexican granting official had the legal authority to issue the land grant. The claimants did not have access to necessary documentation, and often did not speak English. Consequently, the court rejected two-thirds of the New Mexico claims presented before it. Ultimately, by one account written by Richard Griswold del Castillo, only eighty-two grants received Congressional confirmation. This represented only six percent of the total area sought by land claimants, leaving a bitter legacy.

In the 105th Congress, Congressman Redmond was able to pass a bill out of the House of Representatives creating a Presidential Commission to evaluate the community land grants located in New Mexico. I was proud to introduce a companion bill, including a few changes based on the lessons I learned from talking to the heirs of some of the land grants; from reviewing the history; and from talking to scholars, historians and land grant lawyers.

After hearings and continuing dialog with land grant heirs, we realized that the natural first step in the process was determining whether the grantees' rights had been violated under the Treaty. It became clear that adequate time for a thorough study of the issue was needed. Documents had to be gathered. Resolution of the dispute must take into account intervening legal rights.

Last year, Senator BINGAMAN and I originally proposed that the Attorney General, acting through the Assistant

Attorney General for Civil Rights, should investigate whether the United States properly implemented the provisions of the Treaty of Guadalupe-Hidalgo which pertain to the protection of valid land grant claims in New Mexico. If that investigation found that the federal government needed to rectify past abuses, the President would submit a proposal to Congress to resolve those claims. The Senate supported our desire last fall to include in the Commerce, Justice, State Appropriations bill the requirement that the Justice Department conduct such a study. However, the Justice Department objected on the grounds that it could not be a neutral examiner of the legal obligations of the United States in this situation.

The General Accounting Office (GAO) was recommended by House appropriators as an alternative, and language directing GAO conduct a study was included in the original conference report for Department of Justice appropriations. However, that provision was written in the waning hours of the conference, without time for consultation with the GAO, and while the focus of the conference was turned to other matters. Consequently, we believed that language was inadequate to serve New Mexico's needs. At our request, the appropriations conferees removed the inadequate study language from the final version of the CJS conference report.

I must say that I respectfully disagree with the Justice Department's contention that they could not properly conduct such a study. What better arm of the government should investigate whether the United States properly implemented the provisions of the Treaty of Guadalupe-Hidalgo which pertain to the protection of valid land grant claims in New Mexico?

Nonetheless, after meeting with top-level representatives at the Department of Justice, Senator BINGAMAN and I met with GAO's General Counsel Robert Murphy and Principal Assistant Comptroller General Gene Dodaro to craft language that more closely reflected the needs of New Mexico, and the capabilities of the GAO. We have formally asked GAO to review how the United States implemented the provisions of the Treaty of Guadalupe-Hidalgo which pertain to the protection of community land grant claims in New Mexico.

The GAO will submit an interim report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and to the Committee on Resources of the House of Representatives and to the President of the United States, by the end of this year. A final report will be submitted by the end of 2002. This will allow the GAO adequate time to investigate this complicated issue.

The report will include a description of the legal obligations of the United States to protect the rights of community land grants and its actions in carrying out the provisions of the treaty, an assessment of the issues raised concerning the implementation of the treaty provisions, and identification of potential methods of resolving any failure by the United States with regard to community land grant claims. The GAO shall also discuss the potential effects of resolution options on intervening legal rights and on Tribal land claims. In no event should any identification of remedies include divestiture of private property rights.

The bill we introduce today directs that if the GAO concludes that the obligations of the United States under the Treaty of Guadalupe-Hidalgo regarding the protection of the community land grant rights do not appear to have been met, the Department of Justice shall prepare for the President a list of alternative methods to remedy the problem. The President will then submit to Congress recommendations to resolve these claims within six months of the submission of the GAO report. Again, we also wish to ensure that no recommendations include the potential divestiture of private property rights. We do not wish to transplant one potential injustice with another.

Trying to do justice 150 years after the fact is complicated. I am hopeful that this bill can address what has been, for too long, a tale of land loss and bitterness between the United States and some of its New Mexico citizens.●

By Mr. LIEBERMAN (for himself, Mr. SANTORUM, Ms. LANDRIEU, Mr. ABRAHAM, Mrs. FEINSTEIN, Mr. ROBB, and Mr. BAYH):

S. 2023. A bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes; to the Committee on Finance.

SAVINGS FOR WORKING FAMILIES ACT OF 2000

● Mr. LIEBERMAN. Mr. President, I rise today to proudly introduce with my esteemed colleagues, Senators SANTORUM, ABRAHAM, FEINSTEIN, LANDRIEU, BAYH, and ROBB, the Savings for Working Families Act of 2000. This legislation directly addresses a problem that is now starting to receive the attention that it deserves: the growing wealth gap in our country. This legislation builds on a bipartisan effort begun last session to help more low-income working families join our country's economic mainstream by addressing that wealth gap. Passing this legislation will help expand our economic winner's circle to include more working families. Because what goes up for the richest families, particularly in these boom times, need not come down for other families.

Today with my colleagues, I put forward a modest yet promising proposal that we believe will help more low income families share in our country's economic prosperity. Today we will introduce new legislation to support the expansion of Individual Development Accounts, or IDAs, an innovative and powerful tool to help the working poor save and develop the assets they need to get ahead and thrive in the new economy—to enter the winner's circle.

The Savings for Working Families Act of 2000 will benefit working, low-income families across this country to share in the unprecedented prosperity of our booming economy. Our bill brings together Republicans and Democrats, policy wonks and working mothers, and even financial institutions and consumers, all in support of a new approach to sustaining some American ideals—hard work, thrift, individual responsibility, and entrepreneurship. The Savings for Working Families Act of 2000 provides the real incentives and real opportunities for the working poor to build assets, both human and financial capital, which they in turn will be able to invest in our national economy.

Today's economy is defying gravity. The stock market is jumping to record highs while inflation and unemployment are hovering at record lows. Millions of Americans are reaping the benefits of the longest economic expansion in our history, including millions of working middle class families. Unfortunately, millions more are not.

Several recent studies have documented a growing income gap in the U.S.—an increasing income disparity between the rich and poor with declining incomes for both poor and low-income families. In addition to that income gap, a report released recently by the Federal Reserve Bank, has identified a significant asset gap in this country. A gap where the net worth—or assets—of the typical American family has risen substantially since 1989, while the net worth—or assets—of lower income families has actually declined during the economic boom of recent years.

According to the Fed report, families earning under $10,000 a year had a median net worth of $1,900 in 1989. That climbed to $4,800 in 1995, but had slipped back to $3,600 by 1998. Those families earning $10,000 to $25,000 saw their net worth drop from $31,000 in 1995 to $24,800 in 1998. More specifically, while the percent of all U.S. families that own a home or business has risen during the boom years of 1995–98, the percent among lower income families has decreased. For example, in 1995, 36.1% of families earning under $10,000 annually owned their home. By 1998 the rate had dropped to 34.5%. The drop for families earning $10,000 to $25,000 was from 54.9% to 51.7%. The same story is true for the percent of lower income families owning a business.

The Savings for Working Families Act of 2000 will directly address exactly this asset gap. Our bill seeks to address this imbalance by dramatically expanding the use of IDAs. IDA programs

do work and are reporting real success in spurring savings and asset building on a small scale in hundreds of communities across the country. Already 27 states have passed some form of IDA program legislation.

In my home state of Connecticut, there is today only one pilot IDA program in existence. A handful of low income individuals are now starting to take part in a strong IDA program run by the Committee for Training and Employment, or CTE, a cutting edge community-based organization providing a range of services and activities to address poverty issues in the greater Stamford area. In Connecticut we are hopeful that we will soon be seeing an expansion of IDA accounts and programs. A statewide IDA Task force, convened by Connecticut State Treasurer, Denise L. Nappier, recently released a report to jump-start more IDA activity in the state. Its thoughtful analysis and authoritative recommendations will certainly help to increase IDAs in our state. The Savings for Working Families Act of 2000 was drafted in consideration of the excellent IDA work under way in states and communities all across the country.

The idea is simple, but powerful. Low income workers who put their hard earned dollars into IDAs would get matching funds from financial and other private entities. A federal tax credit will provide the incentives for those private sector investments in IDAs. The IDA savings could then be used by low income working families to develop assets, specifically for the purchase of a home, the pursuit of a post-secondary education, or to start a business. In essence, this legislation extends to lower income working families the type of incentives for building assets, such as the home mortgage interest deduction, preferential capital gains rates and pension funds exclusions and incentives, that are now available on a large scale to the non-poor and wealthy.

Just last week, President Clinton underscored the promise of this approach in his State of the Union Address, when he put forward his Retirement Savings Account (RSA) proposal. Those RSAs are similar to the IDAs in this bill. In his proposal, the President rightly identified the potential of the private sector in strengthening the economic security of many of our most vulnerable citizens. Just as important, he made clear, as we do in the Savings for Working Families Act, that these IDA accounts are not simply an empty promise for a handout. They are a means to integrate more Americans into the broader economic mainstream.

In drafting this new IDA legislation, our objective was to keep it simple and based closely on S. 895, a bill that Senator SANTORUM and I introduced last year and that enjoyed strong bipartisan support. Modifications in the Savings for Working Families Act of 2000 are primarily technical in nature, recognizing that the IDA field has grown and evolved in the last year. We have also made a concerted effort in the new bill to realize the potential of critical private sector and nonprofit organizations to be effective IDA providers, including credit unions and community service organizations.

Moving forward, we are confident that we can get this bill passed because it addresses a threat to our fundamental faith in the American dream and to the vitality and long-term stability of our national economy. Our bill cannot singlehandedly eliminate the wealth gap, but we are confident that it will help carve out a little more space in that winner's circle and move us a step closer to making the American dream real for more working families.

Finally, I would like to thank each of the cosponsors of this bill, especially Senators SANTORUM and ABRAHAM. Through their hard work, and in conjunction with the financial services industry and the IDA field, we have legislation that achieves a very public interest. In particular, I would like to note the leadership of the Corporation for Enterprise Development (CFED) for helping to bring the voice of the IDA community to this creation of this bill. With the Savings for Working Families Act of 2000, we are able to harness the creative forces of the marketplace to help secure our core democratic values, holding out the hope of free enterprise without the false promise of a free lunch, and giving some tangible meaning to those core values of community, opportunity and responsibility. In expanding the use of IDAs across the country as an empowerment tool for working families, this legislation speaks to our shared aspirations as Americans.●

Mrs. BOXER (for herself, Mr. SMITH of Oregon, and Mr. KENNEDY):

S. 2026. A bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts; to the Committee on Foreign Relations.

THE GLOBAL AIDS PREVENTION (GAP) ACT OF 2000

● Mrs. BOXER. Mr. President, last month, the United States held the rotating presidency of the U.N. Security Council. And something historic happened. Under the leadership of Ambassador Holbrooke and Vice President Gore, the Security Council for the first time ever discussed an international health issue.

The issue was the spread of AIDS, particularly in sub-Saharan Africa. In raising the profile of this issue—in putting it before the U.N. Security Council—there was a recognition that the AIDS crisis is a security threat—a threat to the peace, stability, and prosperity of nations around the world.

Nowhere is that more true than in sub-Saharan Africa, where the United Nations has said that AIDS is ''the worst infectious disease catastrophe since the bubonic plague.''

Since the beginning of the HIV/AIDS epidemic, 13.7 million people in sub-Saharan Africa have died of AIDS. That is 84 percent of all the people in the world who have died of AIDS since the beginning of the epidemic. Last year, two-thirds of all new cases of HIV/AIDS were in sub-Saharan Africa. And of all the people in the world living with HIV/AIDS, 69 percent of them live in sub-Saharan Africa.

Mr. President, this is not just a matter of more deaths and more cases because there are more people. Of adults in sub-Saharan Africa who are aged 15–49, eight percent of them have HIV/AIDS. Percentages from specific countries are even more dramatic. In Zimbabwe, it is estimated that 26 percent of all adults aged 15–49 are living with the disease. In Botswana, it is 25 percent, and in Namibia, it is 20 percent.

Unlike any other area of the world, the HIV/AIDS epidemic in sub-Saharan Africa is predominately a woman's disease. A majority of infected adults—55 percent to be exact—are women.

This creates ripple effects. When women get the disease, they often pass it along to their unborn babies. As a result, about 10 percent of the HIV/AIDS cases in sub-Saharan Africa are children. More dramatically, when women die, their children often become orphans. By the end of this year, the HIV/AIDS epidemic will be the reason that over 10 million children in sub-Saharan Africa are orphans.

How many children is that? There are about 10 million people 18 years old and younger in California. Imagine if every single one of them was an orphan. That is what we are talking about in sub-Saharan Africa. Ten million children. Even worse, according to those who are working on this issue in Africa, the number of children orphaned there because of HIV/AIDS could double, triple, or even quadruple in the next decade.

I have mentioned, Mr. President, a lot of statistics, a lot of numbers. but behind each number there is a face. A face of a man living with HIV; a face of a woman dying of AIDS; a face of an orphan with no family and no place to go. In Sub-Saharan Africa, there are faces upon faces upon faces.

This is a global tragedy, a global catastrophe, a global emergency. It requires a global response. And the United States must lead the way.

So today, I am introducing, along with my colleague on the Foreign Relations Committee, Senator GORDON SMITH, the Global AIDS Prevention Act—the GAP Act. It calls on the United States Agency for International Development—USAID—to make HIV/AIDS a priority in the foreign assistance program and to undertake a comprehensive, coordinated effort to combat HIV/AIDS. That effort must include primary prevention and education; voluntary testing and counseling; providing medications to prevent the transmission of HIV/AIDS from mother to child; and care for those living with HIV/AIDS.

To accomplish this, the GAP Act would increase funding for USAID's international HIV/AIDS effort. Over five years, the bill would authorize $2 billion for the fight against AIDS, and at least $1 billion of that is dedicated to the problem in sub-Saharan Africa.

I want to commend the work done so far by USAID. This year, the Agency will spend $200 million to fight HIV/AIDS abroad. Unfortunately, this is the first time in six years that there has been an increase in the funding for this important effort. And it is still far short of what is needed. It is time to close the gap. Passing the GAP Act would be a great step forward.

Now, Mr. President, I have talked about the problem in sub-Saharan Africa. That is where the problem is the worst and where the need is most urgent. It has also been the focus of most of the public attention in the last few months.

But, be warned. We must not fool ourselves into thinking that sub-Saharan Africa is the only place with a problem. In terms of raw numbers, India has more people living with HIV/AIDS than any other nation in the world. And experts tell us that in the near future, the problem may actually grow faster in Southeast Asia than in Africa.

The GAP Act recognizes the need to be flexible. As I mentioned, it dedicates at least 50 percent of the funding to sub-Saharan Africa. USAID is actually spending about 65 percent of its AIDS dollars in that region now. This bill will continue to allow USAID to spend that higher percentage, but it will also provide the Agency with the flexibility to address the problem elsewhere in the world.

As I mentioned, Mr. President, I am joined in this effort by Senator GORDON SMITH. He and I worked together last summer in introducing a bill to fight the international tuberculosis problem. I am pleased and honored to join with him again in introducing bipartisan legislation to address an urgent international health problem.

Mr. President, in the United States, When the epidemic first hit two decides ago, too many people in positions to make a difference ran inside, locked the doors, closed the curtains, and just hoped it would go away. The victims were blamed instead of helped. Those at risk were ridiculed instead of educated. Those who were dying were shunned instead of cared for.

We did not begin to make progress against HIV/AIDS in this country until we discussed the problem in the light of day and until we made a serious investment in education, prevention, treatment, care, and research. Progress will not be made in Africa or anywhere else in the world unless we do the same. Now is not the time to pretend the problem does not exist or that it does not matter to us. Now is the time to act.

The GAP Act would help to close the gap between what we need to fight this disease and what we are now spending. The GAP Act would help to close the GAP between the developed and the developing world in dealing with this epidemic. The GAP Act would help to close the gap between our words and our actions. I ask my colleagues to close these gaps by cosponsoring the GAP Act.

Finally, I ask that a copy of the bill and a letter of endorsement from Family Health International be inserted in the RECORD.

The material follows:

S. 2026

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 ''Global AIDS Prevention Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since the beginning of the HIV/AIDS epidemic 2 decades ago, more than 16,300,000 people worldwide have died of the disease.

(2) More than 33,600,000 people in the world are living with HIV/AIDS; more than 3,000,000 of them are children.

(3) Sub-Saharan Africa has been particularly hard hit by the disease, as the region has accounted for—

(A) 84 percent of the worldwide deaths from HIV/AIDS;

(B) two-thirds of the new infections in 1999; and

(C) 69 percent of those living with the disease.

(4) In sub-Saharan Africa, 55 percent of the infected adults are women and, as a result, more than 10,000,000 children have been orphaned in sub-Saharan Africa because of HIV/AIDS—a figure that could double or triple in the next decade.

(5) According to the United Nations, HIV/AIDS in sub-Saharan Africa is the ''worst infectious disease catastrophe since the bubonic plague''.

(6) The HIV/AIDS problem in Southeast Asia is growing dramatically. In 1999, 20 percent of the new infections in the world were in Southeast Asia.

(7) New investments and treatments hold out promise of making progress against the HIV/AIDS epidemic. For example, a recent study in Uganda demonstrated that a new drug could prevent almost one-half of the HIV transmissions from mothers to infants, at a fraction of the cost of other treatments.

