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Senate

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

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Rev. Eugene F. Rivers, from Azusa Christian Community Church, Dorchester, MA.

PRAYER

The guest Chaplain, Rev. Eugene F. Rivers, offered the following prayer:

Father, we thank You, praise You, and adore You for how You have blessed us. May we be good stewards of all the resources with which You have entrusted us. Provide the men and women of this Senate with knowledge, wisdom, and understanding that they may make decisions that are just and fair.

God of strength and love, because You care for us, we are never alone. Give us the wisdom to turn our fears into courage, so that we will have the power to make good decisions, even in bad situations. Thank You for loving us and teach us how to love ourselves.

Father, give us a love that is patient and kind; that does not envy or boast; that is not proud; that is not rude or self-seeking or easily angered and keeps no record of wrongs. Give us a love that does not delight in evil but rejoices in the truth; that always hopes and perseveres. Give us a love that never fails.—1 Corinthians 13.

Amen.

THE GUEST CHAPLAIN

Mr. KERRY. Mr. President, it is my great privilege today to introduce to my colleagues in the Senate a very special person who is here with us, a long time friend of mine and a true leader, nationally as well as in Massachusetts, the Rev. Eugene Rivers.

Reverend Rivers is the pastor of the Azusa Christian Community in Four Corners, which is an inner-city commu-

nity in Boston. He honored the Senate today by delivering our opening prayer, asking particularly that each and every one of us are bestowed with the wisdom to turn our fears into courage so that we will have the power to make good decisions even in bad situations. I think those words are particularly important to us in the context of this debate in the last few days.

Not only should we be touched by Gene Rivers' words this morning, but I emphasize to my colleagues the degree to which the words of this person of the cloth and the acts of life come from his heart. As someone who knows him and has worked with him and has been inspired by him, I can tell my colleagues that he is the living embodiment of the words he shared with us today. Those words reflect the important work that he has made his life's work—walking often in places of danger, always in places of difficulty, in order to try to bring the word of God and the spirit to our fellow citizens—in fact, the citizens of the world.

Gene Rivers comes from a place that understands some of the toughest fights in our country. He was born and raised in south Chicago and in north-west Philadelphia. He found himself in a bad situation as a gang member. He was struggling to break free from the life that he knew was either going to take him to jail or to a cemetery.

After, from that difficult life of the streets, Reverend Rivers persevered and he attended Harvard University and then did studies at the Divinity School. Ultimately, he has returned to the streets to live out his inner self in the spirit that commands his life. He has been part of what we call the Boston Miracle. As he puts it, he has let God use him to fight the gangs. Most recently, through his tremendous efforts in Boston, with Operation 2006 and the Baker House, my staff and I have seen Gene Rivers go out into the community, knocking on doors, standing on street corners to develop the

services and assistance and the inspiration that so many young people need. He works very closely with the law enforcement authorities in helping to defuse the danger of the gangs.

As a consequence of his hands-on efforts, we went through, I think, almost a 2-year period in which we had not one young person killed in the city of Boston. He is consistently working to try to defuse those kinds of situations. Because of his direct hands-on action, Operation 2006 reduces juvenile violence and it brings the community together in ways that perhaps no one in public life could do without that special kind of connection.

I might add that, since then, Gene Rivers has tackled a much larger call beyond Massachusetts. The Senate this year has become particularly aware of the devastation taking place in Africa as a result of the AIDS epidemic. Gene Rivers has tackled that issue, challenging leaders in Africa, as well as leaders here, to engage in a candid discussion that tries to bring us all together in a united effort to deal with this terrible scourge. He has helped to make us all aware of the responsibility to do something about this, and he has had an impact.

Reverend Rivers was, in fact, the subject of a cover story in Newsweek magazine, I think a little over a year ago. They described him as an "intellectual burst of firecrackers spinning off ideas and energy."

He has been called an "impolitic preacher" and a man of action. Today, I simply want to thank him for always answering the call of leadership, for battling, from every day for the souls and safety of our inner-city kids to standing up to halt the spread of AIDS throughout Africa. I thank him for being a great voice of our generation, and he graces us with his wisdom and his prayers. I extend my heartfelt thanks to Rev. Eugene Rivers for his guidance, his friendship, and his leadership.

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



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PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 18, 2000.

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

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will resume consideration of the military construction appropriations bill. There are nearly 5½ hours of debate remaining on the Levin amendment in regard to Kosovo. Senators who have statements are encouraged to work with the amendment managers on a time to come to the floor. Following the use or yielding back of time, a vote will occur at approximately 2:30 this afternoon. After the disposition of the Levin amendment, it is hoped the Senate can proceed to a vote on final passage of the bill.

For the remainder of the day, it is the intention of the leader to begin consideration of the foreign operations appropriations bill. Senators, therefore, can anticipate votes into this evening's session.

MEASURE PLACED ON THE CALENDAR—H.R. 3709

Mr. ROBERTS. Mr. President, I understand there is a bill at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3709) to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

Mr. ROBERTS. Mr. President, I object to further proceedings on the bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. Under the rule, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

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

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 2521, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Levin amendment No. 3154, to strike certain provisions which require ground troops be withdrawn from Kosovo by a fixed date.

The ACTING PRESIDENT pro tempore. The pending amendment is the Levin amendment No. 3154.

Under the previous order, the Senator from Kansas, Mr. ROBERTS, is recognized to speak for up to 15 minutes.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may proceed for 20 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, there is a time that has been allocated to each side. I ask my good friend from Kansas whether or not the additional 5 minutes will come out from the time that is allocated to his side.

Mr. ROBERTS. The Senator is correct. Last night I asked, under a unanimous consent request, for 20 minutes. I discovered this morning it was 15 minutes. I am merely asking for an additional 5 minutes. Obviously, it will come out of our time.

Mr. LEVIN. I have no objection if it comes out of their time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for 20 minutes.

Mr. ROBERTS. Mr. President, I rise to lend my support to the proposed legislation by my colleagues, Senator BYRD and Senator WARNER, in reference to U.S. obligations and involvement in Kosovo and, in a larger sense, in NATO as well, and in opposition to the amendment to strike that has been offered by the distinguished Senator from Michigan.

In this regard, I am a cosponsor of the language introduced several weeks ago by the distinguished chairman of the Armed Services Committee, Senator WARNER. I had the privilege of being in the Presiding Officer's chair

when he introduced his legislation. Senator WARNER, after many trips to Kosovo and firsthand experience, became convinced that our united efforts in the Balkans would have no chance of success unless promises made by our allies were kept—obligations for humanitarian assistance and reconstruction so crucial to any positive outcome.

Senator WARNER, in effect, issued a strong warning to our valued allies, and I believe his legislation has become a catalyst for action. Almost every contributing NATO ally and the officials within the administration, has assured the chairman, that they have been, are, or will step up to the plate and fulfill their financial obligations.

I feel with certainty that President Clinton can and will certify the Warner requirements have been met, so essential to achieving peace and stability in Kosovo. Regardless of how Members feel about this legislation or U.S. involvement in Kosovo, we owe Senator WARNER a debt of gratitude.

The second part of this legislation has been authored by Senator ROBERT BYRD. His knowledge of the U.S. Constitution has no equal in this body and his tireless efforts in defending and protecting the constitutional prerogatives of this institution will be among the many legacies he will leave us.

Senator BYRD has a not-so-unique conviction. He believes, and I believe, that we should balance the need for Presidential flexibility in foreign affairs and our constitutional power of the purse.

His legislation signals the end to open-ended—and I emphasize the word "open-ended"—U.S. peacekeeping operations in Kosovo and by periodic reporting promote actual consultation with the Congress and enable us to abide by the Constitution's directives on the separation of powers.

I certainly identify with Senator BYRD's purpose, as I authored a somewhat similar reporting requirement in 1998 during consideration of the Defense appropriations bill, as did Senators CLELAND and SNOWE. This is not new ground we are plowing. The reporting requirement was a little different. It was after the fact, and it was a foregone conclusion in terms of our involvement. We were trying to better determine the mission, the cost, the timing, et cetera. Again, this is not new ground we are plowing.

Notwithstanding the actual content of the Byrd-Warner amendment, it certainly has caused quite a fuss, so much of a fuss that the Senate of the United States is actually in the midst of a foreign policy debate, some \$15 billion and 6 or 7 years into intervention in the Balkans.

We actually have Senators in both the Republican conference and the Democratic caucus involved in some very spirited debate about the U.S. policy in the Balkans, so emblematic of the so-called Clinton doctrine. Imagine that, foreign policy actually getting

some attention in the middle of an election year and a Presidential campaign. That is good. That is not bad; that is good. We need this debate.

In fact, I know of two Senators, the Senator from Georgia, Mr. CLELAND, and this Senator from Kansas who have braved the morning business hours, always held in the late afternoons, to launch what we call a foreign policy dialog and discuss at length our vital national security interests, the direction of our foreign policy, and the use of force and related topics.

A few Senators have joined us, particularly Senators HUTCHINSON, HAGEL, LUGAR, and LEVIN. It was a good dialog. We will have more. But this debate is about an actual amendment calling for the Senate to meet our obligations and responsibilities to be an equal partner with the executive in determining where and why our American men and women in uniform are put in harm's way, and for what purpose, and commensurate with our commitments in regard to our allies.

This is almost beyond the hopes of Senator CLELAND and myself, who have been trying to attract attention to this topic for the better part of this session.

My colleagues, this legislation does us, our military, and the American people a big favor, it seems to me. It places the Congress into a process, a process where we already have a constitutional obligation. Simply put, if we, as a body, believe our continued presence in Kosovo is justified, then we do so by voting to stay.

Second, the provision asks the United States to provide a plan to return the peacekeeping responsibility—I emphasize that, the peacekeeping responsibility—to our allies in Europe by the first of October of next year—18 months away.

Last, it asks the President to certify that the E.U. and the European members of NATO meet the obligations for the humanitarian assistance and the reconstruction they have promised.

This legislation has created quite a fuss. Supporters have been labeled—and I am quoting here—as “isolationists,” “Cassandras,” and “blind to the facts.”

The critics of this legislation say, if this amendment is adopted, Europe will be plunged into darkness, NATO will resemble Humpty-Dumpty, and 50 years of U.S.-Europe cooperation will be in danger, not to mention the peace and stability in the Balkans. Really?

My colleagues, to suggest that if we ask to bring our combat troops home after an orderly turnover to European peacekeepers, to ask the Congress to vote on their approval or their disapproval of continued U.S. participation in Kosovo, and to ask that the President certify that the Europeans will meet their funding obligations they promised—if that represents a lessening of our commitment to Europe, this, to me, is histrionics of amazing proportions.

Let the critics, let all of my colleagues who oppose this legislation, answer the following questions:

First: Are the Europeans capable of maintaining the peace in Kosovo? That is a very important question.

Second: Are the Europeans solvent enough to meet their promised fiscal responsibility? I think we all know the answer to that.

Does the Congress have any responsibility for foreign policy?

Have we asked the President, time and time again, with numerous reporting requirements—as I have indicated, as Senator CLELAND, Senator SNOWE, and I have over 2 years ago—to better inform and include Congress in foreign policy decisions?

Would the United States respond militarily if a conflict erupted in Europe following the passage of this legislation?

Does an ill-defined, poorly executed, and ineffective policy in the Balkans have a direct negative effect on our military and our remaining military obligations around the world?

I think the answers, my colleagues and critics, is yes to all of those questions.

In fact, I think it is a bit condescending or paternalistic, if not outright arrogant, to suggest, as some have stated, that without direct U.S. participation—we are talking about ground troops now, not logistics, not airlift, not intelligence—that the European military would be unable to maintain the peace and war will spread to neighboring nations.

Those of us who are privileged to serve on the Senate Armed Services Committee have met repeatedly with our foreign counterparts to learn repeatedly that the European Union members are developing a rapid deployment force with defensive capability—they call it the ESDI—that they say will be, or is right now, capable of maintaining the peace in the Balkans. Are they wrong? We have 17 months to really try to figure that out.

As an aside, would our peacekeepers assume a combat role? Do I recall press accounts where Americans are no longer permitted to come to the assistance of other peacekeepers in other sectors, in certain situations, following a skirmish in the German sector?

So let me get this right. We are peacekeepers, but we cannot withdraw because of a possible problem that could break out; but we are not allowed to go to other sectors to assist if a problem breaks out? Something is wrong here.

Do the opponents of this legislation actually think that because of this provision, the United States will in fact become isolationists? Do opponents think by passing this provision, it signals an end to our participation in NATO or in Europe? That argument is absurd. I think the opponents know it. That is not the issue.

Aside from fulfilling our constitutional obligations, the issue is this:

The U.S. military is being deployed all over the world by this administration at rates far above that seen in regard to the cold war. We must ensure that we have the forces to be able to respond to threats to our vital national security interests.

The point is not to debate whether we should have gone to war in Kosovo—those 20-20 hindsight lessons learned are still in progress, and they should be—but rather to decide how long we will keep draining limited U.S. resources when we still cannot define what our long-term objectives in Kosovo are, or when the Europeans are fully capable of performing the peacekeeping mission again, and they have committed to providing the reconstruction resources and the resources for humanitarian relief.

This legislation is, in fact, in concert with the new Combined Joint Task Force mechanism adopted by NATO during the Washington summit. That is the summit that was held last spring. In this regard, we all left town and the NATO ambassadors stayed here. They adopted a new Strategic Concept. I doubt if many Senators have read the new Strategic Concept. I did.

I am a little concerned about our mission in that regard. I even had an amendment, that was adopted, that asked the President to certify whether we had obligations and responsibilities on all these new missions in regard to the Strategic Concept.

In that Strategic Concept, passed last fall, largely at the request of our European allies, the task force allows NATO members to utilize—listen up, my colleagues—the task force allows NATO members to utilize noncombat NATO resources in support of an operation that is conducted by a coalition of willing nations without requiring all alliance members to participate in it.

That is the concept. That is what this legislation does.

There is no reason this CJTF plan would not allow the United States to continue to provide—as the distinguished chairman of the Armed Services Committee said over and over again in this debate—airlift, logistics, intelligence, and, yes, peacekeeping support.

What is the end game here? Not only are there no clear objectives that would end our involvement in Kosovo, but there is no understanding, at least from this Senator's standpoint, of what constitutes “winning the peace.” I would like somebody to tell me.

I would like somebody to tell me, after years of discussion and hearings, especially in the Intelligence Committee and Armed Services Committee, the President, Secretary Albright or National Security Adviser Berger or Gen. Wesley Clark, who is back in Washington after a very tough duty assignment that he conducted so well, or my colleagues who are so critical of this amendment: What is it that winning the peace in Kosovo means?

Is it harmonious coexistence of the Serb and the Albanian population in

some yet to be defined autonomous or semiautonomous region called Kosovo? Is it when the level of violence, Serb on Albanian, Albanian on Serb, Albanian on Albanian or Serb on Serb or any combination of those, has been reduced to a point that CNN no longer covers it? Or is it when the western nations have kept the peace long enough for generations to pass and the great grandchildren of the combatants no longer remember the atrocities they inflicted on one another?

I am all for winning a peace. I don't know of anybody who is not. But I am concerned, and I am afraid the reality is that the U.S. cannot afford to wait. We are not talking about now. We are talking about October from October, 18 months. I say this not out of a lack of compassion for the inflicted innocents of Kosovo—those who I met and whose pleas I have heard and the memories of which I will carry forever—but because our U.S. military is stretched and strained and growing hollow once again, and our world commitments are too great to allow us to stay in Kosovo indefinitely.

Some time ago, June 19, 1998, Senator CLELAND and Senator SNOWE passed an amendment calling for a report from the Executive, what clear and distinct objectives guide the activities of the United States in the Balkans, what the President has identified on the basis of those objectives as the date or set of conditions that define the end point of the operation. That was 2 years ago.

There are findings here that pretty well underscore the concern and the frustration we have had, all of us, in a bipartisan way. We have a May 3, 1994, Presidential Decision Directive 25 declaring that American participation in the United Nations and other peace operations will depend in part—this was before Kosovo; this is Bosnia—on whether the role of the U.S. forces is tied to clear objectives and an end point for U.S. participation can be identified.

I think the distinguished chairman's amendment and that of Senator BYRD is commensurate with the Presidential directive. I had an amendment, as I indicated, to the Defense appropriations bill, saying: None of the funds appropriated on or otherwise made available, et cetera, could be obligated or expended for any additional deployment of forces—this is before Kosovo and the bombing, all of that—until the following questions were answered: The reasons why the deployment is in the national security interests of the United States; the number of U.S. military personnel; the mission and objectives, et cetera; the exit strategy.

About 6 months to a year later, we finally got a response. I can tell you that the mission has changed dramatically. Then we all wanted to safeguard the return of the refugees and provide a safe haven and end the fighting. Today, I am not sure if we can define "winning the peace."

A GAO report that just came says: On the eve of the Senate vote to set a

deadline for withdrawing American troops from Kosovo. A GAO report released today said that prospects for lasting peace in Kosovo are bleak. It says it will take another 5 years. Maybe we should have an amendment by those opposed to this amendment simply stating that the GAO indicates there is going to be another 5 years and simply to go ahead and say that, that we tell the truth in regards to how long it is going to take.

Last week in our foreign policy dialog, Senator LUGAR asked the question: Are we committed to NATO, after the lessons hopefully learned following the isolationist policies of World War I and all we have worked to achieve in the 50 years since World War II? Are we still committed to Europe in that their security involves our security? The answer is yes. His point is well taken. That is not the issue.

I submit the conduct of foreign policy is just as important as the alleged or stated goal. And there is the rub for this Senator. Some day I hope to pull together all of the information and reports I have stacked up in my office and address the concern, the frustration, in regard to the planning, the intelligence, the conduct, the law of unintended effects of the Kosovo and Bosnia operations, but now is not the appropriate time.

Upon returning from Kosovo and talking with one of the colonels in charge, who was a member of the Airborne, I asked him what he did from the time he got up in the morning until the end of the day, other than the briefing we had. He indicated there was some progress being made.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent I be granted another 2 minutes to close.

Mr. KERRY. Mr. President, I assume that comes off their time?

Mr. ROBERTS. That is correct.

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

Mr. ROBERTS. I asked the colonel what he was proud of, what kind of progress he had made. That was the trip that we had in February to Kosovo. He indicated that finally they had found somebody who agreed to serve as a schoolbus driver for the Serb children. Unfortunately, there were no Serb schoolchildren in Urisivic, and they would not have been allowed to attend the Kosovar school had they been there. In addition, there would have had to have been a separate curriculum and separate teachers. But they found a schoolbus driver who was willing to drive the schoolbus if, in fact, there was schoolchildren.

These troops were guarding six Serb families in what was called Serb Alley. They were escorted by armored vehicles to shop and get groceries once a week. These families are staying with the hope that their youngsters would return some day, if they are, in fact, still part of Serbia, and so they could continue their businesses.

I could go on with example after example. Basically, we asked him what he spent most of his time on. He said, Albanian violence on Albanian. The basic question is, within the next 18 months that we figure out if, in fact, Europe has the capability to conduct the peacekeeping operations. This is not a pullout. This is not an automatic retreat. All this is, is for the Congress of the United States to assume its constitutional responsibility at the end of 18 months, if the President requests it and says it is in our vital national interests, that we vote to stay. I, for one, would vote to stay if, in fact, the President looked me in the eye and said that was the case. I think under the circumstances I have made my point.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, under the standing order, the vote on this issue will occur at 2:30, give or take a few minutes on either side. Senator LEVIN has, under his control, 2 hours 45 minutes. The Senator from Virginia has roughly an hour and a half or less, of which 1 hour is reserved to our distinguished colleague, Mr. BYRD of West Virginia. Thus far, the Senator from Virginia is desirous of trying to accommodate those who wish to speak in support of the amendment. I have the names of Mr. TORRICELLI, Mr. CLELAND, Mr. FEINGOLD, Mr. GREGG, Mr. BURNS, Mr. INHOFE, Ms. SNOWE, Mr. THOMAS, and Mrs. HUTCHISON of Texas. I am going to be right here to do the very best I can to accommodate all.

Time is going to move very swiftly, and I hope Senators will contact the managers and indicate the times convenient for them to speak.

Mr. LEVIN. Mr. President, I wonder if my good friend will yield for a question as to whether we might be able to schedule—

Mr. WARNER. On your time because my clock is ticking.

Mr. LEVIN. It will be brief and on my time. Senator LAUTENBERG is scheduled to go next under the unanimous consent agreement. Can we schedule a speaker on your side, perhaps?

Mr. WARNER. Yes, Senator INHOFE will be seeking recognition, and perhaps 10 minutes would be agreeable. Would that be agreeable?

Mr. INHOFE. I would like to have 12, if I could.

Mr. WARNER. We will give the Senator 12.

Mr. LEVIN. I ask unanimous consent that Senator DEWINE be recognized for 10 minutes immediately after Senator INHOFE, and then does the Senator know who would be ready on his side?

Mr. WARNER. I reserve 8 minutes for a Senator in support of the amendment.

Mr. LEVIN. After that, Senator KERRY of Massachusetts could go on our side.

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

Mr. WARNER. Mr. President, I add that following Senator KERRY, I will have a speaker for about 7 minutes. I thank the Chair and my colleague.

The PRESIDING OFFICER. The Senator from New Jersey is recognized, under the previous order, to speak for up to 20 minutes.

Mr. LAUTENBERG. Mr. President, I thank Senator LEVIN for the courtesy of being able to speak at this time. I believe very strongly in the issue which is before us. I am in opposition to section 2410 in the military construction appropriations bill, which in the view of most, I think it is fair to say, effectively terminates the U.S. military role in Kosovo. I opposed this amendment when it was offered in committee, and I am proud to join with Senator LEVIN in offering an amendment to strike it here in the full Senate.

Last year, the Armed Forces of the U.S., our NATO allies, and other countries, valiantly fought to stop the killing in Kosovo. They ended Slobodan Milosevic's brutal campaign of ethnic cleansing against the Albanians and prevented his genocidal warfare from being carried out to its full extent.

Like many of my colleagues, I have made many visits to the area. I watched with admiration and awe when I saw our fliers flying out of Aviano, Italy, to the front in Kosovo. That flight—in a fighter plane there is not much room—typically would take up to 8 or 9 hours to complete. It also needed four to five refuelings in the air to keep that pilot and that equipment going. It was an incredibly well-done campaign. Our pilots' morale and commitment was second to nothing I have ever seen. I served 3 years in World War II, so I have seen war directly before. I remember even then, when everybody was so committed, how sometimes the morale would flag after a period of time. But these pilots would get in those planes almost daily and exhaust themselves in carrying out their missions. They were at high, high risk.

Fortunately, with good planning, skilled pilots, skilled crews and ground personnel, we only had one plane go down, and the rescue of that pilot is something that will live in the annals of military history—how they scooped him up in the middle of the night in a carefully planned evacuation. They got him and brought him home safely. When I met him a couple of days later, he wanted to fly again and was ready to go back and do his duty.

In Kosovo, we watched hundreds of thousands, perhaps millions, of people being uprooted from their homes—men, women, and children. A few men they would take away.

Even before the air campaign, I met a family in Albania where they lifted grandpa up to cross the mountains along with lots of little kids—about five of them—to cross the mountains to try to protect themselves. It was a sad story they related. They got to Albania to their relatives and slept on the floor and thought they were in heaven.

This was a genocidal act, if we have ever seen one. It was a brutal massacre involving the worst crimes that one could imagine—mutilation, rape. It was a terrible situation. We were compelled sometimes by our heartstrings more perhaps than our planning to intervene, and to say to the world you can't do that kind of killing while civilized nations exist around the world. We violated that, if we look at Africa. But we had a direct interest there.

When we think now of just pulling out—and I will say arbitrarily. I hate to disagree with two very distinguished and good friends in this Senate, the distinguished Senator from Virginia, chairman of the Armed Services Committee—I don't like to argue with him. He is too smart. He has too much knowledge—and the Senator from West Virginia, not in a different category. But I disagree with them on this very important decision that is about to be made.

In my view, and in the view of the Senate in the past, the United States and our allies were right to act last year in Operation Allied Force. And we were right to stay in Kosovo to accomplish our goals in Operation Joint Guardian.

We won the war. Now we have to ensure that victory by maintaining the peace.

Mr. President, the discussion and the debate on this provision since the Appropriations Committee markup has shed considerable light on the Byrd-Warner amendment and its consequences.

Most immediately, it ties our military presence in Kosovo to burden-sharing criteria for European reconstruction and humanitarian aid. They are doing it.

It has been my belief for a long time that our allies must do more burden-sharing. I talked about it with Japan; I talked about it with Saudi Arabia; I talked about it with South Korea—that there has to be burden sharing by our allies. I believe that the European countries should fulfill their broad commitment to take the lead in the reconstruction of Kosovo, as well as their specific aid pledges.

But I don't think threatening to reduce our peacekeeping presence is a constructive way to speed up European aid disbursement.

More importantly, I don't think anyone can predict with any certainty that the President will be able to meet the burden-sharing certification requirements by July 15 as this bill requires. July 15, 2000, is not very far away. Administration people—top people at OMB—say it is unlikely that it can be done. They are saying it certainly cannot be done now, and I know some of my colleagues who supported the amendment in the committee had a different understanding about whether or not the certification of the allies meeting their obligation could be done at this time. It can't be.

If the Europeans fail to meet even one of the yardsticks, U.S. funds for

military operations could only be used to withdraw U.S. forces.

This provision could force U.S. troops to withdraw from Kosovo this July, 2 months from now. I think even some of the sponsors of the measure would consider this highly undesirable.

But let us suppose the Europeans do indeed fulfill their aid pledges as is required, after the first phase, which is July of this year, 2000. What happens then?

Section 2410 in this bill is quite clear on this point: Unless the President gets explicit congressional authorization in the form of a joint resolution, the next President will have to pull our troops out of the NATO-led peacekeeping mission in Kosovo by July of next year at the latest.

Just a reminder: The Second World War ended in August of 1945. We had troops stationed in Germany and Japan. We still have troops stationed in Europe and Japan as a result of that war. After more than 50 years, we still have troops there. We still have troops in South Korea as a result of that war. Why? Because we have determined we are better off keeping the peace than fighting another war.

I believe that is the attitude that ought to dominate. We were never asked permission to keep those troops there. Two-hundred thousand Americans have been stationed around the world—in Japan and Germany, in the Pacific and European theaters. We were never asked if it was OK to continue. It is automatically thrown into the budget. Why, I ask, isn't that question raised? Why doesn't someone say, hey, if the burden-sharing falls behind—mind you, there was a time when it was way behind, and I fought very hard to get that up to date—why don't we write legislation that would say, should one of those countries—Japan, South Korea, or Germany—fall behind in fulfilling their share of the burden, pull our troops out arbitrarily? Just pull them out. One would never dare think of that.

It has been 9 years since we concluded the war in the Persian Gulf. We have 9,000 troops stationed there in harm's way. We have lost a bunch of our people during the last 2 years because of an attack on a barracks. But we still have 9,000 people there monitoring the no-fly zones and making sure we have reserve troops to move in in case Iraq gets frisky and attacks again. I do not hear anybody saying, OK, look, done with; let's get out of there. The reason we don't do it is common sense. It is military sense. It is foreign policy sense.

We are leaders because of the actions we take. That is the position America is in. This debate, I think, is a real tough one because there are two very popular Senators who are offering this amendment. I know they don't want to win this battle based on their popularity, I am sure, but the fact of the matter is this is a very important policy decision. Proponents of this measure argue that they are upholding the

role of the Congress in deciding when and where to send our troops into harm's way.

I just gave you a list of some places where we have troops. We all know that South Korea is on the border with North Korea, and our troops could very easily be in harm's way.

The President asked Congress to support his decision for U.S. Armed Forces to participate in the NATO air campaign against Yugoslavia. Unlike the House, the Senate, on March 23, 1999, on the eve of the first air strikes, adopted Senate Concurrent Resolution 21 authorizing U.S. participation in the NATO air campaign.

The issue now is not authorization for offensive military action but continued deployment of U.S. troops in a peacekeeping mission that is carried out with our NATO allies and other nations.

Congress has in the past used the constitutional power of the purse to support or to end U.S. participation in peacekeeping missions. For example, in 1993, the Senate adopted an amendment offered by the Senator from West Virginia to cut off funding for the U.S. participation in peacekeeping operations in Somalia after the tragic death of U.S. marines. The Congress has never passed a joint resolution authorizing deployment of U.S. troops in a peacekeeping mission and has never before required the President to seek one.

In fact, Congress has generally supported U.S. deployments abroad by providing funding. In my view, that is what we should do right now for Operation Joint Guardian in Kosovo.

Historically, when our armed forces have prevailed in war, we have counted on our armed forces to remain deployed to consolidate our victory, to keep the hard won peace, to ensure that our values of democracy and human rights are respected.

The distinguished Senator from Virginia knows that. He was in the military for some time. He headed one of our most important divisions of the military. He knows after a conflict is over, we don't just walk away, pack up our bags, fold the tent, and go home. That is impossible.

Remember, this whole military engagement started late because we couldn't get agreement among our NATO allies. It was in March of last year, just over a year ago. We are being asked to continue this operation. We ought not put strings on it that impair the ability of the President to make decisions.

After more than half a century, in the war in which I was honored to serve, we still have the troops in Europe. I haven't heard my colleagues demanding we withdraw from those situations unless explicitly authorized by a joint resolution in the Congress. In fact, in all of my years in this body, I have never been asked to authorize the deployment of United States forces in Germany, Japan, Korea, or many other

places, other than by authorizing and appropriating funds to continue those deployments.

The alternative in this bill would not really leave it to the next President to decide whether to continue the deployment of U.S. troops in Kosovo, as the sponsors have asserted. Rather, section 2410 requires that the pullout by July 1, 2001, essentially be a done deal during President Clinton's term of office.

Do we want to do that? I have a short term remaining, and I share the same schedule as the President. I am out of office in just a few months. To say that my successor ought to do exactly what I have done, Heaven forbid, we would never consider that. Do we want to tie the hands of the next President of the United States? We don't even know which party that President will come from.

Under section 2410, this President, President Clinton, must "develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries, will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo."

This President, President Clinton, must submit "an interim plan for the achievement of the plan's objectives" to Congress by September 30, 2000. That means President Clinton has to plan for a pullout and prevail upon our allies to pick up the slack within the next few months.

I am not trying to protect President Clinton's initiatives. I am trying to protect the President's initiative, whoever that President may be. Whether it is AL GORE or George W. Bush, our next President would have to reverse course to fulfill our small share of the burden to keep the peace in Kosovo, to keep the soldiers, the brutes from attacking the men and women. By the way, that could be from the Albanians to the Serbs, or the Serbs to the Albanians.

Kosovo is a tinderbox. In my view, this part of the bill puts a fuse on that tinderbox. If we pass it, we will light that fuse.

I hope my colleagues now understand the issue posed by section 2410 of this bill.

It is not about burden-sharing. We don't need to threaten to pull our troops out to make a point that the Europeans need to fulfill their commitments to take a lead in the reconstruction effort.

This is not about the prerogatives of Congress. We can exercise our rights by providing or denying funds to continue to deploy. We have every right to do that.

This is not about presenting the next President with a decision on a national security issue, since it would instead present the next President with a fait accompli, a done deal.

The issue now before the Senate is whether to force the President, this

President, to withdraw U.S. troops from Kosovo in this year, or at the latest by July of 2001, hoping our allies will go on without us. If they fail to, are we ready to bring those pilots back and assemble our armada, when we could avoid that? It is a mission that carries some danger, there is no doubt about it. Our brave men and women are there to do that. They are well trained and ready to take on the obligation.

The issue we are deciding in the Senate is about policy and about making policy. What we do is immediately strap the hands of the President and the military leaders in our country, a pretty bright group. We strap their hands behind their backs and say: Sorry, we've decided to subject this to a perhaps appropriate political or power discussion.

The policy now codified in this bill is against the national security interests of the United States.

Why should we support the continued deployment of U.S. forces in the peacekeeping mission in Kosovo? Let me give you some reasons.

First, leadership. U.S. leadership in Europe and around the world does not just mean having modern and effective armed forces backed by a nuclear deterrent. U.S. leadership does not mean just defending our territory, our citizens at home, or our supply of foreign oil. U.S. leadership means standing up for our interests and values and standing up for those who cannot themselves prevent genocide, as we have done and should continue to do in Kosovo.

The second reason is burden-sharing. United States aircraft, the best technology flown by the best pilots, flew most of the missions in the air campaign against Yugoslavia, but many of our allies were there with us providing aircraft, bases, and other critical resources.

The Europeans have agreed to bear most of the burden of peacekeeping and reconstruction in Kosovo, and while some assistance has been slow in coming they are unquestionably doing the lion's share of the tasks we now face.

The United States contributes fewer than 6,000 of more than 45,000 NATO troops deployed in Kosovo for Operation Joint Guardian. This is more than a token presence; we have accepted responsibility for security in a sector of Kosovo and have the robust force necessary to do the job right without unnecessary risk. But this limited role shows our allies that we understand the importance of doing our part to achieve a common interest.

The third reason is peace and stability in the Balkans and in Europe. Maintaining a significant U.S. presence in a robust, NATO-led force lets the Serbs and the Kosovar Albanians know that the future of Kosovo and its people will not be determined by renewed ethnic violence. Over time, and with a strengthened civilian effort, this should open the way to development of civil society and self-government in Kosovo and a negotiated solution on its international status.

Maintaining peace in Kosovo helps prevent a wider war which could otherwise draw in NATO allies as combatants. In contrast, withdrawal of U.S. forces would likely weaken Operation Joint Guardian. The Kosovar Albanians and the Serbs would instead rearm and prepare to resume fighting for control of territory once our allies join us on the sidelines. The killing we intervened to stop would eventually resume, with devastating consequences.

The fourth reason we should continue our limited role in Operation Joint Guardian is credibility.

If we show the world that we don't have the resources or the political will to stay on the ground in Kosovo, then all our potential enemies will believe they can prevail simply by waiting us out. We were far too reluctant to use ground forces or even helicopters to stop the killing in the first place. Do we really want to cut and run now?

Finally, we should maintain our forces in the peacekeeping mission in Kosovo to maintain the NATO alliance which is vital to our national security.

The nations of the European Union, in trying to deepen their unity, are developing a European Security and Defense Identity, or ESDI. We are at a critical juncture in the evolution of the NATO, as we work to give the European Union a stronger identity and more autonomy within the alliance rather than dividing it. Failing to stay on the ground to address a threat to European security would reinforce calls for Europe to make unilateral decisions on the use of military force.

We must not undermine the unity of purpose and unity of action that has been the strength of an alliance which has been a mainstay of our national security for more than half a century.

Mr. President, I hope my colleagues will look at this in the context of other decisions we have made about our military presence and its necessity. We will look at it in terms of whether or not in this Chamber, in these offices, we are making decisions that should be reserved for the military. Let's hear from them. We heard from General Clark, one of the brightest leaders we have had in the military in the history of this country. He said this could be disaster. Montenegro and other nearby countries could explode with Milosevic's ambition; he has been looking at Montenegro, salivating for the opportunity to get in that small division of Yugoslavia and absorb it.

So to maintain the strength of NATO, to preserve our own credibility, to keep the peace in the Balkans and Europe, to uphold our commitment to burden-sharing, and to demonstrate United States leadership, the United States Senate should reject Section 2410 of the Military Construction Appropriations bill. Instead we should support our Armed Forces deployed in Kosovo by voting for the Levin amendment.

I thank the Chair and yield the floor.

Mr. WARNER. I ask unanimous consent to speak for 2 minutes on my time.

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

Mr. WARNER. Mr. President, I thank my distinguished colleague. We have been privileged to serve together for many years. The Senator draws on personal experience, having served in World War II in the concluding chapters of the war in Europe. The Senator's opinion, in my judgment, is to be respected. I regret we are on different sides.

As I listened very carefully to the speech, the theme time and time again was, our allies, our allies. And that is important. Senator BYRD yesterday recounted the history from World War I and World War II. Time and time again, we have always been in partnership with the allies for that portion of Europe. We will do so in the future.

We have 100,000 in NATO. Time and time again, I get the feeling that people who are trying to strike this provision have no confidence in the ability of the Congress of the United States, acting at the direction and request of the next President, to make a proper decision for national security.

Those who select a vote to take this out, think about your constituency: \$2 billion of taxpayers' money expended on Kosovo; yet there is no conclusion as to how this is going to be spent over the years, how long we will be there. What we are trying to do is put some discipline in the Congress of the United States to assume its responsibilities and to involve itself in a coequal way with the President of the United States. That is not asking too much for hometown America which is supplying these dollars and supplying the men and women who proudly wear their uniform.

I yield the floor.

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

Under the previous order, the Senator from Oklahoma is recognized for 12 minutes.

Mr. INHOFE. Mr. President, as our chairman, Chairman WARNER, I listened to the distinguished Senator from New Jersey talk about this issue. While I do have the utmost respect for him, I would have to say that one of the problems we had, getting into this mess to start with, was the grossly exaggerated figures that were used. I believe the Senator used the number 100,000—100,000 has been batted around quite often. I am going to read into the RECORD at this point from Robin Cook, the Foreign Secretary—this is October of 1999. He is under pressure to answer claims that ministers misled the public on the scale of deaths of civilians in Kosovo:

At the height of the war, western officials spoke of a death toll as high as 100,000. President Bill Clinton said the NATO campaign had prevented "deliberate, systematic efforts at ethnic cleansing and genocide".

Emilio Perez Pujol, a pathologist who led the Spanish team looking for

bodies in the aftermath of the fighting, said:

I calculate that the final figure of dead in Kosovo will be 2,500 at the most.

The U.N. report came out and said the figure is closer to 2,000. There is a big difference between 2,000 dead and 100,000. I am involved in West Africa. I can assure you, as I said on the floor back during this debate, for every one killed there through ethnic cleansing and otherwise, 100 were killed in Sierra Leone. That seemed to be the excuse that was used for our intervention into that area.

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

Mr. INHOFE. No, I will not yield unless I yield on your time.

I would like to have a better solution than the solution that is in front us. Frankly, I think we should have done this some time ago, but this seems to be the only vehicle in town. There are reasons we should not have been involved in Kosovo. It is not in our vital national security interests. There is no clear mission objective or schedule to accomplish it. There is no exit strategy.

The thing that really concerns me more than anything else, as chairman of the Senate Armed Services Subcommittee on Readiness, is what this has done to our state of readiness. I have been saying since before we sent the cruise missiles into Kosovo that the United States is in the most threatened position we have been in as a nation in this Nation's history. I have been saying that for a long time. It finally was redeemed the other day—our chairman will remember this—when we had George Tenet, Director of Central Intelligence, before our committee. I made that statement. I asked him to respond live on C-SPAN. He said, yes, we are in the most threatened position we have been in as a nation in the history of this country.

Why is that? It is because of three things. First of all, we are at one-half the force strength that we were in 1991 during the Persian Gulf war. Second, we do not have a national missile defense system. We were to have one deployed by fiscal year 1998, and through the President's veto and his veto messages saying he is not going to put more money into a national missile defense system, in spite of the fact that in July of last year we passed a bill that he signed into law with a veto-proof margin saying that is our No. 1 concern, we still do not have one.

But the third reason is all these deployments that have nothing to do with our national security interests. I can remember the first one that came along. It was Bosnia. I went up to Bosnia. I knew the President was bound and determined to send our troops into Bosnia. I knew we did not have the spare troops to send in, that we could not respond to a crisis in the Middle East or North Korea if we were to continue to make these deployments, so I went up to the northeast sector. I remember this so well because I was the

first American, civilian or military, up there. I went up there with a British General named Rupert Smith, a colorful guy. He and I really enjoyed that trip, going up, talking about what the President promised the American people.

If you remember, we had a resolution of disapproval to stop the President from sending troops over there and getting involved. We lost it only by three votes. We lost it because the President said all the troops they would send there, in December of 1995, would be home for Christmas 1996. This is not an approximation. This is the commitment the President made to the American people.

We knew that was not going to happen. So we tried this same thing before. We tried at that time to say let's just draw a line in the sand at June of 1996; then June of 1997. We had the same debate at that time. "No, they are going to come back, but all in good time."

There is no end in sight in Bosnia. They are still there. So here we have our people involved in an area with the Croats and Serbs and Muslims. Then you have the various other groups such as the Arkan Tigers and Black Swans. The only thing all these groups have in common is they all hate us, hate that we are over there. We lost our resolution of disapproval by three votes.

I have tried to determine how much we have spent in Bosnia alone. The most conservative figure will be \$13 billion. When you consider everything that has to go with it in terms of ground logistics support, it is considerably more than that.

Then along came Kosovo. I knew the same thing was going to happen. This President has an obsession for sending our troops into places where we do not have any national security interests. So I went over to Kosovo. It is not a hard place to go across; it is only 75 miles across. I went by myself, one individual with me. As I went across Kosovo, I only saw one dead person, and that was a Serb, a Serb soldier who had been killed by an Albanian.

I rounded one corner and looked down the barrel of a rocket launcher, and it was held by an Albanian. Of some 92 mosques that are there, only 1 was burning. CNN had pictures of it from every angle. When you got back to the United States, you thought every mosque in Kosovo was burning. It was a propaganda effort deliberately to make the American people believe things were going on there that were not going on there.

What has happened since then, I might add, speaking of us, on this Senate floor I showed pictures and documented, since the Albanians are now on top, they have burned to the ground a minimum of 52—and we have pictures of all 52—Serb Christian Orthodox churches, most of them built prior to the 15th century. If you do not have any sensitivity to the religious aspect of this, look at the historic aspect. Nonetheless, this is the propaganda effort that got us over there.

I can remember one of my many trips. I have to say, I believe I have been in the Balkans, both places, more than any other Member has. Normally I am by myself, to really try to determine what is going on there. I remember being in Tirana. Tirana is where all the refugees showed up. They were all pretty well dressed, but they were all upset with us. They said to me, "When are you going to do something about this?" I said, "Why should we do it?" They said, "It's your fault we had this ethnic cleansing."

I will quote out of the Washington Post of March 31 of last year. They wrote:

For weeks before the NATO air campaign against Yugoslavia, CIA Director Gen. Tenet had been forecasting that Serb-led Yugoslavian forces might respond by accelerating ethnic cleansing.

Then Bill Cohen said:

With respect to Director Tenet testifying that the bombing could in fact accelerate Milosevic's plans, we also knew that.

This was live on Tirana television. They said: When are you—and I was the only American in the group—going to do something about our plight? Because it is your fault we had the ethnic cleansing.

Anyway, I think one of the bigger issues is the fact we are diluting our scarce resources. I will quote the comments by Henry Kissinger. He said at that time:

Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea.

He said:

The proposed deployment to Kosovo does not deal with any threat to American security. . . .

Kosovo is no more a threat to America than Haiti was to Europe.

So I know a lot of lies got us into this thing. I remember they rewrote history, saying if we do not go in there, we are going to have another world war because that is the way World War I started and that is the way World War II started.

Again quoting from Kissinger's book:

The Second World War did not start in the Balkans, much less as a result of its ethnic conflicts.

He wrote:

World War I started in the Balkans not as a result of ethnic conflicts but for precisely the opposite reason: because outside powers intervened in a local conflict. The assassination of the Crown Prince of Austria—an imperial power—by a Serbian nationalist led to a world war because Russia backed Serbia and France backed Russia while Germany supported Austria.

That is exactly what we are doing. We have rubbed Russia's nose in this thing because we have gotten involved in this thing, creating another serious problem facing our Nation. We are now down to where we have diluted the forces. General Richard Hawley, who at that time, in 1999, headed the Air Combat Command, said:

The Air Force . . . would be hard-pressed to handle a second war in the Middle East or Korea.

Hawley said that 5 weeks of bombing Yugoslavia have left the United States munitions stocks critically short, not just of air-launched cruise missiles as previously reported but also of another precision weapon, the Joint Direct Attack munition, that is JDAM, dropped by the B-2 bombers.

If my colleagues go to the 21st TACOM in Germany, right down the road from Ramstein, they will find—that is where they handle the ground logistics—that even before we went into Kosovo, we were at 100-percent capacity. I asked the question: What would happen if we had to respond to a serious problem in the Persian Gulf where we do have national security interests?

The response was: We would be 100-percent dependent upon Guard and Reserve.

What has happened to our Guard and Reserve as a result of all these deployments? We have critical MOSs, military occupational specialties, because they cannot be deployed 180 and 270 days out of a year and keep the jobs they have at home.

Finally, I want to read one paragraph of an article written by Henry Kissinger which says:

President Clinton has justified American troop deployments in Kosovo on the grounds that ethnic conflict in Yugoslavia threatens "Europe's stability and future." Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

I ask unanimous consent that at the conclusion of my remarks the article be printed in the RECORD.

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

(See Exhibit 1.)

Mr. INHOFE. Mr. President, I thank my colleagues for this time.

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

Mr. INHOFE. I want to have a better solution, but this is the only solution there is. I urge my colleagues to support this for the state of readiness of our Nation.

EXHIBIT 1

[From the Washington Post, Feb. 22, 1999]

(By Henry Kissinger)

NO U.S. GROUND FORCES FOR KOSOVO—LEADERSHIP DOESN'T MEAN THAT WE MUST DO EVERYTHING OURSELVES.

President Clinton's announcement that some 4,000 American troops will join a NATO force of 28,000 to help police a Kosovo agreement faces all those concerned with long-range American national security policy with a quandary.

Having at once time shared responsibility for national security policy and the extrication from Vietnam, I am profoundly uneasy about the proliferation of open-ended American commitments involving the deployment of U.S. forces. American forces are in harm's way in Kosovo, Bosnia and the gulf. They lack both a definition of strategic purpose by which success can be measured and an exit strategy. In the case of Kosovo, the concern is that America's leadership would be impaired by the refusal of Congress to approve American participation in the

NATO force that has come into being largely as a result of a diplomacy conceived and spurred by Washington.

Thus, in the end, Congress may feel it has little choice but to go along. In any event, its formal approval is not required. But Congress needs to put the administration on notice that it is uneasy about being repeatedly confronted with ad hoc military missions. The development and articulation of a comprehensive strategy is imperative if we are to avoid being stretched too thin in the face of other foreseeable and militarily more dangerous challenges.

Before any future deployments take place, we must be able to answer these questions: What consequences are we seeking to prevent? What goals are we seeking to achieve? In what way do they serve the national interest?

President Clinton has justified American troop deployments in Kosovo on the ground that ethnic conflict in Yugoslavia threatens "Europe's stability and future." Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

The proposed deployment in Kosovo does not deal with any threat to American security as traditionally conceived. The threatening escalations sketched by the president—to Macedonia or Greece and Turkey—are in the long run more likely to result from the emergence of a Kosovo state.

Nor is the Kosovo problem new. Ethnic conflict has been endemic in the Balkans for centuries. Waves of conquests have congealed divisions between ethnic groups and religions, between the Eastern Orthodox and Catholic faiths; between Christianity and Islam; between the heirs of the Austrian and Ottoman empires.

Through the centuries, these conflicts have been fought with unparalleled ferocity because none of the populations has any experience with—and essentially no belief in—Western concepts of toleration. Majority rule and compromise that underlie most of the proposals for a "solution" never have found an echo in the Balkans.

Moreover, the projected Kosovo agreement is unlikely to enjoy the support of the parties for a long period of time. For Serbia, acquiescing under the threat of NATO bombardment, it involves nearly unprecedented international intercession. Yugoslavia, a sovereign state, is being asked to cede control and in time sovereignty of a province containing its national shrines to foreign military force.

Though President Slobodan Milosevic has much to answer for, especially in Bosnia, he is less the cause of the conflict in Kosovo than an expression of it. On the need to retain Kosovo, Serbian leaders—including Milosevic's domestic opponents—seem united. For Serbia, current NATO policy means either dismemberment of the country or postponement of the conflict to a future date when, according to the NATO proposal, the future of the province will be decided.

The same attitude governs the Albanian side. The Kosovo Liberation Army (KLA) is fighting for independence, not autonomy. But under the projected agreement, Kosovo, now an integral part of Serbia, is to be made an autonomous and self-governing entity within Serbia, which, however, will remain responsible for external security and even exercise some unspecified internal police functions. A plebiscite at the end of three years is to determine the region's future.

The KLA is certain to try to use the cease-fire to expel the last Serbian influences from the province and drag its feet on giving up its arms. And if NATO resists, it may come under attack itself—perhaps from both sides.

What is described by the administration as a "strong peace agreement" is likely to be at best the overture to another, far more complicated set of conflicts.

Ironically, the projected peace agreement increases the likelihood of the various possible escalations sketched by the president as justification for a U.S. deployment. An independent Albanian Kosovo surely would seek to incorporate the neighboring Albanian minorities—mostly in Macedonia—and perhaps even Albania itself. And a Macedonian conflict would land us precisely back in the Balkan wars of earlier in this century. Will Kosovo then become the premise for a NATO move into Macedonia, just as the deployment in Bosnia is invoked as justification for the move into Kosovo? Is NATO to be the home for a whole series of Balkan NATO protectorates?

What confuses the situation even more is that the American missions in Bosnia and Kosovo are justified by different, perhaps incompatible, objectives. In Bosnia, American deployment is being promoted as a means to unite Croats, Muslims and Serbs into a single state. Serbs and Croats prefer to practice self-determination but are being asked to subordinate their preference to the geopolitical argument that a small Muslim Bosnian state would be too precarious and irredentist. But in Kosovo, national self-determination is invoked to produce a tiny state nearly certain to be irredentist.

Since neither traditional concepts of the national interest nor U.S. security impel the deployment, the ultimate justification is the laudable and very American goal of easing human suffering. This is why, in the end, I went along with the Dayton agreement in so far as it ended the war by separating the contending forces. But I cannot bring myself to endorse American ground forces in Kosovo.

In Bosnia, the exit strategy can be described. The existing dividing lines can be made permanent. Failure to do so will require their having to be manned indefinitely unless we change our objective to self-determination and permit each ethnic group to decide its own fate.

In Kosovo, that option does not exist. There are no ethnic dividing lines, and both sides claim the entire territory. America's attitude toward the Serb's attempts to insist on their claim has been made plain enough; it is the threat of bombing. But how do we and NATO react to Albanian transgressions and irredentism? Are we prepared to fight both sides and for how long? In the face of issues such as these, the unity of the contact group of powers acting on behalf of NATO is likely to dissolve. Russia surely will increasingly emerge as the supporter of the Serbian point of view.

We must take care not to treat a humanitarian foreign policy as a magic recipe for the basic problem of establishing priorities in foreign policy. The president's statements "that we can make a difference" and that "America symbolizes hope and resolve" are exhortations, not policy prescriptions. Do they mean that America's military power is available to enable every ethnic or religious group to achieve self-determination? Is NATO to become the artillery for ethnic conflict? If Kosovo, why not East Africa or Central Asia? And would a doctrine of universal humanitarian intervention reduce or increase suffering by intensifying ethnic and religious conflict? What are the limits of such a policy and by what criteria is it established?

In my view, that line should be drawn at American ground forces for Kosovo. Europeans never tire of stressing the need for greater European autonomy. Here is an occasion to demonstrate it. If Kosovo presents a

security problem, it is to Europe, largely because of the refugees the conflict might generate, as the president has pointed out. Kosovo is no more a threat to America than Haiti was to Europe—and we never asked for NATO support there. The nearly 300 million Europeans should be able to generate the ground forces to deal with 2.3 million Kosovars. To symbolize Allied unity on larger issues, we should provide logistics, intelligence and air support. But I see no need for U.S. ground forces; leadership should not be interpreted to mean that we must do everything ourselves.

Sooner or later, we must articulate the American capability to sustain a global policy. The failure to do so landed us in the Vietnam morass. Even if one stipulates an American strategic interest in Kosovo (which I do not), we must take care not to stretch ourselves too thin in the face of far less ambiguous threats in the Middle East and Northeast Asia.

Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea. The psychological drain may be even more grave. Each time we make a peripheral deployment, the administration is constrained to insist that the danger to American forces is minimal—the Kosovo deployment is officially described as a "peace implementation force."

Such comments have two unfortunate consequences. They increase the impression among Americans that military force can be used casualty-free, and they send a signal of weakness to potential enemies. For in the end, our forces will be judged on how adequate they are for peace imposition, not peace implementation.

I always am inclined to support the incumbent administration in a forceful assertion of the national interest. And as a passionate believer in the NATO alliance, I make the distinctions between European and American security interests in the Balkans with the utmost reluctance. But support for a strong foreign policy and a strong NATO surely will evaporate if we fail to anchor them in a clear definition of the national interest and impart a sense of direction to our foreign policy in a period of turbulent change.

THE PRESIDING OFFICER. The Senator from Ohio, under a previous order, is recognized.

MR. WARNER. Mr. President, I seek 50 seconds. I thank the Senator from Oklahoma. Underlying this is clearly the readiness issue. It is not just the Kosovo operation, but it is how our troops are spread throughout the world. We are speaking in this amendment to a discipline that could well apply to the next mission, wherever it may be, or an existing mission. It is simply the accountability of the Congress of the United States in the expenditure of these funds to exercise a voice. I yield the floor.

THE PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes under a previous order.

MR. LEVIN. Mr. President, I wonder if the Senator will yield 30 seconds to the Senator from New Jersey.

MR. DEWINE. I will.

MR. LEVIN. Parliamentary inquiry: Is the time just used by my good friend from Virginia taken from the other side?

THE PRESIDING OFFICER. It is taken from the time of the Senator from Virginia.

Mr. WARNER. I advised the Chair when I arrived this morning that all my comments will be charged to the Chair.

Mr. LAUTENBERG. Mr. President, I say in response to the commentary of the Senator from Oklahoma, I talked of hundreds of thousands. If the Senator listened carefully, I talked about displacement, and I talked about movements. I did not talk about deaths. We can get the number of deaths from the records. I want to make sure that is clearly understood.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today to express my strong support for the Levin amendment which would strike the Byrd-Warner provision regarding U.S. troop withdrawal from Kosovo. As my colleagues know, the Byrd-Warner provision includes language designed to ensure our allies in NATO provide their fair share of the peacekeeping burden in Kosovo. This certainly is an important goal, and I understand the Europeans right now are meeting the requirements outlined in the Byrd-Warner provision.

Frankly, I believe a great deal of the credit for this great accomplishment goes to my friend and colleague from Virginia, Senator WARNER. He has demonstrated unfailing dedication and commitment to this very important burdensharing issue. Senator WARNER traveled to Kosovo in January of this year and saw firsthand that the Europeans needed to share a larger portion of the burden in the Balkans. Because of his efforts in the short time since his visit to Kosovo, the proportion of European involvement has changed considerably. In fact, currently U.S. troops now make up 5,900 of the 39,000-member NATO peacekeeping force. U.S. involvement accounts for 15 percent of the overall peacekeeping effort, and the Europeans are carrying the bulk of the effort on the civilian side. This is a victory for Senator WARNER. I believe we have to pause for a moment today to congratulate him on a job very well done.

I also agree with the Senator from Virginia, Mr. WARNER, and the distinguished ranking member of the Appropriations Committee, Senator BYRD, that Congress needs to assert itself more in foreign affairs. Congress can and Congress should engage more in the kinds of debate over foreign policy issues such as the one we are having today and should work harder to shape U.S. defense and foreign policy. The last 7 years of drift in foreign affairs has demonstrated the need for Congress to reassert its constitutional role in shaping American foreign policy.

I also share the very legitimate concerns expressed by the distinguished chairman of the Appropriations Committee, Senator STEVENS, about the way the current administration funds our peacekeeping activities. We find ourselves repeatedly in a situation in which the administration draws funds

and resources away from important defense activities to pay for its peacekeeping operations.

For example, the administration knew before the end of last year when we were negotiating the remaining appropriations bills that they were planning to keep our forces in Kosovo for the duration of the fiscal year. They knew it but did nothing in the budget about it, except to put a number of readiness and operational projects on hold at reduced funding levels. That practice has become the standard practice in recent years. That practice needs to change. We should debate the cost of operations before the operations. We should debate the cost before the beginning of each fiscal year and not do this back-door funding.

I do understand the motives of the proponents of this provision. I understand what they are trying to accomplish. They have good reason to be frustrated, but this is not a debate about motive but, rather, one about method. It is the method that will be employed under this language that deeply troubles me. What concerns me most about this provision is that it sets an arbitrary deadline for the withdrawal of U.S. forces from Kosovo. The deadline is not based on any goals that would make it possible for the reduction of forces in the region. This arbitrary deadline signals to the Albanians the limits to our commitment for providing for their protection. This, in turn, could give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. In essence, this provision would undermine our current efforts to achieve stability in the region and could give the despotic Milosevic the victory he could not achieve on the battlefield.

The fact is, in the delicate and complex world of foreign affairs, one thing should always be clear: As a nation, we should demonstrate to our allies the certainty of our resolve, and we must demonstrate that same resolve to our enemies, while at the same time making our enemies uncertain as to how and when we will exercise that resolve.

Unfortunately, what this provision does is just the opposite. It makes our allies uncertain and signals to our adversaries what we will do and what we will not do.

The proponents of this provision have argued this is really all about process. Respectfully, I disagree. This debate is about whether Congress will use sound judgment in the exercise of power. I believe the Byrd-Warner provision is not a wise use of congressional power. By voting for this provision, we will be exercising our power arbitrarily and setting ourselves on a course toward the removal of U.S. troops in Kosovo in 14 months.

The next President would be placed in the position of having to convince Congress to change the policy, to act. We have sadly found many times that to get this Congress to act is very difficult.

The current administration, for example, could not convince the House of Representatives to authorize airstrikes over Serbia. There simply are no guarantees that Congress will act in 14 months.

Congressional inaction over the next year could result in a dramatic change in policy that would create uncertainty and undermine our credibility with NATO and with our own troops. Fostering that kind of uncertainty about U.S. resolve is not what is intended but that, sadly, could be the result. That result, that uncertainty, will, I believe, create a more dangerous situation for our troops for the next 14 months.

The fact is that our credibility as a leader in the international community is predicated on a shared commitment to the stability and growth of democracy and free markets on the European continent.

We cannot reach these goals through arbitrary, unilateral deadlines. We cannot reach these goals by placing the next administration in the position of shaping foreign policy in response to a congressionally imposed deadline rather than on current and future world events. In essence, we cannot allow our foreign policy to run on autopilot.

I say to my colleagues, if they believe we should withdraw our troops, there is ample opportunity to have an up-or-down vote on that at any time. We could do it today. We could do it in 14 months. We could do it in July of the year 2001. That is the right way for us to exercise our power.

I believe this is the wrong action because what this does is, in essence, say that Congress may never directly vote on this issue. Members can vote for this language which would provide that our troops would automatically have to come out in July of the year 2001 if Congress took no action. Members could vote for this, and then Congress could take absolutely no action and we would never have a direct vote on the issue.

I believe that is the wrong way to approach this issue. I believe that if Members believe our troops should be withdrawn, they have ample opportunity to have an up-or-down vote on this at any time they wish to do it.

I believe the uncertainty that will be created over the next 14 months by the insertion of this language into law will create a very difficult and untenable position for our troops and for our country in the conduct of American foreign policy.

I thank my colleague for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I yield myself 30 seconds.

I, again, thank my distinguished colleague for his contribution to this very important debate, and particularly to his thoughtful references to this humble Senator, but I must say that I respectfully disagree.

The time has come when we have to speak to the people of the United

States who are constantly giving us this money—to expend \$2 billion in this instance—to provide for the men and women in uniform, who march off in harm's way. This is simply a procedure by which to speak on behalf of this constituency and not just always our allies abroad. But I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I also yield myself 30 seconds to thank my good friend from Ohio for a very thoughtful statement. He has put his finger on the heart of the matter, which is that Congress, by acting now, putting on automatic pilot a withdrawal of forces a year from now, unless action is taken later on, creates a very dangerous year of uncertainty which threatens the success of this mission as well as our alliance.

It was an extremely thoughtful statement, which I hope all of our colleagues had an opportunity to hear. I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I believe the distinguished Senator from New Jersey is to be recognized for a period on my time of 8 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 8 minutes.

Mr. TORRICELLI. Mr. President, I thank the Senator from Virginia for yielding the time. I commend the Senator from Virginia and my colleague, Senator BYRD from West Virginia, in bringing this issue before the Senate.

Before discussing Kosovo, or the provisions of the NATO treaty, there is something more paramount that should come before the Senate. It is not a treaty with a foreign nation or obligations in another land but our own Constitution and our own responsibilities in this country.

For too long, the foreign policy and military powers of the Congress have been yielded to the executive. This Congress has not been a jealous guardian of its own constitutional prerogatives.

Under our system of government and its Constitution, the military and foreign policy powers are shared between the executive and the legislative branches. By necessity, the Commander in Chief must have the ability to deploy troops and make command decisions in emergencies. Often there is not time to consult, certainly not time to receive permission. But the power remains shared because we have the responsibility for the resources of the Government.

The unfolding events in Kosovo that threaten to go not a matter of months but many years—even more than a decade—does not require emergency powers. There is no shortage of time. There is an opportunity for our Constitution to function and for the President to return to this Chamber.

We are now having the debate in this Chamber. The Bundestag had theirs in

Berlin a year ago. The British Parliament gave its assent. The National Assembly in Paris and the Italian Parliament have had their debate. This Congress, unlike the great democracies in Europe, has remained silent. Is our Constitution less? Do our people exercise less powers through their elected representatives than those in Germany or Italy or France?

Many Members have risen to talk about Kosovo. I rise to talk about the United States. There has been great concern for the NATO treaty. As did my colleagues from Virginia and West Virginia, I rise because I am concerned about our Constitution.

I believe there is a legitimate role for the United States in Kosovo. I strongly believe in the NATO treaty. The United States has met its responsibilities under the NATO treaty.

Strictly defined, that treaty was for the defense of Western Europe from external threats. By necessity, it was properly expanded at the end of the cold war to include legitimate internal threats to European order.

The United States was not a participant in dealing with that threat. We were a leader. Not a single European soldier would have been in Kosovo or Bosnia but for the U.S. Air Force. None of it could have been supported but for the U.S. Army. None of it would have been viable but for the U.S. Government. Our responsibilities were met.

But expanding the NATO treaty to include internal threats to Europe was one thing—legitimate, in my judgment—but expanding the NATO treaty to deal with permanent control of order and peacekeeping is another.

I believe we have met our responsibilities. I believe it is incumbent upon a new administration, next year, to return to this Congress and make the case, if it is possible, that it is necessary on an ongoing basis to have a near-permanent presence in Kosovo—no longer a crisis—now maintaining order.

It is not too much to ask the administration to make that case or this Congress to meet its responsibilities and act affirmatively upon the judgment. It will, in truth, not be an easy case to make.

Kosovo is a nation of a mere 2 million people. This long after the war in Kosovo, it must be made in a case to this Congress that 300 million Europeans, with a gross national product larger than the United States, with combined government resources in excess of the United States, are unable to maintain these modest numbers of troops to maintain order within their own borders, on their own continent, for their own purposes. It is not a question of our unwillingness to respond to crises or threats, but to learn to separate the crisis response from the near permanent presence to maintain order.

The final point made against this amendment is the most extraordinary of all, that our credibility is at issue. Who could rise to challenge the credi-

bility of the U.S. Government to international security or the defense of freedom—which of our NATO allies? Fifty-five years after the close of World War II, tens of millions of American young men and women have served in western Europe. Our presence remains, at an expenditure of hundreds of billions of dollars. Who among our NATO allies could rise and say that our credibility is in question? But for the United States, there would have been no operation in Bosnia or in Kosovo. It was made possible by the U.S. Government.

This Government's credibility is not at issue. Fifty years after the war in Korea, we and we alone remain on the line to defend freedom. A decade after the war in the Persian Gulf, often we and we alone remain resolute in defiance of Saddam Hussein. Twelve years after the destruction at Lockerbie, we alone have to convince our allies to remain strong against Libya. We alone often maintain vigilance against those few remaining Communist states where freedom is eclipsed. The credibility of the U.S. Government is not at issue.

What is at issue is the constitutional prerogatives of this institution. It remains a question of Europe meeting responsibilities not for crisis response, which we share under NATO, but for maintaining order on a near permanent basis. It is not an issue of credibility.

There is a fourth issue. Kosovo is not the last crisis this Government is going to deal with in international order or maintaining peace and stability.

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

Mr. TORRICELLI. May I have another 30 seconds?

Mr. WARNER. I yield the Senator another minute.

Mr. TORRICELLI. A future American President is going to have to factor in, in responding to a crisis in Asia or North Africa or the Middle East, that American ships and planes are on station supporting operations in Kosovo, not dealing with a crisis but on a police patrol. The number of forces may not be great, but, indeed, our resources are very strained. Is it fair to this country, the security of the United States, that we will have to at some point forgo defending interests elsewhere because our forces are substituting what Europe should be doing in Kosovo?

No, Mr. President, our credibility is not at issue, nor our resolve. Whether or not this generation of Senators and Members of the House defend its prerogatives under the Constitution is at issue.

I commend the gentleman from Virginia for bringing this before the Senate.

Mr. WARNER. Mr. President, I yield myself 30 seconds.

I thank the distinguished Senator from New Jersey. This clearly shows this is a bipartisan issue. It is not a political issue. We are not directing anything at our President. We are directing it solely, as my distinguished colleague said, at fulfilling our duties

under the Constitution. I am grateful for his pointing out that the United States, in the Korean conflict, where we have had a large number of nations, stands alone today. In Iraq, we stand alone with Great Britain containing that situation, after a dozen allies in 1991 helped us with that conflict.

I yield the floor.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

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

Mr. KERRY. Mr. President, I thank the Chair and the Senator from Michigan.

In the 16 years I have been here, I have debated a number of these issues with my colleague from Virginia. We have debated a number of different incursions in various countries, involvement of U.S. troops abroad. There are few people in the Senate I respect as much or have as much affection for as the Senator from Virginia, whose knowledge and patriotism are absolutely unquestionable on subjects such as this.

I, as a veteran of Vietnam and as somebody who came back from that war to argue about Congress's capacity and prerogatives to make judgments about our involvement there, have nothing but respect for the position he espouses today about congressional prerogative. It exists. We should respect it. It is a critical component of the balance of power in this country. It is entirely appropriate that Senator BYRD and Senator WARNER ask the Senate to make a judgment about our troops. We should do no less. We owe the American people that judgment. That is one of the great prerogatives of the Senate.

What they are asking the Senate to do is, in effect, to make the judgment today that we have reached our limit with respect to the current involvement in Kosovo and we are going to set up a structure for withdrawal. They argue: not at all; there is a vote down the road as to whether or not we will appropriate money. But in point of fact, the way this amendment is structured, the message is clear: The vote is now; the choice is whether or not we believe we should continue to be involved.

I do not question that there are aspects of this involvement that I think are not necessarily well thought out even today. I think there are divisions between the ethnic parties in Kosovo that we have not properly thought through as to how we resolve them in the long run. There are aspects of the risks we are asking young American troops, male and female, to bear with which I am uncomfortable.

I am not suggesting there aren't ways to strengthen our approach to this, both our responsibilities and European responsibilities. But—here is the “but”—I ask my colleagues to look at the law as it is set forth in the lan-

guage of S. 2521. It says: None of the funds appropriated or otherwise made available shall be available for the continued deployment of U.S. combat troops in Kosovo after July 1, 2001, unless and until the President does something.

What does the President have to do? He has to submit a report to Congress asking for the money to be spent but, most importantly, describing the specific progress made in implementing a plan.

What is the plan the President has to describe to Congress on which he is making progress? The plan refers to a subsection (b). If we turn to it, it says very specifically:

The President shall develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo.

That means, according to the plan he must now begin to put into effect, he must report to us how far along we are in getting out. There are quarterly target dates that that plan requires us to establish, with 3-month intervals, achieving an orderly transition. There is an interim plan for achieving the objectives not later than September 30, 2000, and then there is the final plan.

We are, in effect, being asked to vote today on a plan for withdrawal. We are stating our intention that, absent a future vote at some later time, which has been met with a succession of interim stages of withdrawal, we will have a vote on appropriations.

I say to my colleagues, that is not the way to deal with foreign policy generally. It is certainly not the way to deal with this specific issue. Why is it not the way to deal with this specific issue? Well, effectively, we are being asked to vote today as to whether or not we think the investment we made in the war itself is worthwhile.

On March 23, 1999, I joined with 57 of our colleagues to vote that we thought there was something worthwhile doing in Kosovo. And we voted to support a resolution that authorized the President to conduct military operations against the Federal Republic of Yugoslavia. I did so because I believed then, as I believe now, that the U.S. national interest and stability throughout Europe was unquestionable and that the oppression and thuggery of the Milosevic regime not only threatened that stability throughout Europe, but it posed an unacceptable challenge to the humanitarian values of the American people.

Mr. President, this Nation committed 50 years and trillions of dollars to protecting the security of Europe through the Marshall Plan. Half a million American troops served in Europe to preserve the peace won by our fathers and grandfathers in World War II. I respectfully suggest that the Senate effectively decided, when we voted to

do those military operations, that we were not willing to walk away from the ethnic cleansing in Kosovo because that would have been walking away from the very investment in peace and freedom for which we paid so dearly. It troubles me, then, to say that today some of the most stalwart supporters of our efforts in Kosovo only a year ago would now say that we should effectively put into gear the process of walking away from whatever responsibilities may remain in terms of how we adequately finish the job.

I share the frustration of my colleagues that our European allies, whose own stability is so closely tied to peace in the Balkans, have not met their obligations to the Kosovo peacekeeping effort as swiftly and as deftly as we would like. I want to underscore that I think the efforts of Senator BYRD and Senator WARNER have helped to place that responsibility squarely in front of them.

Let me ask a simple question of my colleagues. If restoring the peace in Kosovo was in our interest 1 year ago, isn't preserving the peace in Kosovo in our interest today? I don't believe you can separate those obligations. I think the answer is resoundingly yes, it is in our interest today. Some people may rethink their vote, and that is perfectly legitimate. Some people may believe that they misinterpreted that national interest, and they should explain it as such. But I don't understand how this country can clearly define its interest in Europe for the 50 years since World War II and maintain hundreds of thousands of troops in Europe in order to make clear our determination to stay with that peace effort and not be willing to keep 5,000-plus troops in Kosovo, which we all deem to be a component of our European interests. I don't understand that.

Are we suggesting that we are not willing to bear any of those risks? Now, I understand as well as anybody the post-Vietnam syndrome and the sort of nervousness people have about putting troops in harm's way. But I am confident that most of my colleagues who have worn the uniform will share with me the belief that that is what you put it on for, and that being in the military is not a cakewalk to get your GI bill so that you can ride on the benefits for the rest of your life; it is assuming certain risks. Sometimes in the national interest of our country—maybe not the vital security interest, but in a security interest, or some level of interest—there are sometimes risks that we have to be willing to bear to achieve our goals.

The price of leadership that we have spent so much of our treasure earning is not cheap. You can't fulfill the obligations that we have in the world on the fly. You can't do it on the cheap. I know there are certain questions of readiness and other questions, but there are many choices we make with respect to the entire military budget, national missile defense, and others

that bear significantly on where we spend money and how we spend money. I believe that we won an enormously important victory in terms of the values that drive our foreign policy and on which this country is founded. I think 5,000 troops, the lack of losses, and the extraordinary accomplishments we have gained in this region over the last years say to us that even with the difficulties, this is a policy that, measured against the risk to our troops, is worth pursuing.

I ask my colleagues to measure very carefully whether or not they are prepared today to send a message to Milosevic, as well as our allies, that we are not willing to stand the test of time with respect to those obligations and responsibilities.

I thank the Chair.

Mr. WARNER. Mr. President, the next speaker will be the distinguished Senator from Montana, Mr. BURNS, for 7 minutes.

Mr. LEVIN. Mr. President, if the Senator will yield for 30 seconds, I thank the Senator from Massachusetts for the contribution he just made, pointing out with extreme accuracy that, No. 1, this is not an issue of the prerogative of the Senate—we have the prerogative to do this if we choose to exercise it—but raising the question: Is it wise this year to set a deadline for the withdrawal of troops next year and the dangers that will ensue in the interim both to the troops, the alliance, and to the cause for which they fought? His experience, both in war and in peace, has been invaluable and his contribution this morning is very clear. I thank him for that.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, We are setting an all-time record for spending Senate time on the military construction bill this year. Never has it taken this long to pass military construction. Since this bill is under my management, I am not real happy about the precedent that we are setting.

I do want to rise in support of the Byrd-Warner amendment. This debate today is not about withdrawal, or even the continued deployment, of our troops in Kosovo. What it is about is more important: the role of Congress and its relationship with the executive branch of this Government under our Constitution.

Congress has a constitutional responsibility to vote on long-term military commitments, especially when they are offensive and not defensive in nature. Kosovo is not a defensive response to an armed attack against the United States or its allies. There is no pressing emergency requiring the President to act with dispatch. In such cases, it is very important for Congress to act on its role. It is easy to see the need for the exercise of Congressional responsibility in the case at hand since the administration has already spent \$21.2 billion since 1992 in the Bosnia/Kosovo area.

Contrary to the rumors, and even as stated by my good friend from Massachusetts who has interpreted this as a step to withdraw, the Byrd-Warner amendment makes specific provisions for Congress to continue American presence beyond July 1, 2001. The process outlined is orderly but it will require planning by the administration and the type of public debate expected in a democracy.

Without the Byrd-Warner amendment, the administration is taking congressional appropriations as a tacit approval by the Congress for American involvement in Kosovo. In these circumstances, by approving emergency supplemental funding to continue our presence in that area, Congress can be seen as avoiding its responsibilities under the Constitution.

In the first place, we are not properly exercising our Constitutional responsibility for the power of the purse as vested in the Congress. United States presence in Kosovo, without congressional scrutiny and affirmative endorsement, does not meet our duties to the American people that their voices be heard through congressional representation.

Administration officials have repeatedly spent defense funds for these deployments. Afterwards, they come back to the Congress and ask us to pay bills that are improperly—and some would say illegally—incurred. This process must stop.

Our effort to uphold the Constitution will not undermine the troops in the field. There is ample time under the amendment for rational implementation while still imposing the accountability required by our laws.

Some opposed to the Byrd-Warner amendment say we should not even have this debate, and that the timing is wrong. But when is it a good time to intercede? The Congress has been patient with the administration in Kosovo. But we, too, have responsibilities under the Constitution, especially when it comes to spending money. Today is the day we step up to the plate to face those responsibilities.

The amendment shifts the responsibility for determining our future involvement in Kosovo to the next administration.

I think the American people should also understand one other thing. We are not just talking about cents or dollars. I repeat that we are talking about \$21.2 billion spent in this area since 1992. In addition, we currently have over 5,000 troops there participating in peacekeeping operations in Kosovo.

The primary responsibility of the peacekeeping force is to act as escorts for Serbs and Albanians. That is not what our troops were trained for. And administration officials wonder why our recruitment and retention in our military services is lagging.

Senator TORRICELLI of New Jersey had it right when he called upon our NATO allies to provide their share of resources in this operation. That is

what this amendment does. It is not because the Europeans don't have the resources or cannot get the resources. This debate has gone on, and they have been willing to let the United States of America shoulder the majority of the costs of the operation. As long as somebody in the administration stands up and says we will always do it, then we will always have to do it. But, we cannot be the police force for the world community.

It is time to give our good friends, the European allies, the opportunity to demonstrate to the world their support for true democracy in the face of a dictator that was overstepping his bounds in the region of the Balkans.

I urge my colleagues to support this amendment. It is well thought out, and needs our full support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are alternating between those who wish to strike the provision and those who wish to retain it.

I see Senator LEVIN is prepared to accept a speaker from his side.

Mr. LEVIN. Mr. President, we would be happy for their side to go forward. We have many other speakers, but they are still on their way.

Mr. WARNER. We are trying to conduct this in an orderly debate. I hope some from their side will begin to appear.

Mr. LEVIN. We are going to have too many on our side to speak with little time to do it.

Mr. WARNER. We have the same situation. Senators FEINGOLD, THOMAS, and CLELAND are on the floor waiting to speak in support of the Byrd-Warner amendment.

I yield the floor. I yield to Senator FEINGOLD 7 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise in opposition to the Levin amendment and in support of the Warner-Byrd amendment to the military construction appropriations bill.

The Warner-Byrd amendment to the Military Construction Appropriations bill. The Warner-Byrd amendment, which was accepted in committee, would require Congressional authorization for the continued presence of U.S. troops in Kosovo beyond July 1, 2001. In other words, it would require this Congress, finally, to debate and to decide on the issue of U.S. troops in Kosovo, as I believe that we are required to do under the War Powers Resolution.

I am sure that some opponents of this measure will paint a picture of a power-hungry Congress, eager to wrest authorities away from the executive in an attempt to gain leverage over the White House.

But this is about more than power, Mr. President. It is about responsibility. Approximately 5,900 U.S. troops are currently serving in an apparently open-ended operation in Kosovo. Fifty-

nine hundred Americans are operating in often dangerous conditions in the pursuit of a policy that this Congress has not authorized. Fifty-nine hundred families are sacrificing. We cannot continue to suggest to the American people, to our constituents, that this is none of our business. Congressional approval is essential to the commitment of U.S. troops in dangerous situations abroad.

Still other opponents of this measure paint a grim picture of the consequences that will follow should Congress insist on authorizing a large-scale deployment like that in Kosovo. Because they believe that Congress would act irresponsibly, they prefer that Congress not act at all.

Again, this is a simply unacceptable abdication of responsibility. What does it say about the state of the this body that we do not trust ourselves to make tough decisions? What kind of leadership do we exercise when we dodge accountability for a policy of such critical importance to this country?

The decision that this legislation would force upon the Congress—a decision to either remain in or withdraw from Kosovo—is exactly the kind of choice that we are here to make. It, Mr. President, is our responsibility. I urge my colleagues to shoulder it with care, as fifty-nine hundred dedicated men and women are counting on us to do our duty.

The Warner-Byrd amendment would also mandate the burden-sharing that was supposed to be at the heart of the U.S. approach to Kosovo. The U.S. bore the lion's share of the burden in NATO's military campaign of last year. I did not agree with that policy; I believed then and I believe now that the leading role was Europe's to fill. But I was heartened by the promise that Europe would take the lead when it came to securing the peace, and that Europe, and not America, would provide the vast majority of the resources required to meet Kosovo's enormous needs.

There have been a lot of suggestions that this legislation does a lot more than it actually does.

All this legislation does, Mr. President, is hold our valued friends and allies to their word. Kosovo's reconstruction and return to civil authority cannot be allowed to become a U.S.-led project. Certainly, Mr. President, while the U.S. fails to intervene in equally compelling crises around the globe, we make the case—and it is, in my view, a very strong case—for regional leadership in regional conflicts. African solutions to African problems—that is often our prescription for the conflicts and challenges of that troubled continent. In East Timor, we stood back, allowed a regional force led by Australia to take the lead, and then played a supporting role in that effort. This, Mr. President, is the most promising recipe for U.S. engagement in the world today. And it should be followed when it comes to Kosovo.

But there have been problems, Mr. President, with the timely delivery of

Europe's pledges. This amendment makes the U.S. position crystal clear—our allies must fulfill their responsibilities if they are to continue to count on U.S. support. This is the right message and the right thing to do, and Mr. President, I hope that my colleagues will remember how right this is the next time the tables are turned and it is our country that is failing to honor our international commitments, be it at the U.N. or elsewhere.

So I urge my colleagues to face up to our shared responsibility when it comes to the U.S. involvement in Kosovo, and to insist that our allies do the same. The fifty-nine hundred American men and women in Kosovo cannot dodge reality or duck responsibility. Neither should our European allies, and neither should we.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise in opposition to the Levin amendment on the military construction appropriations bill. Of course, the Levin amendment is designed to strike the Byrd-Warner provision, which I support.

I suspect that most of the things that could be said have been said. We find ourselves saying them again, perhaps in other ways, or simply committing ourselves to our views with regard to this issue.

Clearly, it seems to me, there are two issues involved.

One is the role of Congress. What is the responsibility? What is the obligation? What is the authority of the Congress in terms of committing troops for long terms in places around the world?

The other, of course, is a policy question of an exit strategy for Kosovo. That has been a question in a number of places where we have been recently.

It comes, I suppose, as no surprise to my colleagues that I view the Kosovo foreign policy as sort of an oxymoron—that it actually has not been a policy. We went in. Indeed, that was one of the things that concerned me the most in the beginning. There was not a strategy. We did not have a plan for where we would go. Indeed, that has proven to be the case. We didn't articulate the goals as to where we were, nor what the responsibilities would be among our allies, and, of course, the length of time to be there complicates that.