(8) Making progress against HIV/AIDS requires a global commitment, with a leadership role from the United States.

SEC. 3. AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following new paragraph:

''(4)(A) Congress expects the agency primarily responsible for administering this part to make HIV/AIDS a priority in the foreign assistance program and to undertake a comprehensive, coordinated effort to combat HIV/AIDS. This effort shall include providing—

''(i) primary prevention and education;

''(ii) voluntary testing and counseling;

''(iii) medications to prevent the transmission of HIV/AIDS from mother to child; and

''(iv) care for those living with HIV/AIDS.

''(B)(i) In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President to carry out this paragraph $300,000,000 for fiscal year 2001, $350,000,000 for fiscal year 2002, $400,000,000 for fiscal year 2003, $450,000,000 for fiscal year 2004, and $500,000,000 for fiscal year 2005.

''(ii) Not less than 50 percent of funds made available each fiscal year under clause (i) shall be used to combat the HIV/AIDS epidemic in sub-Saharan Africa.

''(iii) Funds appropriated under this subparagraph are authorized to remain available until expended.''.

FAMILY HEALTH INTERNATIONAL,
FAMILY HEALTH INSTITUTE,
Arlington, VA, January 31, 2000.

Hon. BARBARA BOXER,
Hart Senator Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: Based on Family Health International's 14 years of experience managing more than 1,200 HIV/AIDS prevention and care projects in 60 countries—the majority in sub-Saharan Africa—we strongly support The Global AIDS Prevention Act of 2000.

The need for scaling up HIV/AIDS prevention and care programs in Africa is urgent. We know firsthand that the United States needs to provide more assistance than it has in the past to save more lives, bolster regional security and protect the interests of the United States not only in sub-Saharan Africa, but around the world.

We are pleased that you and members of the U.S. Senate and Congress recognize the urgency of this need and the crucial role the United States plays in international HIV/AIDS prevention and care programming. We have the tools and expertise needed to make a dramatic difference in preventing more people from being infected with HIV and caring for people living with HIV/AIDS. But, this difference can only be made by providing the level of resources it will take to greatly expand the initiatives the United States already has underway with our hundreds of local partners overseas.

We appreciate your recognition and support for the critically important work being done by nongovernmental organizations, including Family Health International, and the United States Agency for International Development. Continuing leadership by the United States on HIV/AIDSs initiatives is needed more urgently now than ever before: by the end of this year, some 60 million people, including over a million Americans, will have been infected with HIV since this global pandemic began.

Your support and that of the U.S. Senate is needed now more than ever, Senator Boxer. We need much more support to save more lives, increase the basic health, well-being and productivity of millions threatened by, infected with or affected by HIV/AIDS, including millions of children, worldwide.

Sincerely,

PETER R. LAMPTEY, M.D. DR. P.H.,
Director, IMPACT Project,
Senior Vice President, AIDS Programs.

Mr. SMITH of Oregon. Mr. President, I rise today to join Senator BOXER in introducing the Global AIDS Prevention Act. This legislation authorizes $2 billion over the next five years to support the Agency for International Development's [AID] efforts to prevent and treat HIV/AIDS abroad. Fully half of the funds authorized would go to fight AIDS in sub-Saharan Africa. The remainder will go to other areas, including some countries of Southeast Asia where infection rates are growing at alarming rates.

While the nations of sub-Saharan Africa have faced a myriad of disasters in

the last decades of the 20th century, few reach the cataclysmic proportions that the spread of AIDS has wrought on every level of life in that area. The statistics are mind-numbing—in some countries, one of four adults are living with HIV/AIDS. Life expectancies in those countries over the next 5 years have been slashed from the mid-60s to the early forties. Cumulative deaths attributable to AIDS numbered over 13 million by 1999 and the number of children orphaned by AIDS is estimated between 7 and 10 million. An estimated 1 million children in Africa are HIV positive.

These numbers impact every facet of life in this region of Africa. Where populations of adults aren't likely to enter the workforce or care for their children, an economy cannot prosper and grow. Where millions are orphaned, many times watching their parents die, a future that includes any basic education is likely not to happen. Where governments struggle with civil strife, the basic medical needs of its populations go unmet. I am proud of the private and religious organizations that have heroically struggled to fight the impact on families, however it is clear that the scope of the AIDS crisis requires additional support.

In an area where some country infection rate reaches one out of four of the adult population, our diplomatic efforts must first and foremost include a means to stop this epidemic. While the internal political strife in some of these countries can be equally heartbreaking in outcome, the ongoing devastation spread by AIDS in some of these countries needs to be addressed in a broad and immediate way.

I would like to commend my colleagues from California for her strong leadership in this area and I call on my colleagues on both sides of the aisle to support this legislation and meet this devastating epidemic.

By Mr. VOINOVICH (for himself and Mr. GRAMM):

S.J. Res. 38. A joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. VOINOVICH. Mr. President, the Congressional Budget Office, CBO, released figures last week showing that the United States is on track to achieve a $23 billion on-budget surplus this fiscal year. If CBO's figures hold up, then the United States will have achieved a true, on-budget surplus for the first time in 40 years.

In addition, the United States could enjoy an on-budget surplus ranging somewhere between $11 billion and $69 billion in fiscal year 2001, depending on which set of figures you use.

But what I find truly amazing is what CBO reports could occur over the next 10 years. Under the most realistic assumptions about discretionary spending, CBO estimates we could achieve an on-budget surplus of nearly $900 billion.

As good as this sounds, we must remember not to get ahead of the game. Just because we could obtain an on-budget surplus, does not mean we have obtained an on-budget surplus.

Whatever on-budget surplus we actually achieve this year—and the years that follow—is predicated on the ability of Congress and the President to resist the urge to spend it. Unfortunately, with an amount of unobligated money that large, there will be calls from all segments of society and Government to increase funding for this program, or create that program, or institute massive tax cuts.

That is why the very first priority for this year must be to oppose the temptation to squander this year's surplus on a pork-laden supplemental appropriations bill. I implore my colleagues to maintain the necessary discipline that will let these surpluses grow.

Even though I am cautiously optimistic about the on-budget surpluses projected for this year and the next, I still do not believe we should treat CBO's projections as the gospel truth as we plan 10 years, or even 5 years, down the road.

That is because, as most any economist will tell you, the only thing certain about projections is their uncertainty.

In testimony before the House Banking Committee last year, Federal Reserve Chairman Alan Greenspan said:

. . . it's very difficult to project with any degree of conviction when you get out beyond 12, 18 months.

In addition, he stated:

Projecting five or ten years out is a very precarious activity, as I think we have demonstrated time and time again.

Last July, CBO Director Dan Crippen said, in testimony before the Senate Budget Committee that ''10-year budget projections are highly uncertain'' and that ''economic forecasting is an art that no one has truly mastered.'' And that is from the Director of CBO—the man in charge of making Congress' surplus projections.

More alarming, as we all know, these surplus projections don't reflect the ticking time bomb of Social Security and Medicare costs that will explode when the baby boomers begin to retire—something that Congress and the President must address now.

More importantly as we bask in the euphoria of these projected surpluses, we must not forget the sobering fact that we still have a $5.7 trillion national debt—a national debt that costs us more than $224 billion a year to service. That is more than $600 million a day in interest costs alone.

Out of every Federal dollar spent, 13 cents goes to pay the interest on the national debt.

In comparison: 16 cents goes for national defense, 18 cents goes for nondefense discretionary spending, and 53 cents goes for entitlement spending.

Here is the chart. I think most people are not familiar with it. This shows where the Federal dollar goes: net interest, 13 percent; national defense, 16 percent; nondefense discretionary spending, 18 percent; and 53 percent for mandatory spending.

Think about it. We spend more on interest each year than we spend on Medicare. It is easy to understand our difficulty in reforming Medicare or providing a prescription drug benefit or funding countless other beneficial programs when the money we could use to pay for such programs or activities is being spent on interest.

That is why I believe every fiscal decision we make from here on must be measured against the backdrop of how it will decrease our $5.7 trillion national debt.

In fact, in testimony before the Senate Budget Committee last week, CBO Director Crippen stated:

Most economists agree that saving the surpluses, paying down the debt held by the public, is probably the best thing that we can do relative to the economy.

On the very same day, Federal Reserve Chairman Greenspan said,

My first priority would be to allow as much of the surplus to flow through into a reduction in debt to the public. From an economic point of view, that would be, by far, the best means of employing it.

Lowering the debt sends a positive signal to Wall Street and to Main Street. It encourages more savings and investment which we really need in the country, and, in turn, it fuels productivity and continued economic growth. It also lowers interest rates, which in my view, is a ''bird-in-the-hand'' cost reduction for most Americans, and better than the ''two-in-the-bush'' tax-reduction proposals floating around this Congress.

Furthermore, devoting on-budget surpluses to debt reduction is the only way we can ensure that our Nation will not return to the days of deficit spending should the economy take a sharp turn for the worse or a national emergency arise.

As Alan Greenspan recently testified:

A substantial part of the surplus. . .should be allowed to reduce the debt, because you can always increase debt later if you wish to, but it's effectively putting away the surplus for use at a later time if you so choose.

Even as most economists agree that the best use of any surplus is to apply it against the debt, the bad news is, the President and some of my colleagues believe the best use of this possible surplus is to increase spending and provide tax expenditures.

By merely proposing his plan, as he outlined at his State of the Union Address, the President has assured a path of confrontation both with this Congress and within this Congress.

I believe that Congress and the President need to avoid such partisan politics and work together on reaching an agreement as to how best to utilize these surpluses.

Further, I believe the best option available to us is to agree on a realistic

adjustment to the 1997 budget caps, do the best we can to respond to the needs of the American people within that limit, and use the balance of the surplus to pay down the national debt.

If we can't start paying down our national debt now, with the longest period of economic growth in the history of our Nation, with record low unemployment and low inflation, when will we ever be able to do it?

We have a moral obligation to do it now.

I am ashamed, and so should my colleagues be ashamed, that because of 30 years of irresponsible fiscal policies our national debt has increased 1,300 percent. My granddaughters, Mary Faith and Veronica, and my 2-week-old grandson, John, have each inherited a debt of nearly $21,000 because Members of Congress and our Presidents weren't willing to pay for the things they wanted, or, in the alternative, do without those items they could not afford.

I agree with General Accounting Office Comptroller General David Walker, who, in testimony before the House Ways and Means Committee said:

This generation has a stewardship responsibility to future generations to reduce the debt burden they inherit, to provide a strong foundation for future economic growth, and to ensure that future commitments are both adequate and affordable. Prudence requires making the tough choices today while the economy is healthy and the workforce is relatively large—before we are hit by the baby boom's demographic tidal wave.

Fortunately, that message is starting to be heard. Last month, Speaker of the House, Dennis Hastert, announced his goal of eliminating all federal debt held by the public by 2015. Not soon enough, but Speaker Hastert gets it. And I hope my colleagues on both sides of the aisle join us in supporting debt reduction as our primary fiscal goal because it is in the best interest of this nation.

In order to ensure fiscal discipline and prevent us from ''backsliding'' into the fiscal mess we've been in for the past 30-plus years, I am introducing today a Balanced Budget Amendment to the Constitution, or what I like to refer to as the ''backbone budget amendment.''

I believe it is the only guarantee that we will never return to the days of deficit spending and the accumulation of debt, and we should do it now. Now! The time is right, and those of my colleagues who have championed this in the past should seize upon this opportunity to join me in this effort, because, as they know, or should know, a Balanced Budget Amendment is the most effective method of keeping a handle on spending.

My proposal is a departure from previous proposals by stipulating that Social Security surpluses be exempt from deficit calculations. That is, a true balanced budget must be achieved without using off-budget Social Security surpluses to finance spending in other areas. A federal balanced budget constitutional amendment will help Congress and the President make the hard decisions because they will no longer be able to tap the Social Security surplus.

It is a simple matter of fact that without constitutional and statutory balanced budget provisions at the state and local level, many of our state and local governments would be in the same degree of debt as the federal government.

And let me just touch on my own personal experience, because I've had to deal with very real financial problems in my state. Without a charter provision and a constitutional requirement, it would have been virtually impossible for me to bring the City of Cleveland out of the default I inherited when I was Mayor, and to deal with Ohio's $1.5 billion deficit when I was Governor.

Think about it—if we had a Balanced Budget Constitutional Amendment, and if we were to have a President who didn't want to make tough budget choices on his or her own, the Balanced Budget Constitutional Amendment would give the President the backbone he or she needs to make those tough choices.

And believe me, I've discovered after just 1 year in the Senate, this Congress needs the ''Backbone Budget Amendment'' to force us to make those tough choices. If we pass the amendment, I'm confident that three-fourths of our state legislatures would ratify it without question, because most of them are required by laws in their respective states to balance their budgets.

And there is one other thing we need to do now, and that is enact Senator DOMENICI's biennial budget legislation.

I am a co-sponsor of this legislation because I believe it is an important tool to help use federal funds more efficiently and strengthen Congress' proper oversight role.

Right now, we spend far too much time debating the federal budget, particularly discretionary spending. Conversely, we don't devote nearly as much time as we should on oversight of the federal agencies because of the time and energy consumed by the budget resolution, budget reconciliation and the appropriations process.

Indeed, when he introduced his legislation last year, Senator DOMENICI pointed out in his statement that in 1996, 73% of the votes taken in the Senate that year were related to the budget—often the same subject is voted upon 3 or 4 times a year.

A biennial budget will help Congress and the Executive Branch avoid the annual, lengthy budget and appropriations process and allow us to increase our attention on the government oversight portion of our job.

As Chairman of the Subcommittee on Oversight of Government Management and Restructuring, I have noted that GAO report after GAO report sits on the shelf and no one does anything about them because no one has the time to conduct the follow-up.

And from career bureaucrats to Cabinet Secretaries, nearly everyone in the Executive branch knows that when they're asked to come up to the Hill for an oversight hearing, once it's over, it's over—rarely do they have to worry about any follow-up hearings because Congress just doesn't have the time.

Unfortunately, that reality can create problems that impact public safety or national security.

As a freshman Senator, I was shocked to learn when we had hearings this past year regarding Dr. Lee and the situation at the Los Alamos National Lab that for 20 years we've had a problem with security at the Department of Energy, and no one did anything about it. But GAO knew: they've released 31 major reports on nuclear-security problems at the Department since 1980. That's just incredible!

We need the time for oversight, and the 2-year budget cycle will make that possible, just like it did when I was Governor of Ohio.

There is an old saying, ''prepare for tomorrow, today.'' The President and Congress must make a real commitment to fiscal responsibility, and if we need an example, all we have to do is emulate what most American families do when they have extra money. They don't go out and start spending wildly. They look to pay off their debts—their credit cards, their loans and their mortgages.

With our booming economy and with inflation and unemployment at historically low levels, there exists the best opportunity in a generation to pay down the national debt, reform and preserve Social Security and Medicare and ensure that our Nation meets its constitutional obligations. Such a legacy of fiscal responsibility would be the best possible gift we could give to our children and grandchildren, and to our Nation.

Mr. President, I ask unanimous consent to print a copy of my legislation in the RECORD.

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

S.J. RES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE—

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

''SECTION 3. Any surplus of receipts (including attributable interest) over outlays of the Federal Old-Age and Survivors Insurance and

the Federal Disability Insurance Trust Funds shall not be counted for purposes of this article. Any deficit of receipts (including attributable interest) relative to outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds shall be counted for purposes of this article, and must be completely offset by a surplus of all other receipts over all other outlays.

''SECTION 4. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 5. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

''SECTION 6. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 7. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 8. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.

ADDITIONAL COSPONSORS

S. 189

At the request of Mr. INOUYE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 189, a bill to restore the traditional day of observance of Memorial Day.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 1045

At the request of Mr. L. CHAFEE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1045, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who acquire structured settlement payments in factoring transactions , and for other purposes.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1163

At the request of Mr. BENNETT, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1163, a bill to amend the Public Health Service Act to provide for research and services with respect to lupus.

S. 1237

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1237, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1895

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1895, a bill to amend the Social Security Act to preserve and improve the Medicare program.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1934

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1934, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for business-provided student education and training.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Washington (Mr. GORTON), the Senator from Florida (Mr. MACK), the Senator from Tennessee (Mr. FRIST), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2010

At the request of Mr. HELMS, his name was added as a cosponsor of S. 2010, a bill to require the Federal Communications Commission to follow normal rulemaking procedures in establishing additional requirements for noncommercial educational television broadcasters.

S. 2013

At the request of Mr. MCCAIN, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Virginia (Mr. ROBB), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. CON. RES. 69

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 69, a concurrent resolution requesting that the United States Postal Service issue a commemorative postal stamp honoring the 200th anniversary of the naval shipyard system.

S. RES. 128

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. HATCH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Rhode Island (Mr. REED), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Res. 128, a resolution designating March 2000, as ''Arts Education Month.''

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Nevada (Mr. BRYAN), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Nebraska (Mr. HAGEL), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. SSRBANES), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as ''National Correctional Officers and Employees Week.''

AMENDMENT NO. 2763

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Nevada (Mr. REID), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Amendment No. 2763 proposed to S. 625, a bill to amend title

11, United States Code, and for other purposes.