We have seen an unbridled passion for involving the United States in peacekeeping operations around the world. I believe that has begun to overtax our military capacity. We have military people deployed in many places.

There is no better or worse example of that than Bosnia and Kosovo. There we have not had a strategy as to when we complete our job and who, in fact, takes the leadership role. I agree with the Senator from Wisconsin. We had an example in East Timor where we shared the responsibility with others in the region. Indeed, in that case, Australia took the lead. We were very supportive, as we should be.

The idea we need to have a major role both in the activity as well as the financing in each of these areas is one that needs some specific examination. Certainly the European Community has done some work there. They are very capable. It is not as if we are talking about Third World countries. We are talking about two of the world's most vibrant economies.

Another reason I question the involvement, again, as a member of the Foreign Relations Committee, we asked questions when this first came up and we were told certainly we would not be in Bosnia more than 18 months. How many years have we been there? We were told we were not going to be in Kosovo.

We have to come to some decision. The question arises, What is the role of the Senate? I believe the Senate is responsible in terms of spending the money, in terms of authorizing long-term commitments. We should step up to the post and express our views. We now have the opportunity to do that. We could also question, as I mentioned, the whole idea of our level of involvement in places where we are with allies. We would certainly have the capacity to do much.

I am concerned about the constitutional implications of the President's actions. Clearly, the President should have, and does have, the authority to move when there is a case of an emergency. That is as it should be. But the fact is, in both Bosnia and Kosovo, we didn't have the opportunity. Did we vote? Yes, we voted after the troops were there. Certainly no one is going to vote against the support for troops who are already committed. I remember meetings held in Ohio and the original talk about Bosnia and Kosovo. We asked: What will we do? They said: We can't tell you yet; we have to go to Europe and have a meeting there. We asked: What is our commitment? Well, we can't tell you yet. Before the Congress had an opportunity to do anything, the troops were there. We were committed. Clearly, we were going to support them.

This idea of an exit strategy, and certainly the idea that we have a role as Congress, as a responsibility to the people of the United States, to do that, is the question. I am not concerned that we are making a judgment ahead. That is not the case at all. We are setting guidelines. We say if those guidelines are not appropriate in that time, then the President can come—whom ever the President might be—to the Congress and say there have been changes; here is what I am supporting, and with the support of Congress can go forward with something different.

Byrd-Warner gives a clear plan to work with the European Community and, in fact, turn some of the full responsibility over to the European Community whenever it is appropriate. Byrd-Warner gives us that. We need to ensure that the community is not renegeing on its promises regarding its

share of reconstruction funds. That is important. That should be done.

Finally, it puts us on a track, a flexible track, for exit and moving our troops out of that situation. That is what we ought to do. Certainly, it was mentioned on the floor that preserving peace in Kosovo is important. That is not the issue. The issue is how do we do that. Everyone knows it is important to have peace there. I think we can do that through this system. It will solve both the constitutional question and the question of direction.

I urge my colleagues oppose the Levin amendment and support the Byrd-Warner amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Georgia is recognized.

Mr. REID. If the Senator will yield, it is my understanding Senator CLELAND is taking time off the other side.

Mr. WARNER. That is correct. I say with some dismay, we have been trying to alternate. If the tactic here is to hold those in opposition until the end, I think an element of fairness in this debate may be slipping away.

Mr. REID. I say to my friend from Virginia, there is no reason to be suspect of anything. We had a speaker lined up who you persuaded not to speak. It threw us out of queue. We have Senator CLELAND ready to speak.

Mr. WARNER. I had to make that case.

Mr. LEVIN. Regarding that change, we are happy to have two or three of our speakers in a row when the Senator from Georgia is finished.

Mr. CLELAND. Mr. President, I echo the marvelous remarks of the distinguished Senator from Wyoming, and my seatmate, the great distinguished Senator from Wisconsin, and others who support the Byrd-Warner amendment.

The question is, simply put: Will the Congress of the United States step forward and help this Government articulate an exit strategy of our military might out of Kosovo and out of the Balkans ultimately or will we not?

I just got back from a trip to Western Europe, particularly to Kosovo. I visited Brussels. I talked to NATO leaders. I visited the Aviano Air Base in Italy where I met with some who flew the incredible air missions in the war. I went to Macedonia and saw the areas where more than 100,000 refugees were, and into Kosovo itself and up on the Serbian border. We then exited through London. I came back with a definite impression that unless this country articulates its own exit strategy, particularly for our military forces, there will be no exit strategy. Our allies are quite willing for us to stay there forever and ever and ever.

I met with the distinguished Deputy Secretary General of NATO in Brussels. He looked at me and said: I can't count on one hand the number of years NATO will have to be in Kosovo. Peo-

ple in the United States have to accept that you are a European power whether you like it or not, both in Europe and the Balkans.

I believe very strongly that we have borne the brunt of war. Seventy percent of the air missions in that war in Kosovo were ours. It was American airpower and American mobility and technology that actually won that war. I supported that. I voted on the floor of this great body for air and missile strikes against Milosevic. I have also voted for the accession of the Czech Republic, Poland, and Hungary to come into NATO. I, by no means, want to abdicate the role of the United States in filling the power vacuum in Eastern Europe left by the fall of the Soviet Union. By the same token, I came back with a couple of clear senses that I carry in my mind of what our American role should be. First, before we went in a helicopter into Kosovo, an Army colonel said: Look out the windows. There is a Roman aqueduct. I thought: I'm flying over terrain where Alexander the Great and his father, Philip II, made wars in Macedonia and that part of the world in 300 B.C. Then the Romans were there. Later the Turks were there. And now we are there.

I respectfully submit, what thousands of years of foreign occupation have failed to do to that area, we will fail to do. So I specifically support the Byrd-Warner language which allows 75 percent of the more than \$2 billion contained in the supplemental appropriations title for Kosovo operations to be released immediately and unconditionally for such operations.

I do support these operations now. But the remaining 25 percent would be withheld pending a certification by the President, due by July 15 of this year, that our European allies are making significant progress in meeting their overall commitments for economic reconstruction, humanitarian assistance, administrative expenses, and police forces for Kosovo.

I understand our European allies did not have the capability, in terms of technology or maneuverability or mobility, to mass in an offensive attack against the forces of Milosevic. But I also understand they do have the ability to provide economic reconstruction aid. As a matter of fact, the European Union is stepping forward with \$2.3 billion. I applaud that. They have the capability for humanitarian assistance, and that is forthcoming. They do have the ability to provide police forces for Kosovo. These are things our European allies can do and should do.

Furthermore, the amendment requires the President to develop and report to the Congress a plan to turn over all peacekeeping operations in Kosovo to those allies by July 1, 2001. This is the plan that is due by July 1, 2001, not the withdrawal of American forces. But at least this is a plan; it is an exit strategy.

How do we get to this point? The U.S. Constitution says the Congress de-

clares war. The Congress raises money for our Army and our Navy. It is the Congress that is the ultimate, final authority on whether young men and women are committed in harm's way.

Finally, by that day, July 1, 2001, the Byrd-Warner language requires the termination of funding for the continued deployment of U.S. ground combat troops in Kosovo unless the President seeks and obtains specific congressional authorization for a continuation of such deployment.

I am open to reasoned argument by any President on our role there, but I think the Congress ought to make that decision.

As Senator WARNER said in explaining the authors' intent, the Byrd-Warner language reflects two concerns:

the indefinite commitment of our troops into the Kosovo situation and that indefinite commitment not being backed up by the affirmative action of the Congress of the United States which has a clear responsibility to act when we send young men and women in harm's way.

I have just returned from a trip to Brussels and Kosovo where I met with key military leaders from the U.S., European nations and NATO. On that trip, I was discussing the role of the United States in Europe with the Deputy Secretary of NATO, Sergio Balanzio, when he told me that the United States is, "a European power whether you like it or not—not only in Europe but in the Balkans too." I responded that it is one thing to be on the point of the spear and to bear the heavy load in certain cases, as the U.S. did in Bosnia and Kosovo, but quite another to always be called upon to ride to the rescue, even in Europe itself.

A large portion of the military operation in Kosovo was supplied by the United States, and I believe it is now time to "Europeanize" the peace in Bosnia and Kosovo. While the soldiers I spoke with at Camp Bondsteel certainly displayed high morale, reflected in the excellent job they have done, if we stay in the Balkans indefinitely, with no clear way out, I believe we run an increasing risk of further overextending our military thus exacerbating our recruitment and retention problems and lessening our capability to respond to more serious challenges to our vital national interests. The Byrd-Warner amendment will help Europeanize the peace, unless and until a compelling and vital American interest can be identified which would justify our continued deployment of ground forces, and I will be pleased to support it.

However, I must add that, while this amendment does indeed address our military problem in Kosovo and does indeed reassert the constitutional responsibilities of Congress with respect to that problem, it does not address the underlying situation in Kosovo and is silent on the similar problem right across the border in Bosnia. From my perspective, the basic problem in the Balkans today is political, not military, and requires a political rather than military solution. And, in the

same way as the United States took the lead in military operations, it is now time for the U.S. to lead in finding a political solution. Essentially, at this point in time, the various communities wish to live apart and exercise self-determination along ethnic lines. I would agree that such a development is unfortunate and not in keeping with our American view of the way the world should be. However, for any solution to the current situation to be acceptable to the parties directly involved—and thus durable—this inescapable fact must be taken into account.

On June 30 of last year, the Senate accepted by voice vote my amendment to the foreign operations appropriations bill which expressed “the sense of the Senate that the United States should call immediately for the convening of an international conference on the Balkans” to develop a final political settlement of both the Kosovo and Bosnia conflicts.

I ask unanimous consent that the full text of my amendment be printed in the RECORD.

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

AMENDMENT No. 1163 TO S. 1234, FISCAL YEAR 2000 FOREIGN OPERATIONS APPROPRIATIONS

(Adopted by the Senate by unanimous consent, June 30, 1999)

At the appropriate place in the bill, insert the following:

SEC. ____ SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and its allies in the North Atlantic Treaty Organization (NATO) conducted large-scale military operations against the Federal Republic of Yugoslavia.

(2) At the conclusion of 78 days of these hostilities, the United States and its NATO allies suspended military operations against the Federal Republic of Yugoslavia based upon credible assurances by the latter that it would fulfill the following conditions as laid down by the so called Group of Eight (G-8):

(A) An immediate and verifiable end of violence and repression in Kosovo.

(B) Staged withdrawal of all Yugoslav military, police, and paramilitary forces from Kosovo.

(C) Deployment in Kosovo of effective international and security presences, endorsed and adopted by the United Nations Security Council, and capable of guaranteeing the achievement of the agreed objectives.

(D) Establishment of an interim administration for Kosovo, to be decided by the United Nations Security Council which will seek to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.

(E) Provision for the safe and free return of all refugees and displaced persons from Kosovo and an unimpeded access to Kosovo by humanitarian aid organizations.

(3) These objectives appear to have been fulfilled, or to be in the process of being fulfilled, which has led the United States and its NATO allies to terminate military operations against the Federal Republic of Yugoslavia.

(4) The G-8 also called for a comprehensive approach to the economic development and stabilization of the crisis region, and the Eu-

ropean Union has announced plans for \$1,500,000,000 over the next 3 years for the reconstruction of Kosovo, for the convening in July of an international donors' conference for Kosovo aid, and for subsequent provision of reconstruction aid to the other countries in the region affected by the recent hostilities followed by reconstruction aid directed at the Balkans region as a whole.

(5) The United States and some of its NATO allies oppose the provision of any aid, other than limited humanitarian assistance, to Serbia until Yugoslav President Slobodan Milosevic is out of office.

(6) The policy of providing reconstruction aid to Kosovo and other countries in the region affected by the recent hostilities while withholding such aid for Serbia presents a number of practical problems, including the absence in Kosovo of financial and other institutions independent of Yugoslavia, the difficulty in drawing clear and enforceable distinctions between humanitarian and reconstruction assistance, and the difficulty in reconstructing Montenegro in the absence of similar efforts in Serbia.

(7) In any case, the achievement of effective and durable economic reconstruction and revitalization in the countries of the Balkans is unlikely until a political settlement is reached as to the final status of Kosovo and Yugoslavia.

(8) The G-8 proposed a political process towards the establishment of an interim political framework agreement for a substantial self-government for Kosovo, taking into full account the final Interim Agreement for Peace and Self-Government in Kosovo, also known as the Rambouillet Accords, and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the UCK (Kosovo Liberation Army).

(9) The G-8 proposal contains no guidance as to a final political settlement for Kosovo and Yugoslavia, while the original position of the United States and the other participants in the so-called Contact Group on this matter, as reflected in the Rambouillet Accords, called for the convening of an international conference, after 3 years, to determine a mechanism for a final settlement of Kosovo status based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act.

(10) The current position of the United States and its NATO allies as to the final status of Kosovo and Yugoslavia calls for an autonomous, multiethnic, democratic Kosovo which would remain as part of Serbia, and such an outcome is not supported by any of the Parties directly involved, including the governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia and Kosovo.

(11) There has been no final political settlement in Bosnia-Herzegovina, where the Armed Forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of over \$10,000,000,000, with no clear end in sight to such enforcement.

(12) The trend throughout the Balkans since 1990 has been in the direction of ethnically based particularism, as exemplified by the 1991 declarations of independence from Yugoslavia by Slovenia and Croatia, and the country in the Balkans which currently comes the closest to the goal of a democratic government which respects the human rights of its citizens is the nation of Slovenia, which was the first portion of the former Federal Republic of Yugoslavia to se-

cede and is also the nation in the region with the greatest ethnic homogeneity, with a population which is 91 percent Slovene.

(13) The boundaries of the various national and sub-national divisions in the Balkans have been altered repeatedly throughout history, and international conferences have frequently played the decisive role in fixing such boundaries in the modern era, including the Berlin Congress of 1878, the London Conference of 1913, and the Paris Peace Conference of 1919.

(14) The development of an effective exit strategy for the withdrawal from the Balkans of foreign military forces, including the armed forces of the United States, its NATO allies, Russia, and any other nation from outside the Balkans which has such forces in the Balkans is in the best interests of all such nations.

(15) The ultimate withdrawal of foreign military forces, accompanied by the establishment of durable and peaceful relations among all of the nations and peoples of the Balkans is in the best interests of those nations and peoples.

(16) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and that only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability, and human rights in the Balkans;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The United States should call immediately for the convening of an international conference on the Balkans, under the auspices of the United Nations, and based upon the principles of the Rambouillet Accords for a final settlement of Kosovo status, namely that such a settlement should be based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act;

(2) The international conference on the Balkans should also be empowered to seek a final settlement for Bosnia-Herzegovina based on the same principles as specified for Kosovo in the Rambouillet Accords; and

(3) In order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following: political boundaries; humanitarian and reconstruction assistance for all nations in the Balkans; stationing of United Nations peacekeeping forces along international boundaries; security arrangements and guarantees for all of the nations of the Balkans; and tangible, enforceable and verifiable human rights guarantees for the individuals and peoples of the Balkans.

Mr. CLELAND. Mr. President, I truly believe that such an approach is best, if not the only, way to resolve the difficulties in Bosnia and Kosovo—allowing our troops eventually to come home but avoiding an unacceptable security vacuum in southeast Europe—and is definitely in the best interest of the United States and Europe.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Georgia. He is on the Senate Armed Services Committee. He just exemplifies duty, honor, and country in every respect. I hope our colleagues take to

heart the message from this distinguished Senator and soldier-citizen of America.

I will yield the floor after one procedural matter. As I understand it, the distinguished Senator from Oregon, Mr. SMITH, will next address the Senate—if, after that, we could have our colleague from Texas for 6 minutes?

Mr. LEVIN. If the Senator will yield?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. As we indicated before, we had a number of Senators on the way. If we could have, now, two of ours, since my colleague had two or three of his in a row, it would be, I think, better order.

Mr. WARNER. We were trying to rotate. Our colleague from Texas has been here about an hour.

Mrs. HUTCHISON. I make an inquiry of the distinguished Senator from Michigan how long the next two would be, so I can determine if I could stay that long.

Mr. LEVIN. I do appreciate that. Senator SMITH would be 10 minutes and Senator HAGEL 12 minutes.

Mr. WARNER. How does that convenience or inconvenience our colleague from Texas?

Mrs. HUTCHISON. After 22 minutes? If we could put that in stone?

Mr. WARNER. We will just have that understood. I put the unanimous consent request.

Mr. HAGEL. Mr. President, if it is a convenience to the distinguished Senator from Texas, I would be very happy to go after the Senator from Texas, if that helps her schedule.

Mr. LEVIN. We don't have to etch the stone, then.

Mrs. HUTCHISON. I am happy to wait beyond the Senator from Oregon for 10 minutes and the Senator from Nebraska for 12 minutes. Then if we could get a unanimous consent, I would go next?

Mr. LEVIN. Mr. President, I ask unanimous consent we go in that order: Senator SMITH for 10, Senator HAGEL for 12, and then the Senator from Texas.

Before the Senator from Georgia leaves, if I could just take 30 of my seconds to thank him for his constant contribution to the debates and to this body. While we disagree on this particular issue, it is not very easy for me; he always makes a major contribution, and we are grateful for it.

Mr. WARNER. Will the Chair act on the unanimous consent request, and now with 7 minutes for the Senator from Texas?

The PRESIDING OFFICER. The Chair, without objection, enters the unanimous consent. There will be 10 minutes for the Senator from Oregon—

Mr. WARNER. If I could take 20 seconds of my time just to advise Senators that the time remaining under the control of those proponents of keeping the amendment, namely Senators BYRD and WARNER, has now di-

minished to the point where the time Senator BYRD and I have allocated between ourselves—that is, the time of the Senator from Virginia has all but expired, and the distinguished Senator from West Virginia has, under a previous order, 1 hour remaining under his control. I just wish to advise the Senate of that.

The PRESIDING OFFICER. The Chair will observe there is a unanimous consent order that gives the opportunity to the Senator from Oregon to speak for 10 minutes, to be followed by the Senator from Nebraska for 12 minutes. Is someone propounding another consent to change that consent?

Mr. WARNER. I did not hear that.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding part of the unanimous consent request is the Senator from Texas would follow Senator HAGEL for 7 minutes. So there would be some order here, the Senator from Virginia could follow the Senator from Texas?

Mr. LEVIN. Mr. President, I will make a revised unanimous consent request, after talking with Senator ROBB who just came in, and with gratitude to Senator HAGEL. I ask unanimous consent for this order of speakers: Senator SMITH of Oregon, then Senator ROBB for 6 minutes, then Senator HUTCHISON, and then Senator HAGEL.

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

Mr. SMITH of Oregon. I thank the Chair.

Mr. President, frankly, I am pleased, as we alternate back and forth, there are Republicans and Democrats not crossing on party lines but arguing a very important issue of what they feel, what they think, and how they perceive America's interests to be best served.

I realize that many of my colleagues have spoken eloquently about the consequences that will result if the United States Senate supports the Byrd-Warner amendment. And though I may repeat some of their arguments this morning, I think it is critical that those of us who oppose this language state loudly and clearly that this is the wrong way to go.

I spoke last week on this matter Mr. President. I said then that there may come a time when it is appropriate for the U.S. to withdraw from Kosovo—but that time is not now. We face enormous worldwide responsibilities, and I agree with those that feel the burden sometimes seems rather heavy. But that is not a reason for us to seriously jeopardize the most important and most successful Alliance in history.

We are a European power. It is in our interests to maintain American leadership in Europe. And we have seen what happens when the U.S. chooses to come home after a bitter conflict has ended. I am confident that if the U.S. pulls out of Kosovo, as this legislation requires if the Congress does not author-

ize continued participation, we will be forced to return—under circumstances that will certainly not be as favorable as we face today. We have managed to create a situation where our troops certainly face threats in Kosovo, but the risks are relatively limited.

By our action, by setting up the conditions under which American troops would withdraw from Kosovo next summer, we could trigger the very instability in Kosovo that we have managed to forestall thus far. I am not going to whitewash what is happening in Kosovo today. We have our work cut out for us in establishing a functioning administration there that respects the rights of minorities. But the situation is relatively stable, after over 10 years of disorder. We can only speculate, of course, as to what would transpire if we were to pull out. But there is a real possibility—one can almost say a probability—that the Kosovar Albanians would feel compelled to prepare for another assault by Serbian henchman directed by Slobodan Milosevic. Could our European allies adequately protect the Kosovar Albanians from this assault? I can not answer that definitively, but I will tell you that the Kosovars think that the answer is no. So we withdraw, the Kosovars rearm, Milosevic feels emboldened, and we are back where we started before the NATO air campaign began. Is that why we fought this war?

Why do we want to jeopardize the peace? The 5,900 American soldiers that are participating in KFOR are making a critical contribution to maintaining peace in Kosovo. Our troops comprise approximately 15% of the total of KFOR. That seems to me to be a reasonable percentage for the U.S. to contribute. The European forces are making a difference in Kosovo—they are doing their job. But we should be willing to do ours as well.

Mr. President, let me return to my principal concern with this amendment—the threat that it poses to U.S. leadership in Europe. I have met with five different Foreign Ministers from Europe over the past several weeks, and in these meetings I have emphasized the importance of maintaining the trans-Atlantic link. Our security is directly related to European security, whether we like that or not, and for us to signal to our Allies that we are unwilling to participate in securing the peace in Kosovo—when they are contributing 85% of the troops—inherently divides us from our Allies. I have criticized them for seeking to establish a separate defense structure that is not tied in with NATO at every step of the way.

We should not encourage them in these efforts by indicating that we are an unreliable ally that cannot be counted on to stay the course. I do not think this should be an endless commitment, however, there should certainly be a drawdown in our forces as circumstances warrant and as Europeans do more in Kosovo. But we

should not make the determination now as to what our troops should do next year.

I realize that the supporters of this amendment say that they are not calling for the withdrawal of U.S. troops from Kosovo—that they are simply asking for an authorization. But Mr. President, with all due respect for my colleagues, their amendment forces the withdrawal of our forces unless positive action is taken by the Congress. I do not quibble with their complaints that the President did not ask for Congressional authorization for this mission. I agree with them: he should have done so. But is it in our interests to tie the hands of the next President? To force him to adopt a course of action because of a lack of Presidential leadership today? I think not.

I am reminded of the early, tragic days of the war in Bosnia. As you recall, Mr. President, European troops were on the ground in Bosnia as part of the UN mission, but no American troops were there. As a result of the dramatically different risks we faced at that time, the U.S. and our Allies supported different approaches to deal with that conflict. We lost valuable time trying to coordinate our strategy—time when Bosnians of all ethnic groups were slaughtered. A strong Alliance is one where benefits and risks are shared, and that is the direction that we should be going now.

Let me say, that I agree with my colleagues who have complained about unequal burdensharing. The Europeans were incredibly slow in approving their contributions to the Kosovo Consolidated Budget, their humanitarian and reconstruction assistance, and getting their police forces on the ground. I commend Senator WARNER for his successful efforts at ensuring they get the picture. We have the right to expect that our European allies do their fair share consolidating the peace in Kosovo, particularly given the unequal burden borne by the U.S. during the war. And I believe that thanks to the distinguished Chairman of the Armed Services Committee, the Europeans now understand this and are taking steps to correct the problem.

Mr. President, we must maintain American leadership in Europe. We should do our part in solidifying the progress we have seen in Kosovo. I urge my colleagues to support Senator LEVIN's motion to strike the Byrd-Warner language.

Mr. President, I admire Senator WARNER, the chairman of the Armed Services Committee. He is a great American and a great man. While I am not with him on this issue, it is a privilege to be with him on most issues.

Also, I believe Senator BYRD, the other author of this amendment, is a man who stands uniquely among us as a defender of the prerogatives of the Senate. I appreciate that, I admire him for that, and I thank him for that.

I believe it is Senator WARNER's desire to protect our armed services, as is

his charge, and I believe it is Senator BYRD's desire to protect the prerogatives of the Senate that has motivated this. I respect that. I say to them that they have already achieved much of what they hoped to do with this amendment, so this debate, this effort, is not in vain. I tell them respectfully now why I am not with them on this issue.

I know that many Americans are weary of our involvement abroad, and I know that many would like to just go home. I actually believe the right political vote in this case would be to vote for a date certain with my colleagues on the other side to get out of Kosovo. I say to every American who cares about foreign policy or our standing in the world, this is not the right way; this is not the right instrument; this is not the right time for this branch of Government to interject itself with this kind of an amendment.

I happen to have traveled to the Balkans at the height of the Kosovo conflict. I was privileged to travel with Senator HUTCHISON of Texas in her codel where we visited many of the surrounding countries of Kosovo. I remember when we went to Hungary, we were standing on the balcony of the Foreign Ministry of Hungary, and the Foreign Minister came up to me—this is a beautiful setting, overlooking the Danube—and he said: Senator SMITH, I did not realize when we were admitted to the NATO alliance that we would be at war a few days later, but we are thrilled to be a member of NATO, and we are proud to stand with the United States of America.

I drew him out and said: Why do you say that, Mr. Foreign Minister?

He said: We are proud to stand with the United States because the United States is a nation uniquely positioned in world history; that we are unique in that we have the capacity to fight for values and not just to fight for somebody's treasure or somebody's territory.

I was proud of my country when he said that.

I found myself a few days later in Macedonia. When we were there, we were at the point where, coming out of Kosovo through a pass in the mountains, literally tens of thousands of refugees were pouring into two camps. We went to the second camp. There were 50,000 people there. It was arranged that each of the Senators would have an hour there with interpreters.

We went through the camp talking to the refugees, examining the conditions of the people, and hearing their concerns. I became aware about halfway through my visit that there were three little girls following me around as though I was from Mars. They looked at me with some degree of awe and wonder.

Before we boarded the buses, I decided to try and engage them in a conversation. I was delighted to find that one of the little girls who was 10 years old could speak reasonably good

English. I said to her: Would you like to go home?

She said: I'd love to go home, but I can't; there are very scary people there.

Then I said to her: Well, if you can't go home, would you like to go to America? And her eyes lit up with sparkles.

She put her hands to her face and said: Oh, to be a little girl in America.

I will never forget that expression. I thought of my own little girl all the way home. I wonder what has happened to that little girl. She did not come to America, but she was able to go home because the United States was there.

The United States is in Europe. The world is better because after the Second World War, the United States learned from a mistake and did not repeat the mistake of the First World War. We did not go home. We stayed there as a beacon of stability that Europe has needed and I believe still needs.

The Europeans are beginning to feel a need for more security of their own. I have cautioned them: Be careful as you set up these European defense identities that you do it within the context of NATO or you will begin to decouple the United States from NATO. Be careful about this.

My concern is heightened because as they talk of setting up these new structures, they are all cutting their defense budgets. It appears to me they are setting up a paper lion.

We made a commitment to go into Yugoslavia. If anything should be criticized, it may be we should not have gone into Bosnia. We have elections for a reason. We elected a President of the United States, not of my party, but a President who decided it was in the America's interest as the leader of the NATO alliance to go into Bosnia, and we went. That job was complicated because Mr. Milosevic continued his mischievous ways, his murderous ways in a fashion that was unthinkable to the Western World that we should do nothing. In view of our own troops, we were watching people being exterminated.

In the end, I decided to support President Clinton at this next level because I did not want to have to answer why, in the face of mass murder, I did not do anything.

Lest Americans think it is all in vain, it is not. Things are not great in Kosovo, but they are much better than when we found them.

The benefit of Senator WARNER's work is in this: The Europeans were slow off the mark in meeting their commitments financially and in troops, but they are now. They are putting in the resources, and they are manning 85 percent of the burden there. We have 15 percent, a little over 5,000 troops, there. Is that in vain? Is it appropriate for us now to set an arbitrary cutoff time and, with the blunt instrument of the budget, to say we have had enough, we are going home? I say with all respect, if we do that, we will somewhat be saying to the Europeans what they are saying to us; that

we are ready to delink the United States and NATO.

I do not want to do that yet. The day may come when we can say it is time to go home, and the Europeans will be in a position where they can handle it on their own. I do not believe that day has yet arrived.

I tell my colleagues and I plead with all Americans to understand that while we can take for granted the peace, the security, and the prosperity of this land, most of the world looks to us as an example and with some envy and some hope that they may someday have what we now enjoy. If America says we are going home, I believe that vacuum will be so enormous, it will be filled not with an ideology but with a whole bunch of tyrants.

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

Mr. SMITH of Oregon. If I may have but a few more minutes, I will conclude.

Mr. LEVIN. I yield 2 additional minutes.

Mr. SMITH of Oregon. I do not want to see that vacuum filled by people who do not share the values of Western Civilization as we know it in Western Europe and in the United States of America. I believe the Europeans are beginning to do their duty and we ought to continue to do ours.

I also would like to conclude with an anecdote from campaigning with Governor Bush on Tuesday in Oregon, in which he assured me his opposition to this was not about getting America's withdrawal from Yugoslavia but to do it in a reasoned way, in a bipartisan way, and in a way that does not compromise the long-term security interests of the United States, which is now inseparably linked to Europe.

So I plead with my colleagues to vote for the McCain-Levin amendment to strike. I believe this is in the country's interests, in the world's interests, and certainly in the interests of Kosovo.

I thank the Chair and yield the floor. Several Senators addressed the Chair.

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

Mr. LEVIN. Would the Senator yield?

Mr. ROBB. Of course.

Mr. LEVIN. I will take 30 seconds, on my time, to thank the Senator.

The PRESIDING OFFICER. Senator ROBB from Virginia, I believe, according to the unanimous consent agreement, has 6 minutes at this time.

Mr. ROBB. I yield to the distinguished Senator from Michigan on his time, as requested.

Mr. LEVIN. I take 30 seconds, on my time, to thank the Senator from Oregon for his very thoughtful and very heartfelt statement, based on a tremendous amount of study of Europe.

I also ask unanimous consent that Senator VOINOVICH be recognized after the conclusion of Senator HAGEL's remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that I be given 1 minute prior to Senator ROBB.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. But I want to draw the attention of the Senate to the fact that we—the U.S. taxpayers—have already spent \$4.5 billion on this Kosovo operation. The President did not ask for any money for the year 2000. That is why we are faced with this supplemental of another \$2 billion. So \$4.5 billion plus \$2 billion is \$6.5 billion. Then the authorization bill, which we are now working on, and the appropriations for the next fiscal year, has another \$1.6 to \$1.7 billion.

Wake up, colleagues. We are shoveling money out of here as fast as we can swing our arms, without giving, I think, due consideration.

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

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I join my distinguished colleague from Michigan in recognizing the eloquence of the statement just made, very much from the heart, by the Senator from Oregon. I concur in his remarks.

Once again we are on the floor of the Senate debating the strength of the U.S. commitment to peace and stability in the Balkans, and once again we are being asked to weigh the benefits and costs of our current commitments.

I do not like to find myself at odds, especially on national security matters, with my friend and senior colleague from Virginia. We share so many of the values that shape our view of the world and the critical role of the United States in that world. We also share an unshakeable conviction in the importance of the moral and physical leadership of the United States in a dangerous world and the belief that a strong United States is the best guarantor of peace.

Likewise, I have enormous respect for the other coauthor of the amendment which is currently incorporated in the military construction appropriations bill we are now considering. There is no other Member of this body who is more knowledgeable, when it comes to the history of our Constitution, or who has fought harder to uphold the constitutional role of the Congress and of this body in relation to the executive branch than the senior Senator from West Virginia.

I understand and share our colleagues' frustration with the costs of our commitments in the Balkans, not just in terms of dollars but also the wear and tear on our armed forces around the world.

I understand and share our colleagues' frustration with the glacial

pace of progress toward reconstruction in Kosovo and the establishment of a capable civil police force. But we knew the risks going into this effort to stop the killing and give peace a chance to take hold in this troubled land. We know from experience that these types of efforts defy deadlines. We know from experience the consequences of setting conditions that let other countries control our destiny.

Each time we have debated deadlines, I have argued against them. Each time we have proposed statutorily binding deadlines, I have voted against them. I believe the provisions in this bill establishing a deadline for the withdrawal of ground troops from Kosovo undermine U.S. leadership around the world and raise understandable anxiety about our commitment to peace and stability in the Balkans. They play directly into the hands of those in the region who depend on conflict and chaos to achieve their ends.

The situation in Kosovo defies a simple calculus for withdrawal of U.S. forces. The situation in Kosovo defies a simple calculus for those whose burdens are greater or smaller, fair or unfair.

We know from experience that the requirement of our physical presence and our relative share of the burden will shift with changing conditions on the ground—either through reduced threats or improved stability.

Setting statutory deadlines now, in my judgment, will only undermine the confidence of our allies. Setting statutory deadlines now will only shake the world's confidence in our leadership. Setting statutory deadlines now will only encourage those who oppose peace and stability in the region.

The deadline framework established by this provision in the military construction bill tells our adversary what combination of actions or manipulation of conditions by which he can "control" U.S. and NATO policy.

Although the authors argue that this provision has no automatic triggers and that there are escape clauses allowing the Congress to undo what this provision would do, the advantage of knowing the limit of our commitment transfers the advantage and the leverage to our adversary.

Under this provision, July 1 becomes a magic date—either this year or next; or some other date, if it happens to be switched in conference—against which he can plan, organize, and execute efforts to pursue regional destabilization.

Under this provision, in the mind of our adversary, we trade the certainty of our commitment to stability, and our military capability to enforce it, for the certain knowledge of our limited determination and the eventual unhinging of the political and military cohesion of our coalition.

I am concerned that regardless of when the deadlines may be set in this provision, our perceived lack of will could put at risk militarily our coalition troops on the ground in Kosovo.

I have been proud to stand shoulder to shoulder with my friend and senior colleague on many issues involving our Nation's national security interests. But I cannot do so on this issue because I believe it would undermine our position of world leadership and place us in an untenable position regarding the Balkans.

In support of our men and women in uniform in the field, and of America's enduring open-ended commitment to peace and stability, I must, therefore, oppose the provision currently included in the bill and urge our colleagues to support the motion to strike offered by the ranking member of the Senate Armed Services Committee.

With that, Mr. President, I believe my time has expired. If not, I reserve any remaining time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself 60 seconds.

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

Mr. WARNER. I thank my colleague for his kind personal references. Indeed, we have worked together as a team. On this one, we divide.

Regarding his concluding remarks on world leadership, in this debate we are constantly talking about our allies. I am concerned about the hometowns in Virginia that are shoveling out taxpayer funds, billions and billions of dollars. I have already added it up—well over \$6 billion.

There has really been no debate or action in this Senate. We have an obligation in the Congress to speak before we shovel these funds out in incredible sums. It is from the towns and villages in our State and other States from whence we get these brave young men and women, who put on these uniforms, as the Senator and I have in the past, and march forth from the shores of our country into harm's way. I think Congress has to stand up and be accountable in those decisions and support the President. I have no fear that this institution will support the next President of the United States in his request, if he comes forward and says: It is my intention not to just leave this indefinitely but here is my plan to keep our troops over there.

I yield the floor.

Mr. ROBB. Mr. President, I ask unanimous consent for 15 seconds to respond to my colleague.

Mr. LEVIN. Mr. President, I am happy to yield 15 seconds to the Senator.

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

Mr. ROBB. Mr. President, I thank my distinguished senior colleague. We agree on so many things. Sometimes we have to consider the cost of doing nothing as opposed to the cost of doing what we are doing. It is in that context that I view this particular dilemma we face. I certainly share my distinguished senior colleague's commitment

to finding a way to maintain our commitments to peace in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I have been on the floor for a long time this morning. I will address two major points I keep hearing because it is important that we refute those points.

First, we are not setting a deadline. We are not withdrawing troops. The Byrd-Warner amendment says we are voting to make the decision, after plenty of time for the President and our allies, consulting with Congress, to make a plan. We are setting a timetable in which we would have the opportunity to set a plan, and that timetable will probably be October or December of next year. Then after we have a plan from the President, we will have a vote on that plan and on the long-term strategy.

Every time Congress exercises its responsibility to do what it is required to do under the Constitution, which is declare war and support the Army and the Navy, the administration and many on the other side say: What kind of signal does that send? What kind of signal does that send to our allies? What kind of signal does that send to that terrible tyrant Milosevic?

No. 2, they say setting a deadline is irresponsible. I will answer both of those questions.

We are sending a message. We are sending a message to our allies and to President Milosevic. It is a clear message, and it says, America is going to lead. America is going to come in and bring all the parties to the table, and we are going to formulate a policy. We are going to lead.

It says, our goal is a lasting peace in the Balkans, not an unending morass of indecision that wears out our troops, debilitates our own national security, and does not help our allies or the Serb people at all. It says to Milosevic, we are serious and we are going to formulate a plan. The President of the United States should take the lead and consult with our allies and consult with Congress, as is required in the Constitution.

Our policy in the Balkans has been drifting. Ever since I came to Congress 7 years ago, it has been drifting because the administration has never come to Congress and said: This is my plan; will you approve it? Instead, he spends money from the Defense budget with no authorization and then comes in and asks for emergency funds to replenish the Department of Defense. Of course, we are going to vote yes. Of course, we are going to replenish the funds that have already been spent so our troops will be paid and our equipment will be updated. Is this Senate going to allow our troops to be deployed on a mission that has never been laid out? Is that a responsible action of the Senate? The answer is no. The Byrd-Warner amendment is taking the responsible action for the Senate.

I will answer question No. 2: Setting a deadline is irresponsible. This is the bait and switch. This is what they say every time. If you set a deadline, you are irresponsible. How could you do that and cut and run from our allies? But if you say, OK, we are not setting a deadline, we are going to say, 1 year from now, we have a timetable that begins the process for a plan and then, once you have the plan on the table, you have an orderly process to implement that plan.

This is not a vote to withdraw troops. It is not a vote to cut and run. It is not a vote to even have a deadline. It is a vote to take the responsibility to approve a plan for a lasting peace in the Balkans. This is a vote to be a responsible and strong ally and a formidable enemy. It is a vote that asks the same of our allies in return, that they be strong and reliable allies.

It is a vote to take the responsibility in the Senate for our own national defense. I ask the question of my colleagues: If we do not take the responsibility for our national security, if we do not take the responsibility when we see that we cannot recruit and retain members of our armed services today, if we don't take the responsibility for addressing that problem, who will? Which of our allies will step up to the line and say, we are worried about your national security deteriorating? Which of our allies is going to step up to the line and say, I am concerned that you are not providing the nuclear umbrella that we must have and that only you can provide?

The buck stops here. The Byrd-Warner amendment says we are up to the task. We will defend our own troops in the field, to give them a mission and a timetable and a responsible plan under which they can operate. We will be a strong, reliable, and stable ally for all of our friends. We will formulate a plan that is responsible as a superpower should. We will no longer have emergency funds that refill coffers of money that have already been spent on a mission that is not spelled out. We will no longer be irresponsible. We will take the responsibility that has been put on our shoulders by the people of our States.

A vote for the Byrd-Warner amendment will do exactly what we were elected to do; that is, take the responsibility for our country and our allies.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 12 minutes.

Mr. WARNER. Mr. President, I yield myself 20 seconds.

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

Mr. WARNER. I compliment my distinguished colleague from Texas. It is very important that we get the type of message she has delivered today in the debate. I thank her.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 12 minutes.

Mr. HAGEL. I thank the Chair.

Mr. President, I rise today to support the McCain-Levin amendment. Kosovo is complicated. It is frustrating, dangerous, and fragile.

But I believe Kosovo and the Balkans are very clearly in the legitimate sphere of American security. As I listened to the debate last night and this morning—good, committed, informed debate—I believe we are not debating the congressional constitutional responsibility or authority in foreign policy. I don't think that is the issue. It seems to me that the issue which, in my opinion, comes down two ways, is: Is this action a wise and correct action at this time? Two, what are the consequences of this action?

Make no mistake, there will be consequences. We are always confronted with imperfect choices. Conflict, peacekeeping, war, how you deal with these problems always represents an imprecise business. We don't know the answers. We don't know the outcomes. We don't know all the dangers and complications. These don't come in tidy little boxes, or wrapped up in easy-to-figure-out little equations. There are many unknowns. That is one of the reasons why it is very unwise and very dangerous to set arbitrary deadlines. They never work.

Now, we have heard a lot this morning and last night about what our European allies have not done. Well, in the fairness of this debate, I think we should again remind those listening that, currently, America's ground troops in Kosovo represent less than 15 percent. Less than 15 percent of all ground troops in Kosovo are American. That means 85 percent of the ground troops are European—including, by the way, the Russians.