SENATE RESOLUTION 251—DESIGNATING MARCH 25, 2000, AS ''GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY''

Mr. SPECTER (for himself, Mr. TORRICELLI, Mr. ABRAHAM, Mr. BIDEN, Mr. DEWINE, Mr. DODD, Mr. HARKIN, Mr. KENNEDY, Mr. KOHL, Ms. MIKULSKI, Mr. ROBB, Mr. ROTH, Mr. THOMAS, Mr. WARNER, Ms. LANDRIEU, Mr. MOYNIHAN, Mr. SARBANES, Mr. LAUTENBERG, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FITZGERALD, Mrs. MURRAY, Mr. DURBIN, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. GRASSLEY, Mr. STEVENS, Mr. SCHUMER, Mr. REED, Mr. LEVIN, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S.RES. 251

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II;

Whereas President Clinton, during his visit to Greece on November 20, 1999, referred to modern day Greece as ''a beacon of democracy, a regional leader for stability, prosperity and freedom, helping to complete the democratic revolution that ancient Greece began;''

Whereas these and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 2000, marks the 179th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2000, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, today I am pleased to submit a resolution along with 25 of my colleagues to designate March 25, 2000, as ''Greek Independence Day: A Celebration of Greek and American Democracy.''

One hundred and seventy-nine years ago, the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, ''to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness.'' It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government.

It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been signed into law each of the past several years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.

Mr. TORRICELLI. Mr. President, I rise today in support of the resolution submitted by Senator SPECTER designating March 25, 2000 as Greek Independence Day. The Greek-American community has made significant contributions to the United States. It is in honor of those achievements that we recognize Greek Independence Day.

The ancient Greeks conceived the very notion of democracy when they placed the power to govern in the hands of the people. Our founding fathers relied on the political and philosophical experiences of ancient Greece to create the government we have today. As a result, America's close relationship with Greece is long and historic. I believe that James Monroe best expressed America's feelings toward Greece when he said, ''The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feeling of which our nature is susceptible.''

As Greece fought for its independence in the 1820s, the American Revolution became a driving ideal. In fact, Greek intellectuals translated our own Declaration of Independence to use as their statement of freedom. By the end of World War II, Greece was one of our most important allies in the region as it fought to stem the Communist tide across Europe. In 1953, President Dwight D. Eisenhower appropriately noted this effort when he said, ''. . . Greece asked no favor except the opportunity to stand for the rights which it believed, and it gave to the world an example of battle, a battle that thrilled the hearts of all free men and free women everywhere.''

Today, we know that Greece is one of only three nations in the world which has allied itself with the United States in every major international conflict this century. Through immigration, we have grown even closer. During the early 1900s, one out of every four Greek males between the ages of 15 and 45 emigrated to the United States. Greek-Americans have the highest median educational attainment among all American ethnic nationalities, and they are now a successful and integral part of this country.

The relationship between Greece and America is a unique one which has survived the test of war and the looming threat of Communism. We owe a great deal to Greece, and to its people who have chosen to make America their home. Greek civilization touches our lives as Americans and enhances the cultural existence of this great nation. I hope my colleagues will join me in expressing our gratitude to Greece and all Greek-Americans for the role they have played in building this country.

SENATE RESOLUTION 252—EXPRESSING THE SENSE OF THE SENATE THAT REBIYA KADEER, HER FAMILY MEMBER AND BUSINESS ASSOCIATE, SHOULD BE RELEASED BY THE PEOPLE'S REPUBLIC OF CHINA

Mr. WELLSTONE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 252

Whereas members of the Uighur minority population in Xinjiang, China, are subject to ongoing repression and violations of their internationally recognized rights of free expression, association, and belief;

Whereas on August 11, 1999, the Government of the People's Republic of China arbitrarily detained Rebiya Kadeer, a prominent and respected Uighur businesswoman well-known in the United States;

Whereas from 1993 to 1998, Ms. Kadeer was an elected member of the Provincial People's Political Consultative Conference in Xinjiang;

Whereas in 1995, Ms. Kadeer was a delegate to the United Nations Fourth World Conference on Women in Beijing;

Whereas the police have detained Ms. Kadeer previously and kept her under close surveillance, threatening her because of the alleged separatist activities of her husband, who came to the United States in 1996 and was granted political asylum after publishing articles critical of the Chinese Government;

Whereas on September 2, 1999, Chinese authorities formally charged Ms. Kadeer with ''illegally offering state secrets across the border'', and she is currently detained in Urumqi, the capital of Xinjiang;

Whereas Ms. Kadeer's son, Ablikim Abdyirim, and her secretary, Kahriman

Abdukirim, were also arbitrarily detained by Chinese security forces in August 1999 in Urumqi, without any justification or evidence of their involvement in criminal activities of any kind; and

Whereas on November 20, 1999, Ablikim Abdyirim was sent for 2 years to the Wulabai Reeducation Through Labor School, without charge or judicial review, in clear violation of international human rights standards, and Kahriman Abdukirim received a 3-year sentence in the same facility: Now, therefore, be it

Resolved, that the President should express to the representatives of the Government of the People's Republic of China the sense of the Senate that Ms. Kadeer, her family members and business associate, should be immediately and unconditionally released.

Mr. WELLSTONE. Mr. President, China's terrible treatment of ethnic minority Uighurs, a Muslim community in the northwestern province of Xinjiang, has not received the same level of international attention as that of the Tibetans. The Uighurs are also subject to ongoing repression and violations of their internationally recognized rights of free expression, association and belief. The Chinese government is cracking down on a separatist movement in Xinjiang as part of its overall strategy of maintaining ''stability'' at all costs. According to human rights organizations such as Amnesty International and Human Rights Watch, over the past year China has used draconian measures including public sentencing rallies, long prison terms, and—alarmingly—a rising number of executions of suspected ''splittists.''

In an apparent attempt to stop the flow of information overseas about this crackdown, Chinese security officials arbitrarily detained a prominent Uighur businesswoman, Ms. Rebiya Kadeer, this past August in Urumqi, the capital of Xinjiang. Her husband is a U.S. resident who broadcasts on Radio Free Asia and the Voice of America, championing the cause of his people.

For years, Ms. Kadeer has been praised by the Chinese government for her efforts to promote development in Xinjiang, including a project helping Uighur women develop their own businesses. She has also been praised in the Wall Street Journal for her business savvy. She owns a department store in Urumqi as well as a profitable trading company.

But now she has been put out of business, is being held in prison awaiting trial, charged last September with ''illegally offering state secrets across the border.'' Even worse, her son and her secretary were also detained and have already been sent to a labor camp. If Ms. Kadeer is convicted, she could be sent to prison for many years.

Ms. Kadeer's case demonstrates that even business people in China are not safe from the arbitrary use of state power. As China tries to become a member of the World Trade Organization, this reality is crucial to bear in mind—both for Chinese and foreign investors.

I urge my colleagues to call on the President to seek the immediate, unconditional release of Ms. Kadeer, her son, and secretary. Today I offer a sense of the Senate resolution urging their release, and hope it can be considered quickly and adopted unanimously by this body.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, February 2, 2000, in open session, to receive testimony on the situation in Bosnia and Kosovo.

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

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on February 2, 2000 at 10:00 a.m. to hear testimony regarding the status of Internal Revenue Service Reform.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on ''Gene Therapy: Promoting Patient Safety'' during the session of the Senate on Wednesday, February 2, 2000, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 2, 2000 at 10:00 a.m. To hold an open hearing on intelligence matters.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 2, 2000 at 2:00 p.m. To hold an closed hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

HONORING JIM ATKINSON

• Mr. BAUCUS. Mr. President, I rise today to honor a true Montana hero—Jim Atkinson. His death, after a long battle with leukemia last December, was a great loss to me personally and to the State of Montana.

You know, we always talk about how important education is. Especially here in Congress, we talk about how children are the future and that we need to invest in that future, and that's true. But Jim Atkinson did more than just talk about education; he lived it. He was on the front lines every day, as a principal at Charlo Elementary and later as the vice president of the Montana Association of Elementary and Middle School Principals.

As an Administrator in the Montana school system, Jim was instrumental in the effort to modernize our State's schools. He realized quickly how important technology would be to students, and set up a computer lab for the Charlo school. Without people like Jim all our talk about education wouldn't amount to anything. His foresight and dedication to education in Montana made him a true hero. But there was more to Jim than just his job.

Originally a native of Abington, PA, it was the outdoors and the land that brought Jim to Montana. He was an accomplished mountain climber and fly fisherman. Montana's rugged peaks and blue ribbon trout streams had a hold on Jim's soul. And Jim was a true family man. He is survived by his wife, Luan, and his two sons, Sam and Tyson.

Mr. President, Jim was a young man. He was only forty-eight at the time of his death. He spent his life serving his community, educating children, raising his family and enjoying the land of our majestic State. Many men would be lucky to accomplish this much in a hundred years. I expect Jim's legacy will last much longer than that.•

RECOGNITION OF MATTHEW E. SCHLIMME

• Mr. ASHCROFT. Mr. President, across America, buildings are named for great Americans and fallen heroes so that the living might memorialize the legacy of those who have died. Petty Officer 3rd Class Matthew E. Schlimme was just such an American. He was an extraordinary hero in service to his nation and fellow man.

Raised on a farm in Southeast Missouri, Matthew knew the value of hard work, the necessity for respect and consideration of others, and the need to overcome obstacles. One such obstacle he had from an early age was a fear of the water. Not only did Matthew join the U.S. Coast Guard to overcome his fear, but in doing so he served his country and saved a life.

On February 12, 1997, Officer Schlimme and two other Coast Guardsmen were thrown overboard in 24-foot seas while attempting to rescue a sailboat. Before going overboard, Schlimme was able to buckle in Seaman Apprentice Benjamin Wingo. Mr. Wingo was the sole survivor. Officer Schlimme lost his life, but gained the thanks of a nation.

Mr. Schlimme's parents, Larry and Haroletta Schlimme, of Burfordville,

Missouri, were present at the January 27, 2000, dedication of the Matthew E. Schlimme Industrial Facility in St. Louis. The building will provide a production site for navigation equipment and will house the St. Louis Electronic Support Detachment.

Mr. and Mrs. Schlimme can be proud of their son's bravery and courage. His act of heroism has been remembered in the hearts of many Missourians. All of Missouri is deeply grateful to Officer Schlimme for his bravery and ultimate sacrifice.●

MAESTRO YURI TEMIRKANOV

● Mr. SARBANES. Mr. President, I am most pleased to join with the citizens of Maryland, Governor Parris Glendening, and other colleagues in government in welcoming Maestro Yuri Temirkanov, one of the most talented and gifted conductors of our time, as the new Music Director of the Baltimore Symphony Orchestra.

Maestro Temirkanov's inspired energy, imagination, and popularity, coupled with the renowned excellence and stellar reputation of the Baltimore Symphony Orchestra, promises Marylanders and the nation an unprecedented artistic combination. As the eleventh Music Director in the Orchestra's 83-year history, Maestro Temirkanov will oversee all artistic programming of the BSO, conduct twelve subscription concerts, the opening fundraising gala, any recordings, and will lead tours as well.

The Baltimore Symphony Orchestra, through its critically-acclaimed concert tours, Grammy Award-winning recordings, and cutting-edge concert formats, has earned deserved respect in the world of classical music. The addition of Maestro Temirkanov takes the BSO to the highest echelon of musical excellence and achievement. A recent article from the Baltimore Sun included the following quote from Mikhail Baryshnikov:

Baltimore audiences can look forward to special excitement, because Yuri Temirkanov is one of the truly inspired maestros of today.

Mr. President, as a strong supporter of the arts, and on behalf of the citizens of Maryland, I take great pleasure in welcoming Maestro Temirkanov to the Baltimore Symphony Orchestra and ask that recent articles from the Baltimore Sun, Baltimore Magazine, and the Washington Post, be printed in the RECORD.

The articles follow:

[From the Baltimore Sun, Jan. 21, 2000]

TEMIRKANOV POWERFUL IN BSO DEBUT

(By Terry Teachout)

So how does a brand-new music director go about making a really big impression at his inaugural concert?

Yuri Temirkanov, who took the helm of the *Baltimore Symphony Orchestra* last night, did it by detonating a performing of Gustav Mahler's 90-minute-long ''Resurrection'' Symphony at Joseph Meyerhoff Symphony Hall, aided and abetted by soprano Janice Chandler, mezzo-soprano Nancy Maultsby and the Baltimore Symphony Chorus. Short of inviting John Waters to set off nuclear weapons at midnight in the Chesapeake Bay, you can't get much bigger than that.

The 61-year-old Temirkanov is not a household name outside his native Russia, where he took over the legendary St. Petersburg Philharmonic in 1968 (back when it was the Lenigrad Philharmonic) and led it by all accounts with great distinction.

But he has already made waves in Baltimore. Several inches of snow didn't stop local music lovers from turning out in force to hear his official debut, and Mayor Martin O'Malley was on hand to declare him an honorary citizen of the city, expressing the hope that ''what is now great will become even greater.''

Though he's a certified performer, the major is hardly a full-fledged music critic. Still, I think he's onto something. Temirkanov gave us a ''Resurrection'' that was weighty, emphatic, deliberate and eloquent, with a resplendent finale full of great sunbursts of sound. What's more, the BSO has very clearly taken to him—with good reason. He is a powerful musical communicator with something strongly individual to say. Furthermore, it's clear that he has the kind of personality that makes orchestras long to play their best.

To be sure, orchestras almost always play their best when Mahler is on the program. He has become so popular in recent decades that it is hard to remember a time when he was ever anything else. Yet in his own time and for long afterward, the extreme emotional weather of his music struck most concertgoers as peculiar at best, neurotic at worst. Though his proteges, Bruno Walter and Otto Klemperer among them, resolutely insisted on programming and recording his symphonies, he was widely thought to be little more than a virtuoso conductor who composed on the side; in Ralph Vaughan Williams' wrong-headed but witty summing up, his years of podium experience had turned him into ''a tolerable imitation of a composer.''

We know better now, but do we really know Mahler? And are his violent passions likely to wear well in our icy age of Irony Lite? Certainly anyone who sees him as a musical special-effects man, or his colossal symphonies as turn-of-the-century equivalents of such movies as ''Independence Day,'' is missing the point. Mahler was nothing if not serious, especially about spiritual matters. Above all, he was (in Walter's apt phrase) ''a God-seeker,'' and his search was fraught with angst.

When rehearsing the ''Resurrection'' Symphony for his 1907 farewell concert with the Vienna Philharmonic, he went so far as to confess to that hard-boiled bunch of conductor-haters that it was a musical portrayal of ''the wrestling of Jacob with the Angel, and Jacob's cry to the Angel: 'I will not let thee go except thou bless me.''' Whatever else that is, it isn't cool.

If the Second Symphony, completed in 1894, is a supreme masterpiece of religious art, it is one whose essential character is as much theatrical—even operatic—as it is spiritual. The expansive first movement was conceived as a free-standing symphonic poem called ''Todtenfeier'' (Funeral Rites), and the four sharply contrasting movements that follow describe a journey from fathomless despair to the ecstatic deliverance of the Last Judgment.

Like Beethoven in his Ninth Symphony, Mahler ups the expressive ante by introducing vocal soloists and a chorus, who sing of the world's end and the heavenly life to come: ''All that has perished must rise again! Cease from trembling! Prepare to live!''

As it happens, the BSO is scarcely in need of resurrection. In his 13 years at the orchestra's helm, David Zinman deprovincialized what had long been perceived in the music business as a stodgy second-tier ensemble and turned it into one of America's strongest orchestras.

Among countless other good things, he taught the BSO how to play Mahler's demanding music. His 1995 performance of the Third Symphony is one of the happiest and most vivid memories of my concert-going life. In all the hoopla surrounding Temirkanov's arrival, it's worth remembering that what happened last night would not have been possible had it not been for Zinman's superb stewardship.

But Temirkanov is very much his own man, and he has had a striking effect on the sound of the BSO. Zinman was a quirky, intelligent modernist; Termirkanov is a high-octane romantic of the old school. A slight man who conducts without a baton, he makes large but straightforward gestures with his startlingly long and supple arms; he likes a dark, full sound, built from the basses up, and he favors plenty of portamento, the great swooping string slides that are so stylish in Mahler.

He doesn't value precision for its own sake—the first movement was expansive rather than tightly controlled, not always to its best advantage—but he knows how to rise to an expressive occasion, and the great choral finale was beautifully controlled and superbly passionate.

On the whole, this was a rather slow performance, more like Leonard Bernstein than Klemperer, and my taste runs to a Mahler that is tauter and more sardonic. Yet there a more than one way to make magic, and Temirkanov's interpretation seemed to me indelible. Indeed, the finale brought tears to my eyes, and I doubt I was alone.

The soloists, not surprisingly, were excellent. Janice Chandler was bright and pure, Nancy Maultsby ripe-voiced and warm. The Baltimore Symphony Chorus did itself proud and deserved its share of the 12-minute standing ovation at evening's end.

Aside from everything else, last night's concert (which will be repeated tonight at 8 p.m. and tomorrow at 11 a.m.) and next week's follow-up, an all-French program featuring pianist Leon Fleisher, are obviously designed to send out a subliminal message about the BSO's new boss. Most Russian conductors are perceived in the West as one-trick ponies, and Temirkanov is no exception: Of his 26 recordings, all but two are of Russian music.