I think something else that is relevant to this debate is the fact that we have been there in Kosovo in this capacity, a peacekeeping responsibility, for less than 1 year. If we want to take this to the logical conclusion of lack of congressional authority as to when, where, how, and how long we are going to commit our peacekeeping forces, then I suggest that we go back and have a good debate on Korea, and on Japan, and on Europe.

We did have a debate on Kosovo last year, and we had a rather significant vote on moving forward in supporting the President's military action. Now, it stands to some reason that if we made that investment and we had that vote and the American public was tuned in, informed, educated, and their representatives were representing them in this body, they had some sense of where we were going with this. Are we going to walk away from what we achieved and have been achieving? It is messy, yes; uncertain, yes; fragile, yes; complicated, yes; but that is a very relevant point to this debate. Then what is connected to that question is, what happens next?

Does anybody in this Chamber believe that the Byrd-Warner amendment, planning to plan to withdraw, is

a policy? Withdrawal is not a policy. Why are we doing it now—less than 6 months before America elects a new President? We all of a sudden are quite agitated and excited about Kosovo. We have had some time to deal with this. So we will ask our new President to take office in a matter of months, at the same time forming a new national policy team, new security, foreign policy, working with new leaders, the Congress, the nuances and relationships that are all part of that, and imposed upon him, encumbering him, is this arbitrary deadline and this plan to withdraw. I don't think that is responsible. We leave this new President little latitude, little flexibility.

What about the magnitude and seriousness of this debate? If this is so important, why has it not been brought before the Foreign Relations Committee? Certainly, the Foreign Relations Committee of the Senate should have some responsibility in this debate. We have not had 1 minute of debate on this. This came up in an Appropriations Committee meeting, with no formal notice, and boom. This is responsible policymaking? I don't think so. This is not a thoughtful approach to something this serious.

We need to listen to those who have responsibility for our troops on the ground. General Clark and others have had the interest of our young men and women as their main responsibility. What do they say about this? They have said it is irresponsible, with dangerous consequences. A heavy, dark cloud of dangerous uncertainty hangs over this debate. What are the other consequences? Yes, there will be a vacuum. But there are connecting rods as well here. Does anybody doubt, if we would pass this, that this would not have an effect on Milosevic and others like him, and their interpretation, and their waiting game, and all that they would do to wait us out? Of course not.

Let's get real. Let's get real in this body. This isn't theory. Does anybody doubt that this would not have a responsible consequence to our relationship with our NATO allies, at the very time we are trying to convince our NATO allies to go with us on a national missile defense system—and we will need that concurrence and cooperation with our NATO allies if we are going to, in fact, go forward with a ground-based national missile defense system because we will need some radar sites. Does this have an effect on that? Of course. Does it have an effect on our new relationship with the President of Russia? Of course it does. Does it have an effect on how the Chinese and the Taiwanese see America's commitment to its allies? Of course it does. These are big issues out here, Mr. President. We better understand the bigger picture. There will certainly be consequences in the Balkans. Do we think if we do leave, we plan to leave the Balkans better than we found it? I don't think so.

America's word means something. America's commitment means some-

thing. I believe stability in Europe, stability in the Balkans is in the interest of America. There is legitimate debate on the other side, maybe, but I think it is in our interest. America has always represented hope, a better life, a better world. We have made the world better. Yes, we can debate all of our military conflicts, involvements, and engagements since World War II—Vietnam, Korea, Kuwait. Have we made mistakes? Yes, we have. But, generally, is the world better off, more peaceful, more prosperous, with more hope today because of America? Of course it is.

There is one other thing we tend to forget: As the leader of the world, we will always be asked and be required to carry a heavier burden than any other nation. We may not like that; it may be unfair, but it is a fact. One of the reasons America is the greatest Nation on earth, in the history of man, is because we have had the unique ability to control our own destiny. How have we done that? We have done it because we were engaged; we were vigilant; we were strong. We anchored our country and our beliefs on principles, trusts, and values. Others have responded to that.

These are all part of the dynamics of this debate.

I do not want my 9-year-old daughter and 7-year-old son to inherit a world where America does not lead, if for no other reason, the next great power in the world may not be as benevolent or judicious as America has been with its power over the last 200 years. All of these dynamics are part of this equation. This body must be very serious in understanding that.

Let Americans speak in November. Let our people speak. Elect a new President. That new President will begin a new, productive, positive relationship with the Congress. We can together work on a foreign policy that makes sense in a timely, effective way. That is the answer. That is a wiser course of action. That is a more responsible course of action than voting for the Byrd-Warner amendment.

I might say before I end that it is because of Chairman WARNER's efforts and leadership. That has been recounted last night and today. The Europeans have in fact stepped up each day, each month, to more and more responsibility to their obligations. And I thank the chairman for that. Rarely do I disagree with him, but in this case I do.

I strongly encourage my colleagues to support the Levin amendment.

I yield the floor. Thank you.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is to be recognized.

Mr. WARNER. Mr. President, I ask for 60 seconds on my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his very important contribution to the debate.

It has been one of the best debates on foreign policy we have had in the Senate I think this year. I appreciate his references to the Senator from Virginia.

We have accomplished much of what we set out to do in this amendment. I bring to the Senator's attention that yesterday there were 263 votes in the House of Representatives in support of the principles that are embodied in the Byrd-Warner amendment. The other body spoke just yesterday. But I say to my dear friend that I am willing to calculate we have spent close to \$20 billion in Bosnia and Kosovo. I will place it in the RECORD.

This is, in a sense, handing out another blank check for \$1.8 billion in this supplemental for Kosovo with no clear, decisive action for the Congress requiring a strategy as to when our troops can hopefully be considered along with others to be withdrawn.

I say to my good friend, how many of my colleagues are calling back home today to get the sentiments of hometown America and put them against—

The PRESIDING OFFICER. The Senator from Virginia has consumed 1 minute.

Mr. WARNER. The sentiments expressed so fervently by those wanting to strike on behalf of our allies? There are 350-plus years of history, going back before World War II, of our steadfast alliance to our allies, and they can anticipate another 50 years. But on this, it is time for Congress to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent I be allowed to speak for 1 minute on my time.

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

Mr. LEVIN. Mr. President, first I thank Senator HAGEL for a statement which is very meaningful because of the broad picture he drew, and also the interrelationship between what we are voting on and the whole host of other issues that are connected to it and impacted by it, as well as for the life experience and the life study he has brought to these questions.

In response to the good Senator from Virginia, I can only say what was voted on in the House yesterday is dramatically different from what we will be voting on. In addition to the funds that he made reference to that we have spent to avoid a wider war, even greater expenditures of funds have been well spent, in my judgment. And, indeed, the good chairman of our committee has been very supportive of those efforts.

We should not pull back from the success which has been achieved because the American people have made a commitment to stability in the Balkans to avoid a much broader problem in Europe and around the world.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, we are approaching the one year anniversary

of the end of the NATO air campaign in Kosovo. But just like a year ago, we find ourselves debating U.S. military involvement in Kosovo and what the U.S. mission in southeastern Europe should be.

With respect to southeastern Europe, I believe the Byrd-Warner language that has been included in this Military Construction Appropriations bill is the wrong approach at the wrong time. In addition to our direct national security interests in Europe that would be threatened by this provision, our efforts to encourage the establishment of the rule of law, universal respect for minority rights and market economies throughout southeastern Europe would be devastated by the Byrd-Warner language.

In the aftermath of the air war over Kosovo, we have an opportunity to work with the international community to integrate the nations of the region into the broader European community; an action I believe will help avoid the continuation of the bloodshed and destruction we've seen over the last decade. To effectively threaten a troop pull-out—which the Byrd-Warner language does—jeopardizes our efforts to take advantage of the worldwide interest in the region, and our ability to make an historic positive change for the future in southeastern Europe.

Mr. President, we have American military resources on the ground and in the skies in southeastern Europe with the specific intent of bringing peace and stability to the region.

Unfortunately, the Byrd-Warner amendment will be viewed by friend and foe alike in the region as a unilateral troop pull-out of Kosovo and an end to the commitment the United States of America has made to our European allies to help bring peace to the war-torn Balkans.

The Byrd-Warner language requires the next president to make a difficult determination on American presence in Kosovo soon after his election—a time when he should be working to establish and implement his foreign policy agenda for our nation with his senior management team including his National Security Advisor, Secretary of State, Secretary of Defense and Chairman of the Joint Chiefs of Staff.

It will be a period when he will need to measure his allies and become intimately familiar with a myriad of foreign policy challenges. His decisions will have a wide national security impact and must not be made hastily, but that is what the Byrd-Warner language does.

Mr. President, if we are to succeed in opposing aggression around the globe, we need to work with our allies. However, what the Byrd-Warner language would do is show our NATO allies that as far as peace and security in Europe is concerned, particularly in southeastern Europe, it is Congress' intention to extricate ourselves. I don't believe that is the message that the U.S. wants to convey.

For those of my colleagues who are interested in seeing Europe take on more responsibility in southeastern Europe, the issue is, does the Byrd-Warner language help or hurt?

I believe it would hurt, because I know that the Europeans have made the commitment, and are continuing to make the commitment, to their southeastern European neighbors.

This past February, I was in Brussels to make my feelings known on the subject of fair-share burdensharing to the leadership of the European Union. I was pleasantly surprised to learn that the Europeans basically understand that unless the Balkan region is fully integrated into the broader European community, the region will "Balkanize Europe." I was further pleased to see the Europeans taking the necessary steps that will eventually include the nations of the region in the EU and NATO.

Of the total financial support committed to Kosovo by the international community, including humanitarian, development, economic recovery and reconstruction assistance, the U.S. has pledged 15 percent, while the rest of the world has pledged 85 percent.

Of the total amount pledged for the operations of the UN Mission in Kosovo, UNMIK, the EU and its member countries have pledged 74 percent, and the U.S. 13.2 percent.

In addition, at the Stability Pact conference in Brussels this past March, four dozen countries and three dozen organizations pledged \$2.3 billion—well above the \$1.7 billion goal to fund regional economic development and infrastructure projects in southeast Europe over the next twelve months. I believe this commitment represents one of the first positive steps that has been taken since the end of the air war towards restoring peace and stability to the region.

What I am saying is: on the whole, the Europeans are meeting the challenge. They are supplying the funds and they understand the importance of involvement in the region. They are surpassing the thresholds established in the Byrd-Warner language.

What the U.S. needs to do is encourage them. For those nations that are responding to the challenge, pat them on the back. And for those that aren't, coax them into contributing. We should be working with our allies in a cooperative fashion and not a confrontational one.

We need to understand that while the Europeans are handling the bulk of the spending in the region, we must also be willing to come to the table to provide leadership and a little bit of a financial commitment. When I was in Brussels, the importance of the United States to provide leadership was underscored by members of NATO and the EU alike.

In addition, our leadership is absolutely desired and sought by the benefactors of the Stability Pact. Just last week, I received a letter from the Bulgarian Minister of Foreign Affairs,

Nadezhda Mihailova, who reiterated the need for the United States to stay at the table. She said:

... the importance of U.S. leadership in southeastern Europe during reconstruction and beyond cannot be overestimated—it is critical to the future success of the region.

It is imperative that we stay focused and interested in what happens in this region of the world.

We should try to imagine what actions Slobodan Milosevic will take if he knows that the United States has given up its commitment to restoring peace in Kosovo. Imagine the last U.S. plane, the last armored personnel carrier, the last U.S. soldier leaving Kosovo. How confident can we be that Milosevic will not renew his reign of terror against the people of Kosovo in an effort to solidify his power. What if he moves aggressively into Montenegro to quell the Djukanovic threat in the vacuum created by the American withdrawal. What will the United States do then?

We are also trying to get the Kosovo Albanian community, especially former members of the KLA, to support the rule of law and help establish a governmental framework to make it work. Can any of my colleagues imagine the psychological blow to this cause if they believe that the U.S. is pulling the plug and leaving? There is no way they will disarm. And, as a matter of fact, without U.S. support, the moderate factions could be swept-up into the arms of the zealots.

Can you also imagine what the prospect a U.S. pull-out will have on the Kosovo Serbs who have not fled; who chose to stay and try to live in peace with the Kosovo Albanians? What about those we encouraged to stay to help be a part of the interim government? With Milosevic's campaign of ethnic cleansing still fresh in the minds of many Kosovo Albanians, what will become of the Kosovo Serbs without the protection of the United States? What will become of the fragile peace and the fledgling government that we are trying to establish? It is my belief that even the possibility of departure will destroy any chance for stability in Kosovo, as well as end the prospect of reconciliation in Kosovo.

And what about extremist factions throughout the region, in Bosnia, Macedonia, Croatia, etc.—factions that have remained relatively dormant due to the U.S. presence? I think about Mr. Arber Xhaferi in Macedonia, one of the key leaders of the Albanian community there, who's working with President Boris Trajkovski to create a truly multi-ethnic Macedonia. President Trajkovski's democratically elected government has made it clear that the ethnic Albanian community, which makes up roughly 25 percent to 30 percent of the population, is an integral and respected component of society.

However, there is evidence of an extremist element within the ethnic Albanian community. These individuals are willing to resort to violence in

order to destabilize the government of Macedonia, and put in its place a government run by Albanians, for Albanians. There is genuine concern in Macedonia, as well as other nations, that if the United States leaves southeastern Europe, the deterrent factor on the extremist elements will have been removed, allowing for further regional instability.

Mr. President, I have the greatest respect for my distinguished colleagues, Senators WARNER and BYRD, but their amendment to this bill puts us on a course that will unravel the prospect of a peaceful integration of southeastern Europe into the whole of Europe.

We have the ability to help keep the peace in southeastern Europe, and I believe we should continue to provide our leadership and our fair share of the costs during the next several years as we deal with the transition in Kosovo and the fall from power of Slobodan Milosevic. We should ensure the countries of the region that we do care about their future, and that we understand how fragile the political situation is in countries like Bulgaria, Macedonia, Romania and Croatia. We need to let them know that we understand how important it is to support their new democratic leadership as they transition to multi-ethnic societies that respect human rights, the rule of law and which embrace market economies.

A commitment on the part of the United States to the Balkans on all of these items will help ensure stability for generations to come. I believe by working together—Congress and the White House—we can come up with a solution that will allow for the United States to continue to live up to such a commitment in southeastern Europe.

Our allies are willing to stay the course; they have made a commitment to southeastern Europe and have put their money where their mouth is. It's no time for us to leave them high and dry. It is not in the interest of our national security, our economic interests or the cause of peace in the world.

I urge my colleagues to support the Levin amendment.

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

Mr. WARNER. Mr. President, I will speak for a minute awaiting Senator LEVIN's appearance on the floor.

As we approach the desk for this historic vote, and it will be a historic vote, I point out to my colleagues we have in the past contributed, in fiscal year 1999, \$4.5 billion for this action in Kosovo. We are about to vote on, in a sense, another blank check, for \$1.85 billion. In the bill I am working on and will bring to the floor hopefully next week and pass on to the appropriators, there is authorization for another \$1.65 billion for a total of up to \$8 billion for Kosovo.

I think we have an obligation to the people of our Nation in hometown America who are paying this through their taxes, who are sending forth the

young men and women into harm's way beyond our shores. We have an obligation to them. If we are going to vote to strike the Byrd-Warner amendment, in essence we are saying Congress is out of it. It is another blank check. Add up Bosnia; it is about \$11 billion to \$12 billion. We are approaching \$20 billion for U.S. participation in this critical part of the world.

I certainly agree it is in our security interests to have been with NATO in Bosnia, then with NATO in Kosovo. We did the bulk of the fighting in the 78-day war. How proud we are of the men and women of the Armed Forces. Now we have an obligation to those serving today. For an indefinite commitment, there is no one who can come forth in this Chamber—and I ask anyone to come forth in this Chamber—and give any time expectation as to when this commitment terminates.

The Byrd-Warner amendment, within the confines of the constitutional responsibility of the Congress, is trying to lay down a strategy and some information for the American people who are paying the bills and sending forth the troops. To strike this language is back to business as usual, blank checks which will total, just in Kosovo alone, \$8 billion.

Then the section about our allies. They fought bravely with us to the extent they had the air assets, the lift assets, the highly technical guided armaments. They fought bravely. This is no disrespect to any soldier, sailor, airman, or marine of any nation that fought in that the 78-day war.

In a sense, we are fighting for their own interest in knowing how long they are going to be there. No one can come to this floor and controvert the Senator from Virginia saying in January and February and March of this year they were falling behind in their commitments they made following that war to provide economic assistance, humanitarian assistance, police.

We got their attention. I thank Senator STEVENS, Senator INOUE. It was a bipartisan effort. Many Members came to the floor and laid in the RECORD the intention to bring this issue on the first legislative vehicle we could. That is before the Senate today, the requirement for our allies to fulfill their commitments. They are doing that. I am confident that the President can make the certification as required in a section of this amendment and certify that the allies have at long last met their commitments.

This is a historic vote. It affects not only our commitments in this worldwide and important place in the Balkan region but all the other commitments. It will set a standard by which the Congress will have said that we are going to enter our decision power under the Constitution as we send forth men and women of the Armed Forces into harm's way and expend the taxpayers' money in such enormous sums.

Mr. LEVIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Michigan has 69 minutes and there is a total of 63 minutes for Senators BYRD and WARNER.

Mr. LEVIN. I yield myself 1 minute.

I happen to agree with the Senator and fought very hard with him to get the Europeans to do more. We have succeeded. They are not up to 85 percent of the combat forces, which is exactly what we wanted them to do. They are coming across with more police because of the pressure we put on them. Senator WARNER, I, and others put pressure on the Europeans to do more to carry through with their commitments. I think that pressure is useful.

The language before the Senate has two parts. The first part says if they don't meet specified targets in a certain date, we are out of there—unless, of course, Congress decides to change its mind. What we are putting in place on automatic pilot, we are out of there unless certain, specific, commitments can be kept.

The head of the Office of Management and Budget, by the way, has gone through the items and has said those specific items at this moment can't be certified, at least three out of four, for some very technical reason. But there is a second part to this. Even if the Europeans do all that is required by this amendment in the first half of it—or in half of it—we are pulling out anyway. The second part of the amendment says unless Congress changes its mind by next July, we are pulling our forces out of there.

This is a totally inconsistent message in the language before us. Half the message is: You have to do certain things by certain dates, Europeans. The second half of the message is: Even if you do that, we are out of there. We need a plan, and unless the President requests and Congress authorizes, our troops are out of there. Those are inconsistent directions. It seems to me wrong for many reasons which have been outlined.

I notice the Senator from Connecticut and the Senator from West Virginia are on the floor. I do not know if the Senator from Connecticut is ready, and I do not know if the Senator from West Virginia is ready. But I inquire, perhaps of both of them, if I could, whether or not they both wish to proceed at this time. Could I ask the Senator from West Virginia?

Mr. BYRD. Yes, I hope the distinguished Senator from Connecticut, Mr. LIEBERMAN, will proceed.

I have a question, if I might ask the Senator.

Mr. LEVIN. Would this be on the Senator's time?

Mr. BYRD. No, it will be on the time of the Senator from Michigan. It is a very brief question. I am alluding to something the Senator said.

Is the Senator under an impression that there has been no previous occasion when Congress has laid down a certain date and said after that date

there would be no further moneys unless the President comes back and requests them and Congress authorizes?

Mr. LEVIN. My guess is, and I could be wrong on this, that happened on two recent occasions at least. We properly, in my judgment, said troops must be out of Somalia by a certain date; troops must be out of Haiti by a certain date, period. We approved that and I supported that. This language is very different from that.

Mr. BYRD. In what respect?

Mr. LEVIN. This language says that we are deciding now that next year the troops must leave, unless—unless—later on Congress changes its mind. It is on automatic pilot. If the President does not request in a year, and unless the Congress authorizes in a year—in other words if the Congress does nothing, if the Congress does not change its mind—we are saying now that the troops are out of there in a year. That creates a year of very dangerous uncertainty, according to our recent commander, according to the head of NATO, according to the Secretary of Defense. It is that year of dangerous uncertainty which is being created here.

This is not a question, if I may say on my time, of the power of Congress. I could not agree with the Senator from West Virginia more. We have the power to do what is being proposed. There is no doubt about it. We can set deadlines. We can set conditional deadlines. We can set deadlines which are going to take place unless something else happens.

The question here is the wisdom—the wisdom of doing what is being proposed here, of deciding now that troops are going to come out of Kosovo, that they must be withdrawn unless, a year from now, the Congress changes its mind and decides to authorize it following a request from the President. What that precipitates is a year of very dangerous uncertainty, of wavering commitment to an alliance, and this is what both General Clark, the head of NATO, and our Secretary of Defense have outlined for us.

Again, the question is not the power of the Congress to do what is being suggested by my good friend from West Virginia. That is indisputable. If that were the issue—does Congress have the power to do this—this vote I hope would be 100-0, that we have the power to do this. The question is its wisdom. What is the impact of the uncertainty, the trumpet that is unclear and uncertain, when we have just been successful in Kosovo with NATO allies? We are now asking NATO allies to do more—and they are doing more; now up to 85 percent of the ground forces. The question is the wisdom then to put into place language which says unless Congress changes its mind a year from now we are out of this?

And if I can quote, since I am on my time, this is the main objective of the language. According to the sponsors' Dear Colleague letter, the provision

has three main objectives. First, it terminates funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives congressional authorization to keep troops in Kosovo. In other words, a year from now something happens automatically unless we reverse ourselves.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LEVIN. I will be happy to yield.

Mr. BYRD. Mr. President, we said the same thing on October 14, 1993, with reference to Somalia. Let me read what the language said:

... Provided further, That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994—

Remember, we are talking on October 14, 1993—

... That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994.—

Several months away—

for the operations of United States Armed Forces in Somalia: Provided further, That such date may be extended if so requested by the President and authorized by the Congress. . . .

That is what we are doing here exactly, precisely. So what is so new about it?

I thank the Senator for yielding.

Mr. LEVIN. The question is whether it is wise to do this when we have just been successful in Kosovo. In Somalia, we had determined to withdraw. The sponsors of this language suggest we are not exactly determining to withdraw; we are sort of planning to withdraw and we can change our mind. That was not the case in Somalia. In Somalia, we had decided—and I very strongly supported the decision—to withdraw. It was time to withdraw and we made that decision. It was the right one. It was wise in the circumstances. We decided to pull our forces out.

Here it seems to me that is the question: Do we want to pull our forces out now? To say now that a year from now our forces are out of there? It seems to me that is the question, not the power of Congress.

The constitutional question, if put to this body, I hope would have a 100-0 vote that we have the power to do what is being proposed. But on whether it is wise when we have just been successful—part of a coalition fighting together for the first time, putting pressure on our allies to do more; succeeding in that pressure, they responded with now up to 85 percent of the ground forces—in that same language to say we are planning now on getting out a year from now, that is the question. It is the wisdom of this language, not the power of Congress to pass it.

I thank my good friend from West Virginia and yield up to 20 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and my friend from Michigan and my friend from West Virginia for his courtesy allowing me to go forward.

Mr. President, I rise to support the motion to strike, and in doing so I join colleagues before me who have expressed what is clearly our very sincere respect for the two cosponsors of the part of the underlying bill which we seek to strike with our motion. There honestly are two no more distinguished Members of this body. May I say there are no more patriotic citizens that I have ever met than the Senator from West Virginia and the Senator from Virginia. So I go forward with a certain sense of awkwardness but certainly with a profound sense of respect for the two of them, even as I disagree with the provision regarding Kosovo that they have added to this appropriations bill before us.

Much has been said on both sides. I will try to either say it quickly or add a few new thoughts. It seems to me we have to begin here by looking backwards; in some senses, way backwards. By coincidence, last night I was reading a new biography of President Woodrow Wilson.

One of the chapters begins with a description of the election of 1912. The opening line says that as people were going to vote in the United States in 1912—and the great choices were Wilson, Teddy Roosevelt, and Taft—no one had in mind or could have imagined that 2 years later an event would occur in the Balkans that would eventually draw almost 2 million people into combat in that far away quarter—World War I.

We have struggled with, been affected by, lost lives as a result of conflict in the Balkans which spread throughout Europe and which has always eventually engaged us because of our intimate relationship with Europe. We are a nation that, at the outset, was formed by children of Europe, by people who left Europe to come to these shores. We, of course, are much broader and more multicultural than that now, but that was our origin.

Today our military and economic ties, our security and cultural ties with Europe are deep and they are broad. We may in the push and pull of the moment be drawn to other parts of the world. We are a global power today. But the base of our strength and the most comprehensive economic relationships we have and the heart of our international security posture has always been in Europe and is today. What happens in Europe matters to us today as it did in the second decade of this century, bloody as it was, which began with conflict in the Balkans.

Again, as the "third world war" of the last century concluded—and I say that referring to the cold war—and new alliances began the movement of people, conflict broke out in the Balkans and threatened to go further and en-

gage our European allies and threatened the stability of that region so important to us.

I begin this way because what I want to suggest, and I hope I can convince people, is that what happened in Kosovo—the outbreak, again, of barbarism, aggression against the people by force and what became cosmetically described as ethnic cleansing—was a singling out of people because of their ethnicity, coincidentally their religion, and they were subjected to mass forced movement, exile from their country, murder, rape, and torture.

The fires were burning again in the Balkans, and this time, having more recently confronted a similar threat in Bosnia, we waited, in my opinion, too long to get involved. We and our NATO allies acted on an immensely successful air campaign a little more than a year ago which stopped the barbarism, stopped the aggression, stopped the killing, and allowed more than a million refugees to return to the homes from which they had been brutally forced.

All of this is by way of saying that what happened in Kosovo that led to the peacekeeping in which we are involved—and which is threatened by the underlying amendment offered by the Senators from West Virginia and Virginia—was a great victory. It was a great victory.

General Clark recently returned from his position as SACEUR, our Supreme Allied Commander in Europe, a historic position, a position of great importance. He has been quoted frequently on the floor. In conversation with him, one of the things he said to me a week ago was that the reaction to what happened in Kosovo from the European public and the American public, including particularly the American political elite, was so remarkably different. In Europe, there was a sense of extraordinary pride about the course of events as they concluded last year in Kosovo, that stability, that freedom, that human rights had won a victory in Kosovo. Here General Clark worried the reaction was not so clear, that there was not the sense of pride that should have been felt because of a pivotal leadership role the United States of America played in ending the barbarism and aggression in Kosovo.

I mention this today because it is perhaps that differing attitude that leads us in the Senate to consider the Byrd-Warner amendment to this Appropriations Committee bill, and also now we have witnessed the House take similar action on the question of whether our European allies are doing enough. Maybe we in this country never appreciated the significance of what we did.

I believe history will show, when historians look back at the 1990s and judge what occurred, the United States and NATO interventions in Bosnia and Kosovo was a turning point, as an example that we and our allies had learned the lessons of the 20th century,

the most bloody in history, unfortunately. One of the lessons is, if you turn your back on aggression and genocide, in the end it will find you; it will force you to turn your face to it; and you will face carnage and will be drawn into it at a cost that is ultimately so much greater.

We achieved a great victory. I support this amendment to strike because the language in the underlying bill that it would strike I fear, I say respectfully, will snatch defeat from the jaws of victory. It will shake our alliance. It will send a message to Mr. Milosevic, as has been said over and over: Just wait it out; the United States is not a resolute power; it doesn't understand what it did in Europe.

It would encourage, unfortunately, those in Kosovo, particularly the Albanians I fear, to a certain extent the Serbs, to worry we are about to leave and to begin to take up arms again, the very arms, as part of this peace we are helping to enforce, they gave up. The Kosovo Liberation Army turned over its arms to the peacekeeping authorities.

I know those who have sponsored the underlying amendment have said it is not their intention to cut and run, to undercut NATO, to encourage Milosevic, but I fear that will be the effect of this proposal, notwithstanding the intentions of its distinguished sponsors.

If, as has been said by proponents of the underlying provision, this is just a message to our allies in Europe to meet their commitments, if it is just giving an opportunity to the incoming President next year, whomever it may be, whichever candidate it may be, to offer a plan to make a decision, then let's do that. Let's not put America on a course to withdraw, which is what this underlying proposal does, to literally cut and run. Let's leave it to the next President to make those decisions.

I was quite struck and appreciative of the statement Governor Bush has made on this. It is a statement that is made in the national interest. I hope all of us will heed it because it means the two major party candidates, Vice President GORE and Governor Bush, both have said they feel the underlying amendment would not only be bad for America's national security interests but is something they do not want because it will hamstring whomever is privileged to occupy the White House in January of next year.

Much has been said about the effects of this amendment. I want to just add this in addition to the way in which it will encourage Milosevic. Europe is stable now and yet not fully stable. A new Government has come to power in Russia. It is a Government that we are hopeful about and yet uncertain.

The people of Central and Eastern Europe, who lived under Soviet domination for, oh, those four and more decades, in some cases, are now beginning to stretch, to be free, to develop market-based economies, self-government,

national independence. Some of them—three—now have joined NATO; a whole other group—I believe it is nine—have been put in line. This is a historic development and the most extraordinary and enormous victory for the forces of victory and freedom that won the cold war.

I want to suggest to my colleagues that putting us on a course to withdraw our forces from Kosovo, from the peacekeeping effort, to withdraw our financial support for the economic and humanitarian reconstruction, will send a message of faithlessness, if I can say that, of irresoluteness, of lack of concern by the world's superpower—the beacon of hope for those who yearn for freedom and now have achieved it post-cold war in Central and Eastern Europe—that perhaps our commitment there is not firm, and that as they begin to enjoy the sunlight of liberty, we may be pulling back and not worried if the clouds begin to come over them again.

Our presence in Kosovo, important as it is to keeping the peace in Kosovo, is clearly more broadly important to the ongoing march of freedom for which we fought and won the cold war. In that sense, too, we would begin to be snatching defeat from the jaws of the great victory we won in the cold war.

The same is true for places of conflict throughout the world where this kind of American irresoluteness—what will appear to be, whether it is intended or not, a cut-and-run approach—will encourage the enemies of freedom, the enemies of the United States, to take action, with the hope that the United States does not care anymore, that we have grown either so comfortable or so isolationist that we have taken a shorter range of view and are not prepared to exercise the political, strategic, and moral leadership on which I continue to believe the world depends.

Much has been said here about the question of what our European allies have done or not done. I was at the annual security conference in Munich in February. We were battling with our European allies about whether they kept this \$35 million commitment they made. They had not kept it then. They have done it now.

But as has been said over and over again—I will not belabor it—the Europeans are paying more than their fair share, which is to say they are paying the overwhelming majority of the costs of the military and the humanitarian operation.

Although the numbers are very difficult to be totally comfortable about as to who has given what—and I have tried very hard, working with the Congressional Research Service, the World Bank, the European Commission, and the Department of Defense, to pin these down—it does seem to me that, overall, an argument could be made not just that the Europeans are paying 80 or 85 percent of the costs of these operations in Kosovo but that they have met the terms thereby of the Warner

part of the Byrd-Warner amendment. But the accounting can be difficult.

I think the amendment, if it is put in place, becomes meddlesome and troublesome because it sends a message of doubt about our support and, on a technical accounting basis, actually could put us in a position where the President could find it difficult, on the technicalities, to certify that the Europeans have done what this amendment requires them to do. Therefore, we would be on the road to withdrawal, with all the consequences I have described.

Surely there are better ways for us to express to our allies in Europe that we believe they are not meeting their commitments than this blunt instrument, putting this amendment on this appropriations bill. It is for that reason I support so strongly this motion to strike.

I will just add two general points. The first is from a very interesting column from the Washington Times by Mr. Tod Lindberg on Tuesday, May 16, in which he, quite correctly, points to the ambivalence Congress has expressed regarding Kosovo, an ambivalence which is so inconsistent; it reminds us that although Congress has the power of the purse, that is why we elect Presidents and we call them Commanders in Chief and why we expect them to make the foreign and military policy of our country, because with 535 of us, it would be hard for us to get together and do what we need to do to protect our national interests with the kind of authority a Commander in Chief can have.

Of course, we have the power of the purse, and we can exercise it. But we have tended, too often, to go in different directions. As Mr. Lindberg points out:

Kosovo, more or less from the moment the issues there became critical in the fall of 1998, has not exactly been Congress' finest hour. The nadir, perhaps, came a year ago during NATO's air campaign itself, [while our pilots' flying actions endangered themselves over the Balkans] when the House of Representatives voted within a short span not to support the campaign and to double funding for it.

Remember the words from the Bible: If the sound of the trumpet is not clear, who will follow into battle? And 535 voices often find it hard not to sound a clear trumpet. I think that has been the case here. It will be the case if we do not strike this provision from this bill.

Mr. Lindbergh finally, at the end of the column, makes a few points which I also would like to quote. He thinks what is expressed in this underlying amendment that we now seek to strike is not just concern about whether the Europeans are keeping their financial commitments, but I believe a strong argument could be made that they are; clearly, we are paying only a minority of the costs of this operation. That is undeniable.

What is at work here, Mr. Lindberg says—I think, correctly—is not just the

constitutional question that we have an obligation to exercise our judgment and decide whether we should stay or not—and, again, I say the way to do that is not to put us on a march to withdrawal when we are succeeding—but, he says, this amendment “also serves for some as a false flag flying over isolationist sentiment—an opportunity to vent discontent with a whole range of American commitments without openly stating the general case. For some, setting a deadline for the withdrawal of U.S. troops from Kosovo has nothing whatsoever to do with Kosovo; it's just the opportune application of a general principle of disengagement to a particular case.”

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. LIEBERMAN. I ask unanimous consent to have 2 more minutes.

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

Mr. LIEBERMAN. Mr. President, I do think we have to ask ourselves—I do not make any accusations here, of course, with respect to all my colleagues. Linger behind some sentiments is not just specific concern about Kosovo but what Mr. Lindberg calls, in the Washington Times, “the opportune application of a general principle of disengagement. . . .”

If it is that, it is extremely consequential. We have been tempted over our history and have fought the impulse of isolationism and disengagement from the world, and every time we have succumbed it has come back to cost us dearly.

I sat with our colleague from Nebraska, Senator KERREY, a week or two ago, discussing this very issue. Perhaps he has told this story on the floor. But he reminded me, on the 25th anniversary of the end of the Vietnam war, a newspaper asked him, because he is a distinguished and honored veteran of that conflict, whether he would write his thoughts about it. He said one of the thoughts that came to his mind is that 25 years after the end of the first war—which I referred to at the opening of my remarks—in 1943, the sons and some of the daughters of those who fought in the First World War, which ended in 1918, in 1943, were training for and beginning to go to war in Europe.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. LIEBERMAN. Mr. President, I ask the Chair for up to 5 more minutes. I hope not to use them.

The PRESIDING OFFICER. The Senator from Michigan controls the time.

Mr. LEVIN. I ask the Chair how much time remains on our side.

The PRESIDING OFFICER. Thirty-seven minutes.

Mr. LEVIN. I yield 3 additional minutes.

Mr. LIEBERMAN. The powerful point of the Senator from Nebraska, Mr. KERREY, our distinguished colleague, was that, because the world and America did not learn the lesson of engagement after World War I, 25 years later

the sons and daughters of those who fought in World War I were again entering an even bloodier conflict, World War II. Twenty-five years after the end of Vietnam, because America had learned the lesson, had not turned isolationist, had been engaged, the sons and daughters of those who fought in Vietnam were not heading in massive numbers into a bloody world conflict. The price of that difference is involvement in potential conflicts which can grow into conflagrations, such as those in Kosovo.

Mr. Lindberg closes his op-ed piece by saying:

The deadline in the Byrd-Warner amendment seems clear enough. But a deadline for withdrawal is not a policy. It's an anti-policy. It says that as of the date specified, we don't care what happens. If that sentiment is ever powerful enough to override a presidential veto, we are going to have a world of trouble on our hands.

With all respect, this is a momentous vote the Senate will cast today. I urge my colleagues to vote for the motion to strike. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

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

The PRESIDING OFFICER. The Senator has 61 minutes.

Mr. BYRD. I thank the Chair. I ask unanimous consent that the last 15 minutes of my remarks be reserved until just prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I wonder if the Senator from West Virginia would allow the proponents to conclude, since we have to carry the burden here. Senator DASCHLE also wants to speak. If the Senator could speak his last 15 minutes, say, from 2 to 2:15, allowing the proponents to wind up, I think that would be the fair way to break this down.

Mr. BYRD. Well, I don't know. I think as good an argument could be made for those who have established an amendment here and who want to defend it at the end. I would like 10 minutes. I certainly understand Mr. DASCHLE's situation. He has time of his own. He has leader time he can use.

Mr. LEVIN. I wonder if the Senator from West Virginia might then reserve the last 10 minutes of his remarks from 2:10 to 2:20, allowing Senator DASCHLE to conclude by 2:30, so we could have the vote at 2:30.

Mr. BYRD. Yes, that is fine.

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

Mr. BYRD. Mr. President, the distinguished Senator from Michigan says this vote is not about power. He says it is about the wisdom of taking a vote on this matter. I hope I am not mischaracterizing his statement.

I say to him that this matter is about power. It is about the arrogance of power and a White House that insists

on putting our men and women in harm's way and spending their tax dollars without the consent of their elected representatives. Where is the wisdom in that course? Where is the wisdom in allowing a policy of indefinite drift in the Balkans with no end strategy and no clearly defined goal?

We have heard a great deal of impassioned, occasionally inflammatory, debate over Kosovo in recent hours, the first such debate we have had since U.S. ground troops entered Kosovo 11 months ago as part of a NATO peace-keeping operation.

I welcome this debate. It's about time. And I am glad that so many Senators are engaged in this debate. But before we bring this discussion to a head, I think that we need to address some of the more outrageous claims that have been made about the Byrd-Warner provision. To hear some speak, this amendment will mean the end of civilization as we know it. Hardly. Hardly. I appreciate the usefulness of hyperbole in speech making as much as anyone, but it is time to bring this debate back to the realm of reality.

I have also heard, over and over again, that this provision is a slap in the face of our allies; that they are already shouldering the lion's share of the peacekeeping and reconstruction burden in Kosovo, and that what we are doing is tantamount to abandoning NATO. I simply don't buy that. I believe that Congress has every right to demand an accounting from the President on the level of effort that all the participants are expending in Kosovo. That to me is not a slap in the face of the allies; that is basic bookkeeping.

I read carefully the letter that General Wesley Clark, former Supreme Allied Commander of NATO forces in Europe, sent to Senator LEVIN. I was frankly shocked at his conclusions. Gen. Clark wrote: "In fact, these measures"—referring to the Byrd-Warner provision—"would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide"—how ridiculous—"and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans."

The Byrd-Warner provision is directed squarely at the institutional and constitutional responsibilities of Congress. Contrary to so much of the rhetoric that we have been hearing, the Byrd-Warner provision does not establish, as General Clark suggested, "a de facto deadline for a U.S. pullout" from Kosovo.

Those are strong words. Unfortunately, they wrongly characterize the Byrd-Warner provision. Our language does not establish a "de facto deadline for U.S. pullout" from Kosovo. The only deadlines our amendment estab-

lishes are directed at the President.—who may be Mr. Bush or Mr. GORE—and require him to seek congressional authorization to continue the deployment of U.S. ground combat troops in Kosovo.

Yes, I believe that U.S. ground combat troops should be withdrawn from Kosovo, in a safe, orderly, and phased withdrawal.

Our provision gives the administration a year to come up with an exit strategy. We don't have one. Is it too much to ask that we have one? It requires that two plans outlining a withdrawal be submitted to Congress—an interim plan to be submitted by the current President, Mr. Clinton, and a final plan to be submitted by the next President, be it Mr. Bush or Mr. GORE.

Moreover, our provision explicitly directs this President and the next President to develop their plans in consultation with our NATO allies, and to ensure that the plans provide for an orderly transition to an all-European ground troop element in Kosovo. We are not pulling the rug out from under our NATO allies. We are not discouraging them from seeing the job through. We are encouraging them to take full responsibility, in terms of ground combat troops, for the security of the Balkans. We are encouraging our allies to meet their commitments in Kosovo. We are encouraging them to demonstrate that the United States does not always have to be the lead dog in a NATO operation.

I have heard it said that the Byrd-Warner provision could deal a death blow to NATO; that the alliance will crumble if the United States brings a few thousand men and women home from Kosovo. That kind of talk is reckless; it is demoralizing to our allies. The NATO alliance will not collapse if the United States does not have ground combat troops in Kosovo. And if by some chance the allies are so shaky that the Byrd-Warner Kosovo provision would cause it to disintegrate, then I think we need to give some thought as to why we are lending such a major amount of support to such a paper tiger. I believe the United States is the strongest member of NATO, but I do not believe for a moment the United States has to prop up NATO at every step of the way.

Let me return for a moment to the notion that the Byrd-Warner provision sets a de facto deadline for a pullout of troops from Kosovo. Let me assure you that if Senator WARNER and I wanted to set a deadline for a pullout of forces from Kosovo, we would set it, and we would set it in stone. We do not do that. The Byrd-Warner provision does not mandate a troop withdrawal from Kosovo. Yes, it anticipates such a possible outcome, but it does not mandate it. If, in the wisdom of the next President, it is necessary to continue the deployment of U.S. ground combat troops in Kosovo, or if events in that troubled region of the world so dictate, our provision provides explicit direction for

the consideration, under expedited procedures, of a joint resolution authorizing the continued deployment of U.S. ground combat troops in Kosovo.

The intent of our provision is not to micromanage the Pentagon or the State Department. The intent of the provision is to restore congressional oversight—restore congressional oversight—to the Kosovo peacekeeping operation. By its inaction, Congress has allowed the executive branch to usurp Congress' constitutional authority in this matter. That is our fault, but it need not be our fault. We need not continue to let that happen.

The Founding Fathers vested in Congress alone the power of the purse. The Constitution is very clear on this matter. Article I, section 9 of the Constitution states:

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .

Yet what are we seeing? We are seeing in Kosovo, as we have seen in so many other peacekeeping operations, a bastardization of that process. Instead of Congress appropriating funds for expenditure by the executive branch, the executive branch has adopted the practice—arrogant practice—of spending the money first. That is what they have done here—spending the money first and then asking Congress after the fact to pay the bills.

I wonder if my colleagues can see the pattern here: Buy now, pay later. Spend the money first, borrow from the military readiness accounts, and then give Congress no alternative but to reimburse the money. That is what has happened here. Trust me, this is not what the Founding Fathers had in mind when they created the Constitution of this Nation.

As heir to that wisdom, every Senator has a duty to guard vigilantly the rights bestowed on Congress by the Constitution, and no such right is more central to the separation of powers on which our system of Government is built than the vesting in Congress alone the power of the purse.

The issue is not only what policy the United States should be following in Kosovo; the issue is also whether the Congress is upholding its authority, its powers, its rights and responsibilities under the Constitution. I submit that by allowing the executive branch to de facto determine the expenditure of appropriated funds, we are not.

It was reported some months ago that the United States is building—hear this—semipermanent military buildings at Camp Bondsteel in Kosovo. These so-called C-huts are designed to last 5 years before major repairs are required. According to a report in the Washington Times on March 1, the Army is putting up 300 of these structures at a cost of about \$175,000 each. Well, you can do the math yourself. It adds up to a \$52.5 million investment in military construction in Kosovo. This sounds to me like the U.S. military is putting down serious roots, long-time roots, deep roots, in Kosovo.

The fiscal year 2001 military construction appropriations bill is the matter pending before the Senate today. Scores of needed infrastructure projects that must be funded by this bill have gone begging because there is not enough military construction funding to go around. The \$52.5 million being spent to construct those C-huts in Kosovo would go a long way toward funding some of the backlog of projects that we have in this country. Mind you, I believe that if the United States chooses to send its men and women in uniform on missions to far-flung parts of the world, they deserve a decent standard of living.

My question is: Why is the administration planning for a 5-year or more stay in Kosovo without bringing the matter to Congress? That is my question. Why are you, down there at the White House, and at the Pentagon—why are you, in the executive branch, planning for a 5-year stay or more in Kosovo without bringing the matter to Congress and getting Congress to authorize this? Should Congress not have a voice in the expenditure of the people's money? Should Congress not have a say in such deployments? Should the American people not have a voice in whether they support such a deployment, such a long-term deployment? I have read where some generals in NATO say it will be 5 years or it will be 10 years. Others have said it will be a generation. I believe Congress and the American people should—no, not should, but must—have a say in how the United States is deploying its increasingly scarce military resources.

We hear they have recruitment problems in the services, in all of the services, except perhaps for the Marines. They are having recruitment problems, we are spreading our forces thin all over the globe.

Time after weary time, we have had the same gambit from Administrations, both Democratic and Republican. Send the troops in, and Congress will not have the fortitude to pull the plug. Once we get the men in harms way, so the argument always goes, it is dangerous to talk about pulling them out. It is especially dangerous to set a date certain for them to leave. Heaven help us. Never do that. Don't set a date certain. How many times have we heard that same old tune? It turns logic on its head. Just as we went into Bosnia, they said we will just be there about a year. Now we are in the fifth year. That is the administration leading us in and then believing that Congress won't have the fortitude to pull the men and the women out. That kind of logic asks us to believe that pulling troops out of harm's way is potentially more dangerous than leaving them in harm's way.

The Executive Branch is much more inclined to use our military might to accomplish various policy objectives, such as nation building—policy objectives which may not be supported by the American people or their elected

Representatives in the Congress. We have lately seen the use of American boys and girls to enforce objectives authorized only by U.N. Resolution, which raises a serious question of national sovereignty in the mind of this Senator. I have perused the Constitution very carefully over the years, and I see no reference to conflict by U.N. Resolution or NATO Resolution. It is the Congress and the Congress alone which the Framers entrusted with the awesome decisions to send America's sons, and now her daughters as well, into situations which might mean their death.

No armed conflict can succeed without the support of the American people. It didn't succeed in Vietnam because it didn't have the support of the American people. It is their sons and daughters which we send to fight and to possibly die. It is their tax dollars which pay for the missiles and the tanks and the bullets. We enter into armed conflict at our peril if there is no consensus among the people to take that course. And the best way that this Senator knows to achieve such a consensus is for such matters to be debated and debated thoroughly on the Floors of the Senate and the House of Representatives, and then for a vote to be taken that reflects the people's will. The most solemn duty which we have as legislators and as sworn representatives of the people who sent us here is to decide whether to ask young Americans to put their lives at risk. To abdicate that duty to a President—to any President, a Democrat President or a Republican—to abdicate that duty to any chief executive is wrong. It circumvents the Constitution, it bypasses the people, and it short changes the nation because the people's will is never even known, never even known much less considered until the body bags start coming home. There are those who will say that this Kosovo provision sets up a process which is too cumbersome. Some will say that Congress cannot be asked to declare war every time there is a skirmish in the world. Well, of course, Congress should not have to frame an official declaration of war for each and every conflict. But, it should have to authorize in some way the conflict, and agree or disagree with its objectives.

Of course, the Administration will not like it. They never like it. They do not want to see the Congress exercise its constitutional duty in matters of this kind. They don't want Congress to lift a hand. They do not want Congress to say a word. Congress needs to be quiet. They want a free hand. The administration wants a free hand to participate in military adventurism whenever and wherever they please. And they do not brook interference by the Congress, the elected representatives of the people, the directly elected representatives of people, unlike the President who is indirectly elected by the people. Presidents are elected by the electors who are elected by the people. If they can avoid it, they don't

want the Congress to even whimper—just do not hear a peep, not a peep, out of Congress. But this is not the way it ought to be.

The military is not a plaything or toy, subject to the whim and caprice of a chief executive. The title “Commander in Chief” does not make any President a king, free to send America’s men and women in uniform wherever he may bid them to go, free to commit America’s resources to battle or to police actions or to peacekeeping without brooking any interference by Congress. Congress is not just the place that pays the bills although the executive branch would like that. They would like the Congress to be only the place to pay the bills. That is all. But Congress is not just a place to pay the bills. The legislative department is an equal and coordinate department with the executive, even though it is sometimes hard for the executive branch to fully understand that.

As to the war powers, these are meant to be shared between the President and the people’s elected Representatives in Congress. Let there be no doubt: The Framers intended for the Congress, in the final analysis, to hold the upper hand and have the final say.

That is why the framers vested the power over the purse in Congress. Let us take a look at the Constitution. I hold it in my hand.

These are the powers of Congress. Congress shall have the power “To declare War.” Congress shall have the power to “grant Letters of Marque and Reprisal.” Congress shall have the power to “make Rules concerning Captures on Land and Water.”

Hear me. This is the Constitution speaking.

Congress also has the general power “To raise and support Armies.”

Congress shall have the power “To provide and maintain a Navy.”

Congress has the power “To make Rules for the Government and Regulation of the land and naval Forces.”

Congress shall have the power “To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repeal Invasions.”

Congress shall have the power “To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States.” Add to these powers contained in this Constitution the power “to exercise exclusive legislation . . . over all places . . . for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings . . .”

Congress has the power “To lay and collect Taxes” to defend this country.

Congress shall have the power to “provide for the common Defense.”

That is what this Constitution says.

Congress shall have the power “To borrow money on the credit of the United States.”

That is what the Constitution says.

Congress shall have the power “To make all Laws which shall be nec-

essary and proper for carrying into Execution the foregoing Powers.”

And finally, this Constitution says, Congress has the greatest power of all. Congress is given the power in section 9, article I: “No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.” Thus, the scope of the warpower granted to Congress is, indeed, remarkable. The intent of the framers is clear.

Now let us examine the war powers that flow from the Constitution to the President of the United States. In section 2, article II, the Constitution states: “The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.”

That is it. That is it, lock, stock, and barrel, except the Constitution says that the President “shall Commission all the Officers of the United States.” But that is it.

So compare what the Constitution says with respect to the powers of the Congress when it comes to warmaking, when it comes to the military, with the powers the Constitution gives to the President:

The title, Commander in Chief, was given by the Framers to the President for a number of reasons. As Hamilton said in *Federalist* #74, the direction of war “most peculiarly demands those qualities which distinguish the exercise of power by a single head.” The power of directing war and emphasizing the common strength “forms a usual and essential part in the definition of the executive authority.” That has to be by a single head. This clause of the Constitution also protects the principle of civilian supremacy.

It says that the person who leads the Armed Forces will be a civilian president, not a military officer.

Consider the language in the Constitution: “The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States.” With respect to the Army, the Congress, not the President, does the raising and the supporting; with respect to the Navy the Congress, not the President, does the providing and maintaining; with respect to the militia, when called into the actual service of the United States, Congress, not the President, does the calling.

So, the President is Commander in Chief of the Army and Navy, but without the power of Congress, there can be no Army and Navy to command, and the President’s title would be but an empty title.

Thus, we should clearly see that the Constitutional Framers took Blackstone’s royal prerogatives and gave them either to Congress exclusively or assigned them on a shared basis to Congress and President. This Administration and most of the recent Administrations that have immediately pre-

ceded it seem never to have understood this salient fact that the President’s warmaking powers are not omnipotent as were those of the King of Great Britain. The Framers gave the political compass a 180 degree turn. The delegates at the Philadelphia Convention repeatedly emphasized that the power of peace and war associated with the monarchy would not be given to a President of the United States. Charles Pinckney, one of the delegates to the convention from South Carolina, supported a vigorous executive. Pinckney was afraid Executive powers of [the existing] might extend to peace and war &c which will Render the Executive and Monarchy, of the worst kind, to wit an elective one.’ John Rutledge endorsed a single executive, ‘tho’ he was not for giving him the power of war and peace.’ Roger Sherman looked upon the President as an agent of Congress, and considered ‘the Executive majesty as nothing more than an institution for carrying the will of the Legislature into effect, that the person or persons ought to be appointed by and accountable to the Legislature only, which was the depository of the supreme will of the Society.’

What about James Wilson of Pennsylvania?

James Wilson endorsed a single executive, but did not consider ‘the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of a Legislative nature. Among others that of war & peace &c.’

How about Alexander Hamilton from the great State of New York?

Alexander Hamilton, in *Federalist* #69, differentiated between the power of the monarchy and the power of the American President. Hamilton stated that the President, under the Constitution, has “concurrent power with a branch of the legislature in the formation of treaties,” whereas the British King “is the sole possessor of the power of making treaties.”

Control over the deployment of military forces was vested in Congress, as we can see from reading the Constitution. Madison emphasized that the Constitution “supposes, what the History of all governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it.” We have seen that to be the case. “It has accordingly with studied care, vested the question of war in the legislature.”

On the power of declaring war, from Madison’s notes, an incisive colloquy occurred at the Constitutional Convention on August 17, 1787. I now read from Madison’s notes: “Mr. Madison and Mr. Gerry moved to insert ‘declare,’ striking out ‘make’ war; leaving to the Executive the power to repel sudden attacks.

“Mr. Sherman thought it stood very well. The Executive should be able to repel and not to commence war. ‘Make’ better than ‘declare’ the latter narrowing the power too much.

"Mr. Gerry never expected to hear in a Republic a motion to empower the Executive alone to declare war.

"Mr. Ellsworth. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war, than into it. War also is a simple and overt declaration. Peace attended with intricate and secret negotiations."

What about George Mason?

"Mr. Mason was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred 'declare' to 'make'."

"On the motion to insert declare - - in place of make, it was agreed to."

Louis Fisher comments on the reaction taken at the Philadelphia Convention: "The Framers empowered the President to repel sudden attacks in an emergency when Congress was not in session. That power covered attacks against the mainland of the United States and on the seas. The President never received a general power to deploy troops whenever and wherever he thought best. When Congress came back in session, it could reassert whatever control on military activity it considered necessary."

James Wilson expressed the prevailing sentiment that the system of checks and balances "will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large."

Madison insisted that the Constitutional liberties could be preserved only by reserving the power of war to Congress. Madison stated: "Those who are to conduct a war cannot in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued, or concluded. They are barred from the latter functions by a great principle in free government, analogous to that which separate the sword from the purse, or the power of executing from the power of enacting laws."

When Jefferson saw the draft Constitution, he praised the decision to transfer the war power "from the executive to the Legislative body, from those who are to spend to those who are to pay." The Administration, and all Senators who may be prone to advocate an all-powerful executive, should take note.

I have already referred to General Clark's letter, to which our attention was called by Senator LEVIN last week. That letter brings to mind another letter to which I shall refer. Presidents, of course, are in a position to deploy forces in military environments before Congress has a chance to deliberate and decide what policies should be followed, and Presidents often do that. The potential for engaging the country

in war was demonstrated by President Polk's actions in 1846, when he ordered General Zachary Taylor to occupy disputed territory on the Texas-Mexico border. His initiative provoked a clash between American and Mexican soldiers, allowing Polk to tell Congress a few weeks later that "war exists." Although Congress formally declared war on Mexico, Polk's actions were censured in 1848 by the House of Representatives because the war had been "unnecessarily and unconstitutionally begun by the President of the United States." One of the members of the House of Representatives who voted against Polk was Representative Abraham Lincoln, who later wrote to William H. Herndon:

Much ado has been made of General Clark's letter to Senator LEVIN. Let's read Abraham Lincoln's letter to William H. Herndon:

Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us" but he will say to you "be silent; I see it, if you don't." The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

I wonder what Lincoln's advice would be to us today as we reflect upon the Administration's actions in Kosovo? Now that Congress has spent many months of complacent quietude before mounting a challenge to the Administration's continued usurpation of Congress' share in the war powers, we learn that the Administration fiercely opposes the Byrd-Warner Amendment. Why so? Is it too much to ask of the Administration that it come up with an exit strategy over the next year? Is it too much to ask of the Administration that it develop plans, in consultation with our NATO allies, for an orderly transition to an all-European ground troop element in Kosovo? Is it too much to ask that, if there is a necessity for the continued deployment of U.S. ground troops in Kosovo after July 1, 2001—or October 1, 2001 which we hope to make the date and will make it in conference—the President must request specific authorization for such continued deployment of U.S. ground combat troops in Kosovo, and that Congress must enact a joint resolution specifically authorizing the continued deployment of United States ground combat troops in Kosovo?

Is it too much to ask that the peoples Representative—people out there, their Representatives—be allowed to speak? What is wrong with that? Why is the Administration so suddenly very hysterical about this amendment? Very hysterical? They are panic stricken. They sent their big guns to Congress. They have even sent General Clark up to address the Democratic conference. What business does he have in the Democratic conference? Here we have in this Constitution, we have civilian control over the military, but here we find General Clark in the Democratic conference, trying to tell Senators what the intent of the Byrd-Warner amendment is, trying to tell Members of Congress what their constitutional duty in this institution is.

Does the Administration believe that the possible justification for the continued deployment of U.S. ground combat troops in Kosovo after July 1 of next year would be so weak that the Administration dare not face the risk of a vote by Congress in this regard?

I say to my colleagues in the Senate: Each of us has taken an oath to support and defend the Constitution of the United States and we take that oath because this Constitution requires Senators and Members of the House of Representatives to take that oath. Now is the time to live up to that oath. We must insist that the war powers that devolve upon Congress, under the Constitution, be preserved and protected against usurpation by this or any other administration. Nobody is talking about a declaration of war in references made to the powers and responsibilities of Congress in this situation. Nonetheless, any careful reading of the Constitution should make it as clear as the noonday sun in a cloudless sky that when American combat troops are deployed in a foreign country under circumstances where the lives of those troops are put in jeopardy by possible combat in a potential battlefield situation, the Congress is not required to remain silent. Remaining silent can become a habit. Congress can sleep on its rights until it can no longer claim those rights. And let us remember that it is also the people's rights on which we sleep.

As the late Justice of the Supreme Court, George Sutherland said in *Associated Press vs. NRIB*:

For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

The supporters of the Byrd-Warner amendment are stretching forth a saving hand while yet there is time. I hope that all Senators will take this occasion to assert the rights and powers of the legislative branch to which you belong, to which I belong, in respect to the conduct and use of the American military while there is yet time. If we allow the continued encroachment of these powers, which were meant by the Framers to be shared by the legislative

branch, future generations of Americans will not rise up and call us blessed.

Whether the next President comes up with a strategy to turn the ground troop element of the Kosovo peace-keeping operation entirely over to the Europeans, or whether Congress authorizes the continued deployment of U.S. ground troops in Kosovo, we will have taken affirmative action. We will have protected the people's rights—the people's rights—and exercised our responsibilities under the Constitution. We will have done our duty, as we have all solemnly sworn before God and man to do.

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

The PRESIDING OFFICER. The Senator has 8 minutes remaining, plus the 10 minutes that has been reserved at 2:10.

Mr. BYRD. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the Senator has no more time under his control. The Senator from Michigan, Mr. LEVIN, has control. If there is not another speaker, I see no other recourse but to put in a quorum call.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thought we agreed on a schedule—perhaps I am mistaken—that Senator BYRD would be going from 2:10 p.m. to 2:20 p.m.; that then Senator DASCHLE would go from 2:20 p.m. to 2:30 p.m. Am I correct there are 22 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. We would precede Senator BYRD with our 22 minutes. That means Senator BYRD has 8 minutes left. I thought that was going to be used at this time. If Senator BYRD does not use that time now—at least my understanding was we either go to Senator WARNER or Senator BYRD before Senator MCCAIN and I use our 22 minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, we have had an orderly debate. We started last night at 5 o'clock. We have moved along. This will be the first quorum call in the 10 hours scheduled for this debate. We have tried to be as cooperative as we could all the way along. I have no more control of the time. I suggest there be a quorum call placed, since no one seeks recognition, and it be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I have 8 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I yield 2 minutes of my 8 minutes to Mr. WARNER, I yield 4 minutes of my 8 minutes to Mr. LEVIN, and that leaves me 2 minutes of the 8 to add to the 8 that I will have later.

Mr. WARNER. Mr. President, it had been my hope as cosponsor of the bill to have the opportunity to make some rebuttal arguments to those who are about to speak. Since that will not be possible, I will take my 2 minutes to sum up the manner in which I view this entire debate of those who have come to strike the Byrd-Warner inclusion in this appropriations bill.

I am reminded of the immortal words of a great President, Franklin Roosevelt, when he said: The only thing this Nation has to fear is fear itself. Underlying the debate of those who are considering striking this language is the fear that the next President will be unable to convince the Congress to do what is right for America. That is what it is—fear.

I say to those who have fear, if there is not a simple majority, but 51 votes, to support the next President, then logic says to me that the continuation of those deployments in Kosovo are not in the public interest or the national security interest of this country. It is as simple as that. If there are not 51 votes for it, we should not be there, and we may as well stand up and face the world and say that this body, with coequal responsibility, has exercised its voice.

I committed earlier in this debate and I commit now that if the next President makes a strong case, he will have the Senator of Virginia voting and supporting him. I have confidence in this institution to make the right decision, and in this Senator's heart, he has no fear. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 15 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from Michigan, Senator LEVIN, for his leadership on this issue. This has been an excellent debate, probably what we should have a lot more of in this body on a variety of issues that confront the Nation and, therefore, call us to our duties as the Senate and the Congress.

I agree with Senator BYRD when he quoted Congress should not remain silent. Unfortunately, we passed a law some years ago called the War Powers Act. That act—and I believe Senator BYRD was here at the time of its passage—has been largely ignored, both by the executive branch and by the legislative branch.

On numerous occasions, I have approached leaders on both sides and said

we are violating the law called the War Powers Act, and we blithely ignore that law. Yet when we pass laws that affect our fellow citizens, we do not allow them to ignore the laws we pass.

It is a bit disgraceful, really, that we have a law on the books which we fail to address, particularly since this law is concerning an issue of no small importance; in fact one can argue, I think persuasively, of the most importance, and that is when and under what circumstances we send young men and women into harm's way.

Since we ignore the War Powers Act, the power that the Congress has, which I respect, revere, and believe is entirely appropriate under our constitutional responsibilities, is the ability to cut off funding for any military enterprise in which this Nation enters. I think that is clear. I do not think there is any argument about that.

If the Byrd-Warner amendment was about cutting off funds for further deployment of U.S. military forces in Kosovo, I would be much more comfortable about this debate and what it is all about, but what we are doing is very unusual. I have not been here as long as some of the other Members of this body, but I have never seen an issue of this import placed on a military construction appropriations bill which generally is a routine piece of legislation, except for a few of us who come over and complain about the pork-laden aspects of it. But it is a routine piece of legislation.

Now it is a vehicle for debate and decision over an issue of grave importance, in the view of certainly General Clark, certainly Secretary Cohen, certainly the Secretary General of the North Atlantic Treaty Organization. We are talking about an issue that can impact the issue of war or peace in the center of Europe. And what have we done in the Senate? We have placed it on the military construction appropriations bill. This legislation should have been the subject of hearings in the Foreign Relations Committee and the Armed Services Committee. It should have had a legislative vehicle that proceeded through both committees and then came to the floor of the Senate. In an incredibly bizarre fashion, both committee chairmen and ranking members, in my view, have abdicated their responsibilities as committee chairmen and the oversight of issues of this grave importance.

What is more bothersome is the fact that we are conditioning this vote on another vote that will take place sometime—which may be changed by the sponsors of the bill. On what are we voting? We are voting to propose a situation which would then require another vote.

As I have said, I have not been here a long time, but I have not seen anything quite like this. Our responsibility is not to have a vote on an issue that at a time certain requires another vote which, if affirmative, would allow the President of the United States to carry

out his duties as President of the United States. What this vote should be about is funding, yes or no. Do we want to fund further operations in Kosovo or do we not? We have enough information to make that decision. Members of this body have been informed.

When the distinguished Senator from West Virginia, for whom I have the greatest respect and admiration, says Congress should not remain silent, my answer is, Congress should not speak in this fashion. Congress should not be speaking in this fashion. Congress should be speaking, as is its constitutional responsibility, to fund this operation or not to fund it.

I am concerned about burden sharing. I have been concerned about it all my days here in the Senate and before that in the other body. I am concerned about what are the rules of engagement. I am concerned about the role of our European allies. All of those things should be taken into a context in which Members should make a decision as to whether we stay or go.

With all due respect, we are taking a vote to put off a vote which would have profound consequences. The Congress, in my view, is not fulfilling its responsibilities when it addresses this issue in this fashion.

In the 1980s, I was in the minority and my party held the Presidency of the United States. All through the 1980s, there were attempts at micro-management of U.S. foreign policy, particularly in Central America. Some of the bitterest debates I ever observed in the House of Representatives and here in the Senate concerned our involvement, our support for certain elements, our support for freedom and democracy in Central America.

I, as did many of my colleagues on this side of the aisle—who I understand are now supporting this resolution—opposed that very same kind of micro-management on the part of Congress when the other party was in control of the White House.

I am very pleased to see the nominee of my party, Gov. George Bush, with whom I had a very spirited contest over the previous year, step forward forthrightly and say this is an "overreach of congressional authority."

Governor Bush has it right. President Clinton has it right. Secretary Cohen has it right. And every objective observer that I know has it right.

The Washington Post of May 11, 2000, states:

But the Senate measure is the wrong answer to these legitimate concerns.

We did not have to get into Kosovo. It was through the ineptitude of this administration where they tried to impose an agreement, called the Rambouillet agreement, which Mr. Milosevic could not accept. Then we carried out, in my view, one of the more immoral military actions in the history of this country. I say that because of the tactical way we conducted it: Flying our airplanes around at such

high altitudes that our planes would not be shot down but we needlessly inflicted civilian casualties. That is a shameful kind of operation on the part of the U.S. military.

The Washington Post says:

But the Senate measure is the wrong answer to these legitimate concerns. By establishing a de facto deadline for a U.S. pullout, it would actually discourage U.S. allies—who are, after all, providing the lion's share of the ground forces already—from seeing the job through as Sen. WARNER and others wish. It tells the enemies of a democratic, multi-ethnic state in Kosovo—Serb and Albanian—that they can wait out the Americans.

That is really what the message, if we adopt this resolution over a clear Presidential veto, would be: We can wait you out. We can wait you out, Americans, because we know you're going home.

The Secretary General of NATO, a man who is respected by all of us, sent us a letter.

I quote from that letter:

In my view, while ensuring proper burden-sharing is important, we should not let that issue distract us from our larger policy objectives. The NATO presence in Kosovo needs to be decided on the merits of our being there—the job that we are doing and that we need to finish.

That is the key. As critical as the burdensharing issue is, we should be deciding this issue solely on the basis of whether or not it is in the U.S. national security interests to have a military presence in the middle of Europe in Kosovo.

Burden sharing is an important issue. We now hear, even from the cosponsor of the legislation, Senator WARNER, that he is pleased with the increase in the burdensharing responsibility that has been taken up by our European allies. But this issue should not be based on burden sharing; it should be based on where our national security interests lie.

The Secretary General of the North Atlantic Treaty Organization goes on to say:

I believe that we owe it to ourselves, if not the people of that region, to finish the job we began. As Secretary General of NATO, I will pursue that goal with the utmost vigour. I hope I can count on continued U.S. support, even recognizing that the European Allies must continue carrying the largest share of the load at this stage.

The Secretary General of NATO does not just speak for himself, and even the NATO alliance, but I think he speaks for all of Europe when he says: "I hope I can count on continued U.S. support."

Since 1945, the United States has had a military presence in Europe. Any objective observer will tell you, our victory in the cold war was due to our steadfast presence.

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

Mr. MCCAIN. I ask unanimous consent for an additional 30 seconds.

Mr. LEVIN. I yield an additional minute to the Senator.

Mr. MCCAIN. It is an important debate. It is an important issue. Will the

forces of isolationism and withdrawal prevail or will the United States continue to hold its rightful position as the military and economic leader of the world?

The language currently in the bill represents not just bad policy, but bad law. Its inclusion in the Military Construction Appropriations Bill is highly inappropriate. The Congressional committees that oversee the Armed Forces and our nation's foreign relations should have the opportunity to review and debate national security matters of such consequence. The Kosovo withdrawal language in the Military Construction Appropriations bill is unprecedented and will certainly prompt a veto by the President. For these reasons, it is imperative that we move to strike Section 2410 by voting in favor of the Levin-McCain amendment.

The requirement in the bill for a withdrawal of ground forces unless Congress passes a joint resolution authorizing their continued deployment is precisely the kind of provision that Congress should never impose upon any Chief Executive. Congress has within its constitutional authorities the power of the purse—the legislative means to terminate funding for an ongoing military operation. It is historically reluctant to exercising that authority, even when the majority oppose the operation in question. But we should never impose the kind of statutory burden on any President that this bill seeks to impose.

Clearly, this Administration could have—and most definitely should have—dealt more forthrightly with Congress and the American public from the beginning. Had it done so, it likely could have avoided this kind of exercise. As with Bosnia, however, its arrogance and ineptitude left many in Congress with a sense of having to act lest its rightful place in the debate over the U.S. role abroad would be completely ignored. The result is the damaging language currently in the bill.

Congress has been down this road many times before. The propensity of the Administration to deploy American military forces with seemingly wanton abandon on ill-defined missions of indeterminate duration is repeatedly met with efforts by Members of Congress to legislate the terms of those deployments. We can, and most assuredly will, revisit the question of separation of powers on national security again and again. The Founding Fathers built into our system of constitutional government certain tensions designed to prevent a potentially dangerous shift in the balance of power between branches of government.

We last debated the issue of war powers and the U.S. role in Kosovo in March 1999. The War Powers Resolution, which many view as unconstitutional, ironically proved to be the vehicle by which both Houses of Congress finally consented to debate the issue in its totality, including my failed effort to authorize the use of ground forces in

Kosovo during Operation Allied Force. That debate was illuminating for the degree to which it illustrated the depth of opposition on the part of many senators to the military operation. That opposition, of course, is what lies behind the language on Kosovo in the bill before us today.

I am fully supportive of measures designed to improve the burden-sharing arrangements under which we operate alongside other nations, especially in contingencies that should never have required U.S. military involvement in the beginning. For this reason, I am not opposed to the burden-sharing language in the bill, although the frequency of the reporting requirements are somewhat excessive. I take issue, however, with the draconian measures the bill mandates should the answers we receive from the President not meet our expectations.

And make no mistake. When I refer here to the President, I refer to the Office of the Presidency, for the language in this bill will have far-reaching and damaging consequences for all future occupants of the Oval Office. Funding cutoffs and mandatory troop withdrawals that must occur based on future circumstances absent congressional action, such as are reflected in this legislation, represent Congress at its worst. By requiring enactment of a congressional joint resolution authorizing the continuation of our current role in Kosovo, we are establishing a very dangerous precedent that will seriously weaken this nation's ability to conduct foreign policy long after many of us have left this most august of bodies.

I would ask supporters of Section 2410 what they believe would be accomplished by the provisions limiting funding pending presidential certification with regard to allied burden-sharing. Burden-sharing is a legitimate issue for discussion. To threaten funding cut-offs for troops in the field in the middle of an ongoing operation over the issues of equitable distribution of workload and financial commitment, however, is irresponsible in the extreme.

The strategic ramifications of Section 2410 should not be underestimated. The United States has important national security and economic interests around the world that are affected by what we do here in Congress. By mandating a troop withdrawal from an ongoing operation, we threaten those interests by emboldening our adversaries. Slobodan Milosevic is a calculating and ruthless individual with a record of responding to outside pressures and inducements, retreating when necessary; conducting brutal campaigns when the opportunity avails itself. A precipitous withdrawal of U.S. ground forces while Kosovo remains unstable and the potential threat to Montenegro looms over the horizon will undermine our interests in Europe and around the world. That is a path down which we do not want to go.

Additionally, the implications for NATO must be considered. The United

States has a very definite stake in the evolution of a European Security and Defense Identity, as manifested in the efforts by our allies to establish the so-called Eurocorps. It is not in our interests for such a unit, should it take shape and mature into a viable force, to act independent of U.S. influence— influence that would be severely undermined by a unilateral action of the kind contemplated in this bill.

Clearly, the failure of our European allies to deploy the numbers of police officers necessary to accomplish the mission of pacifying the region without the continued use of military personnel untrained in such activities has been very troubling. And I would be hard-pressed to defend the conduct of the operation in light of internal U.S. military disagreements regarding the deployability of U.S. troops from their sector to areas like Mitrovica where tensions and the propensity for violence remain high. This has not been a well-conceived mission. But there are worse alternatives, and the approach represented in this bill is one such example.

A far better approach, I would suggest, would dispense with the automatic funding cut-offs currently in the bill. Rather than automatic cut-offs in the event presidential certifications fall short, Congress would still be free to offer legislation terminating the U.S. role in this operation. A vote by Congress to act affirmatively to cut off funding, while I would oppose it, is less damaging to U.S. foreign policy than is a triggering mechanism written into law—the object of the authors of the current language. And we would avoid establishing a very dangerous precedent that I would like to think few among us actually wish to see materialize.

Mr. President, you do not have to be a supporter of the manner in which the operation in Kosovo has been conducted in order to have serious problems with this language. It is a peace-keeping operation in a region where the commitment to peace remains tenuous.

Many in Congress and the public we represent want out of Kosovo. We should never have had to go there to begin with, but for the unwillingness of our European friends and allies to act swiftly and decisively to prevent a brushfire from becoming a raging inferno. But we should not willingly commit untold damage to our future ability to conduct foreign policy when alternatives may exist. And we should never undercut our forces in the field out of pique that other countries are failing to shoulder their share of the load—especially when the burden-sharing issue has devolved primarily to one centering around the deployment of police officers.

We had every right to be angered by what Generals Clark and Reinhardt referred to as the hollowing-out of allied force contingents. The quiet, almost surreptitious withdrawal of soldiers by

key allies was not their finest hour. But forceful diplomacy, not congressionally-mandated troop withdrawals, is the answer to such problems. The language in this bill is counter-productive and damaging to U.S. foreign policy. We should not compliment a questionable policy with even worse legislation. I urge my colleagues to support the removal of Section 2410 from the bill and vote yes on the Levin-McCain amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask Senator BYRD for 50 seconds.

Mr. BYRD. I yield the Senator 2 minutes.

Mr. WARNER. I say to my good friend from Arizona, we respect his judgment, his long association with the U.S. military, and indeed his depth of knowledge as it relates to security and foreign affairs. While I respectfully differ, I nevertheless think it has been a constructive and important part of this debate.

May I also, at this time, congratulate the Senator on 20 years of a great marriage, which he celebrated last night.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my good friend from Arizona for his statement and for the clarity and passion he brings to this issue, as he does on so many important issues confronting this Nation, including our security, and thank him for his longstanding involvement and contribution to this Nation's well-being. His voice in this debate is an exceedingly important one. I hope all Members have had a chance to listen to his remarks today.

Mr. President, I wonder if I could ask what the time situation is. How many minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has until 2:10.

Mr. WARNER. I yield 3 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have gone back and forth on this question. Let me start by making a couple of quick points.

First of all, I would be more than pleased to test this question about whether or not we should have a peace-keeping force in Kosovo. I would be more than pleased to have an up-or-down vote on the Kosovo peacekeeping operation today or this week. Frankly, I think that is the way we should do it. That would be a true test of accountability.

I have a high doctrine of War Powers and have always insisted on appropriate congressional authorization of the use of troops in situations where they might face hostilities or imminent hostilities. I think that is required by our Constitution and by our system of checks and balances.

But I think there is a subtle difference here between that kind of situation and this peacekeeping operation

in Kosovo. Kosovo is a peacekeeping and peace enforcement effort. Our troops are playing a security role there, but they are not now, nor do I expect them to be, involved in combat with organized hostile Serb or other forces in Kosovo. If that changes, of course, we in Congress would likely reconsider the role of these peacekeepers in light of the risks, what is at stake, and make a judgment then.

But in the current situation, these peacekeepers deserve a chance to stay and to do their jobs as they have been asked to do, without the prospect of their funding from the United States getting cut off if our European allies do not meet the somewhat arbitrary standards set out in this bill, some of which many in the administration say may not be able to be met in terms of the current timetable.

Mr. President, it is with some regret that I oppose this provision to effectively impose a deadline for Kosovo peacekeeping efforts, and to support efforts by Senator LEVIN to strike it from the bill. While I support many of the foreign policy goals which Senators BYRD and WARNER have identified in this debate, I believe the amendment itself would likely put at serious practical risk the peacekeeping operation in Kosovo which, while not without its flaws, is one which I support.

I regret that I am not able to support this effort not only because of the respect and admiration I have for these two men, but also because I do share some of their concerns, most especially about ensuring our appropriate and constitutionally-mandated congressional role in decisions regarding war and peace. But while it is clear that we need to intensify the dialogue between the Administration and Congress on the larger questions about the circumstances under which we enter into peacekeeping commitments, and the criteria by which we decide that issue, this set of complex foreign policy questions should not be decided in this way, on this bill, in a way which potentially undercuts our peacekeeping efforts on the ground in Kosovo.

I support what I believe are the key underlying goals of the amendment: prompting a comprehensive debate on the Kosovo peacekeeping operation, its successes and failures; ensuring fair burden-sharing by our European allies, including on civilian police; and intensifying executive-congressional consultation on future decisions made regarding peacekeeping and peace enforcement operations in the region.

Of course we in Congress must continue to keep a close watch on the situation there, and intervene—forcefully and directly, if necessary, through the power of the purse or otherwise—if we believe the administration is going in the wrong direction. And I know that both Senator WARNER and Senator BYRD have pressed the administration on the burdensharing issue for many months, and have had some real success in helping to ensure a fairer proportion of U.S. to European assistance.

The fact is that we have about 5,900 of the approximately 39,000 troops in the region now; overall we are providing, according to the Administration, only about 15 percent of the troops and reconstruction aid for this effort. While it is important to continue to press to make sure the Europeans follow through on their commitments of resources and police personnel, I do not think fifteen percent is too much for us to bear to help our allies keep the peace in this troubled region. International peacekeeping must be a joint effort, with shared burdens, shared responsibilities and shared risks.

That is why I think it would be in a way more honest, more responsible, for those who wish to test the question, to simply prompt a debate by calling for a vote up or down on the Kosovo peacekeeping operation. If there are those who want to press that question, that would be a test of true accountability. We could vote on that this week. But I think most of us suspect that if the question were posed that starkly, many who might end up supporting this resolution, with its elaborate formula and framework for a potential withdrawal, would not vote to pull out our troops. They would not want to so grossly and suddenly undercut our troops, our allies, and those in Kosovo, Albania, and elsewhere in the region whom we have labored so mightily to protect in the past two years.

On the whole, our peacekeepers, and those of our allies, have done a remarkable job of enforcing, in a difficult and tense environment, an uncertain peace. Their presence has clearly helped to avoid a return to the horrendous violence that we all witnessed in Kosovo, and that NATO fought so hard to stem. Let's not forget that the ethnic cleansing that prompted our presence in the first place has been stopped, and that a return to the fighting has been prevented by the peacekeeping forces on the ground. Given the fragility of the current peace, it seems to me a likely result of our withdrawal would be a withdrawal by our allies, followed by a return to such fighting.

I share some of the frustration expressed about the Kosovo operation. While it is clear that some functions of this force could have been handled better, and that all parties involved could strengthen efforts—by the administration, by civilian police on the ground, by the UN bureaucracy, by those nations who have sent sometimes inadequate aid, or who have failed to live up completely and a timely way to their commitments—the peacekeeping forces have done a good job, under harrowing circumstances, and we should not undercut them, directly or indirectly, by passing this amendment. The fact that there has been less long-term progress than had been hoped for toward the development of a multi-ethnic state in Kosovo is not the fault of these peacekeepers.

I have a high doctrine of War Powers, and have always insisted on appro-

priate congressional authorization of the use of troops in situations where they might face hostilities or imminent hostilities. I think that's required by our Constitution, by our system of checks and balances.

But I think there is a subtle difference here between that kind of situation of imminent or real hostilities and the current peacekeeping operation in Kosovo. Kosovo is a peacekeeping and peace enforcement effort; our troops are playing a security role there, but they are not now, nor do I expect them to be, involved in combat with organized hostile Serb or other forces in Kosovo. If that changes, of course we in Congress would likely reconsider the role of these peacekeepers in light of the risks, what's at stake, and make a judgment then.

But in the current situation, these peacekeepers deserve a chance to stay, and to do their jobs as they've been asked to do, without the prospect of their funding from the U.S. getting cut off if our European allies don't meet the somewhat arbitrary standards set out in this bill, some of which the Administration says aren't likely to be met under this particular timetable.

Some oppose the Kosovo peacekeeping operation outright, and would simply turn it over completely to the Europeans. That's a legitimate view, but not one I share. We cannot send a signal to our allies that we will help out in difficult and complex situations like this, but only if they bear all the risks of peacekeeping.