To kick off his first season with Mahler, Debussy and Ravel is thus to issue a bold declaration of independence from repertoire stereotypes, which bodes well for a conductor who will be rightly expected to play the field. Judging by last night's performance, I'd say he's off to a terrific start. I plan to return next week to hear the second chapter in what promises to be a fascinating musical story. You come, too.

[From the Baltimore Magazine, Sept. 1999]

FROM RUSSIA, WITH LOVE

(By Max Weiss)

Yuri Temirkanov cannot tell a joke. He starts to tell it—in Russian, of course—and then halfway through, he starts to laugh. And then you start to laugh, because even though you haven't the faintest clue what he's saying, when Temirkanov laughs, it's impossible not to laugh with him. By the time he spits out the punchline, tears are streaming down his face; he's laughing this joyous, exuberant, completely guileless guffaw. And pretty soon, tears are streaming down your face even though his interpreter—

the inscrutable Mariana Stokes—has barely started translating. At this point, the joke is completely irrelevant.

But, just for the record, Temirkanov favors viola jokes. (Violas, in case you didn't know, are the Rodney Dangerfield of the orchestra.) And here's the first (of many) viola jokes Temirkanov tells:

How do you teach a viola player to play staccato?

You write out a whole note and tell him it's a solo.

(Okay, so maybe it's funnier in Russian.)

When David Zinman announced his retirement as music director of the Baltimore Symphony Orchestra two years ago, you could feel the panic in the music community. It was Zinman who had put the BSO on the map—made it artistically viable, world-renowned, even cutting edge. And it was Zinman who had really connected to Baltimore audiences with his regular-guy, artist-as-mensch persona. How could we possible replace him?

Enter Yuri Temirkanov.

It's not just that the 59-year-old Temirkanov—the music director of the St. Petersburg Philharmonic Orchestra and the former principal conductor of the Royal Philharmonic in London—is widely considered one of the most prodigiously talented conductors alive. It's also that Temirkanov is so completely lovable.

There are some people who exude empathy, whose every facial expression, gesture, vocal inflection conveys an emotion. That's Temirkanov. You can see this remarkable body language when he conducts. As he dances on the podium, waving his arms (he doesn't use a baton), he looks like he's playing an elaborate game of charades. Here he's petting a horse. Here he's churning butter. Here he's tinkling at an imaginary piano in the air. And yet every gesture is eminently clear. The horse petting thing: That's Temirkanov trying to get the brass to play with a more emphatic rhythm. The butter churning, that's urging for a more blended, sweeping sound. The tinkling in the air, that's to suggest the tossed-off nature of a woodwind arpeggio.

''He's very clear with what he wants,'' says Phillip Kolker, the orchestra's principle bassoonist. ''He doesn't speak much, but he has a very effective way of communicating.''

Because of his emotional expressiveness—coupled with his puckish good looks (he suggests a smaller, older Kenneth Branaugh), his romantic sensibilities (he has a penchant for lush interpretations of Beethoven and Shostakovich), and his insouciant charm (at a spring press conference, reporters hung delightedly on his every word)—Temirkanov is already a big hit with Baltimore fans.

When he performed his first concert series as BSO music director last March, the crowds were simply ecstatic. It was as if the audience wanted to embrace Temirkanov with a giant bear hug of applause and appreciation.

Temirkanov is humbled by this warm response—''it's incredibly touching,'' he says—but it's a safe bet that he wasn't happy with any of his first three performances.

''I never had a concert where I said to myself, 'Ahhh, that was really something!' '' he explains, munching on a cannoli at Vaccaro's Italian pastry cafe in Little Italy. ''When I play the concert, I know exactly what has gone wrong. And when people say, 'Wonderful! Wonderful!' I listen to the compliments with pleasure. But I know it wasn't that good.''

He equates the praise of concertgoers with well-wishers at a funeral. Then he giggles at the thought: ''Have you ever heard a bad word at a funeral? If only the people could hear what is said about them! No one felt this so strongly when they were alive!''

To Temirkanov, a true artist is never satisfied with his work. ''It will mean that I'm beginning to die as an artist,'' he says.

Striving to be a great artist is the focal point of Temirkanov's life. Sure, he has hobbies—fishing, cartoon-drawing (he can whip off a giant-schnozzed, Hirschfield-like caricature of himself in 30 seconds flat). And of course he has family: His son plays violin with the St. Petersburg Philharmonic Orchestra, and his beloved wife died in 1997. But it's clear that music shuts out most other earthly concerns. As such, he is notorious for eschewing such modern trappings as computers and televisions and cars.

Once, ill-advisedly, the trusty Marina Stokes—who has been with the maestro as an assistant and friend for over 15 years—tried to teach Temirkanov to drive.

''It was a disaster,'' she says with thinly concealed mirth. ''He drove over a flower bed.''

''You see!'' laughs Temirkanov. ''Even my left foot is romantic! I don't drive into cars. I drive into flower beds.''

[From The Washington Post, Jan. 21, 2000]

BALTIMORE SYMPHONY'S MAN OF SUBSTANCE

(By Philip Kennicott)

The solid and sensible Baltimore Symphony Orchestra, which puts its decidedly working-man's city on the cultural map, has an aristocrat at its head. Yuri Temirkanov, the eminent and respected Russian conductor, gave his inaugural concert as the BSO's music director last night. If his tenure builds on the strengths of this performance, the Temirkanov years could be legendary.

Baltimore is a lucky city. Fifteen years ago, when the Cold War was still in progress, the idea that one of the Soviet Union's foremost and distinguished artists would take the head artistic job at the BSO was inconceivable. Temirkanov was the chief of Leningrad's Kirov Opera, and within a few years, would take the helm of the country's most respected orchestra, the St. Petersburg Philharmonic. He was a blue-blood musician, if not in the traditional sense, in the artistic sense, a man of wide culture, immense influence and a reputation for artistic and personal integrity. He could afford to take risks that would have sunk a lesser figure.

Then the Cold War ended, and with it the subsidies that made the Soviet musical scene flourish. The St. Petersburg Philharmonic, which he still leads, maintains its quality but is threatened by dwindling audiences and dwindling resources. To keep it afloat, Temirkanov must tour the orchestra, and when he does, foreign audiences want him to bring Russian repertoire—Tchaikovsky, Shostakovich, Prokofiev.

But Temirkanov doesn't want to be pigeonholed. One might have expected that the world's very best orchestras would offer one of the finest living conductors the chance to conduct Elgar and Mahler; yet Baltimore secured him, and now a very good orchestra has a very great conductor. Early signs suggest that both will flourish.

Temirkanov chose Mahler's Symphony No. 2 for his first official concert as music director. Like Beethoven's Symphony No. 9, which also does service for large, ceremonial occasions, Mahler's Second is best heard infrequently; even for listeners who love it beyond reason, it takes discipline to keep its brutality raw and its sentimentality delicate and unself-conscious. Although it lasts at least an hour and a half, it is perhaps Mahler's most succinct statement: Everything that he does before and after this symphony is here in germ, the funeral marches, the bucolic alpine sounds, the despair of death and the frisson of hope that perhaps this world is not wrought from cold, insensible iron.

The new music director conducts Mahler with little wasted motion. In this often violent and saturnine work, Temirkanov called for only those cataclysms necessary to make the composer's point. He is a purist on the podium, attending diligently if not slavishly to the score, taking the spare theatrical liberty that proves he is confident of the audience's attention. He will extend a pause to the breaking point or allow the sound of offstage horns to die into protracted silences, but these exceptional moments only underscore his judicious, masonry approach.

The excitement of the performance was the excitement of comprehension. One heard Mahler's effort to build a new psychology for the orchestra while remaining somewhat distant from the music's bellicose and sloppy extremes. It made Mahler unfold the way Beethoven unfolds, though at a much more geological pace.

This runs counter to misguided expectations about how Russian-trained conductors conduct, and how Mahler is supposed to be played. Temirkanov's interpretation was not a cinematically sweeping approach, nor an overly personal one. But it invited serious listening, appreciation of the orchestra's manifold strengths and respect for the conductor's attention to balance.

Temirkanov was rewarded by his new orchestra with ferocious attention. String sounds were clear and incisive, woodwind playing precise and balanced, horns and trumpets warm and blended. Chaos was always intentional, never an unfortunate accident. Soprano Janice Chandler and mezzo-soprano Nancy Maultsby were well chosen, and used as elements within the musical construct rather than soloists dominating it. The BSO chorus sang its opening whisper of resurrection—''Auferstehen''—with a sound familiar from Robert Shaw, a fully fleshed whisper, at the limit of a large chorus's ability to sing a shade above silence.

Baltimore and the orchestra made the evening an event. Outside the Meyerhoff Symphony Hall, a searchlight cut laserlike swaths through the cold night sky. Mayor Martin O'Malley gave the new conductor honorary Baltimore citizenship. But musical protocol and political protocol don't mix well; Mahler's monumental symphony was the point of the evening, and Temirkanov seemed uncomfortable receiving his first huge ovation before having conducted a note. But that discomfort represents the strengths this cultured, dignified and exceptional conductor will bring to the orchestra: a style long on substance and refreshingly free of empty gestures and self-aggrandizement.●

MEMORIAL OF MRS. JEAN MACARTHUR

● Mr. BOND. Mr. President, I rise today to recognize the passing of a wonderful woman and a great American. On the 21st of January, at the age of 101, Mrs. Jean MacArthur passed away at Lenox Hill Hospital in New York.

In 1988, President Reagan recognized her contribution to America by presenting her the Presidential Medal of Freedom. As you know, the Medal of Freedom is the highest award our country can give to a civilian. The citation for the award recognized that ''Jean MacArthur has witnessed the great cataclysms of our time, survived war and peace, conquered tragedy and known triumph.'' President Reagan

also referred to her as ''a shining example, a woman of substance and character, a loyal wife and mother, and like her General, a patriot.''

The General and Mrs. MacArthur were married in 1937. Mrs. MacArthur remained devoted to her husband until his death in 1964. Her devotion to him was not only emotional, but involved a great deal of physical sacrifice. You see, Mr. President, Mrs. MacArthur lived with the General in Manila until they were forced to retreat to Corregidor by the Japanese. While on Corregidor, she endured daily air attacks while raising their 4 year old son, Arthur. Furthermore, when it was obvious the Japanese would take the Philippines, the president of the Philippines offered passage for her and her son to Australia. She replied: ''We have drunk from the same cup; we three shall stay together.'' She then continued to stay with her husband in the field until General MacArthur finally accepted the surrender of the Japanese in Japan.

After the death of General MacArthur, Mrs. MacArthur lived out her life in New York where she remained active in philanthropic activities. She even served as the honorary chairman of the MacArthur Foundation, which was created in honor of her husband.

The spouses of our Americans in uniform seldom receive the recognition they deserve for their contribution to the valor, patriotism, and loyalty of our fighting forces. Her contribution to America cannot be quantified, but it must not be forgotten. It's no wonder that General MacArthur often introduced her as ''my finest soldier.''

Mr. President, I ask my colleagues to join me today in paying tribute to this outstanding woman and her sterling contribution to America.●

TRIBUTE TO THOMASINA ''TOMMY'' ROGERS

● Ms. MIKULSKI. Mr. President, I rise today to congratulate the Administration on the selection of Thomasina ''Tommy'' Rogers, a constituent and friend, to serve as the Chairman of the Occupational Safety and Health Review Commission. Ms. Rogers was confirmed by the U.S. Senate and has served on the Commission since November 1998. On June 4, President Clinton designated her Chairman.

Ms. Rogers, a resident of Upper Marlboro, MD, has held a number of high ranking positions in the federal government, both as a career civil servant and as a political appointee. She entered the Senior Executive Service in 1987. At the U.S. Equal Employment Opportunity Commission, she served as Legal Counsel where she received numerous awards for exemplary performance. She was later nominated and confirmed to chair the Administrative Conference where she served until 1995.

Ms. Rogers received a law degree from Columbia University and an undergraduate degree in journalism from Northwestern University. She has served on the Boards of Directors of Children's National Medical Center in Washington D.C. and the American Arbitration Association since 1995.

Ms. Rogers is the first woman to be designated Chairman and the first African American to serve as a member of the Commission. She is married to another outstanding Marylander, and friend, Gregory Gill. They have a daughter, Cleo.

I want to commend the Administration for it's excellent choice and look forward to Ms. Rogers' tenure as Chairman.●

RELIGIOUS LEADERS ON RECONSTRUCTION AND DEVELOPMENT IN SOUTHEASTERN EUROPE

● Mr. LUGAR. Mr. President, the World Conference on Religion and Peace (WCRP) is an organization that is dedicated to promoting cooperation among the religions of the world on behalf of peace while maintaining respect for religious differences.

Since its founding in 1970, the WCRP has become a genuinely global movement with over 30 national chapters and members in over 100 countries.

Two months ago, in Amman, the capital city of Jordan, the WCRP held its 7th World Assembly, which brought together senior leaders of many of the major religions of the world as well as their civil and political counterparts.

The Assembly was held on November 26 and 27, 1999, under the patronage of King Abdullah II and the chairmanship of Prince El Hassan bin Talal, and was attended by some 1,300 delegates from 68 countries.

I note that among the participants in the Amman Assembly was our distinguished former colleague, a Member from Indiana for 22 years of the House of Representatives, where he was Majority Whip, and is now President Emeritus of New York University, Dr. John Brademas.

Dr. Brademas, who is also Chairman of the National Endowment for Democracy (NED), presided at a discussion in Amman on ''The Shape of the Future as a Challenge to Religion.''

Mr. President, the Assembly also convened a ''Forum of South Eastern European Religious Leaders'' to promote inter-religious cooperation for reconciliation, reconstruction and development in the region. Representatives from more than 25 different religious communities in 10 countries from South Eastern Europe participated in the forum.

I am pleased to note that the person who organized and chaired this forum, James Cairns, WCRP Project Director, South Eastern Europe, Sarajevo, lived several years in Elkhart, Indiana, where his father was a Presbyterian Church pastor.

As the Secretary-General of WCRP, Dr. William F. Vendley, observed, ''This unprecedented gathering of religious leaders from South Eastern Europe will initiate a process of contact and a dialogue among the religious communities both within specific states and throughout the region to develop concrete inter-religious cooperation.''

Mr. President, together this group of leaders of several faiths, drawing on their diverse traditions and working together, produced a statement calling for the promotion of reconciliation, democracy and the peaceful development of South Eastern Europe, and committing themselves to opening dialogue among their communities.

Mr. President, because of the great importance of the events in this troubled part of the world and the significant role of religious leadership in South Eastern Europe, I ask to have the statement printed in the RECORD.

The statement follows:

STATEMENT OF RELIGIOUS LEADERS ON RECONSTRUCTION AND DEVELOPMENT IN SOUTH EASTERN EUROPE

As leaders and responsible representatives of religious communities from South Eastern Europe we have gathered at this Forum in Amman Jordan on 26–27 November 1999, in the context of the Seventh World Assembly of the World Conference on Religion and Peace, to discuss the current situation in our region and to identify how our communities can work together to promote reconstruction and development both within our respective states and throughout the region as a whole.

As religious people, we must affirm that in each of our traditions human life is sacred. Any violation of the rights of any person is not acceptable and must be condemned. Our religious traditions all seek to promote fullness of life through peace, justice, mercy and love.

CONFLICT IN SOUTH EASTERN EUROPE

Sadly, our recent experience in South Eastern Europe has been filed with conflict that has denied these to many people. After the fall of communism, our region has suffered through unrest and conflict. These conflicts have rekindled old prejudices and created mutual distrust and division among peoples. We regret that key actors in the international community lacked the vision, commitment and preventive strategies to prevent these catastrophes. Even countries that have escaped the violence that has afflicted the states of the former Yugoslavia have faced serious social crises that have created considerable instability in their societies.

We are proud of the role that our religions have played in the history, culture and traditions of the nations and peoples of our region. Our religious identities have been and will continue to be an essential part of who we are as believers and as people. But, we are also aware that this close identity between religious and national communities has been misused by those in positions of influence and power. Too often, within our ethnic and religious c0ommunities there have been efforts to portray others as the enemy and a danger to the safety of our own community. We must resist and overcome such stereotyping to ensure that our heritage can serve to build strong futures for all people and not simply be used to perpetuate the myth that security comes only in ethnically pure states.

JUSTICE AND FORGIVENESS

We regret and mourn the destruction and death of so many innocent victims in the

conflicts that have raged through the region, as well as the destruction of religious objects in all our communities. We are challenged to ask for forgiveness and seek reconciliation across communities, not because religious communities are responsible for these conflicts, but because religion must set the example for the rest of the society to follow. We acknowledge that as members of communities we cannot escape a sense of collective shame for what has occurred, but we must preserve the principle of individual guilt and responsibility for acts and atrocities committed during these conflicts, particularly those leaders who were instrumental in creating these crises. The deep principle of justice in each of our traditions requires that those responsible be judged based on international standards of law without guilt being assigned to entire communities. Punishing entire populations simply multiplies injustices and the suffering of the innocent.

THE ROLE OF CIVIL SOCIETY

As we look to the future, religious communities can and must play a central role in building strong civil society throughout the region. Political leaders and institutions have a primary role and responsibility for building strong states, but material reconstruction and development can be long lasting only with a corresponding moral and social reconstruction and development. Religious communities must be decisive leaders in a process of promoting truth, justice and reconciliation in their societies so that all persons and groups can have their rights respected and protected throughout the region. In this regard, we must develop a new concept of security. Security cannot be based solely on armaments and military strength, but must be based on strong and open societies, in which all are protected and cared for and in which conflicts are resolved through dialogue and negotiation rather than through violence. Therefore, we urge the governments in our region to reduce their militaries and armaments and to work to reduce the presence of arms among their populations.

As religious leaders and representatives from the region, we are encouraged by the efforts of the international community to develop the Stability Pact of Reconstruction and Development in South Eastern Europe. We must remind both international authorities and our own national leaders, however, that the welfare of human beings individually and as groups must remain at the center of such efforts. Without this human dimension no amount of good works will provide true security, peace and prosperity.

In this regard, we express our solidarity with the brothers and sisters in each of our faith communities in Yugoslavia. Both for stability and successful regional integration it is essential for Yugoslavia to be part of the Stability Pact process as soon as possible. In the meantime, however, humanitarian assistance must not be denied to those in need and we urge the international community to allow basic foodstuffs, medicines, and heating fuel to be provided to the people of that country without delay.

A COMMON CALL TO THE GOVERNMENTS OF SOUTH EASTERN EUROPE

Almost all of our communities are emerging from a communist period that severely marginalized religion in society. Together we seek to promote a strong civil society and the essential role of religious communities in that process, but we cannot accomplish this goal alone. Therefore, we call on civil authorities at the local, state, regional and international level:

To promote and actively practice democracy, human rights, and the rule of law, with particular protection for minority groups, in all states in the region.

To respect and establish the formal separation of political and religious institutions so that each can freely perform its own tasks and respect the functions of the other.

To regard religious communities, which possess both infrastructure and expertise in providing social services to the people and which have an essential role in protecting the social security of all people, as legitimate partners in the work of reconstruction and development.

To provide support for the development of strong civil society through adopting appropriate laws, financial regulations, and other policies that will provide the necessary environment for religious communities and other civic organizations to thrive.

To allow free practice of religious belief for all persons and to ensure the availability of religious service in the military and other social institutions.

To promote policies of economic development that are sustainable and humane and can ensure economic security for all people in the region. Integration into broader European structures is an important dimension of this process.

To adopt and implement laws on restitution of property to religious communities that was nationalized or expropriated by previous regimes. This property is essential for religious communities to retain their independence from political control and to carry out their religious and social mission.

To develop media practices that do not promote division, mistrust and hostility among peoples, but can contribute to building healthy democratic societies. In this regard we call for greater access for all religious communities to the media in their respective countries.

OPENING RELIGIOUS DIALOGUE

As representatives of our respective religious communities, we know that there is no alternative to dialogue both within and among our communities, and we commit ourselves to take the following steps to promote dialogue and cooperation among ourselves and to enhance the role of our communities as important social institutions in our societies:

We will seek partnerships with other civic and social organizations in our societies to carry out social welfare activities for which we share a common concern.

We will educate all persons to understand and respect our different faith traditions in order to prevent ignorance and fear from once again fueling violence. To this end we must ensure that school curriculums and textbooks treat each religious tradition in a way that individuals from that tradition can recognize themselves. We will also provide basic information about each religious community and organize teacher exchanges in our own religious institutions to promote better understanding and mutual respect.

We commit ourselves to pray for and to promote tolerance, coexistence and peace both within our own communities and for our brothers and sisters in other communities. We also pledge ourselves to promote a climate of peace within our communities by stressing to our own officials that preaching must not interpret our own faith by attacking others. We must show respect to others by not using inflammatory language in our public statements.

We encourage the formation of inter-religious working committees in each state to foster contact and dialogue among the communities as a first step towards practical cooperation.

We will work to take part in joint public meetings and visits by religious leaders within our own states and around the region to promote the idea of tolerance and common living among communities and peoples.

We pledge ourselves to find the means to provide mutual assistance for those who suffer in whatever way in our societies. In these efforts, we want to state that majority religious communities have a particular responsibility to protect the human and religious rights of smaller or minority communities in their areas.

Our region continues to face considerable challenges in the process of reconstruction, reconciliation and development. We believe that religious communities can play a vital role in this process, and we are thankful to God that we have had the opportunity to meet together and discuss such critical issues, and we express our appreciation to the World Conference on Religion and Peace for convening this important meeting. We commit ourselves to pursuing contact and dialogue with each other both within the states of South Eastern Europe and across the region as a whole for the purpose of building active instruments of interreligious cooperation, and we ask for the World Conference on Religion and Peace to continue to assist us in facilitating this process of building cooperation in our region.

FORUM OF SOUTH EASTERN EUROPEAN RELIGIOUS LEADERS, WORLD CONFERENCE ON RELIGION AND PEACE

PARTICIPANTS LIST

Islamic

Mr. Mehmet Emin Aga, Mufti of Xanthi, Greece.

Dr. Rexhep Bojaj, Mufti and President, Islamic Community of Kosovo.

H.E. Dr. Mustafa Ceriç, Reisu-l-Ulema, Islamic Community of Bosnia-Herzegovina.

Mr. Idriz Demiroviç, Mufti and President, Islamic Community of Montenegro.

Mr. Moustafa Alich Hadji, Grand Mufti, Islamic Community of Bulgaria.

Mr. Aziz Hasanoviç, Senior Imam, Zagreb, Croatia.

Mr. Hamdija Jusufspahiç, Mufti, Islamic Community of Serbia.

H.E. Mr. Sulejman Red'epi, Reis-ul-Ulema, Islamic Community of Macedonia.

Mr. Selim Stafa, Deputy Chairman, Islamic Community of Albania.

Mr. Ibrahim Serif, Mufti of Komotini, Greece.

Mr. Muamer Zukorliç, Mufti, Islamic Community of Sand'ak.

Orthodox

His Beatitude Anastasios, Archbishop of Tirana and All Albania, Albanian Orthodox Church.

Very Rev. Ieronim Cretu, Superior of Romanian Orthodox Church in Jerusalem.

Prof. Georgios Filias, Professor, Theological Faculty, Greek Orthodox Church.

H.E. Timotej Jovanovski, Metropolitan of Debar-Ki-evo, Macedonian Orthodox Church.

H.E. Nikolaj Mrla, Metropolitan of Dabrobosnia, Serbian Orthodox Church.

His Grace Artemije Radosavljeviç, Bishop of Raska-Prizren, Serbian Orthodox Church.

H.E. Gligori Stefanov, Metropolitan of Veliko Tirnovo, Bulgarian Orthodox Church.

Roman Catholic

Fr. George Frendo, Vicar General, Archdiocese of Durres-Tirana, Albania.

Dr. Karl Ocvrik, Professor, Theological Faculty, Archdiocese of Ljubljana, Slovenia.

H.E. Vinko Cardinal Puljiç, Archbishop of Vhrbosna (Sarajevo).

Msgr. Marko Sopi, Bishop of Prizren, Kosovo.

Jewish

Rabbi Menachem Hacohen, Great Rabbi, Jewish Community of Romania.

Mr. Emil Kalo, President of Organization of Jews in Bulgaria ñ Shalom.

Dr. Ognjen Kraus, President of Coordinating Board of Jewish Communities in Croatia.

Mr. Aca Singer, President of Federation of Jewish Communities in Yugoslavia.

Protestant

Dr. Peter Kuzmiç, President, Council of Evangelical Churches in Croatia.●

RESTORATION OF LITHUANIA'S INDEPENDENCE

● Mr. ABRAHAM. Mr. President, on February 6 of this year, in the Divine Providence Church, in Southfield, Michigan, several hundred Lithuanian Americans will gather to mark the tenth anniversary of the restoration of Lithuania's independence. Joined by Lithuania's ambassador to the United States, His Excellency, Stasys Sakalauskas, they will be celebrating their nation's original, modern independence day, February 16, 1918, as well as the events of March 1, 1990, the date on which Lithuania was finally and irrevocably released from the grip of Soviet communism.

Michigan's Lithuanian-American community also will celebrate the perseverance and sacrifice of their people, which enabled them to achieve the freedom they now enjoy.

I have reviewed the bare facts before: On March 11, 1990, the newly elected Lithuanian Parliament, fulfilling its electoral mandate from the people of Lithuania, declared the restoration of Lithuania's independence and the establishment of a democratic state. This marked a great moment for Lithuania and for lovers of freedom around the globe.

The people of Lithuania endured 51 years of oppressive foreign occupation. Operating under cover of the infamous Hitler-Stalin Pact of 1939, Soviet troops marched into Lithuania, beginning an occupation characterized by communist dictatorship and cultural genocide.

Even in the face of this oppression, the Lithuanian people were not defeated. They assisted their oppressors and kept their culture, their faith and their dream of independence very much alive even during the hardest times.

The people of Lithuania were even able to mobilize and sustain a non-violent movement for social and political change, a movement which came to be known as Sajudis. This people's movement helped guarantee a peaceful transition to independence through full participation in democratic elections on February 24, 1990.

Unfortunately, as is so often the case, peace and freedom had to be purchased again and again. In January of 1991, ten months after restoration of independence, the people and government of Lithuania faced a bloody assault by foreign troops intent on overthrowing their democratic institutions. Lithuanians withstood this assault, maintaining their independence and their democracy. Their successful use of non-violent resistance to an oppressive regime is an inspiration to all.

Lithuania's integration into the international community has been swift and sure. On September 17, 1991, the reborn nation became a member of the United Nations and is a signatory to a number of its organizations and other international agreements. It also is a member of the Organization for Security and Cooperation in Europe, the North Atlantic Cooperation Council and the Council of Europe.

Lithuania is an associate member of the European Union, has applied for NATO membership and is currently negotiating for membership in the WTO, OECD and other Western organizations.

The United States established diplomatic relations with Lithuania on July 28, 1992. But our nation never really broke with the government and people of Lithuania. The United States never recognized the forcible incorporation of Lituania into the U.S.S.R., and views the present Government of Lithuania as a legal continuation of the inter-war republic. Indeed, for over fifty years the United States maintained a bipartisan consensus that our nation would refuse to recognize the forcible incorporation of Lithuania into the former Soviet Union.

America's relations with Lithuania continue to be strong, friendly and mutually beneficial. Lithuania has enjoyed Most-Favored-Nation (MFN) treatment with the United States since December, 1991. Through 1996, the United States has committed over $100 million to Lithuania's economic and political transformation and to address humanitarian needs. In 1994, the United States and Lithuania signed an agreement of bilateral trade and intellectual property protection, and in 1997 a bilateral investment treaty.

In 1998 the United States and Lithuania signed The Baltic Charter Partnership. That charter recalls the history of American relations with the area and underscores our ''real, profound, and enduring'' interest in the security and independence of the three Baltic states. As the Charter also notes, our interest in a Europe whole and free will not be ensured until Estonia, Latvia, and Lithuania are secure.

Mr. President, I commend the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence. I pledge to work with my colleagues to continue working to secure the freedom and independence of Lithuania and its Baltic neighbors, and I join with the people of Lithuania as they celebrate their independence.●

RECOGNITION OF THE NACHES VALLEY HIGH SCHOOL LEADERSHIP CLASS

● Mr. GORTON. Mr. President, as the Senate prepares to debate the Elementary and Secondary Education Act in the coming weeks, one of the topics we will no doubt address is this issue of school safety.

I want to recognize the extraordinary efforts of a group of students and teachers in eastern Washington in addressing violent crime in their community and making their school a safer place for all students. The Leadership Class at Naches Valley High School has done an excellent job at incorporating creative solutions and programs to curb gang activity and encourage fellow students to do well in school. For their efforts, I am presenting these students and their teacher, Mr. Sanford Jetton with my ''Innovation in Education'' award.

Naches Valley is a rural school district at the foot of the eastern side of the Cascade Mountains. For years, Naches Valley High School reflected the small community values with little conflict between students. In 1996, it discovered it was not immune from the problems that are common-place in most large urban schools—gangs, drugs, depression, crime, to name a few.

When the high school had its first incident of gang violence, students in the Leadership class were both frightened and angry. While such a reaction would be expected, their response was anything but typical. Not only did the students confront the gang members, challenging them to be positive contributors to the school atmosphere, but they proactively worked with their principal, their Leadership teacher Sanford Jetton, the Mayor, and the deputies from the sheriff's department to address the problem.

The students helped write a town ordinance which declared the local park to be part of the school grounds for an hour before and an hour after school, or whenever that park is being used for school activities. This allows for disruptive students to be dealt with both by law enforcement and the school's own ''zero tolerance'' gang policy.

As a result of this direct intervention, most of the gang members relinquished that affiliation and eventually graduated from Naches. In addition, there have been no further incidences of gang violence at Naches Valley High School since 1996.

The Leadership class did not stop with the problem of gang violence. Its members looked for innovative ways to promote drug and violence prevention through school and community service. The list of student-initiated accomplishments is quite impressive:

The class established a Student Accountability Board (S.A.B.) which provides alternative consequences for students pulled over by the sheriff's office for traffic violations. The S.A.B. has resulted in a 50 percent reduction in traffic citations. Seat belt use among students has also risen from 63 percent in 1997 to 93 percent in 1999.

Working with the University of Washington, the class prepared a suicide awareness program which has since spread to six other schools.

The class initiated a ''Student Sharing Solutions'' program which teams up schools throughout the Yakima Valley for such events as a countrywide graffiti paint-out.

The class has also taken the lead in such projects as replenishing local food banks and in raising money for a fellow NVHS student who was severely injured in a car crash and whose family has no medical insurance.

These young leaders, and their teacher have been recognized in their community at problem solvers and generous servants. In 1998, the Naches Valley Leadership Class received the Greater Yakima Chamber of Commerce Service Award.

As the Senate prepares to take on the reauthorization of the Elementary and Secondary Education Act, I believe we in Congress would do well to trust students and teachers, like Sanford Jetton and his Leadership class with more freedom and flexibility to create these types of innovative programs.

That is why I have introduced my Straight A's education bill to give parents, teachers, principals, superintendents and school board members with the flexibility to make the best decisions about how to educate our children and provide measures to keep states accountable for the results.●

SUPER BOWL CHAMPION, ST. LOUIS RAMS

● Mr. FITZGERALD. Mr. President, it is with great pride that I rise today with my distinguished colleagues to support the pending resolution and express my sincere congratulations to the Super Bowl XXXIV Champion St. Louis Rams. In the aftermath of a heart-stopping NFC division victory over the Tampa Bay Buccaneers and an outstanding regular season record of 13 wins and 3 losses, the St. Louis Rams increased their intensity to win Super Bowl XXXIV, bringing home the most priced possession in the National Football League, the Lombardi Trophy. In an extraordinary effort and show of heart, the Rams countered the incredible second-half push by the Tennessee Titans in a game that more than lived up to its billing of ''Super'' and made history on Sunday, January 30, 2000, by pulling out a thrilling victory by the score of 23–16, becoming the Super Bowl XXXIV Champions.

This was Coach Dick Vermeil's third year as head coach of the Rams. Coach Vermeil previously led the Philadelphia Eagles to the Super Bowl in 1980, but had been away from coaching for almost 15 years. The passionate 63-year-old coach showed he still had the stuff it takes to lead this team of stars to the championship. The fans of professional football have appropriately awarded Coach Vermeil by voting him the Staples Coach of the Year, the only NFL honor determined solely by a vote of the fans.

The three-year path to glory began slowly, with 9 wins and 23 losses over the previous two seasons, including just 4 victories last season, but the team turned it around this year. While the Rams were truly a team that played well together all year, this triumphant season can be attributed to the performance of several key players, including six players that were chosen to start in the Pro Bowl.

Kurt Warner, stepping in as the starter after Trent Green was injured in an early preseason game, enjoyed one of the best years ever for an NFL quarterback, throwing for 4,353 yards, 41 touchdowns and only 13 interceptions, a performance worthy of being awarded the NFL's Most Valuable Player and the Pro Bowl starting quarterback. This remarkable individual, in just his second season in the NFL, was bagging groceries in Waterloo, Iowa, just five years ago. While setting passing and scoring records in the Arena Football League for 3 seasons and 1 season in the NFL Europe, he never gave up his dream of playing in the NFL. Last night, he helped to bring the dream of a Super Bowl championship home to St. Louis.

Marshall Faulk, one of the league's premier running backs, set an NFL record this season for combined rushing and receiving yards from the line of scrimmage in a single season with 2,429, in addition to scoring 12 touchdowns. He was also chosen to start in the Pro Bowl.

All season long, the team benefited from a stellar group of talented receivers, led by Isaac Bruce, who will join his teammates in the Pro Bowl; Torry Holt; Az-zahir Hakim; and Ricky Proehl. Proehl, you may remember, caught a clutch game-winning touchdown in the closing minutes of the Rams' win last week over the Tampa Bay Buccaneers, while Bruce made a truly spectacular play in the fourth quarter of the Super Bowl by catching a 73 yard touchdown pass that sealed the championship. These stars helped the Rams to establish early on that they were an offensive-minded team, scoring a total of 526 points this season, the third-most in NFL history.

But as the saying goes, ''Defense wins championships,'' and the Rams proved this adage, by leading the NFL in rushing defense, and ranking sixth in the league in overall defense. This season, the Rams' defensive end, Kevin Carter, led the league with 17 quarterback sacks and earned his first start in the Pro Bowl. After only 5 years in the league, this outstanding defender has developed a well-documented work ethic that has helped him achieve more sacks over the past two seasons than anyone else in the league.