Others have raised the issue of the U.S. looking irresolute to our allies within NATO, and to Milosevic. Or the concern that Milosevic might, if he knows there's an almost certain date set for our withdrawal, he'll likely instruct his troops to simply wait us out—or worse, instruct his radical Serb allies to foment violence to influence Western opinion, and even future votes in Congress, on whether to keep the peacekeepers there. These are legitimate concerns, but I think a more fundamental question is posed.

Will we shoulder our responsibilities, along with our NATO allies, to continue to help bolster and build a stable peace in Kosovo, to give them a chance at reconstruction, or will we start to scale back our effort now, and then pull out down the road, even after all the blood and treasure that's been spent to secure that peace, signaling to our allies and adversaries in the region alike that we're not firmly committed to seeing through the job that we started? I hope not. And I hope that we'll not start down that road by voting for a year of questions and uncertainty about our commitment in Kosovo.

That is not to say the administration must not push harder our European allies to accelerate their assistance to the reconstruction effort. It is not to say the President should not intensify his consultations with Congress on his plans and intentions regarding the peacekeeping force. He absolutely must

do those things. But I do not think that this amendment is the way to ensure those results. And so I will vote for Senator LEVIN'S amendment to strike this language from the bill, and I hope my colleagues will join me in voting to support our peacekeeping efforts in Kosovo, and against this provision which, in its current form, could do that effort real harm.

Mr. President, again, I have great respect for my colleagues on the other side of this question. I would be pleased to have an up-or-down vote on the peacekeeping operation. I would be pleased to be held accountable. I would love for the Senate to deal with this question right now and vote up or down on the peacekeeping operation. To me, that is checks and balances. I would vote for the peacekeeping operation, and that is why I will support Senator LEVIN'S initiative.

I yield the floor.

Mr. DODD. Mr. President, a little over a year ago, I rose in this Chamber to address the crisis in Kosovo. At that time, I had just recently returned from a trip to the refugee camps of Macedonia, where I witnessed firsthand the pain and suffering of displaced people in the troubled Balkan peninsula. During that visit, I was struck by the sight of 45,000 people living in tents in an area half the size of The Mall. Families were lined up for food and medicine and used ditches as latrines. Some individuals told me stories of being brutalized by the Serbian military and police in Kosovo and others of being evicted from their homes and separated from their families. Mr. President, I have seen a lot of hardship in my time, but nothing I have ever seen comes close to what I saw in the Balkans.

I returned from that trip determined to convince my colleagues that the United States had an integral role to play in the alleviation of suffering that the people of Kosovo had been subjected to by Serbian President Milosevic. At that time many in this body agreed that the United States had a moral obligation to join with our European allies in stopping Serbian aggression and creating the conditions to allow Kosovars to return to their homes.

Now it is a year later. Some things have changed. The international community stood up to the bully—Milosevic, and like most bullies he backed down and withdrew his forces from Kosovo. However, he left the province in total devastation—both physically and psychologically. Many of those displaced by the conflict returned to find their homes and livelihoods in ashes. Rebuilding from the rubble has been difficult. Particularly as just across the provincial border, President Milosevic still rules, a million people are still displaced from their homes and families, and lasting peace has not been achieved.

The United States, in partnership with our friends and allies, has attempted to assist Kosovars in picking

up the pieces and restoring some semblance of law and order to the province. There has been some progress in that direction, but much remains to be done. Yet, despite the unfinished business that remains the legislation before us today, if it becomes law, would establish a date certain—next July—for ending United States participation in restoring democracy in Kosovo.

I remember well, that prior to the commencement of NATO bombing in March of last year many in this body criticized the President for sitting on his hands while ethnic Albanian Kosovars were being subjected to gross human rights violations under the direction of President Milosevic and Serbian security forces. I hope that those individuals are not now going to turn around and support an effort to mandate the full and complete withdrawal of U.S. ground troops from Kosovo.

Even if the United States were to decide to withdraw from the region, which, let me state, is not what I believe we should do, it is incredibly foolhardy to announce the exact date to the enemy. Knowing of imminent United States withdrawal from the Balkans, President Milosevic will have no incentive to step down or improve his human rights record at all, and the timing of the withdrawal, July 2001, follows far too quickly the inauguration of a new President here in the United States.

If there is any doubt in anyone's mind about whether U.S. presence is warranted in Kosovo, I promise my colleagues that had they been with me in Kosovo last year and seen what I saw, there would be absolutely no debate in this Chamber about whether or not we are taking the right course of action. Our efforts to restore people to their homes, bring an end to conflict, and save the lives of thousands are assuredly the right things to do.

Rather than send out more mixed signals, I hope that Slobodan Milosevic will hear from this Chamber—That we are not going to second guess the President or Secretary of Defense in deciding when the appropriate time has come for the United States to withdraw its forces from the Balkans—That the United States is determined to remain in Kosovo until the wounds have healed and civil society is strong enough to support democratic governance of all the people of Kosovo, including its Serbian minority—And that we are proud of the American service men and women who are deployed in Kosovo and who are committed to getting the job done. They know why they are there and understand the seriousness and importance of their mission. We do them a disservice by suggesting otherwise.

Mr. President, the Senate will be acting irresponsibly if it approves legislation mandating an end to our participation in Kosovo. I would urge my colleagues to support an amendment to strike this provision from the bill and renew our commitment to assist the

people of Kosovo in the months ahead as they try to rebuild their lives and those of their loved ones.

Mr. ROTH. Mr. President, I am going to vote for the Levin amendment to the military construction appropriations bill, which would strike the Byrd-Warner amendment concerning Kosovo.

As a strong supporter of NATO, I have long advocated efforts to strengthen the European pillar of the alliance. The air war in Kosovo highlighted a great technical disparity in U.S. and European capabilities, and reopened long-standing debates of burden sharing within the Alliance.

I fully understand and support the motivation behind the authors and supporters of this provision. While it is true the Europeans are contributing over 80 percent of the peacekeeping forces that make up K-For, they have yet to fully live up to their commitments to NATO Peacekeeping, UNMIK, and the funds that make up the civilian and military dimensions of the peace effort.

However, this provision undercuts our incentives to the Europeans to meet those goals because it contains a "de facto" withdrawal date of July 1, 2001. It signals to our allies that the United States will withdraw regardless of any improved European efforts to meet their commitments.

This bill will effectively constitute a decision to withdraw forces at a given date. That is not the authors' stated intent, but that is how this amendment will be viewed. That is a message that will embolden Milosevic. That is a message that we will communicate an absence of commitment to our NATO allies.

American General Wes Clark, the former Supreme Allied Commander Europe and the former highest ranking military officer in NATO, has warned,

These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans. In fact, these measures would invalidate the policies, commitments and trust of our allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

While I, and many others, have had concerns about how the Kosovo operation has been conducted by the current administration, the solution to these concerns are not a withdrawal, or another debate on whether or not to withdraw. The solution is to establish a definition of goals we hope to achieve with regard to Kosovo, how we intend to accomplish our goals, and work more effectively with our European allies in achieving those goals. When our next President takes office in January,

under the Byrd-Warner provision he would be burdened not only with addressing the current administration's shortcomings in establishing a Kosovo policy, but also with a congressionally-imposed fixed date for United States withdrawal from Kosovo.

So for these reasons, while I support the goals of this provision, I cannot support the means used to achieve that goal and I will vote for the Levin amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to address the Levin amendment to the military construction appropriations bill, which strikes the provisions of the Byrd-Warner amendment on Kosovo which was attached to the bill in committee.

Unfortunately, for an issue of such importance, this amendment came up very quickly in committee without, I think, due consideration and study.

Since the committee markup last week I have had a chance to further consider and study this issue and I have had the opportunity to discuss this issue, at length, with senior members of the Administration, with Secretary Cohen, with Jack Lew, Director of the OMB, and with General Wesley Clark, the former supreme NATO commander. As a result of these discussions, I have some serious concerns about the potential impact of the Byrd-Warner amendment.

During the committee markup, proponents of this amendment asserted that the certifications called for by the amendment could be made "tomorrow" without delay. According to Mr. Lew, however, the certifications can not be met by July 15 of this year. The reason why these certifications can not be made, he has stated, is not because our European allies are not making efforts to meet their commitments—they are and in many cases they have—but for technical reasons.

So we could very well find ourselves in a position whereby we have accomplished the policy goals of the Byrd-Warner amendment but, because technical reasons prevent Presidential certifications, we are forced to withdraw U.S. forces from Kosovo.

Both Senator BYRD and Senator WARNER have given assurances that these shortcomings will be fixed in conference. I very much appreciate these assurances. But I have reason to believe that it is not a simple fix, but that a number of issues needs to be addressed, and this may well prove difficult to accomplish.

In addition, as General Clark has made clear, by setting in motion an automatic mechanism for complete withdrawal by 2001 that will telegraph our troop deployments and our policy, and which ties the hand of the next President, the Byrd-Warner amendment has an impact far beyond that originally anticipated in that it complicates and makes more difficult the U.S. role in Kosovo. I cannot ignore the conviction of General Clark that passage of this amendment would run the

risk of destroying the NATO mission in Kosovo.

As General Clark stated in his May 11 letter to Senator LEVIN, "This action will also undermine specific plans and commitments made within the Alliance. At the time that U.S. military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparently congressionally mandated pullout would undercut their leadership and parallel diplomatic efforts."

Or, as Secretary Cohen said in a discussion I had with him just a short time ago, "if the Senate passes this, it will weaken the allies' resolve rather than strengthen it."

As General Clark concludes in his May 11 letter, "A U.S. withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield."

Because of these concerns, I find that I must vote in favor of the Levin motion to strike the Byrd amendment, and urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the Byrd-Warner provision would make the decision that U.S. ground troops must pull out of Kosovo starting in August of this year if the Europeans don't meet certain specified percentages of their financial and civilian police commitment, unless the Congress changes its mind and decides otherwise.

It did decide, in any event, that even if the Europeans do meet their commitments, even if they do meet the commitments we have been urging them to meet—and they have been making progress—even if they meet those commitments, next year, in any event, our troops are coming out of Kosovo, unless Congress changes its mind. It is all self-executing. If Congress does nothing from this point on, if we adopt the Byrd-Warner language, next year, in the middle of the year, our troops must come out of Kosovo.

Now, the issue here isn't whether we have the power to set a withdrawal date and to enforce it with the power of the purse. That is not the issue. I think all of us would support the right of this Senate and this Congress to set a withdrawal date for our forces from anywhere. We have exercised that power. We exercised it in Somalia and in Haiti. The issue before us is the wisdom of setting a withdrawal date today, putting it on automatic pilot, and saying that a year from now, unless Congress reverses its position, those troops must come out. That creates a dangerous period of uncertainty, a destabilizing period of uncertainty, which we have been urged not to set in motion by our Secretary of Defense, by the Secretary General of NATO, and by the recent commander of our forces in Kosovo.

First, Secretary Cohen, on May 11, said:

I strongly believe the Kosovo language in the supplemental is counterproductive to

peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies.

I ask unanimous consent that Secretary Cohen's letter be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,

Washington, DC, May 11, 2000.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, United States Senate, Washington, DC.

DEAR TED: I appreciate your efforts to secure as quickly as possible the Supplemental appropriations for our peace-keeping operations in Kosovo. As you know, however, I am deeply troubled by the Kosovo provision in the bill. While I appreciated the opportunity to discuss this provision with Senator Byrd and Senator Warner prior to the markup, I feel compelled to express in writing my concerns with this amendment.

I have worked hard to reinforce the message to our European allies that they must carry the lion's share in winning the peace in Kosovo. While certainly more could be done, we should not lose sight of the fact that the Europeans are in fact carrying this burden. The U.S. accounts for only about 15 percent of peacekeeping forces in Kosovo. The Europeans are also carrying the bulk of the effort on the civilian side, as appropriate.

While strong messages from Congress on the importance of burden-sharing can be helpful, I strongly believe the Kosovo language in the Supplemental is counterproductive to peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies. For instance, unilateral actions by the U.S. regarding Kosovo will seriously undermine our efforts to discourage unilateral action by our NATO allies with regard to the European Strategic Defense Initiative (ESDI).

I believe that the Kosovo provision, as presently written, will force me to recommend that the President veto this legislation. Such an outcome will only further delay a badly needed infusion of funds for the DoD budget and most particularly the Army.

Finally, I once again urge you to fully fund the supplemental appropriations request for International Affairs (Function 150) Kosovo. The requested funds support essential civilian infrastructure that would facilitate a prudent exit strategy for Kosovo and achievement of long-term stability in the Balkans.

I look forward to discussing this critical matter with you further.

Sincerely,

BILL COHEN.

Mr. LEVIN. The Secretary General of NATO, on May 16, in a letter that has been referred to by Senator MCCAIN, said the following in a different paragraph—one that he didn't read, but which I think is also significant:

If this language is adopted, it would point toward a single policy outcome to the withdrawal of U.S. forces.

Then he went on to say:

As Secretary General, the prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me deep concern. It risks sending a dangerous signal to the Yugoslav dictator Milosevic that NATO is divided and that its biggest and most important ally is pulling up stakes.

This is the Secretary General of the greatest alliance in world history—one that we have been a leader of—who is

saying the adoption of this language risks sending a dangerous signal to Milosevic that NATO is divided and that its biggest and most important ally is pulling up stakes.

General Clark, recently the commander of our forces in Kosovo, wrote the following:

These measures, if adopted, would be seen as a de facto pullout decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments, and trust of our allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting, and instability in the Balkans.

So the issue here isn't our power. We have it. Everyone in this body will protect it—I hope. As long as I am here, I will be fighting for the same power Senator BYRD so eloquently talks about that the Congress must have—the power of the purse, the power to set a deadline, should we choose, such as the power we exercised in Somalia to set a deadline and to force our troops out.

We have, at times, exercised that power. At times, we have shown, in my judgment, the wisdom not to exercise that power. We have not exercised it in Iraq. We are not exercising it in Korea. We are not exercising it in Bosnia at this point. We have not authorized those engagements to continue. We have not determined that we are going to put an end to them. So we have exercised judgment both ways, in our wisdom. We have the power to put an end to our presence in Iraq, or in Bosnia, or in South Korea. We have the power, but we have decided, in our wisdom, not to exercise that power.

I hope that today, in our wisdom, for the reasons set forth by Mr. Cohen, General Clark, and the Secretary General of NATO, we will not create this period of dangerous uncertainty if we today decide that a year from now we are going to withdraw troops unless Congress changes its mind. It is the wrong message for our troops, for the reasons General Clark gives. It is a terrible message to our European allies because in one part of this amendment it says we want you to meet certain standards, but in the other part of the Byrd-Warner language it says even if the Europeans meet their standards and their commitments, nonetheless, unless Congress changes its mind in the next year, our troops are going to be withdrawn. It is on automatic pilot. It is self-effectuating. If no action is taken further by the Congress, our troops must be withdrawn.

Mr. GORTON. Mr. President, on March 23, 1999, I voted against the initial Senate resolution to authorize air attacks in Yugoslavia. More than 420 days have passed since I cast that vote, and I could not be more confident in my initial decision.

I argued in 1999 that the United States was foolishly injecting and engaging the brave men and women of our Armed Forces into a civil war that I dare say may never be resolved. Fur-

thermore, the Administration had then not proposed, and to date has not yet recommended an exit strategy for the occupation of Kosovo. In reaching my decision, I questioned the mission's objectives, the implication of a long-term U.S. commitment in Yugoslavia, and most importantly I argued that our vital national interests did not warrant a full scale war in the Balkans.

In less than two months after the Administration was authorized to enter the war in the Balkans, Congress faced an \$11 billion taxpayer commitment to the endeavor. Once again I voted against the U.S. commitment to the civil war in Kosovo, citing the same concerns.

And what has resulted from the U.S. and NATO engagement in Kosovo? NATO's thrust into the Balkans has fostered the creation of an entirely new class of refugees; the U.S. military has been required to police the region for an undetermined and unspecified amount of time; our own NATO allies' financial and military obligation to the endeavor remains questionable; ethnic related violent incidents in the region have increased; commitment by the region's leaders to embrace reconciliation efforts are conspicuous by their absence; and now Americans and Congress are being asked to provide nearly \$2 billion in additional funding for contingency operations in Kosovo.

Just this week, the Government Accounting Office (GAO) released its report on the U.S. involvement in the Balkans. The report is critical of not only the U.S. and NATO participation in the region, but provides further doubt about the long-term prospect for peace in Kosovo. The report points out that the security situation remains highly volatile, that political and social reconciliation efforts are unsuccessful, that the wartime goals of the factions remain intact, and that NATO has failed to prepare for the transition of security responsibilities to the United Nations.

In addition, the GAO reports that between 1992 and 2000, U.S. military and civilian costs for operations in Bosnia and Kosovo have cost the American taxpayer more than \$18 billion. This figure includes commitments by the State Department, DoD, the U.S. Agency for International Development, U.S. participation in UN peacekeeping missions, the Department of Transportation, and the U.S. Treasury.

GAO also concluded that between 1991 and 1999, more than 4.4 million people have been displaced as a result of the wars in Kosovo, Bosnia, and Croatia. A large share of these people remain in refugee camps. These displaced, war torn individuals have lost their homes, and have few prospects to regain them.

In spite of such a massive financial and political commitment, the report also concludes that should NATO withdraw, unrest is inevitable. Political leaders have not embraced change, people who have tried to return to their

homes have been attacked, the peace process has been continuously obstructed by ethnic groups, the economy remains flat, and efforts to advance the formulation of a multiethnic society have failed.

Our asserted goals are a multiethnic Kosovo as a part of Yugoslavia; the Kosovars want independence and the expulsion of all Serbs.

With all of these negative forces at play against the peace process, how long does the United States intend to police the region? How many more taxpayer dollars will be spent on security issues in Kosovo that appear to have little or no possibility of reformation? What is the price for peace, if peace is even attainable?

One of the reasons that I opposed the war in Kosovo from the beginning was not the risk that we were going to lose the war but the consequences of winning. We now have "won", we have won most of what we asked for in the beginning, but the consequences of winning is that we are putting thousands of our troops into Kosovo without any thought of when they will return.

I am convinced that a U.S. presence may continue in Kosovo for a generation or so. We have, and most likely will expend billions of dollars in an out of the way place that has never been important to our national security, and we are doing it in a way in which most of the destruction that we are going to pay for in the future was caused by us. Most Americans are going to find that Kosovo was much easier to get into than it was to get out of.

I intend to vote against the Fiscal Year 2001 Military Construction Appropriations bill because of my deep concern over the U.S. commitment and participation in the Balkan conflict. It is time to leave it to the Europeans. Even though the State of Washington, home to the most efficient, strategically positioned, and significant Army, Navy and Air Force bases stand to inherit valuable military construction funds by the passage of this legislation, I cannot in good conscience support another financial commitment to an unresolvable conflict in the Balkans.

Those brave and courageous men and women of the U.S. military who have been tasked with implementing this Kosovo intervention, and those serving in the Armed Forces in the State of Washington, have my admiration and support. But in the goal of attaining peace in the Balkans, of the Administration's questionable leadership in this endeavor, and the long-term commitment that is expected of the American taxpayer, I have no confidence at all.

Ms. SNOWE. Mr. President, I rise today in strong support of the Fiscal Year 2001 military construction appropriations bill and to commend my colleagues Senator STEVENS, Senator BYRD, Senator BURNS, and Senator MURRAY for their leadership in bringing this most important spending bill

before the Senate. This bill provides critical funding for military construction projects as well as Department of Defense related emergency supplemental funding for fiscal year 2000.

Other colleagues have already spoken on the merits of the military construction aspect of this bill and the importance of those projects to the men and women of our armed forces and their families. So today, I am going to focus my remarks on the critical provisions contained in the Byrd-Warner amendment and why I believe those provisions are as important to these same men and women and their families.

By including emergency supplemental funding in this bill, and fast tracking its passage, the Congress will be supporting the loyal men and women of our armed forces who are participating in contingency operations overseas. But, Mr. President, support of our troops is not always "sending money," sometimes we support them best by ensuring that they are not overextended in missions that appear to have no end. And that is why I commend Senator BYRD and Senator WARNER for their leadership by including these provisions that will force the debate about open-ended obligations.

For example, on May 1, 2000, the top U.S. commander in Kosovo, Brigadier General Ricardo Sanchez told reporters that he predicts that NATO peacekeepers will have to remain in the Balkans for "at least a generation."

In testimony before the Senate just this last April, Secretary of Defense Bill Cohen acknowledged that U.S. troops may not be pulled out during his final months in his cabinet position, and possibly not during the time of his predecessor. Our airmen performed superbly during the 78-day air war. Now, a year has passed and we have more than 5,500 troops on the ground in Kosovo, having spent more than \$2 billion on the air campaign, and by September of this year estimates are that the U.S. will spend upwards of \$5.9 billion in support of stabilizing the peace in Kosovo. And, as the policy currently stands, there is no end in sight.

We have learned through our experience in Bosnia that rhetoric alone will not expedite mission accomplishment and bring our troops home. In 1996, the U.S. sent 22,500 soldiers to the Balkans, in support of the Dayton Accords for an operation that was to last until December 16th of that year. We have made great progress there, but, four years later, the U.S. still has a significant force there and no deadline for withdrawal. So here we are Mr. President, four and one half years since the signing of the Dayton Accords in Bosnia, we have more than 4,300 troops in Bosnia and another 3,000 support personnel committed in the region and no deadline for withdrawal, no end in sight.

In Kosovo we won the peace in June 1999 with our air campaign and a year later we are providing more than 5,500 troops to support an operation that is becoming increasingly more threatening.

In this bill, Mr. President, with the leadership of Senator BYRD and Senator WARNER, the Senate is taking action to establish some way of getting to an end in Kosovo. Provisions in this bill provide a limitation of funds for U.S. ground combat troops in Kosovo. Section 2410 of this bill terminates funding for the U.S. presence in Kosovo after July 1, 2001, unless and until the President submits a report to Congress containing a request to specifically authorize continued U.S. ground troop deployment and Congress enacts a joint resolution specifically authorizing such continued deployment. I must note, that this provision does continue the support of non-combat troops in Kosovo who can provide limited support to the continued NATO peacekeeping operation.

The provision further requires the President to develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the U.S., and other non-NATO countries will provide all ground combat troops necessary to execute peacekeeping operations in Kosovo. Again, we are looking for a plan—something that this Administration has not been able to do. The plan is to establish a schedule or target dates, at three month intervals, for achieving an orderly transition to a non-U.S. force in Kosovo.

Mr. President, it is also in this spirit that I must express my disappointment in the lack of support for operations in Kosovo by the European Commission, the European Union, and the European member nations of NATO and why I strongly support the provisions of the Byrd-Warner amendment.

In Kosovo, the U.S. has taken the lead toward ending the ethnic violence and establishing civil law with the intention of turning the responsibility for long term development and revitalization over to the European community. However, the European community has not stepped forward as a unified body to assume this responsibility, and appears unwilling to take a leadership role.

In testimony before the Senate Armed Services Committee on February 29th, General Clark, then Commander-in-Chief of the U.S. European Command stated that "despite our progress in missions assigned to the military, civil implementation has been slow and in Kosovo today, civil government structures are lacking." He further stated that "the pace of contributions to the manning and resources of UNMIK [United Nations Mission in Kosovo] have resulted in sporadic and uneven progress toward civil implementation goals" and concluded his testimony by saying "the hardest part of securing peace in Kosovo lies ahead."

A well-publicized area where the lack of European support for civil implementation is readily apparent is the European's lack of support for the Kosovo Police Force. The United Na-

tions has stated the requirement for 4,718 police and at this point the United States has provided 97% of the 550 police we have pledged, yet our European partners have only mustered 63% of the 1288 police they had pledged. Mr. President, I call on the leadership of our allies to meet their commitments!

Let me remind my colleagues that in the last decade we anticipated reaping the benefits of the peace dividend. Many touted that the end of the Cold War would allow us to draw down our military forces and spend less money on defense. Well we have drawn our forces down, and they are deployed more now than ever anticipated in the post-cold-war era, and we are paying for it. In the period 1999 through 1999, U.S. taxpayers will have spent more than \$23.6 billion for contingency operations. Mr. President, we just cannot afford to unilaterally deploy troops and provide monetary support to each global hot spot for an indefinite period of time, with tepid and inconsistent support from the UN, NATO, and our other allies.

In the four years of the Bosnia Operation, more Army reservists have been activated than in the entire Vietnam War, and I am concerned that our involvement in Kosovo will mirror our involvement in Bosnia. I tell you this first hand, because these reservists include men and women of the 112th Medical Company from the Army National Guard and members of the 101st Air Refueling Wing from my home state of Maine who were called up or volunteered to serve in Bosnia.

And we are paying for these extended deployments in more than just dollars. At a time when the Department of Defense is meeting only 92 percent of its active duty recruiting goal, 88 percent of its Reserve recruiting goal and is struggling to retain the highly trained people that are currently serving, we in Congress and in the Administration need to be mindful of the message that we are sending to the American people. They need to know that we are aware that we are closely watching, and that we are ready to step in to protect the best interests of the U.S. and our men and women in uniform.

Although military members reference the high operational tempo as a consideration for leaving the military, it is difficult to quantify the exact effect those contingency operations have had on the recruiting and retention of personnel. It is, however, easy to determine the monetary effect. As we marked-up the Fiscal Year 2001 Defense Authorization Act, we were forced to look for ways to find money to fund new equipment to modernize our forces, money to improve housing and the quality of life, and money to improve healthcare for our men and women in uniform, as well as their families and our often forgotten retirees. We continue to uphold our commitments, just as we are upholding our commitment to this operation in Kosovo—to the detriment of our readiness to fight and win if there was a

major theater war—while our European allies remain in the shadows.

Now this Senate is considering the addition of \$1.85 billion in supplemental appropriations to support overseas contingency operations. But this bill is different in that the Byrd-Warner amendment limits the amount that can be obligated to 75 percent of the total Kosovo appropriation until the President certifies that four specific conditions have been met; at which time the remaining 25 percent would be released. These conditions stipulate that the European Commission, the European Union and the European member nations of NATO must provide a third of the assistance for reconstruction that they pledged, 75 percent of the funds promised for humanitarian assistance, 75 percent of the amount pledged for the Kosovo consolidated budget, and 75 percent of the personnel pledged for the Kosovo Police Force.

These provisions provide specific, tangible steps toward the fulfillment of the commitment promised by these countries. This does not require these countries to provide something that they do not have or something that they are not capable of supporting. It is merely a means of holding them accountable for that to which they have already committed.

If, however, our allies continue to go back on their pledged commitment, and the President cannot certify that those four conditions have been met by July 15th of this year, then the remaining funds must be used for the planned, phased, and safe withdrawal of U.S. troops from Kosovo. The details and time line for this withdrawal will be left to the President and his advisers, with these plans to be fully developed by the 30th of September.

So, as our troops in Kosovo valiantly conduct 1,321 security patrols each week and provide around the clock security at 48 checkpoints and 62 key facilities, we must support them in every way, beginning with holding our allies in Europe to the fiscal and personnel support they pledged to provide when the U.S. decided to support the air offensive in Kosovo.

I know, that as a result of the leadership of Senators STEVENS, BYRD, BURNS, and MURRAY, the FY2001 military construction appropriations bill is good legislation that provides our men and women in the armed forces the support they need as they go about their business of protecting our long-term national interests.

Mr. SMITH of New Hampshire. Mr. President, new revelations from "Newsweek" and "Inside the Pentagon" show that the air war against Serbia was inaccurately portrayed. These reports allege hyper-inflating of reports of damage done by allied bombing.

Now we are awakening to the realization that we expended a small fortune in precision munitions with very little effect—but the administration felt it necessary to exaggerate grossly the re-

sults of the air campaign in an attempt to buy public support for the war.

This is shameful—and the individuals involved in this deceit ought to be reprimanded.

The bombing triggered a refugee crisis—that was its main result. There was never any threat to NATO from the conflict in the Balkans.

In fact, the real threat to NATO is that it has abandoned its traditional role of being a defensive alliance, and under this administration has blundered and contorted into a post-cold war crisis management agency with a lost sense of mission.

NATO's bombing killed innocent civilians and raised regional tensions.

Like Haiti and Somalia before, the war in Kosovo has cost the taxpayers billions, exhausted and demoralized our men and women in the armed forces, and accomplished nothing, yet damaged our image in the region as a nation that believes in democracy and justice.

As a result of demonizing Milosevic in Serbia, we have become tacit allies with the Kosovo Liberation Army, a group in the recent past acknowledged to be an organization which commits terrorist acts and which appears to be supported by the Albanian mafia, which is said to be a major supplier of heroin in the European market.

In our zeal to "stop the killing" in the Balkans, we, as a result, aligned ourselves with a terrorist mob with links to drug traffickers and killed a lot of innocent people. This is peace-keeping run amok, and it has to be brought to an end as quickly as possible.

I support the Byrd-Warner amendment, not that it goes far enough. It does not. We should have never gotten involved in the Balkans, and we should have gotten out long ago recognizing that our intervention was damaging, and like too many other missions from which we have failed to learn any lessons, open-ended, and lacking any clear objectives.

We are using our young men and women in uniform as police officers, something which they are not trained to be and which they understandably resent.

They are not policemen, they are soldiers. If they had wanted to be police, they could have signed up in their local towns and at least have been home with their families at night.

I want to make one thing perfectly clear. I am tired of hearing those who support the Balkan blunder say that we are "undercutting" our troops by seeking authorization for the mission's continuation.

I believe that sending our armed forces into harm's way into a conflict in which we have no identifiable national security objectives undercuts our troops.

I believe that wasting our precious military resources in a futile peace-keeping mission undercuts the troops.

I believe that we undercut the troops when we plunge into a conflict without

Congress making a declaration of war. Did we learn anything from Vietnam?

Finally, I warn my colleagues that rather than admitting to a colossal mistake in Kosovo, which this administration would never be willing to do, it is likely that it will blunder more deeply, possibly into Montenegro, even if the Byrd-Warner amendment were to pass the Congress.

General Wesley Clark's latest comments, as well as a reading of Agence France Press and some of the other foreign news sources, including comments by some of Europe's war hawks, reveal that Montenegro and the Presovo Valley might be the next jumping off point.

In fact, the KLA can read between the lines. If they create yet another provocation, and force the Serbs to respond, creating an atmosphere charged with allegations of atrocities or another humanitarian crisis, it will give NATO the excuse it needs to blunder more deeply into the Balkan quagmire.

We need to start pulling down our forces in Kosovo and winding down this operation. We need to be able to admit to a mistake when we make it.

Our military forces are stretched as thin as they have ever been. This year, the services' unfunded requirements list was in the realm of \$15 billion.

We cannot afford to squander our limited military dollars in Kosovo.

The PRESIDING OFFICER. The hour of 2:10 has arrived, and Senator BYRD is to be recognized. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, the Senator from Michigan says this vote is not about power.

I say to the distinguished Senator that this matter is about power. It is about the arrogance of power in a White House that insists on putting our men and our women in harm's way, and spending their tax dollars without the consent of their elected representatives.

Where is the wisdom in that course? Where is the wisdom in allowing a policy of indefinite drift in the Balkans with no end strategy, no exit strategy, and no clearly defined goals?

We keep hearing it said that we are endangering our men and women. I say we are endangering the lives of our men and women in the military by failing to make the case up front for putting them in harm's way. We are endangering the lives of our men and women in the military when we neglect to be sure that the American people support taking those risks before we put those men and women in harm's way. We are endangering the lives of our men and women in the military when we budget for dangerous missions in emergency bills after the fact that cannot provide for a long-term investment in those missions. We are endangering the lives of our men and women in the military when we have no clear-cut achievable goals and when we have no exit strategy. No ground has been

plowed for this mission, with no explanation of our goals and objectives, except some vague nebulous shibboleths.

Let me say this in closing. We are hearing from everybody but the people who pay the bills; the people who send their sons and daughters off to foreign lands to shed their blood. We hear from General Clark. We hear from the Secretary General of the United Nations. We hear from Secretary Cohen. We hear from everybody but the people.

I know what it is. I have been in Congress 48 years. I have seen a lot of these things happen before.

When we come here we have our picture taken with the Commander in Chief. My first picture that was taken after I came to Congress 48 years ago was with General Eisenhower, President Eisenhower. We go down to the White House. We get wine and dine. We have pictures taken with the brass over at the Pentagon. And we hear the people who live in the white towers, the political pundits, the media, and we forget about the people who send us here. We get all swollen up by virtue of these contacts that we have, and the people who are telling us what they think, the so-called commanders in chief, Presidents of the United States, and so on. We forget about the people, and we forget about the Constitution.

They may say this Constitution was all right yesterday. They may say it is old, that it was all right 200 years ago, or that it was all right 100 years ago.

I say to you, my colleagues, if it were not for this Constitution, you wouldn't be here. There wouldn't be a Senate of the United States. There wouldn't be a Senate in which the small States of the Union have the same voice that the largest States have in this Union if it were not for this Constitution. If it were not for this Constitution, we wouldn't have the United States of America. We would probably have a "Balkanized States of America."

So let's remember this Constitution. We take an oath to support and defend this Constitution.

That is what Senator WARNER and I and the supporters of this amendment are trying to do. We believe that the main warpowers are concentrated in the Congress, and that the main absolute top warpower, the power of appropriating the money, is vested here.

Let's stop listening to these dreamings of distempered fancies—by the great generals, the Secretaries General, Defense Secretaries, and Presidents of the United States. Let's listen to the people of the United States. What do they think? They send their men and women to foreign fields to shed their blood. The people of the United States, the people who are listening in through that electronic eye up there, are the people we should be talking about. They are the people whom we should be listening to—not some far away Secretary General, not some Secretary of Defense, not some Commander in Chief. They are only

here for a day, or for a term, or 4 years. But the people are out there yesterday, today, and forever. And we are their elected representatives.

Let's regain our voices and no longer be standing in awe of someone who wears the title of Commander in Chief. He is here only temporarily. He will be gone in a short time. There will be a new Commander in Chief. What does he think? We want to give the new Commander in Chief a voice.

Oh, they say: Why not vote today? That would be highly irresponsible. Vote today to take them out is not what Senator WARNER and I are saying. We are not saying take them out. We are not saying take them out today. We are not saying take them out tomorrow. We are saying, lay down a plan in consultation with the allies, whereby in due time the allies will take over the ground troop responsibility. We will leave our air support. We will leave our intelligence support.

But let's regain our senses here. Let's just try to remind ourselves that we are not here to represent the Commander in Chief. I am not. I am not here to represent a Commander in Chief. I am here to represent the people of West Virginia. I am not here to represent the Secretary General of NATO. I am not here to represent the Secretary of Defense. I respect these people. I respect them. But they cannot tell me what this Constitution means. They cannot tell me what the intent of the Constitution is. I have my own eyes. I have my own ears. I have my own conscience, and I will be driven by my conscience and by this Constitution as long as I stay here.

May God continue to bless this country—one nation, one Constitution, one destiny.

I yield the floor.

Mr. WARNER. Mr. President, I am proud to come to the floor once again to defend and explain the Kosovo amendment which I have sponsored with the distinguished senior Senator from West Virginia, Senator BYRD, and other, well-respected, conscientious colleagues—despite the accusations of some to the contrary. That amendment is now part of the bill before the Senate.

Several weeks ago, Senator BYRD and I joined forces to draft a plan of action that would lead to a vote or votes on the continued deployment of U.S. troops in Kosovo. For almost a year now, thousands of U.S. troops have been patrolling the streets of Kosovo as part of a NATO-led peacekeeping operation—with no end in sight. The Congress has been silent; that must end. Congress is about to appropriate, pursuant to a request by our President, almost 2 billion U.S. taxpayer dollars for military operations in Kosovo without any knowledge of when our troops will come home.

The purpose of our legislation is twofold. First, it requires the Congress to fulfill its co-equal constitutional responsibility, with the President, to

make decisions—by vote—that are in the best interest of the nation, and particularly the men and women of the Armed Forces deployed in the Kosovo operation. This is a responsibility that the Congress has consistently failed to exercise for many years with respect to other military operations. Second, the legislation sends the message that other nations and organizations must follow through on their commitments of assistance for Kosovo if U.S. troops are to remain a part of the military force in Kosovo.

The legislation that is before the Senate today has three main objectives. First, it terminates funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives Congressional authorization to keep troops in Kosovo. Second, the legislation requires the President to develop a plan, in consultation with our allies, to turn the ground combat troop element of the Kosovo peacekeeping operation entirely over to other nations by July 1, 2001. Third, related to today's operations in Kosovo, and to signal to the Europeans the need for them to fulfill their commitments for implementing peace and stability in Kosovo, the legislation withholds 25 percent of the emergency supplemental funding for military operations in Kosovo until the President certifies that our allies are making adequate progress in meeting the commitments they made to the Kosovo peacekeeping process. If the President does not make that certification by July 15 of this year, the funding held in reserve can only be used for the safe, orderly and phased withdrawal of U.S. troops from Kosovo, unless Congress votes otherwise.

While I expected opposition to this legislation, I am, quite frankly, surprised by the misleading statements which are being used to describe our effort. Those of us who support this legislation are being accused of endangering the lives of U.S. troops, providing aid and comfort to the enemy—Milosevic, and sounding the "death knell" of NATO. According to General Clark, the measures contained in this legislation, "are unlikely to encourage our European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans." There is simply no basis in fact for making such statements. Why is the Administration so afraid of letting the Congress have a voice, by vote, on our continued military presence in Kosovo? We are elected by the people of our nation to speak and vote in their best interests.

Have the opponents really looked at this legislation? It is not a "cut and run" from Kosovo. We are not deserting our allies. Nowhere in this legislation is there an automatic, mandated withdrawal of U.S. troops from Kosovo

on a date certain. In every case, what we have done is make the continued U.S. ground combat troop presence in Kosovo subject to a vote by the Congress. We are requiring a Congressional affirmation of a Presidential decision that affects the security of our nation and the welfare of the men and women of the Armed Forces deployed overseas and their families here at home. That was the intention of the Framers of the Constitution in giving the Congress co-equal power for such decisions.

I point out to our critics that this legislation was carefully crafted to impact only the ground combat element of our presence in Kosovo. Even if the Congress decides, over a year hence, not to support our continued military presence in Kosovo, the U.S. would still be able to provide support elements to the NATO-led mission in Kosovo, and would be able to respond to an emergency situation with combat units.

General Clark has pointed out that other nations—primarily our NATO allies—contribute 85 percent of the troops that make up the Kosovo operation. To now say that the possible elimination of only part of the remaining 15 percent U.S. forces would mean that “the sky is falling” calls into question the importance of the allied contribution to this effort. Is General Clark really saying that the 85 percent of the troops in Kosovo are of such little consequence, little effectiveness, in the effort to achieve peace and stability in that troubled region? I would hope that is not his message to our allies.

One of the main reasons we are proceeding with this legislation is out of a deep sense of concern for the safety and security of our men and women in uniform in Kosovo. They are making sacrifices, they are facing daily risk to their personal safety. We, as their elected representatives, with co-equal responsibility under the Constitution for deploying troops into harm's way, must fully examine and debate this issue and—ultimately—vote on whether or not U.S. troops should remain in Kosovo. That is our responsibility, and we owe our brave servicemembers no less. We cannot—we must not—allow the situation in Kosovo to drift on endlessly, as we stand idly by, unwilling to act.

Over the past decade, as our military has been reduced by a third, U.S. troops have been involved in overseas deployments at an unprecedented rate. According to General Hugh Shelton, the Chairman of the Joint Chiefs, “Two factors that erode military readiness are the pace of operations and funding shortfalls. There is no doubt that the force is much smaller than it was a decade ago, but also much busier.” The increasing frequency of these contingency operations—which involve extensive, repeated separation from family and home—is one of the major causes for the problems the military is having in recruiting and retaining quality personnel. The United States has far too

many commitments around the world, our military is stretched too thin; we cannot have an open-ended, decades-long military deployment to the Balkans. It is time for Congress to act.

I was very troubled by what I discovered during my January trip to Kosovo. I was a supporter of our military involvement in Kosovo; in fact, I was a principal sponsor of the resolution for authorization by the Congress of the air war. But I was disturbed by what I saw in January.

I found U.S. troops running towns and villages—acting as mayors, police, and jailers; I found U.S. troops—in groups of 2 or 3—guarding individual houses and churches, escorting Serb families to market; I found U.S. troops concerned with the slow pace of the UN's effort to rebuild the region, and frustrated by the seemingly endless and mindless cycle of ethnic violence in Kosovo—Albanian on Serb, Serb on Albanian, and Albanian on Albanian.