We all know that to be champions requires a strong commitment to work harder and be more disciplined than the rest. The Rams' Super Bowl win is a credit to the extraordinary efforts by the entire Rams' organization. After moving to St. Louis in 1995, the management went to work in hiring excellent personnel and a committed coaching staff. This season, the organization's slogan was aptly and accurately versed: ''Gotta go to work!'' With the whole organization working as one cohesive unit and regularly working well beyond the hours of 9 to 5, they showed us just how much can be accomplished when everyone works together for a common goal and is committed to doing more than his or her fair share.

We would be remiss if we overlooked another admirable quality of this fine organization, and that is the commitment to the community. When the Rams relocated to St. Louis in 1995, the team identified community involvement as one of the top priorities. Since that time, many charitable organizations have benefited from the time and resources of these big-hearted athletes, as various Rams players have dedicated dollars for every touchdown, interception, field goal, sack and more. Some examples of how these stars contribute to the community include:

1. The defense live—donating $500 for every quarterback sack to a local homeless shelter.

2. Wide receive Isaac Bruce—donating $500 for every touchdown to Edgewood's Childhaven, an educational center for children with learning disabilities.

3. Running back Marshall Faulk—continuing the ''Marshall Plan'' that began in Indianapolis by donating $2,000 for every touchdown that he scores to the Marshall Faulk Foundation.

4. Quarterback Trent Green—donating $300 for every Rams passing touchdown to the Trent Green Family Foundation.

5. Safety Keith Syle—donating $500 for every interception to local literacy programs.

6. Kicker Jeff Wilkins—donating $50 for every field goal to Cardinal Glennon Children's Hospital.

7. Tight end Roland Williams—donating $86 for every catch to the Roland Williams Youth Life Line Foundation which supports children in Roland's hometown.

Most of these players have also been successful in receiving matching commitments from local businesses and individuals, helping to foster a true sense of community. In addition, each year, players make countless appearances at local schools, hospitals and youth centers to use their influence with children to stress the importance of education and making proper choices in life.

The hard work and dedication of the Rams to their team and the people of the St. Louis metropolitan area deserves our highest commendations. So, on behalf of myself and the good people of my state of Illinois, I congratulate Coach Dick Vermeil, Super Bowl Most Valuable Player Kurt Warner, Marshall Faulk, Isaac Bruce, and the entire St. Louis Rams team on an outstanding performance.

Coach Vermeil, players, and fans: congratulations on a great season and an outstanding victory.●

CONGRATULATIONS TO THE ST. LOUIS RAMS

● Mr. BOND. Mr. President, On January 30th, the St. Louis Rams faced the

Tennessee Titans in one of the most spectacular Super Bowls ever. Both teams played valiantly, and in the end, the Rams were triumphant.

The Rams' victory in Super Bowl XXXIV was the only fitting ending for a season that one expects to find in a movie script. From day one, the Rams' motto was ''Gotta Go To Work.'' Embracing that attitude, the Rams posted one of the best seasons ever. Quarterback Kurt Warner, the regular season and Super Bowl MVP, came from bagging groceries and playing in the arena football league to lead his team to the most coveted prize in football. He became only the second man ever to throw 40 or more touchdown passes in one season. Runningback Marshall Faulk set a new record for total yards from scrimmage. The offense scored 526 points, the third highest total ever. Head Coach Dick Vermeil was named the NFL's coach of the year. Six Rams were chosen to start in the Pro Bowl. The team's defense was top rated in the NFL against the run.

Perhaps even more impressive than the Rams' regular season was their performance in the Super Bowl. The Rams, living their slogan ''Gotta Go To Work,'' played like a team possessed. Warner set a new Super Bowl record with 414 yards passing. Wide receiver Isaac Bruce caught a 73-yard touchdown pass. Wide receiver Torry Holt set a rookie record with 7 catches for 109 yards—and a touchdown. The defense, led by defensive end Kevin Carter and linebacker London Fletcher, never yielded for a moment. When their backs were up against the wall, linebacker Mike Jones heroically tackled the Tennessee Titan's wide receiver Kevin Dyson to seal the victory.

My congratulations go out to the Rams players, the coaching staff, and the loyal St. Louis fans, who have supported the Rams in anticipation of this moment.

The spirit of the St. Louis Rams provides an example for St. Louis, and all of America, of how to live and work. I commend Kurt Warner, Isaac Bruce, Mike Jones and all of the Rams for the sense of unity and pride they have brought to St. Louis.●

CLOTURE VOTE VITIATED—S. 1287

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the cloture vote with respect to the nuclear waste legislation be vitiated.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–19

Mr. VOINOVICH. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on February 2, 2000, by the President of the United States: Treaty with Egypt on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 106–19).

Further, I ask unanimous consent the treaty be considered as having been read for the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Matters, signed at Cairo on May 3, 1998. I transmit also a related exchange of diplomatic notes for the information of the Senate. The report of the Department of State with respect to the Treaty is enclosed.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including terrorism and drug-trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes taking the testimony or statements of persons; providing documents, records and items of evidence; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 2, 2000.*

SEQUENTIAL REFERRAL—S. 1977

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Governmental Affairs Committee reports S. 1977, the bill then be sequentially referred to the Committee on Finance for a period of up to 45 days during which the Senate is in session. I further ask unanimous consent that if the bill is not reported by the end of that period, it be discharged from the Finance Committee and placed back on the calendar.

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

ORDERS FOR THURSDAY, FEBRUARY 3, 2000

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m. on Thursday, February 3. I further ask consent that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a vote on the confirmation of the nomination of Alan Greenspan to be chairman of the Board of Governors of the Federal Reserve system.

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

PROGRAM

Mr. VOINOVICH. Mr. President, for the information of all Senators, when the Senate convenes tomorrow, it will immediately proceed to a vote on the Greenspan nomination. Therefore, Senators can expect the first vote to occur at approximately 10:30 a.m. tomorrow. Following that vote, the Senate will proceed to a period of morning business for general floor statements and bill introductions. Further, to accommodate the Democratic conference, the Senate will not be in session this Friday, February 4. On Monday, it is expected that the Senate will begin consideration of S. 1052, the Mariana Islands legislation, and on Tuesday the Senate should begin debate on the nuclear waste bill. Senators can expect votes throughout next week's session.

ORDER FOR ADJOURNMENT

Mr. VOINOVICH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator MURRAY.

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

REIMBURSEMENTS FOR THE WTO MINISTERIAL

Mrs. MURRAY. Mr. President, I come to the floor today as part of my ongoing work to ensure that the city of Seattle gets the money it should receive for security costs incurred during the 1999 World Trade Organization Ministerial.

Mr. President, I have been working with the city of Seattle, the administration, and others on this issue for more than a year and let me say that I welcome Senator GORTON's interest in this topic earlier today.

Actually, back in 1994, I worked to resolve a similar problem associated with Seattle's hosting of the Asia Pacific Economic Cooperation forum. In 1994, working with the Clinton administration, we were able to provide the

city of Seattle with close to $1 million for APEC related costs.

Mr. President, for the record, I want to walk my colleagues through some of the history of the issue of the funding of the WTO that was discussed on the floor earlier today.

From the moment Seattle was awarded the WTO Ministerial meeting, I worked with the city of Seattle and others to ensure Seattle was given an opportunity to successfully host the WTO. For almost a year, I met with the city, the Seattle Host Organization, our Trade Representative Charlene Barshefsky and others within the executive branch. At every opportunity, I stressed the importance of supporting the city of Seattle in its efforts to provide the necessary security arrangements to the delegates and other WTO visitors.

The Clinton administration—in its fiscal year 2000 budget—requested $2 million in State Department money for WTO related expenses. This request was formulated months before a U.S. host city for the WTO was selected. From the very beginning, the Washington congressional delegation and WTO organizers in Washington state realized this request would be inadequate.

Beginning in March of 1999, with my appropriations request letter to the Commerce, Justice, State appropriations subcommittee, I encouraged the Congress to provide $5 million to the State Department for WTO related expenses. And I urged the Congress to essentially earmark one-half of this money for Seattle to meet a portion of the WTO security expenses.

The Senate Commerce, Justice, State bill did provide the State Department with $5 million for WTO related expenses, but the House version did not. During the conference report, I worked with my Washington state congressional colleagues to protect the $5 million in new WTO money.

Unfortunately, the original CJS conference report did not provide new money. Instead, it said the State Department could take up to $5 million for existing accounts and move them over to be used for WTO expenses.

When I saw that language, I was concerned. To me, it increased the likelihood that the State Department would not assist Seattle with WTO security related costs. Fortunately, as often happens with appropriations bills, the final product is a compromise between the Congress and the administration.

On several occasions, I continued to express to the administration the need for securing $5 million in new money—rather than relying on the State Department to move old money around.

Mr. President, I asked unanimous consent to print in the RECORD a letter dated September 28, 1999.

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

U.S. SENATE,
Washington, DC, September 28, 1999.

Hon. JUDD GREGG,
Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary, Senate Appropriations committee, The Capitol, Washington, DC.

DEAR SENATOR GREGG: As you know, the World Trade Organization (WTO) Ministerial will be held in Seattle later this year. The Seattle Host Organization is busy preparing to host the largest trade meeting ever held in the United States. About 5,000 official delegates from 135 nations as well as thousands of reporters, demonstrators and other interested parties will converge on Seattle to participate in WTO Ministerial events. In addition, President Clinton and numerous heads of state are expected to attend the meetings and play an active role in the Ministerial.

The City of Seattle and other local law enforcement officials are spending considerable time and resources preparing for the numerous security issues associated with the high-profile event. The Senate-passed fiscal year 2000 Commerce, Justice and State Appropriations Act provides $5 million to the State Department for WTO-related expenses. This is the only federal contribution directed to the WTO Ministerial. The House bill, unfortunately, did not include any federal commitment for WTO expenses. In conference, I strongly encourage you to protect the Senate's $5 million WTO appropriation. Additionally, I urge you to include the following report language in the conference report.

''Requested Conference Report language: The conference recommendation directs that $5 million be made available from this account for the costs associated with hosting the World Trade Organization conference in Seattle, WA and that 50% of such funds be allocated for reimbursement, through the City of Seattle, of local law enforcement and fire agencies for costs incurred in providing security for the meeting, including costs for overtime and motorcade expenses.''

I look forward to your continued attention and support for this important issue.

Sincerely,

PATTY MURRAY,
U.S. Senator.

Mrs. MURRAY. This letter was written to the Commerce, Justice, State Appropriations Committee and in close consultation with WTO organizers in Seattle, including the City of Seattle. Unfortunately, despite efforts by my office and the City of Seattle, no other Senators signed the letter urging the Appropriations Committee to provide the WTO funding, as well as earmark funds for the City of Seattle.

I worked to make it a bipartisan letter. Perhaps if other Senators had signed the letter when I asked last year, we would have been able to provide earmark money for Seattle and avoid part of the problem now facing my state, as was discussed by my colleague from Washington earlier today.

The WTO was a difficult period for my constituents. We are continuing to deal with the many issues raised for our state during the ministerial. The city of Seattle and other local governments have been forced to bear $12 million in security costs. this is a far higher cost than anyone anticipated. It threatens to force other budget cuts to make up for the State Department's refusal to work with my constituents.

Congress—with strong assistance from the President and Vice President—did provide $5 million in WTO money. The issue before us now is between my constituents—who have been asked to absorb virtually all WTO security costs—and the State Department.

Obviously, this issue will not go away. And I have already begun to work with the administration to get further support in forcing the State Department to assume some responsibility for the $12 million in WTO security costs.

Now is not the time for the State Department to discredit or deny the legitimate issues raised by my constituents. And now is not the time to politicize an issue that remains difficult and volatile for my constituents. Seattle and Washington state want to heal the WTO wounds

This administration has been enormously helpful to Washington state interests. Across the board, the President and the Vice President, have both devoted time, energy and resources to Washington state's problems fighting for jobs for aerospace workers, supporting our high tech economy, devoting new resources to environmental problems, and addressing our difficult transportation problems are all examples of the close working relationship between this administration and Washington state.

And I expect the same degree of support in trying to resolve the current problem on WTO security related costs incurred by the city of Seattle and other local governments in Washington state.

Mr. President, I encourage my colleagues to join me in working with the administration to address this very difficult problem. The best way to do this is through cooperation—by trying to convince the State Department that in hosting international events, we must be careful not to ask local governments to assume costs that are clearly federal responsibilities.

Mr. President, I will continue my efforts to ensure that the city of Seattle and other local governments are not left holding the bag, and once again, I welcome my colleagues to join me in this effort.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned under the previous order.

Thereupon, the Senate, at 6:52 p.m., adjourned until Thursday, February 3, 2000, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 2000:

DEPARTMENT OF STATE

THOMAS G. WESTON, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL COORDINATOR FOR CYPRUS.

SUSAN S. JACOBS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR,

TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SOLOMON ISLANDS, AND AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

KARL WILLIAM HOFMANN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

JOHN F. TEFFT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

JANET A. SANDERSON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

DONALD Y. YAMAMOTO, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

DEPARTMENT OF LABOR

LAURESS L. WISE II, OF VIRGINIA, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2003, VICE PASCAL D. FORGIONE, JR. TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RALPH S. CLEM, 0000
BRIG. GEN. JOHN M. DANAHY, 0000
BRIG. GEN. JOSEPH G. LYNCH, 0000
BRIG. GEN. JEFFREY M. MUSFELDT, 0000
BRIG. GEN. ROBERT B. SIEGFRIED, 0000