When I visited Bernard Kouchner, the UN Administrator in Kosovo, I found a man frustrated with the level of progress he had been able to achieve; I found a man pleading for help from the international community. “I have no money” was a phrase I heard over and over as we sat in KFOR Headquarters in Pristina, in one of the few buildings in the city with power—but no running water—as most of Kosovo was cold and dark during the winter. He told me that many pledges and commitments of assistance had been made at international conferences, but he could not pay the government workers or fix the power supply with pledges. He needed money.

Until he, and others, are able to make progress, our troops will continue to be policemen and mayors and mediators—targets of the frustration of the people of Kosovo, and increasingly at risk. We saw some of the danger that our troops face during the violence in Mitrovica. That will only increase if an adequate economic and security infrastructure does not quickly materialize in Kosovo.

I returned from that trip in January determined to do something to change the situation I found in that troubled region. I could not turn a blind eye to what I had seen. The legislation before the Senate is the result. Some may not agree with the approach, but I strongly believe that it is the proper course of action.

Let me address some of the charges that have been leveled against the proponents of this legislation. The one that most troubles me is the charge that we are putting U.S. troops at risk because of this legislation. Who among us really believes that Senator ROBERT BYRD, Senator TED STEVENS, Senator DANIEL INOUE, and the many others who have either cosponsored or voted for this amendment—15 of whom are veterans—would do anything to put U.S. troops at risk? We have devoted our careers to fighting for the well-being of our troops. I say to those who

make this charge, we are trying to take action to address the risks our troops in Kosovo face everyday—which we must no longer ignore.

My office recently received a communication from a soldier in Kosovo describing a recent confrontation with local citizens. I would like to quote parts of this e-mail so that my colleagues can understand the day-to-day reality of our troops in Kosovo:

The entire village went out into the street, erected a barricade and as the squad (of my soldiers) came out they were pelted with rocks and other debris . . . As we moved in people were hitting us with sticks and actually hitting us with their fists . . . By the time of the linkup I was punched in the face, hit with a stick and got in a wrestling match. . . . Several hundred moved up the hill and started throwing rocks, tree limbs, fire wood, and everything else they could get their hands on. After getting hit in the head by a large rock and getting smashed across the back with a tree limb I gave the order for the soldiers to open fire with nonlethal munitions.

How long will it take until one of these incidents turns deadly? Those who vote against this amendment vote to leave our troops in these situations indefinitely.

I would like to address a particular issue raised in the letter which General Clark sent to Senator LEVIN concerning this legislation; that is, General Clark's contention that this legislation “is unlikely to encourage European allies to do more.” On this, General Clark, there is already evidence to the contrary. In the several months since I first began discussing my original amendment—which is now incorporated in the Byrd-Warner amendment—there has been progress. I quote from a March 18, 2000, letter from Dr. Kouchner, in which he details results: “I very much appreciate the efforts that you have made so far which have been instrumental in improving our budget situation. Existing donor pledges have now been honored. The next challenge will be to get new donor pledges and to ensure that the pledges for the reconstruction budget of 17 November 1999 do materialize.” Dr. Kouchner, we are continuing our efforts to help.

I would like to address one other issue, one that was raised in a recent editorial by the Ranking Member of the Foreign Relations Committee—an editorial in which he accused the supporters of this legislation of being isolationists, a new charge for most of us. In this editorial, Senator BIDEN states, “Some would even condition U.S. assistance on actions of the European Union, an abdication of our prerogatives in decision-making that ought to horrify conservatives.” Since that is directly aimed at the certification requirement which I contributed to this legislation, I will respond. I point out to my colleagues that our President has already conditioned “U.S. assistance”—that is, U.S. troops—on the actions of others. I remind my good friend from Delaware that the exit

strategy for our troops in Kosovo—as it is for our troops in Bosnia—is directly linked to the actions of the UN, the EU, the OSCE, and others in achieving civil implementation goals. As Secretary Cohen stated in an October 15, 1999 letter to the Congress, “The duration of the requirement for U.S. military presence (in Kosovo) will depend on the course of events . . . The military force will be progressively reduced based on an assessment of progress in civil implementation and the security situation.” This legislation uses the same link—the same tie to the actions of others—already adopted by the Administration. If this logic is good for one side in this debate, I say to my good friend, then it is good for the other side as well.

I encourage my colleagues to read this legislation carefully; examine it for what it does, and especially for what it does not do. Consider the well-respected, conscientious group of supporters. And judge for yourself what is the best course of action.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I make a parliamentary inquiry: As I understand it, Senator DASCHLE will be recognized at 2:20. Is that correct?

The PRESIDING OFFICER. That is correct. The time between now and 2:20 is under the control of the Senator from West Virginia.

Mr. LEVIN. I thank the Chair.

Mr. BYRD. Mr. President, would the distinguished majority leader like to go ahead? I have 3 minutes. Do I?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DASCHLE. Mr. President, was it the intention of the distinguished senior Senator from West Virginia to yield back his time?

Mr. BYRD. Mr. President, I have no desire to take any more time. I am very happy to listen to the distinguished minority leader. I have said all I intended to say. I am ready to vote.

Mr. DASCHLE. I thank the distinguished Senator from West Virginia for his graciousness, as is so often the case.

I begin by commenting on our two colleagues, Senators WARNER and BYRD. Some of the finest security thinkers this Senate has ever produced have chaired the Senate Armed Services Committee.

I think of the names Russell, Stennis, Nunn, STROM THURMOND. They have all made significant contributions to this Nation's debate on national security. Although he has chaired the Armed Services Committee for less than 2 years, Senator WARNER has demonstrated many of the traits that made his predecessors so successful. I have great respect for him.

What can one say about Senator ROBERT C. BYRD? This is a rare and unique occasion for me. I can't remember the last time I was on the opposite side of an issue with Senator BYRD. I admire him immensely.

No Member, past or present, has ever displayed a greater love or respect for this institution than has ROBERT C. BYRD. No Member enjoys greater respect and admiration from his colleagues. No Member is more reluctant than this Member to come to the floor and disagree with ROBERT C. BYRD.

There is another reason this is difficult, besides the high regard I hold for him. The other reason I find this difficult is that I share many of the concerns that led Senators WARNER and BYRD to draft this resolution in the first place.

As we close this debate, I compliment our extraordinary member, the ranking member of the Armed Services Committee, Senator LEVIN, for the outstanding job he has done in presenting the arguments over the course of this debate and providing us his leadership. We owe him a major debt of gratitude.

I think he shares my view that this debate is not about a number of things. It is not about whether the U.S. military commitment to Kosovo or any region of the world should be open-ended. Supporters of this amendment agree with the supporters of the Byrd-Warner amendment. Every U.S. commitment should be examined regularly by Congress and the President to ensure that it remains in our national interest. This debate is not about whether the U.S. commitment to Kosovo or any other region of the world should be open ended.

This debate is not about whether our NATO allies should pay a fair share of any joint operation. We all agree. We have great difficulty reaching unanimity in many areas these days, but we are not in disagreement over that fact. Our allies should be sharing the burden, and, in fact, they are.

As my colleagues have already noted in several of their excellent presentations to this body, they are supplying 85 percent of the peacekeeping forces in Kosovo today. They are shouldering the vast majority of the effort on the civilian side. That is not the debate either.

We agree that they should pay more than we are paying, and they are. Eighty-seven percent of their pledge to Kosovo's budget has been made by our NATO allies; 63 percent of the pledge to the civilian police force has now been fulfilled by our NATO allies; 75 percent of their pledge on humanitarian assistance has been fulfilled by our NATO allies. They have begun to step up their commitment on reconstruction assistance.

Third, this debate is not about whether Congress has a responsibility to exercise its constitutional duties over the power of the purse. I heard the eloquence once more of ROBERT C. BYRD. We all understand the importance of this responsibility. No one is more adamant and eloquent in pointing out that responsibility than is he. Anyone who does not understand the significance of this responsibility should simply spend a moment or two, an hour

or two, a day or two, with Senator BYRD to discuss our founders' deliberations over the importance of vesting the power of the purse in the people's representatives, and all doubts will disappear.

This debate is not about whether the Byrd-Warner amendment is constitutionally permissible. This debate is about whether the course of action it espouses is in our Nation's best interest. As much as I respect the two authors of the provisions incorporated in this bill, I join Senator LEVIN, our Secretary of Defense, our senior military leaders, this administration, and many others who have concluded that it is not.

I am deeply concerned about the effect this amendment would have. First and foremost, it would increase the risk to U.S. forces. There is a fragile peace in Kosovo today and no one has spoken more powerfully, eloquently, or compellingly about the ramifications of setting a date certain for a withdrawal of U.S. forces from Kosovo than Wesley Clark. General Clark has said that setting a date certain for withdrawal would trigger instability throughout the region and increase violence in the area.

I hope everyone will listen, regardless of whether or not he is a constituent of ours; he is the expert. If we do anything as we make these decisions, I think we need to listen to those who are expert in their fields. Triggering instability throughout the region and increasing violence in the area is something about which all Members ought to be concerned.

Second, this action rewards Slobodan Milosevic for his ethnic cleansing campaigns and would greatly strengthen him and his supporters in the region. Again, according to General Clark:

A U.S. withdrawal would give Mr. Milosevic the victory he could not achieve on the battlefield.

What a remarkable statement, that a U.S. withdrawal would give Mr. Milosevic a victory he could not achieve on the battlefield.

Third, this would rupture NATO. Passing this amendment would jeopardize the strength and the cohesion of our NATO alliance by casting doubt about the reliability of the United States as a partner. Again, according to General Clark:

Our allies would see this as a universal, adverse move that splits 50 years of shared burdens, shared risks, and shared benefits in NATO.

Don't just listen to General Clark. NATO Secretary General Lord Robertson put it more directly:

The prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me great concern. It risks sending a dangerous signal to the Yugoslavian dictator —Milosevic—that NATO is divided and that its biggest and most important ally is pulling up stake.

Finally, this action would undermine the U.S. position as a global leader. Unilaterally withdrawing our troops

from Kosovo would call into question our relations with Europe and the world. Many will question the willingness of the United States to play a role in bringing democracy and prosperity to troubled regions of the world.

I know Senator BYRD and Senator WARNER share some of these concerns because they tried to modify their language yesterday. Under other conditions, these concerns would not be insurmountable. Unfortunately, this amendment comes to the Senate in such a way that they are just that. Why? Because Members, under the rules now established by the majority, are prohibited from trying to offer any amendments, alternatives, or substitutes. All we can do is accept this amendment in whole, or reject it in whole. This is not the proper way for the Senate to deal with such an important issue.

Supporters of this amendment say it will not force withdrawal of U.S. troops from Kosovo. They argue that the President can prevent a withdrawal by simply certifying by July 15—roughly 8 weeks from now—that our allies have met a series of rigid, numeric burden-sharing tests.

Unfortunately, the Director of the OMB disagrees. Yesterday, in a letter to me he said:

Despite progress, the targets are not yet met, nor can I provide assurances that they will be met by July 15th . . . Certification required by the amendment . . . is currently not possible.

Listen to the Director of the OMB. He has indicated certification today, tomorrow, or for the foreseeable future is not possible.

And even if the burden-sharing requirement of this amendment does not force immediate withdrawal of troops, it sets the stage for withdrawal.

Make no mistake, if we pass this amendment, we are lighting a fuse. We may be able to extinguish it in time, but no one in this Senate can guarantee that. Why would we create such a crisis at this point? History shows that lighting a fuse in this region can produce an explosion that engulfs the entire world. That is not ancient history; that is recent history.

Even if we are somehow able to extinguish the fuse, in the meantime our troops and our allies are left with the uncertainty about whether we are going to keep our commitment. History also shows that winning the peace can often take some time.

Peace is a fragile plant whose roots need time to take hold. Mr. President, 55 years after the end of World War II, 100,000 troops remain in Europe. Never once in 55 years has Congress felt it necessary to ratify that decision. What would have happened had we pulled our troops out of Europe less than 1 year after that war—as this amendment would have us do today in Kosovo? We know Europe would look significantly different today. The probability is the second half of the 20th century would have looked like the first half—in which we fought two World Wars.

NATO, the most successful military alliance in the history of the world, would not exist. The emerging new democracies of Eastern Europe would still be behind the Iron Curtain. Congress did not even approve the Marshall Plan until 1947. Why should we be so impatient now? Why should we be so unwilling to give peace and democracy time to take firm root in Kosovo.

For 50 years we fought a cold war to bring peace, stability, and democracy in all of Europe. We have finally won that peace. It seems to me that 5,900 troops in Kosovo is a small price to pay to keep it.

Just over 1 year ago, leaders from 18 countries came to Washington to celebrate the 50th anniversary of NATO. On that occasion, Senator WARNER eloquently said:

[NATO] must remain. It must be strong, and U.S. leadership in NATO is absolutely essential.

Senator WARNER's words were right then and they are right now. If we are to achieve these worthy ends we must strike the Byrd-Warner language.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I yield myself time under my leader time.

Mr. President, I know Senators expect to vote at 2:30. I know there are meetings that are going to be occurring momentarily. I will not delay that, but I do just want to make three or four points.

No. 1, I want to say what an instructive and constructive debate I think this has been. I listened to a good bit of it last night. Some of it I came and sat on the floor and listened to; I engaged in some of that discussion; I watched some more of it later on on television; and I listened to various parts of it this morning. I think it has been a very healthy debate. I congratulate all who have been involved on both sides of the issue on both sides of the aisle.

I also want to pay a particular tribute to Senator BYRD—it is always an education when he speaks about the Constitution, about why he believes that Congress should step in to deal with an issue such as this—and, of course, Senator WARNER. They have both done an outstanding job. They have been convincing to me.

Also, I think it should be noted that as sponsors of the language that is in the bill, they have indicated a willingness to compromise in the conference, to make some changes if Members think that is necessary, on dates, or to see if the administration could work with them on language that could be acceptable. I think that is the way to approach it.

Those things have really made the difference for me. We have no long-term plan for Kosovo. We do not know how long we are going to be there. We do not know how much it is going to cost. We do know our allies have not been meeting their commitments. Progress is being made in that regard,

but I give credit to Senator WARNER and Senator STEVENS and others, talking about this amendment and pointing out that those commitments were not being fulfilled in terms of people, troops, police—or in terms of money. That is unacceptable. But I think there is a little bit of an attitude: If we don't do it, the United States, the sole remaining world power, will take care of it. That is not right for the American people. It is not right for the taxpayers of America. So I think we need to have a better understanding about fulfillment of commitments and what is the long-term plan. How long are we going to be there? Under what conditions would we ever get out?

It should be noted, even with these amendments, the Byrd-Warner package being adopted, we would still be able to provide logistics support, intelligence—a number of other facets. We are dealing with war troops on the ground who would be affected by this.

Here is the most important point of all. For years we have been through this debate about constitutional requirements—what the Congresses do, the President's prerogatives. Clearly we have been abdicating ours. The language under the Warner provision says to our NATO allies No. 1: Fulfill your commitments. And, No. 2, we in the Congress should vote to authorize this action.

For those who say Congress would not authorize this involvement next year, the presence of combat troops in Kosovo, I do not believe that. I do not think we know yet. I certainly would listen to the debate. I voted to use U.S. combat troops in various parts around the world, in Republican administrations and in Democrat administrations, and, quite frankly, against it sometimes in both of them. I do not think this is risky. I think there has been a lot of exaggeration as to the result. I am prepared to vote for keeping the language in the bill, and I think we can go forward from there. But whatever happens, Congress needs to fulfill its responsibility.

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

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

The question is on agreeing to the amendment (No. 3154).

The clerk will call the roll.

The assistant legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 53, nays 47, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—53

| | | |
|----------|------------|-----------|
| Abraham | Breaux | Dodd |
| Akaka | Bryan | Dorgan |
| Baucus | Chafee, L. | Durbin |
| Bayh | Cochran | Edwards |
| Biden | Conrad | Feinstein |
| Bingaman | Daschle | Frist |
| Boxer | DeWine | Graham |

| | | |
|------------|-----------|-------------|
| Hagel | Levin | Robb |
| Harkin | Lieberman | Rockefeller |
| Hatch | Lincoln | Roth |
| Jeffords | Lugar | Sarbanes |
| Johnson | Mack | Schumer |
| Kennedy | McCain | Smith (OR) |
| Kerrey | Mikulski | Thompson |
| Kerry | Moynihn | Voinovich |
| Landrieu | Murray | Wellstone |
| Lautenberg | Reed | Wyden |
| Leahy | | |

NAYS—47

| | | |
|-----------|------------|------------|
| Allard | Feingold | McConnell |
| Ashcroft | Fitzgerald | Murkowski |
| Bennett | Gorton | Nickles |
| Bond | Gramm | Roberts |
| Brownback | Grams | Santorum |
| Bunning | Grassley | Sessions |
| Burns | Gregg | Shelby |
| Byrd | Helms | Smith (NH) |
| Campbell | Hollings | Snowe |
| Cleland | Hutchinson | Specter |
| Collins | Hutchison | Stevens |
| Coverdell | Inhofe | Thomas |
| Craig | Inouye | Thurmond |
| Crapo | Kohl | Torricelli |
| Domenici | Kyl | Warner |
| Enzi | Lott | |

The amendment (No. 3154) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I say to my colleagues, Mr. WARNER and all those who supported the amendment, in the words of the Apostle Paul; we fought a good fight; we finished the course; we kept the faith. Thank you.

Mr. WARNER. Mr. President, I wish to join my distinguished colleague in thanking the Senate for one of the finest debates we have had on this floor this year on an issue that affects every one of us and our constituents back home. The vote was rendered by the Senate, and the Senate spoke. Now we must continue to lead.

I yield the floor.

AMENDMENTS NOS. 3146, 3156 THROUGH 3163, EN BLOC

Mr. BURNS. Mr. President, I send a series of amendments to the desk. They have been cleared on both sides.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes amendments numbered 3146, 3156 through 3163, en bloc.

The amendments are as follows:

AMENDMENT NO. 3146

(Purpose: To make available \$220,000,000 for the Navy for fiscal year 2000 for ship depot maintenance)

At the appropriate place, insert the following:

OPERATION AND MAINTENANCE, NAVY

Out of any money in the Treasury not otherwise appropriated, there is appropriated for the fiscal year ending September 30, 2000, for expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, \$220,000,000: *Provided*, That the amount made available by this heading shall be available for ship depot maintenance; *Provided further*, That the entire amount made available by this heading is designated as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and

Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3156

(Purpose: To provide emergency resources to address needs resulting from the catastrophic wildfire at Los Alamos National Laboratory, New Mexico)

On page 44 line 6, strike "\$136,000,000" and replace with "\$221,000,000"; and on page 44 line 12, strike "\$136,000,000" and replace with "\$221,000,000".

AMENDMENT NO. 3157

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to allow for the entry into, or withdrawal from warehouse for consumption in the United States of diamonds if the country of origin in which such diamonds were mined (as evidenced by a legible certificate of origin) is the Republic of Sierra Leone, the Republic of Liberia, the Republic of Cote d'Ivoire, the Democratic Republic of the Congo, or the Republic of Angola.

AMENDMENT NO. 3158

On page 26, at line 15, strike, "\$74,859,000", and insert in lieu thereof, "\$542,859,000"; and On page 27, at line 7 and 8, strike, "Acquisition of six C-130J long-range maritime patrol aircraft authorized under section 812(G) of the Western Hemisphere Drug Elimination Act that are capable of meeting defense-related and other elements of the Coast Guard's multi-mission requirements, \$468,000,000: *Provided*, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard's Deepwater Capability Replacement Project: *Provided further*".

AMENDMENT NO. 3159

(Purpose: To provide \$5,700,000 for testing under the Tactical High Energy Laser (THEL) program of the Army)

On page 35, between lines 17 and 18, insert the following:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test, and Evaluation, Army", \$5,700,000 for continued test activities under the Tactical High Energy Laser (THEL) program of the Army: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 3160

(Purpose: To allow the designation and use of Department of Defense facilities as polling places for local, State, and Federal elections)

At the appropriate place, insert the following:

SEC. . USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a

local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of enactment of this section and before December 31, 2000.

AMENDMENT NO. 3161

(Purpose: To postpone the effective date of certain enforcement provisions until 6 months after the publication of final electronic and information technology standards)

At the appropriate place, insert the following:

SEC. . ELECTRONIC AND INFORMATION TECHNOLOGY.

Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking "Effective" and all that follows through "1998," and inserting "Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2)."; and

(2) in subparagraph (B), by striking "2 years" and all that follows and inserting "6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).".

AMENDMENT NO. 3162

At the appropriate place, insert the following:

SEC. . FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.

Section 136(a)(3) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-596), is amended by adding at the end the following:

"(C) DETERMINATION OF ECONOMIC JUSTIFICATION.—

"(i) IN GENERAL.—A determination of economic justification under subparagraph (A) shall be based on an assumption that the Federal Government is liable for ground water damage to land or property described in paragraph (1).

"(ii) EFFECT OF CLAUSE.—Clause (i) does not impose on the Federal Government any liability in addition to any liability that the Federal Government may have under law in effect on October 20, 1998.".

AMENDMENT NO. 3163

At the appropriate place in the bill, insert: "SEC. . Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262) is amended—

"And other SOFA claims" to be inserted following "... the funds made available for payments to persons, communities, or other entities in Italy for reimbursement property damages . . ."

AMENDMENT NO. 3146

Mr. ROBB. Mr. President, the Navy's ship maintenance problem is large—and growing larger. Scheduled heavy maintenance for fifteen ships has already been canceled this fiscal year. Without the funds provided by this amendment, the Navy will either cancel or drastically reduce work scheduled for eighteen more. The individual cases are striking:

The amphibious assault ship *Bataan* should be undergoing \$17 million of work at Norfolk Naval Shipyard. Instead she is deployed to Puerto Rico.

The amphibious transport dock ship *Shreveport* ran aground recently and was repaired overseas for \$1.5 million

just to get her home. Her subsequent \$6 million shipyard availability has been canceled.

The backlog of work for the fast combat support ship *Detroit*—declared “unsafe for underway operations” by Navy inspectors last August—climbed to \$68 million, nearly twice previous estimates.

All of this unprogrammed funding must come out of this fiscal year’s budget.

The Pacific Fleet canceled \$20.6 million of work on the amphibious assault ship *Bonhomme Richard* and \$13 million on the amphibious transport dock ship *Denver*. They may have to skip availabilities for three aircraft carriers—two of which, the *Kitty Hawk* and the *Constellation*, are nearly 40 years old.

Mr. President, we should not be surprised. Since the end of the Cold War we have reduced the size of the fleet, yet we are running our Navy at unprecedented levels in support of worldwide national security requirements—over eighty contingencies just since 1990.

Ship maintenance challenges have a direct and adverse impact on Navy retention rates. Admiral Vernon Clark, Commander of the Atlantic Fleet and nominee for next Chief of Naval Operations, routinely points out that retention is all about our sailors’ quality of life and quality of work. Sailors spend valuable time chipping paint; time that should be spent training, going to school or enjoying their families.

Consider this example, just to provide a sense of this retention relationship. The anchor and chains of the destroyer USS *Briscoe* were refurbished in 1995 and supposed to last twelve years. Within three years, rust was bleeding through. A ten sailor detail was mustered from the ship’s crew to redo the job. The chains were lowered to the pier one link at a time, dragged to a barge, then scraped by sailors with vibrating wire needle guns—a total of 1,530 feet of chain. The job took ten sailors working six weeks to finish, a job that should not have been needed until 2007. Clearly, time-consuming and spirit-sapping work. Clearly, the Navy is not getting all the tools, time and parts to do the job right.

Mr. President, there is no question, we are at a crisis point in keeping our magnificent fleet safe and ready. The \$220 million in this amendment will provide some immediate relief for the Navy and our sailors around the fleet. The Senate Armed Services Committee, under the capable leadership of Senator WARNER, and the Seapower Subcommittee under Senator SNOWE’s leadership, have committed to fully fund all of the Navy’s fiscal year 2001 projected maintenance requirements.

It is important to recognize, however, that additional funds are only a part of controlling our ship maintenance problems.

The Administration, the Navy and the Congress must address the larger issues that will continue to erode our fleet’s readiness. Aging ships, more de-

ployments, chronic underfunding of maintenance accounts, inefficiencies in the maintenance management system, reductions at our public and private shipyards, and lower retention rates for sailors with maintenance ratings—all compound this situation.

Mr. President, we have a lot of work ahead of us if we are to set the conditions that will ensure the capability and readiness of our Navy today and in the years ahead.

Our shipbuilding rates are too low to sustain the size of the fleet necessary to meet our security requirements.

We need to accelerate the insertion of new and improved ship technologies that will reduce maintenance requirements.

The Navy’s maintenance management system needs modernization, arguably a new way of thinking of why, how and when ship maintenance is scheduled.

Modern sailors work too hard and are too valuable to waste time chipping paint—we need to protect them from mind-numbing heavy maintenance that should be done right the first time in the nation’s shipyards.

This amendment is only part of what should become a comprehensive approach to the challenges of Navy ship maintenance—but it is a critical part. We cannot afford to allow the backlog to grow.

With this amendment and the resources we provide for fiscal year 2001, we make a national commitment to fully fund our ship maintenance requirements, and to keeping our fleet safe and ready.

AMENDMENT NO. 3156

Mr. DOMENICI. Mr. President, I rise for the purpose of describing the nature of this very important amendment to provide \$85 million on an emergency basis to begin the process of reopening and restarting the Los Alamos National Laboratory in the aftermath of the worst wildfire in the history of New Mexico.

The cost of restoring the laboratory to full operations will undoubtedly grow as the Lab discovers further conditions upon reopening and restarting facilities and buildings. But this amendment is designed to provide the first installment of resources to assist the laboratory on its road to recovery. The funds will be used for:

Restart of laboratory operations (including replacement of lost scientific equipment, computers, and government vehicles)

Fire protection (including the replacement of broken or worn fire fighting equipment, replacement of destroyed or malfunctioning fire alarms, and the expansion of fire alarm coverage)

Environmental protection (including extension erosion control efforts to prevent mud slides; expanded air monitoring and equipment replacement; expanded water monitoring of run-off and groundwater)

Clean-up and infrastructure repair (including clean-up of smoke and fire

damage, replacement of electrical power lines and transformers, repair of water and gas infrastructure, and repair of communications systems)

AMENDMENT NO. 3157

Mr. GREGG. Mr. President, I want to thank Chairman BURNS and the ranking member, Senator MURRAY, for their support of my amendment combating the illicit trade in diamonds. I also want to acknowledge the assistance of the staff of the Treasury-General Government Subcommittee and the U.S. Customs Service.

As the op-ed in today’s Washington Post, “Diamonds Are For Killers,” by Sebastian Mallaby, correctly points out, diamonds are fueling the violence in Sierra Leone. The Revolutionary United Front (RUF), responsible for so many horrors, is not fighting for a belief, a cause, or an idea. They are a criminal gang brutalizing the people of Sierra Leone simply to maintain their grip on diamond rich lands. Diamonds from Sierra Leone are unusually large and clear, much prized by a jewelry industry prepared to pay top dollar with no questions asked. The diamonds buy weapons and narcotics, RUF staples. The diamonds are transshipped through Liberia and the Ivory Coast, the leaders of each taking their cut of the profits. From Africa, the diamonds are transported to Amsterdam or London before, in many cases, being shipped here.

My amendment is a simple one. It bans the use of funds for the processing of paperwork associated with the importation of diamonds from Sierra Leone, Liberia, the Ivory Coast, the Democratic Republic of the Congo, or Angola. I have chosen to include the Congo and Angola because so-called “conflict diamonds” have fueled the bloody civil wars in those countries as well.

Having choked off the RUF’s source of revenue, it is my hope that forces loyal to the legitimate government of Sierra Leone, fighting even now in the outskirts of Freetown, can begin to gain the upper hand on the battlefield. Ultimately, it will take more, far more, than cutting off the diamond trade to crush the RUF, but the road to victory has to begin somewhere. Let it begin here.

Fellow Senators may not realize that my amendment is based on legislation championed by Representatives HALL and WOLF. Clearly, there is bipartisan, bicameral support for banning this bloody trade. Few would treasure a diamond torn at such terrible cost from the blood-soaked soil of Sierra Leone. I look forward to working with colleagues in both houses to bring the trade in “conflict diamonds” to an end.

I ask unanimous consent that Mr. Mallaby’s op-ed piece be printed in the RECORD.

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

DIAMONDS ARE FOR KILLERS

(By Sebastian Mallaby)

The agony of Sierra Leone demonstrates not only that the West has failed to decide when military intervention is justified. It shows its failure to come to grips with the role of natural resources in provoking conflict. Clausewitz called war "the pursuit of politics by other means." But war is just as often a device for the pursuit of business.

In Sierra Leone, war is caused by diamonds. The limb-chopping rebels of the Revolutionary United Front (RUF) started out in 1991 as a small band. Then they captured the diamond region, got rich and became a very big band. They send the gems to Liberia and other obliging neighbors in exchange for cash and guns. They fight not to win but to keep hold of the diamond trade. They are like the drug warlords who terrorize Colombia.

The latest outbreak of fighting has shown this yet again: It was provoked when U.N. peacekeepers moved to disarm rebels who control the diamond region. The RUF, which had been content to play its role as part of the government since last year's peace deal, was suddenly content no more. It killed four U.N. soldiers, took a few hundred hostage, and the civil war began again. If Sierra Leone had no diamonds, there might well be no rebels, and certainly not such lethal ones. This goes for Angola too, where Jonas Savimbi's election-flouting guerrillas smuggle diamonds to pay for weapons. In Congo, a shifting cast of armies has overrun bits of the country in hope of gold and diamond loot. In Mozambique, by contrast, there are no gem or other resources to speak of. As a result, the civil war that had been fostered by white South Africa's regime fizzled out when apartheid ended.

Mozambique is especially telling, because the country has done well out of a peace deal that resembles last year's arrangement in Sierra Leone—an arrangement widely called unworkable. As in Sierra Leone, Mozambique's rebels were notoriously brutal. But after years of serving apartheid's goals, they were brought into the government and proceeded to behave responsibly. Because it has no diamonds, Mozambique became what Sierra Leone can only hope to be: an apparently failed state that confounds the pessimists by attaining a measure of stability.

This is worth noting in itself, because people tend to pair the term "failed states" with a desperate throwing up of hands, as if failure were an inevitable feature of the modern order. But states fail for a reason: gems in Sierra Leone and Angola, cocaine in Colombia.

It makes no sense trying to broker peace in resource-cursed countries unless the resources are brought under control. The U.N. force in Sierra Leone was given no mandate to halt mining or even gather information about it. Its first step should have been to take over the diamond fields. Instead, it waited nearly a year and then sent a force that was not up to the challenge.

The international diamond trade needs to be better regulated. Yes, easier said than done. Cocaine traffickers face the ultimate sanction—their product is illegal—and yet they carry on in business. But two peculiar features of the diamond business make regulation seem workable. First, around two-thirds of the market for freshly mined uncut diamonds is controlled by one company, De Beers, which therefore has enormous power to reform the conduct of the industry. Second, diamonds have no intrinsic value; they are all advertising and image.

These two peculiarities could be mutually reinforcing. The diamond firms know what happened to the fur industry when con-

sumers started worrying about cruelty to animals. Their nightmares feature pictures of girls with stumps instead of arms, captioned with the suggestion that diamonds are not a girl's best friend in certain circumstances. Lovers won't buy gifts that profit psychopaths, and De Beers knows that. So it is desperate to clean up its image.

Sure enough, De Beers recently promised to buy no more diamonds from conflict regions. Antwerp's powerful diamond exchanges, which are said to buy most of Sierra Leone's gems, have also made reformist noises. The American diamond industry is trying to sound polite about a bill introduced by Rep. Tony Hall this week, which would require diamonds to come with certificates stating their country of origin.

There is movement, in other words; but not yet enough of it. De Beers has not opened itself to outside inspectors who could vouch for its sincerity. Antwerp has yet to promise to stop buying from Sierra Leone and the countries like Liberia that act as its agents. The industry resists what ought to be the ultimate goal of its reforms: an auditable trail from the mine to the consumer.

Better accountability is not too much to ask of an industry with annual retail sales worth \$56 billion. Western governments can't carry on financing peacekeeping missions while their consumers finance mayhem.

AMENDMENT NO. 3164

Mr. BAUCUS. Mr. President, I rise today on behalf of myself and Senator ROBERTS to include an amendment to the foreign operations appropriations bill which will benefit both the United States and China.

In particular, Mr. President, our amendment allows United States business to include China in the United States-Asia Environmental Partnership. The time is ripe for such action, particularly as China prepares to enter the rules-based trading system we know as the World Trade Organization. China's participation is good news for China and better news for United States business.

Mr. President, the Senate has already shown its support for including China in the Asian Environmental Partnership through passage of an identical amendment in the 105th Congress. However, such efforts were stifled in conference. Now is the opportune time to take up and pass this amendment and I urge my colleagues to join Senator ROBERTS and me in this endeavor.

AMENDMENT NO. 3160

Mr. MCCONNELL. Mr. President, I rise today to make some brief remarks about an amendment I offered along with Senator STEVENS and Senator WARNER to the Military Construction Appropriations Bill. This amendment temporarily suspends enforcement of a Department of Defense regulation prohibiting State and local election officials from operating polling places at Department of Defense facilities.

A few weeks ago, my staff at the Rules Committee began receiving calls from elections officials in several states complaining that the Department of Defense had directed them to stop using polling places on military facilities that had, in some instances, been used for decades. Senator GRAMS,

Senator WARNER and Senator STEVENS also received letters and calls from their State election officials expressing concern about the impact of the Department of Defense regulation on upcoming elections.

Mr. President, let me spell out some of the real hardships that would occur in the absence of our amendment. The Clerk of Franklin County, Kentucky, Guy R. Zeigler, wrote saying that the DOD directive prohibited voting at an Army Reserve facility that the county had used as a polling place for "15 years." He went on to explain: "[c]hanging the polling sites for these precincts creates confusion for voters trying to locate the new polling place." The Franklin County Clerk concluded that the "timing of this directive could not be worse . . . a Presidential Election Year."

I would also like to share a letter from Minnesota Secretary of State Mary Kiffmeyer. Ms. Kiffmeyer wrote that the DOD directive prevented voting at military and reserve bases that Minnesota precincts have used as polling places "for several decades." She concluded that if these traditional polling places were changed this late in an election year, then "many voters, including military personnel, will be inconvenienced at best, and deterred from voting at worst, due to the loss of these accessible traditional polling places."

The impact of the DOD regulation on the State of Alaska was so great that the State legislature passed a resolution declaring "Alaska has a tradition since statehood of public voting on military installations and proposed changes will cause confusion and extra financial costs."

Working with Senator WARNER's personal and committee staff, my staff was able to elicit a memorandum dated April 19, 2000 from Douglas A. Dworkin, Acting General Counsel for the Department of Defense, clarifying that DOD's regulation "does not apply to National Guard installations." I ask that a copy of this memorandum be printed in the RECORD after my statement.

Despite this clarification, it is still clear that the McConnell-Stevens-Warner amendment is necessary to prevent the disenfranchisement of men and women in the armed forces as well as citizens residing in communities with facilities under DOD's control. The purpose of this amendment is to stay enforcement of the Department of Defense regulation until after this November's election so that State and local election officials who have already designated DOD facilities as polling places or have used DOD facilities as polling places since January 1, 1996 may do so for this year's primary and general elections and not be forced to scramble for alternative sites at this late date. The purpose of this amendment is not to allow election officials who have not yet designated or recently utilized Department of Defense facilities as polling places to suddenly do so now.

After this year's elections are over, elections officials and the Department of Defense can discuss how to address DOD's concerns about operating polling places on military facilities in a manner and at a time that does not risk the disenfranchisement of voters through the confusion entailed in altering traditional polling places shortly before local, State and Federal elections. I would again like to thank Senator STEVENS, Senator WARNER, Senator GRAMS and their staffs for their assistance on this issue, and I am pleased that the Senate is protecting the franchise of our men and women in the military and in communities near military facilities by delaying enforcement of DOD's directive until after this year's election.

I ask that the letters from Mr. Zeigler and Ms. Kiffmeyer and the Resolution passed by the Alaska Legislature be included in the RECORD.

There being no objections the letters and the Resolution were ordered to be printed in the RECORD as follows:

FRANKLIN COUNTY CLERK,
Frankfort, KY, March 24, 2000.

Hon. JOHN WARNER,
Chairman, Armed Services Committee, Washington, DC.

DEAR SENATOR WARNER: I'm writing to seek your help in a matter pertaining to the use of military facilities as polling sites.

As the Chairman of the Franklin County Board of Elections, I recently received notification that I would be unable to use the local Army Reserve building as a polling place due to a recent Department of Defense directive. Specifically, DTG171731Z DEC 99 from SECDEF Washington DC//OASD-PA/DPL// Subsection E1. This directive causes a serious disruption of our election process as two precincts vote in this facility.

Locations as suitable as the Reserve building are hard to find. We have used this facility for over 15 years and voters are accustomed to voting there. Changing the polling sites for these precincts creates confusion for voters trying to locate the new polling place.

Finally, the timing of this directive could not be worse. As you know, this is a Presidential Election year. Turnout is expected to be high and voters all over the United States will be affected.

Any help that you can give in this matter would be greatly appreciated.

Sincerely,

GUY R. ZEIGLER.

MINNESOTA SECRETARY OF STATE,
March 14, 2000.

Senator ROD GRAMS,
Washington, DC.

DEAR SENATOR GRAMS: I am writing to alert you to a recent action by the Department of Defense that will prevent the use of military base and reserve facilities as polling sites for elections. I ask for your assistance in urging Secretary of Defense William Cohen to rescind this directive.

A DOD directive captioned "DTG 171731Z", issued by Secretary Cohen's office in December 1999 contains a provision that prohibits the use of bases and reserve facilities as polling sites or voting places (Subdivision E(1)). This action appears to have been taken to prevent the use of such sites for partisan campaigning, a concern that I understand and share. However, those issuing this directive were apparently unaware that for several decades local jurisdictions have been using military bases and reserve facilities as

polling places. As a result, many voters, including military personnel, will be inconvenienced at best, and deterred from voting at worst, due to the loss of these accessible traditional polling places.

I therefore urge you to contact Secretary Cohen to urge that subdivision E(1) of this directive be rescinded immediately, so that this long-standing use of military facilities as sites for nonpartisan official Election Day activity can continue. I feel certain that when Secretary Cohen is fully informed regarding this matter, this well-intentioned, but misguided policy will be overturned. Please advise me of Secretary Cohen's response.

Sincerely,

MARY KIFFMEYER,
Secretary of State.

THE DEPARTMENT OF DEFENSE,
1600 DEFENSE PENTAGON,
Washington, DC, April 19, 2000.
MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS) PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE (RESERVE AFFAIRS)

SUBJECT: POLITICAL ACTIVITIES GUIDANCE

This memorandum is in response to questions that have been raised regarding the scope of the Department's policy on political activities on military installations. That policy, reissued each election year, provides among other things that "installation commanders are advised not to allow their installation facilities to be used for polling or voting sites."

The "installations" to which this policy refers are all active duty and reserve installations under the jurisdiction of the Department of Defense, including the Military Departments. The policy does not apply to national guard installations that are subject to the jurisdiction and oversight of the governors of the states and territories and the adjutants general in those states and territories, so long as the guard forces remain in state status. Regulation of political activities on guard installations, including the question whether such installations may be used as polling or voting sites, is within the province of the cognizant authorities in each state or territory.

DOUGLAS A. DWORKIN,
Acting General Counsel.