To be brigadier general

COL. GERALD A. BLACK, 0000
COL. RICHARD B. FORD, 0000
COL. JACK C. IHLE, 0000
COL. KEITH W. MEURLIN, 0000
COL. BETTY L. MULLIS, 0000
COL. SCOTT R. NICHOLS, 0000
COL. DAVID A. ROBINSON, 0000
COL. RICHARD D. ROTH, 0000
COL. RANDOLPH C. RYDER, JR., 0000
COL. JOSEPH L. SHAEFER, 0000
COL. CHARLES E. STENNER, JR., 0000
COL. THOMAS D. TAVERNEY, 0000
COL. JAMES T. TURLINGTON, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID E. GLINES, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) WILLIAM J. LYNCH, 0000
REAR ADM. (LH) JOHN C. WEED, JR., 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LARAINE L. ACOSTA, 0000
MARC C. ALBERTSEN, 0000
VICKI A. ALLEN, 0000
LESLIE R. ANZJON, 0000
RONALD B. ARENSTEIN, 0000
SONIA M. ASTLE, 0000
LOU ALLEN A. ASTON, 0000
SHANNA D. ATNIP, 0000
MARCIA J. BACHMAN, 0000
CATHERINE T. BACON, 0000
PAUL L. BAILEY, 0000
THOMAS F. BALDY, 0000
WAYNE J. BARNUM, 0000
PATRICIA W. BATTLES, 0000
DAVID A. BEARDEN, 0000
WAYNE A. BEAVER, 0000
BENITA H. BECKLES, 0000
WILLIAM E. BEST, 0000
ROGER A. BINDER, 0000
GEORGE L. BONDAR, 0000
SUSAN E. BOWMAN, 0000
KERRY A. BREED, 0000
BAIRD S. BREHM, 0000
STEPHANIE A. BROTHERTON, 0000
CHARLES A. BROWN, JR., 0000
OLIVIA A. BURGESS, 0000
MARK B. BURQUEST, 0000
KEVIN A. BUSHEY, 0000
GORDON M. CALLISON, 0000
KATHLEEN M. CAMPBELL, 0000
KATHLEEN M. CANFIELD, 0000
STEVEN L. CARNES, 0000
CAROLYN S. CARNEY, 0000
ROBIN E. CHANDLER, 0000
KENNETH P. CHATELAIN, 0000
GEORGE L. CLARK, 0000
DAVID L. COMMONS, 0000
JODY C. COOK, 0000
JAMES R. COOKE, 0000
MICHAEL D. CORNELL, 0000
JUAN C. CORVALAN, 0000
SCOTT A. CRISLIP, 0000
MARK A. CULBERTSON, 0000
JAMES B. DABNEY, 0000
LAWRENCE M. DANNER, 0000
ROBIN L. DAVITT, 0000
MAX H. DELLAPIA, 0000
LEONARD P. DIGREGORIO, 0000
HENRY H. DORTON, JR., 0000
CHRISTINE J. DRAKE, 0000
BERNADETTE B. DSOUZA, 0000
PAULA A. H. DUNAWAY, 0000
DANIEL L. DUROCHER, 0000
WARREN L. EASTMAN, 0000
OMAR ETON, 0000
RANDALL G. FALCON, 0000
GLEN P. FIKE, 0000
MARTHA E. FINN, 0000
KATHLEEN A. FITZGERALD, 0000
DERENCE V. FIVEHOUSE, 0000
CHARLES V. FLOCK, 0000
MICHELE M. FORMICOLA, 0000
LINDA K. FORTMEIERSAUCIER, 0000
LAWRENCE A. FRANKLIN, 0000
LINDA P. FREDRICKSON, 0000
BRUCE R. FREUND, 0000
GERALD M. FRIEDMAN, 0000
RUSSELL A. FRIEMEL, 0000
WILLIAM T. GARDNER, JR., 0000
MARY B. GIBBONS, 0000
DALE G. GOODRICH, 0000
MARY J. GRABULIS, 0000
GEORGE H. GROBERG, 0000
JANICE L. GUNNOE, 0000
MAN MOHAN GURSAHANI, 0000
LEE D. GUSTIN, 0000
JEFFREY L. HACKETT, 0000
RICHARD L. HAMILTON, 0000
WILLIAM L. HAMMOND, JR., 0000
EDWARD W. HATCH, 0000
JANICE E. HAWKINS, 0000
JOYCE E. HEISER, 0000
THOMAS F. HENNESSY, III, 0000
RICHARD F. J. HENTERLY, JR., 0000
KLAUS J. HOEHNA, 0000
STEPHEN J. HOGAN, 0000
GREGORY P. HOLDER, 0000
ELIZABETH A. HUNT, 0000
RICHARD A. HUOT, 0000
BRENT T. INMAN, 0000
CARRIE M. ISHISAKA, 0000
ANN G. JACKSON, 0000
GARRY C. JACKSON, 0000
JAMES F. JACKSON, 0000
LEROY C. JAN, 0000
MELVIN L. JEFFERS, JR., 0000
DENNY A. JOBES, 0000
RONALD L. JOHNSTON, 0000
RAYMOND P. JOINSON, 0000
STEPHEN M. KEEN, 0000
GLENN P. KINDER, 0000
HENRY B. KINTNER, 0000
RAYMOND M. KLEIN, 0000
MICHAEL J. KRAMER, 0000
JAMES E. KUHNS, 0000
JOHN F. KURZAK, 0000
EVA K. LAEVASTU, 0000
BRIAN J. LALLY, 0000
JEAN L. LAUZON, 0000
LEO J. LAWRENSON, 0000
BEVERLY L. LEE, 0000
LOUIS J. LELI, 0000
JAMES D. LYND, 0000
JAMES P. LYNOTT, 0000
MICHAEL L. MAQUET, 0000
PETER L. MARCUZZO, 0000
RICHARD L. MARSH, 0000
WILLIAM C. MARSHALL, 0000
THOMAS A. MAUZAKA, 0000
JOEL R. MAYNARD, 0000
MIKE H. MC CLENDON, 0000
KATHLEEN M. MC CORMICK, 0000
BETTY C. MC COY, 0000
JANIE L. MC KENZIE, 0000
PRISCILLA E. MERRILL, 0000
PHILIP C. METEER, 0000
MIRIAM G. MICHAEL, 0000
WALTER S. MICHAEL, JR., 0000
GEORGE M. MIHELICK, 0000
MILLARD E. MOON, 0000
NORMAN L. MOORE, JR., 0000
DONALD T. MORLEY, 0000
BELINDA R. MORRONE, 0000
KARIN G. MURPHY, 0000
PHILIP D. MYKYTIUK, 0000
ROBERT L. NERENBERG, 0000
DONNA R. NOLTER, 0000
JODY E. NYVALL, 0000
JOHN J. O'CONNOR II, 0000
MICHAEL J. ONISICK, 0000
CHARLES A. ORR, 0000
FRANK J. PADILLA, 0000
ARTHUR J. PATEFIELD, 0000
ALLAN D. PAYNE, 0000
DAVID C. PEEL, 0000
MICHAEL D. PEFLEY, 0000
LOREN S. PERLSTEIN, 0000
PENNY F. PIERCE, 0000
GILDA C. PRICE, 0000
PATRICIA A. QUISENBERRY, 0000
TRAVIS P. RATTAN, 0000
PATRICIA R. REFSDAL, 0000
KATHERINE A. B. REPKO, 0000
JOHN A. RICHARDSON II, 0000
WILLIAM S. RICHARDSON, 0000
JOHN E. RILEY, JR., 0000
REBECCA J. RITCHEYFRITZ, 0000
RONALD R. ROJAS, 0000
GARY E. ROMSAAS, 0000
KRISTIN L. RUDIN, 0000
JAMES C. RUEHRMUND, JR., 0000
JOHN M. SALMON, 0000
CHARLES M. SCHENCKE, 0000
RICHARD D. SCHIKORA, 0000
MARK C. SCHWING, 0000
THOMAS C. SELVAGGI, 0000
LEE W. SERGI, 0000
HARVEY C. SHAPIRO, 0000
MARK E. SHEPROW, 0000
MICHAEL G. SHOOK, 0000
HENRY R. SKILLERN, 0000
STEVEN H. SLICK, 0000
DANA M. SMERCHEK, 0000
BRIAN L. SMITH, 0000
ELLIS P. SMITH, 0000
EMILY J. SMITH, 0000
JAMES F. SMITH, 0000
SAMMIE M. SMITH, 0000
VANCE M. SMITH, 0000
KENNETH N. SNYDER, 0000
QUAY C. SNYDER, 0000
ROBERT G. SPEER, 0000
GREGORY H. STANLEY, 0000
JUDY M. STEPLER, 0000
DAVID E. STINE, 0000
ROBERT R. STORMES, 0000
GERRY D. STOVER, 0000
OLIVIA Y. STRINGER, 0000
MICHAEL K. SUMIDA, 0000
CATHY W. SWAN, 0000
JOHN A. TALL, 0000
ROBERT O. TARTER, 0000
ROGER K. THOMSON, 0000
JACOB G. THORN, JR., 0000
JULIE A. TIZARD, 0000
RAYMOND B. TORGERSON, 0000
MICHAEL A. TORRES, 0000
PAULA H. TSUFIS, 0000
ROBERT T. ULRICH, 0000
RIDLEY NORTMAN USHERWOOD, 0000
SUBRAHMANYAM VADLAMANI, 0000
JAMES C. VANHOUSEN, 0000
PAUL M. VANSICKLE, 0000
RAYMOND J. VEATCH, 0000
RAYMOND T. VIZZONE, 0000
EVA T. WALLACE, 0000
SHERMAN S. WALLEN, 0000
JEFFREY L. WALLER, 0000
MICHAEL F. WALSH, 0000
SANFORD E. WAY, 0000
MICHAEL J. WEININGER, 0000
MARILYN A. WELCH, 0000
FREDERICK L. WHITICAN, 0000
DAVID P. WIDAUF, 0000
SUSAN M. WILKERSON, 0000
ANTONY G. WILLIAMS, 0000
SUSAN J. WILLIAMSON, 0000
DALE A. WOLFE, 0000
WILLIAM E. WOODS II, 0000
ROGER A. WUJEK, 0000

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531.

To be captain

SYNYA K. BALANON, 0000
ANTHONY S. BANKES, 0000
JOSEPH R. BEARD IV, 0000
MATTHEW R. BONZANI, 0000
JOHN S. BRUUN, 0000
STEPHEN R. CHEN, 0000
COLLEEN M. CHRISTENSEN, 0000
CHRISTOPHER A. COOP, 0000
ELVIN J. CRUZZENO, 0000
KAREN I. DACEY, 0000
KRISTINA F. DIFRANCESCO, 0000
LORI R. DISEATI, 0000
PATRICK M. ELLISON, 0000
ROBERT L. ELWOOD, 0000
CHRISTIAN T. HANLEY, JR., 0000
BRANDON R. HORNE, 0000
KIRK E. JENSEN, 0000
MATTHEW C. KATUS, 0000
COLLEEN M. KERSGARD, 0000
MARIA R. J. KOSTUR, 0000
MICHAEL J. KOZNARSKY, 0000
KERRY P. LATHAN, 0000
ALARIC C. LEBARON, 0000
DANETTE S. LEBARON, 0000
MONICA M. LOVASZ, 0000
JUSTIN Q. LY, 0000
DANIEL S. MADSEN, 0000
MICHAEL J. MC BETH, 0000
JOHN V. MONTORELLO, 0000
ALI D. MORRELL, 0000
PATRICK M. MUEHLBERGER, 0000
AMY L. PARKER, 0000
TARA N. PIECH, 0000
BRIAN A. SHANER, 0000
LUKE B. SIMONET, 0000
MARK A. SLABAUGH, 0000
ADRIAN K. STULL, 0000
KEITH A. SWARTZ, 0000
MARK W. TRUE, 0000
DMITRY TUDER, 0000
JANET L. VEESART, 0000
MEGUMI M. VOGT, 0000
ANDREW L. WINGE, 0000
EDWARD K. YI, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE NURSE CORPS, MEDICAL SERVICE CORPS, MEDICAL SPECIALIST CORPS AND VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JAIME ALBORNOZ, 0000
CARLOS M. ARROYO, 0000
KATHERINE A. BABB, 0000
JOHN M. BEUS, 0000
JAMES A. BLAGG, 0000
LARRY G. CARPENTER, 0000
DAVID S. CARTER, 0000
MICHAEL B. CATES, 0000
MAUREEN COLEMAN, 0000
BRIAN J. COMMONS, 0000
PATRICIA A. CORDTS, 0000
MICHAEL D. DALEY, 0000
WILLIAM G. DAVIES, 0000
STEPHEN L. DENNY, 0000
SHARON S. DERUVO, 0000
MARY R. DEUTSCH, 0000
DONNA M. DIAMOND, 0000
KATHLEEN N. DUNEMN, 0000
PRINCESS L. FACEN, 0000
BRADLEY D. FREEMAN, 0000
TIMOTHY D. GORDON, 0000
GREG A. GRIFFIN, 0000
DAVID S. HEINTZ, 0000
JOSEPH C. HIGHTOWER, 0000
NANCY S. HODGE, 0000
SALLY S. HOEDEBECKE, 0000
WILLIAM J. HULEATT, JR., 0000
DORENE HURT, 0000
LELAND L. JURGENSMEIER, 0000
WILLIAM S. KIRK, 0000
BRIAN E. KNAPP, 0000
JEFFREY N. LEGRANDE, 0000
LARRY C. LYNCH, 0000
FRANCIS L. MC VEIGH, 0000
ELIZABETH A. MILFORD, 0000
JUDITH J. MINDERLER, 0000
BRENDA F. MOSLEY, 0000
ROGER W. OLSEN, 0000
ANALIZA Y. PADDERATZ, 0000
ROBERT M. PONTIUS, 0000
NATHANIEL POWELL, JR., 0000
ANN B. RICHARDSON, 0000
DOUGLAS S. RINEHART, 0000
MARGARET RIVERA, 0000
LYNELE ROCKWELL, 0000
GEMRYL L. SAMUELS, 0000
CATHERINE M. SCHEMPP, 0000
SCOTT R. SEVERIN, 0000
KATHLEEN Y. SHACKLE, 0000
RONALD L. SHIPPEE, 0000
DEBRA L. SPITTLER, 0000
DANIEL A. STRICKMAN, 0000
ROBERT J. THOMPSON, 0000
WREN H. WALTERS, JR., 0000
LISA D. WEATHERINGTON, 0000
NOEL R. WEBSTER, 0000
BETTY J. WILEY, 0000
TIMOTHY D. WILLIAMSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

THOMAS E. AYRES, 0000
GREGORY T. BALDWIN, 0000
TRACY A. BARNES, 0000
PETER G. BECKER, 0000
ELIZABETH D. BERRIGAN, 0000
JOSEPH H. BESTUL, 0000
DAVID L. CONN, 0000
TIMOTHY M. CONNELLY, 0000
DENISE A. COUNCILROSS, 0000
FLORA D. DARPINO, 0000
JAMES J. DILIBERTI, 0000
FRED K. FORD, 0000
PAUL D. HANCQ, 0000
MICHAEL J. HARGIS, 0000
FRANK M. HRUBAN, 0000
ROBIN L. JOHNSON, 0000
KEVIN D. JONES, 0000
RANDY T. KIRKVOLD, 0000
CHRISTINE LERCH, 0000
MAURICE A. LESCAULT, JR., 0000
EDWARD J. MARTIN, 0000
MICHAEL A. NEWTON, 0000
CHRISTOPHER J. O'BRIEN, 0000
TARA A. OSBORN, 0000
CURTIS A. PARKER, 0000
CHARLES N. PEDE, 0000
JODY M. PRESCOTT, 0000
JOHN P. SAUNDERS, 0000
LISA M. SCHENCK, 0000
BERTIE A. SMISEK, 0000
MICHAEL E. SMITH, 0000
PERKUCHIN K. SPAULDING, 0000
PAMELA M. STAHL, 0000
FRED P. TAYLOR, 0000
GUY JOHN TAYLOR, 0000
MARK W. TOOLE, 0000
DAVID A. WALLACE, 0000
JOEL E. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be colonel

ROBERT B. ABERNATHY, JR., 0000
WILLIAM G. ADAMS, 0000
CHARLES R. ALEXANDER, JR., 0000
HAL K. ALGUIRE, 0000
KENNETH R. ALLEN, JR., 0000
MICHAEL J. ALTOMARE, 0000
MICHAEL P. ANDERSON, 0000
RONALD J. ANDREWS, 0000
JOAN C. ARNOLD, 0000
PAUL L. ASWELL, 0000
STEFAN M. AUBREY, 0000
ALLISON T. AYCOCK, 0000
DENNIS J. BALDRIDGE, 0000
BRIAN R. BALDY, 0000
STEPHEN C. BALL, 0000
ALBERT E. BALLARD, JR., 0000
ELISHA L. BALLARD, 0000
JAMES R. BARTRAN, 0000
JAMES M. BATES, JR., 0000
MICHAEL W. BECHTOLD, 0000
MARK A. BELLINI, 0000
KEVIN C. BENSON, 0000
MICHAEL W. BIERING, 0000
BRIAN F. BOCKLAGE, 0000
DOUGLAS A. BOONE, 0000
JAMES C. BOOZER, SR., 0000
MICHAEL R. BORDERS, 0000
MICHAEL BOSACK, 0000
JODY L. BRADSHAW, 0000

WILLIAM C. BRADSHAW, 0000
ARNOLD N. BRAY, 0000
DALLAS C. BROWN III, 0000
JOSEPH A. BROWN, 0000
MARY K. BROWN, 0000
ULYSSES BROWN, JR., 0000
BRUCE E. BRYDGES, 0000
JAMES J. BUDNEY, JR., 0000
GLENN L. BURCH, 0000
CARLOS A. BURGOS, 0000
BENJAMIN H. BUTLER, 0000
DONALD M. CAMPBELL, JR., 0000
WILLIAM M. CANIANO, 0000
PAUL R. CAPSTICK, 0000
RICHARD G. CARDILLO, JR., 0000
CRAIG L. CARLSON, 0000
PATRICK O. CARPENTER, 0000
CARL J. CARTWRIGHT, 0000
DANNY N. CASH, 0000
ALAN C. CATE, JR., 0000
JOSEPH D. CELESKI, 0000
BROOKS B. CHAMBERLIN, 0000
PETER M. CHAMPAGNE, 0000
ALEJANDRO L. CHAMPIN, 0000
JAMES A. CHEN, 0000
TIMOTHY D. CHERRY, 0000
MARK A. CIANCHETTI, 0000
MICHAEL G. CLARK, 0000
ARNALDO CLAUDIO, 0000
MARK W. CLAY, 0000
TERRY L. CLEMONS, 0000
CHARLES T. CLEVELAND, 0000
JAMES H. COFFMAN, JR., 0000
HOWARD I. COHEN, 0000
THOMAS A. COLE, 0000
THOMAS M. COLE, 0000
GLEN C. COLLINS, JR., 0000
MICHAEL COLPO, 0000
KEVIN T. CONNELLY, 0000
MICHAEL J. CONRAD, JR., 0000
JOSEPH CONTARINO III, 0000
TERRY P. COOK, 0000
KEITH L. COOPER, 0000
PETER C. COOPER, 0000
RONALD C. CORDELL, 0000
RADAMES CORNIER, JR., 0000
ROBERT D. COX, 0000
DAVID B. CRIPPS, 0000
LARRY W. CROCE, 0000
KENNETH E. CROWDER, 0000
KENNETH M. CROWE, 0000
DONALD R. CURTIS, JR., 0000
DANIEL G. DALEY, 0000
ARTHUR K. DAVIS, 0000
RODNEY M. DAVIS, 0000
GENARO J. DELLAROCCO, 0000
JAMES N. DELOTTINVILLE, 0000
JAMES M. DEPAZ, 0000
TERRY K. DEROUCHEY, 0000
SHANE M. DEVERILL, 0000
PETER J. DILLON, 0000
ALFRED E. DOCHNAL, 0000
RICHARD C. DOERER, 0000
MARK T. DOODY, 0000
PATRICIA A. DOOLEY, 0000
RICK A. DORSEY, 0000
KENNETH S. DOWD, 0000
BILLY J. DOWDY, 0000
ROBERT H. DRUMM, JR., 0000
DONALD G. DRUMMER, 0000
GLEN P. DUDEVOIR, 0000
DOUGLAS R. ELLER, 0000
PAUL L. ENGLISH, JR., 0000
CHRISTOPHER G. ESSIG, 0000
JEFFERSON G. EWING, 0000
DAVID G. FARRISEE, 0000
DAVID J. FARRUGGIA, 0000
ORLANDO J. FERNANDEZ, 0000
DENNIS E. FIELDS, 0000
MICHAEL D. FITZGERALD, 0000
ROBERT G. FIX, 0000
ANN G. FLETCHER, 0000
JOSEPH F. FONTANELLA, 0000
BARRY J. FOWLER, 0000
MELVIN R. FRAZIER, 0000
MARY C. FRELS, 0000
JOHN R. FREUND, 0000
WILLIAM H. FRITZ, JR., 0000
LOUIS L. FUERTES, 0000
JOSEPH L. GARNES, 0000
JOHN F. GARRITY III, 0000
MICHAEL J. GEARTY, 0000
ROGER A. GERBER, 0000
DANIEL M. GERSTEIN, 0000
THOMAS J. GIBBONS, 0000
PETER J. GITTO, 0000
TIM R. GLAESER, 0000
STEVEN M. GONZALES, 0000
EMILIO T. GONZALEZ, 0000
TED M. GOOD, 0000
MONICA M. GORZELNIK, 0000
MARK A. GRABLIN, 0000
WILLIAM J. GRAHAM, JR., 0000
FRANK J. GRAND III, 0000
MICHAEL O. GRANT, 0000
WILLIAM G. GRAVES, 0000
WILLIAM L. GREER, 0000
WILLIAM A. GUINN, 0000
MICHAEL J. GUTHRIE, 0000
ROBERT G. GUTJAHR, 0000
MARK L. HAINES, 0000
DAVID C. HALL, 0000
STUART B. HAMILTON, 0000
JACK W. HAMPTON, JR., 0000
DAVID L. HANSEN, 0000
MARK D. HANSON, 0000
PERRY HARGROVE, 0000
JAMES E. HARRIS III, 0000
LEE A. HARRIS, 0000
ROBERT L. HARRISON, 0000
EDWARD A. HART, 0000
SAMMIE E. HASKIN, 0000
RICHARD G. HATCH, 0000
ROY HAWKINS, 0000
THOMAS W. HAYDEN, 0000
JACOB N. HAYNES, 0000
PETER T. HAYWARD, 0000
THOMAS K. HEINEKEN, 0000
RONALD P. HEITER, 0000
RICHARD N. HELFER, 0000
JAMES A. HELIS, 0000
DAVID S. HENDERSON, JR., 0000
DONALD J. HENDRIX, 0000
TOMMY G. HENNESSEE, 0000
MARK R. HENSCHEID, 0000
DAVID M. HERGENROEDER, 0000
SAMUEL J. HERNANDEZ, 0000
JYUJI D. HEWITT, 0000
CHARLES W. HIGBEE, 0000
RONALD P. HIGHAM, JR., 0000
JAMES L. HODGE, 0000
RICHARD A. HOEFERT, 0000
MICHAEL E. HOFFPAUIR, 0000
JACK D. HOGGE, JR., 0000
RICHARD M. HOLCOMB, 0000
SHARON L. HOLMES, 0000
TIMOTHY W. HOPE, 0000
ANN L. HORNER, 0000
ROBERT L. HOUSE, 0000
DONALD T. HOWARD, 0000
FLOYD E. HUDSON, JR., 0000
JAMES L. HUGGINS, JR., 0000
RICHARD P. HUGHES, 0000
FRANK R. HULL, 0000
ERIC D. HUTCHINGS, 0000
DAVID F. IFFLANDER, 0000
KENNETH M. IRISH III, 0000
WILLIAM A. JENKS, 0000
JEFFREY F. JOHNS, 0000
ORLEY H. JOHNS, 0000
ALBERT JOHNSON, JR., 0000
ALVIE JOHNSON, 0000
BRENT A. JOHNSON, 0000
MICHAEL E. JOHNSON, 0000
NANCY A. JOHNSON, 0000
ROBERT L. JOHNSON, JR., 0000
THEODORE E. JOHNSON, 0000
THOMAS C. JOHNSON, 0000
WILLIAM R. JOHNSON, JR., 0000
MARK W. JONES, 0000
REUBEN D. JONES, 0000
JEFFREY D. JORE, 0000
CHARLES H. JORGENSON, 0000
SUSAN L. JUNKER, 0000
PAUL C. JUSSEL, 0000
NICKOLAS G. JUSTICE, 0000
JAMES J. KARR, 0000
ROBERT V. KAZIMER, 0000
ROBERT B. KEYSER, 0000
FREDERICK R. KIENLE, 0000
JAMES E. KNAUFF, JR., 0000
DONALD P. KOTCHMAN, 0000
THOMAS A. KRUEGLER, 0000
MARK M. KULUNGOWSKI, 0000
WILLIAM G. LAKE, JR., 0000
MICHAEL J. LALLY III, 0000
PATRICK G. LANDRY, 0000
GEORGE A. LATHAM II, 0000
JAMES F. LAUFENBURG, 0000
MICHAEL E. LAVALLE, 0000
DAVID L. LAWRENCE, 0000
SUSAN S. LAWRENCE, 0000
KIM C. LEACH, 0000
JOHN R. LEE, 0000
CRAIG W. LEEKER, 0000
KEVIN A. LEONARD, 0000
CHARLES S. LEWIS, 0000
RICHARD G. LEYDEN, 0000
GEORGE T. LOCKWOOD, 0000
WILLIAM M. LONG, 0000
ARMANDO LOPEZ, JR., 0000
DAVID LOPEZ, 0000
WARREN J. LOPEZ, 0000
CECIL L. LOTT, JR., 0000
TROY L. LOVETT, 0000
ALBERT LUSTER, 0000
ANNE F. MAC DONALD, 0000
ELIZABETH A. MAC GUIRE, 0000
RODNEY A. MALLETTE, 0000
MICHAEL J. MALLORY, 0000
MARDI U. MARK, 0000
GREGG F. MARTIN, 0000
MICHAEL R. MARTINEZ, 0000
ROGER F. MATHEWS, 0000
JORGE R. MATOS, 0000
JODY A. MAXWELL, 0000
KELLY L. MAYES, 0000
BRIAN K. MAYS, 0000
MARK G. MC CAULEY, 0000
JOHN F. MC CUE, JR., 0000
JAMES M. MC DONALD, 0000
RICHARD P. MC EVOY, 0000
JAMES P. MC GAUGHEY, 0000
PHILLIP E. MC GHEE, 0000
KEVIN P. MC GRATH, 0000
MICHAEL J. MC KINLEY, 0000
KURT A. MC NEELY, 0000
PATRICK B. MC NIECE, 0000
RICHARD R. MC PHEE, 0000
PATRICIA E. MC QUISTION, 0000
ISRAEL R. MC REYNOLDS, 0000
GORDON H. MERENESS, JR., 0000
PATRICK J. MICHELSON, 0000
JOHN P. MIKULA, 0000
LLOYD MILES, 0000
GREGORY S. MILLER, 0000
STEVEN R. MIRR, 0000
GERALD A. MOCELLO, 0000
JOSEPH I. MOORE, 0000
WAYNE A. MOORE, 0000
STEVEN C. MOORES, 0000
JAMES K. MORGAN, 0000
ROBERT C. MORRIS, JR., 0000
WILLIAM R. MOYER, 0000
LLOYD E. MUES, 0000
JOHN F. MULHOLLAND, 0000
MIKE G. MULLINS, 0000
RANDALL P. MUNCH, 0000
JOSEPH D. MYERS, 0000
HUBERT W. NEWMAN, 0000
STEVEN H. NICHOLS, 0000
HENRY C. O'BRIEN, 0000
JOHN B. O'DOWD, 0000
RODGER A. OETJEN, 0000
ROBERT D. OGG, JR., 0000
JAMES R. OMAN, 0000
TIMOTHY O'NEIL, 0000
JAMES M. PALERMO, 0000
ROY J. PANZARELLA, 0000
CHRISTOPHER R. PAPARONE, 0000
CHRISTOPHER J. PARKER, 0000
JAY M. PARKER, 0000
GARY L. PARRISH, 0000
MELISSA E. PATRICK, 0000
SCOTT E. PATTON, 0000
FOSTER P. PAYNE II, 0000
JOHN W. PEABODY, 0000
DAVID G. PERKINS, 0000
STEVEN R. PERRY, 0000
FRANK S. PETTY, 0000
WILLIAM H. PHELPS, 0000
JOSE A. PICART, 0000
KENNETH L. PIEPER, 0000
JAMES F. PIKE, 0000
PAUL R. PLEMMONS, 0000
STEVE M. POET, 0000
RICHARD L. POLCZYNSKI, 0000
GERALD J. POLTORAK, 0000
RONALD W. PONTIUS, 0000
GINGER T. PRATT, 0000
WILLIAM H. PRATT, 0000
TIMOTHY J. QUINN, 0000
DUANE T. RACKLEY, 0000
ROBERT W. RADCLIFFE, 0000
JOHN L. RAMEY, 0000
JOE E. RAMIREZ, JR., 0000
ALLEN D. RAYMOND IV, 0000
DENNIS K. REDMOND, 0000
GEORGE E. REED, 0000
GREGORY R. REID, 0000
WILLIAM B. REILLY, 0000
JAMES E. RENTZ, 0000
ROBERT L. REYENGA, 0000
MARTIN I. REYES, 0000
SANDRA V. RICHARDSON, 0000
MICHAEL N. RILEY, 0000
LEOPOLDO A. RIVAS, 0000
MARK D. ROCKE, 0000
CARLOS RODRIGUEZ, 0000
DENNIS E. ROGERS, 0000
JAMES E. ROGERS, 0000
MICHAEL D. ROSENBAUM, 0000
JERRY H. ROTH, 0000
THOMAS J. ROTH II, 0000
JAMES R. ROWAN, 0000
LARRY D., RUGGLEY, 0000
MICHAEL A. RYAN, 0000
JOHN R. SADLER, 0000
SCOTT W. SALYERS, 0000
LUIS D. SANS, 0000
LAWRENCE H. SAUL, 0000
STEVEN B. SBOTO, 0000
JACK V. SCHERER, 0000
JAMES S. SCHISSER, 0000
THOMAS A. SCHNEIDER, 0000
CHARLES M. SELLERS, 0000
JULIA K. SENNEWALD, 0000
MICHAEL C. SEVCIK, 0000
DAVID G. SHADDRIX, 0000
MICHAEL A. SHALAK, 0000
WENDELL K. SHELTON, 0000
GUY T. SHIELDS, 0000
KEVIN A. SHWEDO, 0000
ROBERT W. SIEGERT III, 0000
STEVEN C. SIFERS, 0000
JAMES V. SLAVIN, 0000
CARLETON M. SMITH, 0000
DAVID J. SMITH, 0000
JEFFREY G. SMITH, JR., 0000
KEVIN M. SMITH, 0000
CHARLES O. SMITHERS III, 0000
JOHN C. SNIDER, 0000
THOMAS J. SNUKIS, 0000
TEDDY R. SPAIN, 0000
THOMAS W. SPOEHR, 0000
PATRICK A. STALLINGS, 0000
DANIEL L. STEADMAN, 0000
RALPH R. STEINKE, 0000
GEORGE W. STEUBER, 0000
MARK A. STEVENS, 0000
LARRY STUBBLEFIELD, 0000
DANIEL V. SULKA, 0000
GARRETT J. SULLIVAN, 0000
JACK N. SUMME, 0000
ROBERT L. SUTHARD, JR., 0000
GLENN H. TAKEMOTO, 0000
DANIEL L. TAYLOR, 0000
SAMUEL T. TAYLOR III, 0000
STUART S. TAYLOR, 0000
MICHAEL J. TERRY, 0000
DAVID J. THOMAS, 0000
LARRY L. THOMAS, 0000
RICHARD G. THOMPSON, 0000
JOSE A. TORRES, JR., 0000
SIMEON G. TROMBITAS, 0000
MICHAEL S. TUCKER, 0000
GERRY B. TURNBOW, 0000
CECILIA K. TYLER, 0000
NELVIN E. TYLER, JR., 0000
LANE M. VANDESTEEG, 0000
PETER J. VARLJEN, 0000
JAMES E. VEDITZ, 0000
MATHIAS R. VELASCO, 0000
EDWARD R. VISKER, 0000
KEITH R. VORE, 0000
JAMES I. VOSLER, 0000
JOSEPH L. VOTEL, 0000
MARTIN L. VOZZO, 0000
DWAYNE K. WAGNER, 0000
JOSEPH L. WALDEN, 0000
STEPHEN L. WALKER, 0000
ROY A. WALLACE, 0000
WENDELL C. WARNER, 0000
LEONARD D. WATERWORTH, 0000
GAYLE L. WATKINS, 0000
THOMAS W. WEAFER, 0000
JAMES E. WEGER, 0000
JOHN M. WELSH, 0000
KEVIN R. WENDEL, 0000
JEFFREY S. WHITE, 0000
FRANCIS J. WIERCINSKI, 0000
STEVE T. WILBERGER, 0000
KEVIN V. WILKERSON, 0000
WILLIAM M. WILKINSON, 0000
GREGORY M. WILLIAMITIS, 0000
THOMAS W. WILLIAMS, 0000
WILLIAM R. WILSON, 0000
WILLIAM T. WOLF, 0000
TERRY A. WOLFF, 0000
ALLEN F. WOODHOUSE, 0000
KEVIN V. WRIGHT, 0000
CHRISTOPHER J. YOUNG, 0000
DON C. YOUNG, 0000
JOSEPH D. YOUNG, 0000
MORRIS M. YOUNG, 0000
PAUL A. ZACHARZUK, 0000
JAMES E. ZANOL, 0000
MARK J. ZODDA, 0000
MICHAEL A. ZONFRELLI, 0000
X0000
X0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL C. ALBO, 0000
BERNAL B. ALLEN, JR., 0000
GEORGE J. ALLEN, 0000
RONALD L. BAILEY, 0000
ROBERT G. BAKER, 0000
BRUCE M. BARNES, 0000
DAVID L. BARRACLOUGH, 0000
DENNIS W. BEAL, 0000
DREW A. BENNETT, 0000
INGRID E. BERGMAN, 0000
GLENN C. BIXLER, 0000
BARRY B. BIZZELL, 0000
LEONARD A. BLASIOL, 0000
ROBERT M. BRADY, 0000
DANNY L. BRUSH, 0000
SHERROD L. BUMGARDNER, JR., 0000
SALVADOR J. CALLEROS, 0000
WILLIAM M. CALLIHAN, 0000
RICHARD A. CHRISTIE, 0000
PAUL CROISETIERE, 0000
ROBERT B. CRONIN, 0000
WILLIAM R. CRONIN, 0000
DANIEL E. CUSHING, 0000
GEORGE M. DALLAS, 0000
EUGENE T. DANIELS, JR., 0000
HENRY C. DEWEY III, 0000
RONALD G. DODSON, JR, 0000
HENRY J. DONIGAN III, 0000
ROSE M. FAVORS, 0000
WILLIAM S. FEBUARY, 0000
MARC W. FISHER, JR., 0000
JEFFREY E. FONDAW, 0000
STEPHEN L. FORAND, 0000
STEPHEN H. FOREMAN, 0000
RAYMOND C. FOX, 0000
BRUCE A. GANDY, 0000
GEORGE P. GARRETT, 0000
THOMAS C. GREENWOOD, 0000
THOMAS E. GREGORY, 0000
DARCY E. GRISIER II, 0000
CRAIG L. GROTZKY, 0000
GORDON B. HABBESTAD, 0000
WALTER B. HAMM, 0000
TIMOTHY C. HANIFEN, 0000
THOMAS L. HANKS, 0000
WILLIAM E. HARDY, 0000
ANTHONY M. HASLAM, 0000
KEVIN A. HOEY, 0000
RANDALL W. HOLM, 0000
TIMOTHY B. HOWARD, 0000
FRED S. HUDSON, JR., 0000
DOUGLAS R. ISLEIB, 0000
MICHAEL K. JOHNSON, 0000
DANIEL L. KARLS, 0000
ELLIOT S. KATZ, 0000
JAMES R. KEADLE, 0000
JAMES J. KINNERUP III, 0000
TIMOTHY J. KOLB, 0000
DANIEL D. LESHCHYSHYN, 0000
WILLIAM R. LISTON, 0000
ROBERT E. LOVE, 0000
WILLIAM LUCENTA, 0000
MARK D. MAHAFFEY, 0000
MICHAEL P. MARLETTO, 0000
LANCE R. MC BRIDE, 0000
RONNELL R. MC FARLAND, 0000
DAVID W. MC LAWHORN, 7833
WILLIAM J. MILES, 0000
CLAYTON F. NANS, 0000
PATRICK M. O'DONOGUE, 0000
KEVIN P. O'KEEFE, 0000
STEPHEN W. OTTO, 0000
JONATHAN T. PASCO, 0000
STEPHEN M. POMEROY, 0000
JOHN J. POMFRET, 0000
JEFFREY A. POWERS, 0000
JOHN M. REED, 0000
RICHARD M. REED, 0000
VICTOR J. RILEY III, 0000
MARK R. SAVARESE, 0000
JONATHAN R. SCHARFEN, 0000
RAYMOND E. SCHWARTZ III, 0000
DAVID L. SHELTON, 0000
HARMON A. STOCKWELL, 0000
GARY S. SUPNICK, 0000
THOMAS B. SWARD, 0000
STEVEN J. THOMPSON, 0000
ANTHONY E. VANDYKE, 0000
DENISE R. VANPEURSEM, 0000
CLIFTON E. WASHINGTON, 0000
ERIC C. WEBER, 0000
EARL S. WEDERBROOK, 0000
CHRISTOPHER M. WELDON, 0000
JEFFREY A. WHITE, 0000
JOHN D. WILLIAMS, 0000
JOSEPH R. WINGARD, 0000
JOHN E. WISSLER, 0000
RICHARD W. YODER, 0000