HOUSE CONCURRENT RESOLUTION No. 29

Whereas the United States Department of Defense has issued a directive to prohibit election voting sites at military installations; and

Whereas this directive would impede the voting process for citizens who live and work at military installations; and

Whereas the cumulative factors of time, distance, and potentially hostile climate conditions in arctic and subarctic locations increase the risk of accidents; and

Whereas forcing residents at military installations to go off the installations to vote will tend to lower voter turnout; and

Whereas elimination of election sites at military installations will exacerbate crowding and waiting at election sites that are outside of military installations; and

Whereas base commanders may be able to exercise discretion to allow election sites based on local circumstances; and

Whereas some election sites on military installations are in non-federal facilities such as schools and armories, that are operated by state or local governments; and

Whereas Alaska has a tradition since statehood of public voting on military installations, and proposed changes will cause confusion and extra financial costs to the state; and

Whereas the State of Alaska seeks to be a supportive host to our military facilities, and this directive is counterproductive to mutual support between the state and the United States Department of Defense; and

Whereas the imposition of impediments to the exercise of civil rights for the same people who are sworn to uphold, defend, and sacrifice their lives for those rights is an absurdity and an affront to all Americans; be it

Resolved, That the Twenty-First Alaska State Legislature respectfully requests the President of the United States and the United States Secretary of Defense to countermand any directive that impedes the rights and practices of American citizens to vote at election sites at military installations.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable William S. Cohen, Secretary of Defense; Lieutenant General Thomas R. Case, Commander, Alaskan Command, United States Air Force; Lieutenant General E.P. Smith, Commanding General, U.S. Army Pacific; Major General Dean W. Cash, Commanding General, United States Army Alaska; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

AMENDMENT NO. 3162—FLOOD MITIGATION IN PIERRE AND FT. PIERRE, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, up and down the Missouri River in South Dakota, silt is building up on the river bottom as a result of the operation of federal dams on the river. Water levels are rising as a result, flooding hundreds of homes in the cities of Pierre and Ft. Pierre and causing considerable anguish for these families. Two years ago, Congress enacted legislation authorizing the Corps to conduct a \$35 million buyout of affected property to provide much-needed relief to these homeowners.

Today, that project is at a standstill. We could start buying homes tomorrow, but the Corps of Engineers is contending that the price of moving forward is releasing more water through the Oahe dam, thereby generating electricity and revenue that will provide an economic justification for the project. City officials in Pierre and Fort Pierre have rejected this idea because raising water levels will cause new flooding in their towns.

This problem has been caused because the relocation legislation requires that this project be economically justified. I support that provision. Some might question why a project intended to provide relief to homeowners for damages caused by the federal government must earn more than it pays out. Nonetheless, I believe it is important that all Corps projects should be justified, and I agreed to language requiring an economic justification for this relief project.

Nonetheless, I am deeply concerned with the way this language has been interpreted. The only option considered by the Corps for providing an economic justification is raising hydropower revenues. It has ignored a far more appropriate way to justify the project: by relieving the government of potential liability it faces for damage to these

homes. In Pierre and Ft. Pierre, groundwater elevations track closely with the elevation of the Missouri River. City officials and homeowners tell me that sometimes just minutes after the Corps begins releasing water from the dam, raising water levels in the river, water begins seeping into basements. For that reason, I am offering an amendment directing the Corps to take into account its responsibility for this damage as part of its economic analysis.

It flies in the face of common sense to provide an economic justification for a flood relief project by flooding new parts of these communities. My amendment will put an end to the Corps' insistence that it raise water levels, and allow the project to move forward. I am continuing to work with the Corps on the language for this amendment, and hope that we can reach an agreement that is acceptable to all.

Time is running short. In April, I hosted a meeting of over 150 homeowners in Ft. Pierre to discuss this project. They were angry and frustrated. One young mother stood before me in tears, at her wit's end because she must stay with her home in Pierre while her children grow up in another city. She's depending on this buyout to allow her to join her children.

Other families have already placed downpayments on new property based upon the Corps' word that this project would begin in April. They now risk losing that money unless the project moves forward. And all residents are watching the construction season slowly slip away, raising the specter that they will be forced to live another year in their flood-damaged homes.

The facts make it clear why we need to start this project immediately. My amendment will allow it to move forward. I hope my colleagues will give it their support.

Mr. President, I ask unanimous consent that three letters describing the link between the Missouri River and groundwater flooding be printed in the RECORD.

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

CITY OF FORT PIERRE,
Fort Pierre, SD, May 5, 2000.

Re: Water Table Levels.

PETER HANSON,

509 Hart Senate Office Building,
Washington, DC.

DEAR PETER: I have compiled the enclosed information about the water table levels in the Fort Pierre area. The information clearly shows the direct relationship of the water table and the water surface profiles in the river. There a couple of other observations that I made during my own investigation.

First, the time lag between a rise in the river and a rise in the water table varied along the river. It varied with distance from the river and with geographic area. Some locations received an immediate increase, while others took nearly 12 hours to see a change.

Secondly, the time required to reduce the level of the water table was much longer

than the time it took to increase it. This results in a perched water table. This does make sense when looking at the forces that drive the changes. The photos of the Dunes Golf Course show this.

I sincerely hope this information is useful and produces a quick conclusion to the quagmire we currently are in. If you have any questions please do not hesitate to call me.

Sincerely,

BRAD LAWRENCE,
Director of Public Works.

DUNES GOLF COURSE,
CITY OF FORT PIERRE,
Fort Pierre, SD.

DEAR SIR: This letter is in regards to the water table elevations and its effects on our property.

I live at 1271 Hamilton Court in Fort Pierre, South Dakota. My home is located approximately 750 feet from the west bank of the Missouri River. I have lived here since the Fall of 1995.

I have two small ponds located on my property that extends below the level of the Missouri River during normal discharges. We irrigate our golf course from a pond located approximately 1500 feet from the river bank. We draw approximately 1200 gallons per minute from the half acre lake. With normal river flow, I cannot drain this pond below the intake. The water in the pond completely recharges in about six hours. The second pond is approximately 2,300 feet from the river. I have noticed that the levels in both ponds vary due to the changing levels in the river. The level changes occur approximately two hours after a corresponding change in river elevation. I can pretty much tell what kind of discharge there is just by looking at the water level of the ponds.

In my opinion, the level of the water table is directly related to the level of the water in the river. There is some lag time before the levels are equal, but they do correspond.

Thank you for your consideration of this matter.

Sincerely,

CULLAN DEIS.
CITY OF FORT PIERRE,
Fort Pierre, SD.

Re: Water Table Elevations.

TO WHOM IT MAY CONCERN: I live at 123 E 5th Ave in Fort Pierre, SD. My property is located approximately 350 feet from the west bank of the Missouri River. I have lived there since 1995.

In 1995 I had only one sump pump in the basement of my home. In 1996 I had to put another sump pump in the west end of my basement due to flooding and had water damage to the carpet and walls of the basement. After several periods of flooding I had to add an additional sump pump in the east end of my basement in an attempt to stop the damage to the basement.

In 1997 the Corps of Engineers erroneously allowed the reservoir to get too full, putting both Pierre and Fort Pierre in danger of flooding. At this time it became necessary for the Corps of Engineers to sand bag Pierre and Fort Pierre. By running high levels of water, once again my basement was flooded. At that time my sump pumps were running every 60 seconds and water was still coming in the cracks of my basement.

Today when the Missouri River water level is low my sump holes are empty. When the Corps of Engineers raise the water level my sump pumps run. I can tell you when there is more discharge on the Missouri River by the pumps running more often.

In my opinion, the level of the water table is directly related to the level of the water in the river. There is some time lag before the levels are equal, but they do correspond.

Sincerely,

JAMES HURST.

Mr. BURNS. Mr. President, I urge adoption of the amendments.

The VICE PRESIDENT. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 3146, 3156 through 3163), en bloc, were agreed to.

Mr. BURNS. Mr. President, I thank the ranking member, Senator MURRAY of Washington State, and her staff, and, of course, my staff for putting this bill together. It has been a longer than usual military construction bill. It goes a long way towards supporting the infrastructure of our Armed Forces.

Mr. REID. Will the Senator yield?

Mr. BURNS. Yes.

Mr. REID. Mr. President, the Judiciary Committee will meet immediately after this vote right behind us.

Mr. BURNS. Mr. President, I yield to my friend from Washington.

Mrs. MURRAY. Mr. President, I thank Senator BURNS and all of our staff for doing an excellent job on this bill. I urge its passage. I thank you all for your support.

Mr. BURNS. Mr. President, I ask for the third reading of the bill.

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

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4425, Calendar No. 554.

The VICE PRESIDENT. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The VICE PRESIDENT. Without objection, the Senate will proceed immediately to consider the bill.

Mr. BURNS. Mr. President, I move to strike all after the enacting clause of H.R. 4425 and to substitute therefor the text of S. 2521, as reported and as amended.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The VICE PRESIDENT. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. DOMENICI. Mr. President, the pending Military Construction Appropriations bill provides \$8.6 billion in new budget authority and \$5.1 billion in outlays for Military Construction and Family Housing programs and other purposes for the Department of Defense for fiscal year 2001.

A major aspect of this bill is that it is the vehicle for emergency supplemental appropriations for fiscal year 2000 for U.S. military operations in Kosovo, East Timor, and Mozambique

and for other purposes. Those other purposes include the repeal of "pay shifts" and obligation delays enacted last year, based on agreements with the Office of Management and the Budget.

Because these obligations, amounting to \$3.6 billion, will be moved from fiscal year 2001 to 2000, there is a resulting negative impact on 2001 outlays in this bill. The net outlay impact of the bill is reduced from \$8.6 billion to \$5.1 billion.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the active forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The fiscal year 2000 supplemental provisions of this bill support ongoing peacekeeping operations of U.S. Armed Forces, permit the payment of past due health care obligations of active duty military personnel and their dependents, and provide compensation to the Department of Defense for unforeseen increases in fuel costs.

The bill is within the revised section 302(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee Chairman, the Senator from Montana, and the Chairman of the full committee, the Senator from Alaska, for bringing this bill to the floor within the subcommittee's allocation.

The bill provides an important and necessary increase in budget authority above the President's request for military construction in 2001. Most of the \$601 million increase in budget authority funds high priority projects that the President's request failed to address. The bill also reimburses the military services for the costs already incurred for their peacekeeping operations, and it permits these operations to continue to the end of the fiscal year. It also fully funds healthcare needs and fuel costs that have been left unaddressed by the President but must be funded. Because the bill makes important additions to the President's requests, supports appropriate full funding budgeting practices, and funds highly important programs for our armed services, I urge the adoption of the bill.

Mr. President, I ask unanimous consent that a table showing the relationship of the bill to the subcommittee's section 302(b) allocation be printed in the RECORD.

S. 2521, MILITARY CONSTRUCTION APPROPRIATIONS
SPENDING COMPARISONS
[Fiscal Year 2001, dollars in millions]

| Category | General purpose | Mandatory | Total |
|---------------------------|-----------------|-----------|-------|
| Senate-reported bill: | | | |
| Budget authority | 8,634 | ..... | 8,634 |
| Outlays | 5,063 | ..... | 5,063 |
| Senate 302(b) allocation: | | | |
| Budget authority | 8,634 | ..... | 8,634 |
| Outlays | 5,067 | ..... | 5,067 |

S. 2521, MILITARY CONSTRUCTION APPROPRIATIONS
SPENDING COMPARISONS—Continued
[Fiscal Year 2001, dollars in millions]

| Category | General purpose | Mandatory | Total |
|-----------------------------------|-----------------|-----------|--------|
| 2000 level: | | | |
| Budget authority | 8,352 | ..... | 8,352 |
| Outlays | 8,595 | ..... | 8,595 |
| President's request: | | | |
| Budget authority | 8,033 | ..... | 8,033 |
| Outlays | 8,588 | ..... | 8,588 |
| House-passed bill: | | | |
| Budget authority ..... | ..... | ..... | ..... |
| Outlays ..... | ..... | ..... | ..... |
| Senate-reported bill compared to: | | | |
| Senate 302(b) allocation: | | | |
| Budget authority ..... | ..... | ..... | ..... |
| Outlays | - 4 | ..... | - 4 |
| 2001 level: | | | |
| Budget authority | 282 | ..... | 282 |
| Outlays | -3,532 | ..... | -3,532 |
| President's request: | | | |
| Budget authority | 601 | ..... | 601 |
| Outlays | -3,525 | ..... | -3,525 |
| House-passed bill: | | | |
| Budget authority | 8,634 | ..... | 8,634 |
| Outlays | 5,063 | ..... | 5,063 |

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

Mr. EDWARDS. Mr. President, we are about to pass the \$8.6 billion military construction appropriations bill. While I am pleased that this bill contains a significant amount of funding for projects in North Carolina, I continue to be concerned that despite repeated assurances, emergency relief for victims of Hurricane Floyd is still in a holding pattern.

Before we began the appropriations process, we were assured that much-needed emergency money for Hurricane Floyd victims would be attached to the first—and fastest—moving appropriation bill. Obviously, Hurricane Floyd relief is not in this bill, and now, thousands of hurricane victims are still waiting on the Federal Government to do what's right.

These people are hurting like they have never hurt before. And I guarantee you that the Hurricane Floyd victims spread across the 13 affected states don't care about the politics that go along with the appropriations process. The victims of Hurricane Floyd did nothing wrong. They paid their taxes for years, voted in the elections and believed us when we told them that this is a government for the people. The victims aren't looking for a handout. Most of these people have never asked for the government's help, and now that they need it desperately, they are caught in a frustrating waiting game.

I sincerely hope that we can work through the Agriculture appropriations request as quickly and fairly as we did with the military construction appropriations bill.

Mr. GRAMS. Mr. President, I am pleased that two important Minnesota projects are being funded in this bill, Phase II of Camp Ripley's Combined Support Maintenance Shop (CSMS) and a new Army National Guard Training and Community Center (TACC) in Mankato. Both of these projects were included in the Department of Defense Future Years Defense Program. They are recognized as being good for the Nation, as well as good for Minnesota.

First, in regard to Camp Ripley, the existing CSMS was constructed in 1949

and has been expanded to three additional warehouse-type facilities. All four facilities are undersized and fail to comply with modern construction criteria. The configuration and site restrictions of the current facilities make it difficult for the personnel to produce the quality and volume of work expected at Camp Ripley.

Due to budget pressures, Congress divided the new CSMS project into two phases. Phase I received 1993 authorization and appropriation of \$7,100,000 and includes administration, storage and allied trade shops. Phase II will provide general maintenance workbays, specialty workbays, military vehicle parking, service and access areas, and flammable materials storage. Without the completion of Phase II, the Minnesota Army National Guard's equipment readiness will be degraded and the costs of operating multiple facilities will overwhelm Camp Ripley's operating budget. Funding Phase II of the CSMA at a level of \$10,368,000 will allow this project to be completed. I have championed this project from the outset, and I am pleased it is coming to fruition.

Second, a new Army National Guard Training and Community Center (TACC) in Mankato, MN is certainly needed. The 2/135th Infantry's current facility was originally built in 1914, although it was torn down and rebuilt in 1922. Since that time, the only major modifications have been the replacement of the windows and the roof. The condition of the facility has deteriorated to such an extent there is approximately \$246,200 in backlogged maintenance and another \$80,000 in construction would have been needed just to bring the building up to code. Due to health and safety concerns, the Guard currently cannot park its military vehicles on location; most are parked at the nearest National Guard facility 60 miles away. The current facility's limitations are so great the only practical course of action is to build a new TACC. The \$4,681,000 for the Mankato Training and Community Center (TACC) will enable this to happen, and I have no doubt it will increase the recruiting and retention abilities of the local Guard unit. Congressman GIL BUTKNECHT has shown leadership on this project, and did a stellar job shepherding it through the House.

Mr. President, once again, I am proud to have worked to gain the support necessary to fund these projects. I have no doubt the funding the Camp Ripley and the Mankato TACC will be good for the readiness of the National Guard, and that means it will be good for the people of Minnesota and our Nation as a whole.

Mr. DODD. Mr. President, I rise in support of the \$8.6 billion that this bill provides for military construction accounts. This much needed funding will ensure that our armed forces have adequate facilities to support them in their missions, from training reservists

stateside to deploying active duty personnel overseas. Additionally, this bill finances the construction, improvement, and maintenance of military family housing in the United States and abroad. In a time when it is becoming increasingly difficult for the armed services to recruit and retain qualified personnel, the importance of providing for proper housing cannot be overstated.

Thousands of men and women in uniform report for duty each morning in my home state of Connecticut, and this bill will fund improvements where they work as well as where they live. First, this bill will fund the building of a pier at the New London Submarine Base that will greatly contribute to safe and efficient operations at the base's drydock. The single pier that presently serves the drydock is overburdened and cluttered to such a degree that it unnecessarily complicates maintenance work and extends the time required to conduct ship repairs. Once the new pier is built, the Navy estimates that it will pay for itself in under six years.

Additionally, this bill provides for the reconstruction of the Air National Guard Complex in Orange, CT. The current structure, in which the soldiers of the 103rd Air Control Squadron train to control aircraft, was built in the 1950s and suffers from several shortcomings in terms of fire, health, and safety guidelines. Last year, many of the soldiers in this squadron were deployed to Bosnia for 120 days, and they did an outstanding job. Today, they continue to train in order to be ready to deploy to the corners of the earth in defense of this nation's interests. They deserve to work and train in a safe, modern facility.

Also, this bill funds badly needed improvements to 295 homes at the New London Submarine Base. The improvements to these nearly forty-year-old homes include electrical and plumbing upgrades, installation of natural gas heating systems, and replacing roofs, windows, and exterior siding. The time has come to accomplish these projects, and they help fulfill our responsibility to ensure that our armed services personnel and their families live in well-maintained homes. I can think of few better ways to show our men and women in uniform that we appreciate their service and sacrifice on behalf of this nation.

Finally, I thank the chairman and ranking member of the Military Construction Subcommittee, Senators BURNS and MURRAY. They have accomplished the important work of prioritizing the military construction projects and bringing this bill to the floor. I encourage my colleagues to join me in support of these priorities.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

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

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—96

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

NAYS—4

Feingold
Gorton

McCain
Thomas

The bill (H.R. 4425), as amended, was passed.

Mr. LOTT. 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 (Mr. SMITH of Oregon). Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. SMITH of Oregon) appointed Mr. BURNS, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. STEVENS, Mrs. MURRAY, Mr. REID, Mr. INOUE, and Mr. BYRD conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, we have been discussing with our colleagues the procedure for the remainder of the day.

At this time, I am going to ask unanimous consent to go to the foreign ops appropriations bill. I understand there will be objection to that. If there is objection, then I would move to proceed to it. That, of course, would be debatable. I understand there is at least a couple of Senators who would want to be heard on this matter.

While that is being debated, we will be working to see if we can get a time agreement and the ability to complete action on legislation by Senator

BROWNBACK, Senator WELLSTONE, and others dealing with sex trafficking. We also will be working to see what kind of agreement we might work out on the Elementary and Secondary Education Act while we are doing the sex trafficking bill, if we can get agreement on that.

After this series of three different things are worked through, then we will see if there is a possibility under that arrangement or even a likelihood that we could have a vote later on this afternoon. At this time, I couldn't say what time, but I presume 5:30 or 6:00. At that point, we could announce what would occur next.

With regard to next week, I might go ahead and say that we are still discussing the possibility of clearing some nominations and having some debate time on those on Monday, and going to Agriculture appropriations on Tuesday with an understanding that there is a need for the House to act on that before we complete it. The Senate doesn't want to give up any of its rights. It has emergency funds in it, in addition to the regular appropriations bill.

If we don't get started on the Agriculture appropriations bill early in the week on Tuesday, it is going to be very hard to finish that bill next week. But it would be our intent to stay on it until we complete it. That could be Thursday night, it could be Friday, or it could be Saturday. But it is emergency Agriculture as well as regular Agriculture appropriations items.

I think it is essential that we find a way to commit ourselves to get that legislation through before we leave.

UNANIMOUS CONSENT REQUEST— S. 2522

Mr. LOTT. Mr. President, having said that, I ask unanimous consent that the Senate now turn to S. 2522, the foreign ops appropriations bill, which includes the emergency funding for efforts to aid Colombia and that country's war on drugs, in addition to funding our foreign policy initiatives throughout the world.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PRO- GRAMS APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 2522, the foreign ops appropriations bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. LOTT. Mr. President, under that debate time, I would say again that I believe Senator GORTON wishes to make a statement at this time. I see Senator MCCONNELL is here, and I presume Senator LEAHY, who is also here,

may want to talk about the content of this legislation and discuss how we are going to find a way to get it completed.

I know we have a problem in that the House has not acted on this legislation. But we also need to go ahead and move forward on it. It has emergency funding in it for the counternarcotics program in Colombia. It has the Israeli peace process funds in it and debt relief dealing with Iraqi opposition, and a lot of other very important items.

I think we need to discuss that and decide how we are going to be able to proceed in an emergency way on this legislation.

Having said that, while that debate is taking place, we will be working to see if we can work out an agreement on the next bill that will be called up relatively shortly.

I yield the floor.

The PRESIDING OFFICER. The Democrat leader.

Mr. DASCHLE. Mr. President, I objected, as I noted I would do yesterday, to taking up a bill that has yet to be acted upon in the House. The regular order is the bill must be approved in the House prior to the time we finish our work on the legislation. I see no need to deal with the same bill twice, to deal with it now and to deal with it again later once the bill is acted upon in the House of Representatives.

The distinguished majority leader had noted that there is emergency funding incorporated in this bill. I am sympathetic to that. I won't ask him at this point, but I note I could ask unanimous consent—which I will not do—to take up H.R. 3908, the emergency supplemental bill for the year 2000. The House passed it and urged the Senate to take it up and pass it. The Appropriations Committee had hoped they could take it up and pass it. It was the majority leader's determination not to take it up, not to pass it, but to leave it in committee. I am not as sympathetic as I wish I could be about his desire to deal with these emergency matters when we could easily and quickly and very efficiently deal with emergency funding by simply taking up the bill that is right now on the calendar. Again, that is H.R. 3908.

That is, of course, the right of the majority and the right of the majority leader, especially, to make that decision. I am disappointed. Until that House bill comes before the Senate, it is not my intention to have to require the Senate to go through a debate on the same issue twice. That was the reason the rules were written as they were. Constitutionally, appropriations bills must begin in the House of Representatives. We are, in a sense, circumventing the rules of the Congress by allowing these bills to be debated and considered prior to the time the bill comes before the Senate.

We will certainly object. We will look forward to the House acting, as we hope they will soon, and not only on this bill but on others. Senator LOTT is absolutely right. This legislation

should have been reported out it should have been passed in the House by now. It hasn't been. It is disappointing that it hasn't been. That is the only reason we are not taking it up this afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for not to exceed 8 minutes.

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

PRESCRIPTION DRUG PRICE DISCRIMINATION

Mr. GORTON. Mr. President, all of us have read accounts of Americans crossing our borders in order to buy vital prescription drugs at deeply discounted prices. Every day seniors and other Americans can save 50 percent, 60 percent, or even 70 percent on their drug bill simply by going to Canada or Mexico. A busload of seniors from Seattle recently saved \$12,000 just by driving two hours north to buy their medications at a Canadian pharmacy.

The reason drugs are so much less expensive in Canada, Mexico, and other countries? American manufacturers sell products that were discovered, developed and manufactured in the United States for far lower prices in virtually every other country in the world than the prices they charge American customers.

Why? Every other country imposes some form of a price control on prescription drugs. As long as we let our drug companies impose all of their research and development costs on American consumers, our drug manufacturers agree to this arrangement because they can recoup their manufacturing costs and still make some profit. But the price other countries pay in no way compensates for the expensive research and development costs for new drugs. American consumers end up subsidizing the research and development for the rest of the world.

When Americans pay higher prices at the drug store cash register, that is not the first time they subsidize the research and development of new drugs. Taxpayer dollars are used to fund the research conducted by the National Institutes of Health; much of the basic science conducted with NIH grants is then transferred to the private sector. Taxpayer money is also the major source of funds for training scientific personnel, scientists hired by the drug industry in large numbers.

According to a 1993 report by the Office of Technology, in addition to general research and training support, there are 13 programs specifically targeted to fund pharmaceutical research and development. That same report noted: "Of all U.S. industries, innovation within the pharmaceutical industry is the most dependent on academic research and the Federal funds that support it."

Finally there are the tax breaks: for research and development, for orphan drug development; and possession tax credits for manufacturing drugs in Puerto Rico.

Let me be clear. I understand and support the need to invest in research and development. I have supported all of the programs I just spoke about including the National Institutes of Health and the Research and Development tax credit. I also agree that drug companies should be able to recoup costs associated with research and development. But I do not think that American consumers should be the only ones to foot that bill. American consumers who already strongly support R&D efforts through their tax dollars should not have to pay for R&D costs again in the form of higher prices at the drug store. All users, domestic and foreign, should pay a fair share of those costs.

But drug companies are satisfied with the status quo. They know that they can simply raise prices in the U.S., if other countries negotiate or regulate to win lower prices. American consumers should not be subject to this kind of price discrimination—especially for products that are vitally important to preserving our health.

My idea is to borrow from a law that has applied to interstate commerce within the United States for the last 60 years—the Robinson-Patman Anti-discrimination Act. It simply says that manufacturers may not use price to discriminate among like buyers. My bill, the Prescription Drug Fairness Act, takes these same principles and applies them to prescription drug sales overseas. Drug manufacturers would not be able to offer lower prices at the wholesale level in Canada, Mexico or any other country than they charge inside the United States.

Since 1936, the Robinson-Patman Act has established as a legal norm the concept of fair dealing in pricing by prohibiting unjustified price discrimination. The same principle of fair dealing should be applied to prescription drug sales to wholesale buyers in different countries.

The drug companies have demonized my idea by labeling it "price control." If this is a price control then we have had price controls on every product sold in the United States for the last 60 years. My bill in no way tells drug companies what they can or can not charge for a prescription drug. It simply says that they cannot discriminate against Americans.

I asked the pharmaceutical companies for their ideas to ensure that Americans are treated fairly and have access to affordable prescription drugs. Their response? They simply want to expand Medicare by adding drug coverage for its recipients. While I do think coverage is one important part of the solution for seniors—it is only a partial answer.

It does nothing to address the cost for the uninsured American and does

nothing to address the growing concerns of employers, health plans, and hospitals about rising costs associated with prescription drugs. As more and more people use prescription drugs, drug costs take up more of overall health care spending. But drugs are also costing Americans more. Last week, Families USA released a study that showed the average cost of the 50 drugs most commonly used by seniors rose by 3.9 percent, outpacing the inflation rate of 2.2 percent. A study from the University of Maryland's Center on Drugs and Public Policy projects prescription drug expenditures will rise 15-18 percent annually. Total prescription drug expenditures could double between 1999 and 2004 from \$105 billion to \$121 billion.

I do think the Medicare program should be modernized to include a prescription drug benefit. If we expand the program, however, it must be done responsibly and must not jeopardize the benefits seniors currently have. CBO estimates that the program will be insolvent by 2023. While there are a number of ideas for how to structure a benefit, the sticking point always seems to be how to pay for it. CBO recently revised its estimate of the President's proposal. It is expected to cost \$160 billion between 2003 and 2010. And that is for minimal coverage up to \$1,000 (with seniors paying a second \$1,000 out-of-pocket), relatively high premiums, and no protection for those seniors with exceptionally high drug bills.

My skepticism about the industry's support for simply expanding Medicare is increased by reports in the Wall Street Journal last week that Medicare and Medicaid have overpaid the drug industry by as much as \$1 billion a year for the few drugs these programs do cover. My idea would save Medicare beneficiaries money on their drug bills and would in no way jeopardize the solvency of the fiscally ailing Medicare program.

I am convinced that we need to address the issue of price discrimination this year, not only for Medicare patients but for the health system overall. I am pleased to note that Senator JEFFORDS will hold a hearing on the issue of drug pricing and safety in the next few weeks and I hope that the Senate Judiciary Committee, to which my bill has been referred, will also take a look at this issue.

In the meantime, while seniors and health plans, employers, hospitals and others struggle with the growing cost of prescription drugs, the pharmaceutical industry has been among the most profitable U.S. Industries in the last five years, with year to year earnings growing by more than 10 percent and for some companies 20 percent. So far, they have refused to engage in this debate.

I hope they will change their minds. Right now the current system leaves the drug companies' best customers feeling like they've been ripped off. Bob Elmer from University Place, Washington recently wrote:

I am a recently retired pharmacist . . . and have always been proud of the American pharmaceutical manufacturers and the role that they play in . . . the search for new and innovative entities that help us live not only longer, but better. As a matter of fact, I worked for a major manufacturer for some time.

I, like you, am outraged at the manufacturers' practices of charging the American public more than the Mexican public or the Canadian public. What is their rationale for the price differences?

This overcharging is a black mark on this industry.

Mr. President, I couldn't agree more. Drug companies should no longer be allowed to discriminate against Americans by charging higher prices here than they do elsewhere in the world. My bill will end that discrimination.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to speak with regard to the MOTION TO PROCEED and share my concerns that we should not be moving to an "S" numbered appropriations bill at this time. In fact, it is a practice simply we should not be involved in at all. For this reason I rise to speak for a bit about care for the Senate in general.

The Senate is a special place. It is a place steeped in history. Around this chamber stand the desks of Daniel Webster and Robert LaFollette, of Robert Taft and Richard Russell, of Everett Dirksen and Hubert Humphrey. The drawers of these desks still bear their names, etched in the wood. The polished mahogany still reflects their memory. Their voices still echo from these marble walls.

I am honored to have been able to serve with some of the Senate's living legends. It is with pride that I will tell my grandchildren that I worked with the likes of TED KENNEDY, Bob Dole, and ROBERT BYRD. No honest history of the Senate will omit their names.

It is in a modest attempt to follow in the tradition of remarks by Senator BYRD that I rise today. All Senators are aware of Senator BYRD's encyclopedic four-volume treatise on the Senate. And none can forget the series of addresses that Senator BYRD gave on the history of the Roman Senate, which have been reprinted in another volume. His discussions of the special nature of the Senate inspire us all to hold this institution more dearly.

The Senate is an almost sacred place, consecrated by the will of the people, hallowed by the expression of the people in free elections. In this room, our 50 separate States each find expression. Every region of our vast continental nation here finds voice.

In a country as large and as diverse as ours, disputes will naturally arise. The Senate, almost like a court of law,

provides a means for our society to resolve those disputes in peace. Courts allow private parties to resolve their disputes without resort to fist fights. And the Senate allows significant sections of our society to resolve their disputes without resort to the battlefield or the street.

For the Senate, as for a court of law, to work this magic, it must do justice. As with a court, as Gordon Hewart, the Lord Chief Justice of Great Britain, wrote, it is:

Of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done.

For the Senate, as for a court of law, to advance the perception of justice and the fair resolution of disputes, it must air disagreements fully. It must give opposing parties their day. It must allow all to approach on an equal footing and make their case.

Justice is not cursory. Justice is not offhand. Doing justice can take time. That is how the Founders wanted this great system to work.

In the debates of the Constitutional Convention, James Madison said of the Senate:

In order to judge of the form to be given to this institution, it will be proper to take a view of the ends to be served by it. These were first to protect the people against their rulers: secondly to protect the people against the transient impressions into which they themselves might be led.

Madison warned that the people's representatives might be "liable to err also, from fickleness and passion." Madison's answer was that Senators, because of their "limited number, and firmness[,] might seasonably interpose against impetuous counsels." He thus called the Senate: "A necessary fence against this danger."

Time and again, in the history of our country, the Senate has served as that "necessary fence." And the firm pillars and posts supporting that fence have been the Senate Rules. The Senate Rules have helped the Senate to do justice. It is because of the Senate Rules that the British Prime Minister William Gladstone is said to have called the Senate:

That remarkable body, the most remarkable of all the inventions of modern politics.

The Senate Rules make it one of the few places in government where disagreements can be fully aired. The Senate Rules give opposing parties their day. And the Senate Rules allow every Senator to make his or her case.

As Senator Dole said in his speech in the Leader's Lecture Series March 28:

We all continue to learn that this institution can only survive if it operates by rules.

The two fundamental pillars of those rules are the right to debate and the right to amend. It is these rights that distinguish the Senate from the House of Representatives and from other parliaments. It is these rights of Senators that allow the Senate as a body to preserve the rights of minorities.

Rule XIX of the Standing Rules of the Senate provides that "the Presiding Officer shall recognize the Senator who shall first address him."

Precedent, of course, gives priority of recognition to the Leaders. Once the Presiding Officer has recognized a Senator, Senate rule XXII allows that Senator to speak for as long as humanly possible, unless 60 Senators vote to cut off debate. As my Colleagues well know, the mere threat of extended debate—called a “hold”—can detain legislation.

As well, the Senate Rules give Senators the right to offer amendments. The Senate Rules do not require Senators to go hat-in-hand to a leadership-dominated Rules Committee to ask permission to offer an amendment, as Members of Congress must do in the House of Representatives. This ability to bring up a subject with which the majority does not want to deal provides a check and balance on the agenda-setting power that is vested in the majority leader.

These powers to debate and amend make every single Senator a force to be reckoned with. Every Senator—whether a member of the majority or the minority—can be a player. And Leadership cannot neglect or exclude any single Senator without substantial risk. As a result, Senators do well never to burn bridges with any other Senator. Because any one Senator can disrupt the Senate, every Senator has good reason to show comity for every other Senator.

These rules honor the sentiments of committed minorities. They give dedicated groups of Senators substantial power. And they give any group of 41 Senators the absolute right to kill a bill.

The Senate Rules thereby force consensus. When these rules are honored, no major change in our government's laws may come about without the concurrence of a three-fifths majority. When these rules are honored, policy changes are likely to be more moderate and more incremental.

As Nobel Prize-winning economist James Buchanan has argued, societal efficiency may be served by a Congress that has a hard time enacting laws. Under such circumstances, laws change less often—less frequently disrupting peoples' lives, less often intruding into them. If you agree with Thoreau that the best government is that which governs least, then the most efficient government for society is the one with the most checks and balances.

Unfortunately, the Senate is not honoring its rules. The Senate is breaching its longstanding traditions of comity and respect for the minority. Too often, in the name of expediency, today's Senate is cutting corners on the Senate rules. When we give in to expediency it can be disappointing. When we indulge in expediency in this, the place where deliberation is most sacred, it can be deplorable.

Although some of the trends of which I speak have, of course, their roots in past Senates and other majorities, the Senate's current majority has brought the level of honor for the Senate's unique ideals to a new low.

The current majority has diminished the Senate by abusing and overusing cloture. The application of the rules of cloture have changed dramatically since President Woodrow Wilson, infuriated by an 11-Senator filibuster that blocked the rearming of merchant ships during World War I, complained of “[a] little group of willful men, representing no opinion but their own,” who he said “have rendered the great government of the United States helpless and contemptible.”

Cloture used to be a rarity. The Senate conducted only 45 rollcall votes on cloture in the entire half century from 1919 to 1969.

In 1975, the Senate changed the filibuster rule, reducing the two-thirds vote requirement to a vote of 60 Senators, although one still needs two-thirds to cut off debate on changes to Senate rules. With that change in the rules, the leadership began invoking cloture more frequently.

As the chart behind me shows, the process of invoking cloture has now reached what I call a fevered pitch. The Senate conducted 99 rollcall votes on cloture in the 1970s. It conducted 138 in the entire decade of the 1980s, and it conducted fully 234 in the 1990s.

As this next chart shows, the number of cloture votes has increased in every year of the current majority, nearly doubling, from roughly 20 in 1995 to nearly 40 in 1999.

Even by 1984, a select committee on procedure chaired by then-Senator Dan Quayle concluded: “Cloture is not only invoked too often, it is invoked too soon.” Senator Quayle's criticism is all the more true today. In the Congress when Senator Quayle made his remark, the 98th Congress, there had by this time been 10 rollcall votes on cloture motions. In the comparable time period in this 106th Congress, we have held more than four times as many—43 rollcall votes on cloture. Add to that another 11 cloture motions that were withdrawn, vitiated, or otherwise disposed of without a vote.

As Senator Quayle noted, the problem with cloture is not just how often, but when. The form of a motion to invoke cloture reads: “We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate” upon the bill.

But on bill after bill, from tax cuts to trade bills to constitutional amendments, the majority no longer tolerates even a day's worth of debate before moving “to bring to a close the debate” upon the bill. Indeed, filing cloture without any debate has now become the norm. We proceed to the bill and the cloture motion is filed in the time that it takes the majority leader to draw one breath and make the request.

As an example, I have a chart that shows the entire verbatim transcript of the debate on the motion to proceed to S. 2285, the gas tax bill, prior to the fil-

ing of cloture. The “debate”—if you would call it that—was the 11 words the majority leader uttered to make the motion to proceed. In the same breath, the cloture motion was upon us.

The practice of filing cloture without any debate at all has made a mockery of the motion.

Beyond limiting debate, the majority is also using the blunt instrument of cloture to bludgeon the minority into forgoing its right to offer amendments. All too often, the majority leader now makes a take-it-or-leave-it offer to the minority leader: Either muzzles your right to amendment or we will paint you as obstructionist. Either clear your amendments with us in advance, or have no amendments at all.

I am afraid too often, the minority's leadership can get caught up in the business of helping the majority make the trains run on time, in a sense, playing the role of Alec Guinness's Colonel Nicholson in “The Bridge on the River Kwai,” building bridges that should not be built.

This is not how the Senate was meant to act.

Recall that the Senate has often addressed a number of amendments on a single piece of legislation. The Senate conducted 121 rollcall votes on amendments to the Civil Rights Act of 1964. It conducted 127 rollcall votes on the Natural Gas Policy Act in 1977. Now the idea that a bill might elicit more than ten amendments appears to be anathema to the majority.

The current majority has also diminished the Senate by changing the rule that limits what can be incorporated into a conference report. Late in 1996, to secure last-minute passage of a version of the Federal Aviation Authorization Act that included a special provision for the Federal Express Corporation, the Senate voted 56-39 to overturn the Chair and nullify the rule. At the time, Senator SPECTER called the change “a very, very serious perversion of Senate procedures.”

As conference reports are privileged, Senators cannot engage in extended debate to block getting to them. As well, conference reports are not open to amendment. And after the 1996 precedent, Senators have no recourse if a conference committee exceeds the scope of what the Senate committed to it.

The majority in a conference committee need not work with the minority, and the majority often does not. Conference committees usually work in secret. Senate rules require no open meetings. House practice has generally required one such meeting, but that tends to be a photo opportunity. Thereafter, Senators' signatures on the conference report constitute their votes, and nothing further need be done in public.

Last July, the Democratic leader offered an amendment to restore the rule with regard to conference reports, but the majority would not allow it. The

majority voted it down 51-47 in a near-party-line vote.

The current majority has also diminished the Senate by extending and contorting the congressional budget process far beyond any expectations that its drafters may have had.

Once again, of course, the roots of the current abuse of the budget process lie in earlier Congresses. Participants in the Federal budget process initially underestimated the power of the budget process. They failed completely, however, to foresee the power of reconciliation bills.

The Congressional Budget Act of 1974 originally provided for two budget resolutions: The first would advise, and the second, passed closer to the start of the fiscal year, would bind. The Budget Act provided that the second budget resolution could instruct committees of Congress to reconcile substantive laws passed within their jurisdiction over the summer to the new priorities of the second budget resolution.

Of course, the reconciliation process has not turned out that modestly. Rather, in 1981, in an effort to expedite President Reagan's first budget, the budget resolution included instructions for years beyond the first fiscal year covered by the resolution, extending the reach of reconciliation bills to more permanent changes in law.

Since then, reconciliation has become a regular feature of most budget resolutions. Since then, Congress has accomplished most significant deficit reduction through the reconciliation process.

Because reconciliation bills limit debate, Senators cannot filibuster them. A simple majority can pass their policies. Because reconciliation limits amendments, Senators must stick to only the narrow subjects chosen by the majority in the committee process.

The reconciliation process is so powerful that the Senate chose in the mid-1980s to adopt the Byrd Rule, named after Senator ROBERT BYRD, to limit reconciliation solely to deficit reduction.

But the current majority dramatically extended reconciliation in 1996. The new Republican Congress sought to move three reconciliation bills—on welfare, Medicare, and tax cuts. And in a marked departure from past practice, the budget that year devoted one of the three reconciliation bills—the one to cut taxes—solely to worsening the deficit, not cutting the deficit but making it worse.

The Democratic leader formally challenged the procedure, but to no avail. Through a series of exchanges with the Presiding Officer, the Democratic leader demonstrated that the new reconciliation procedure has few limits. After the Democratic leader appealed the ruling of the Chair, the Senate sustained the procedure on a straight party-line vote.

In the wake of that precedent, the majority party has repeatedly created reconciliation bills to worsen the def-

icit or spend the surplus by cutting taxes, and the same logic would allow fast-track reconciliation bills to increase spending. The majority has taken to using the reconciliation process to move its fiscal legislative agenda through the Senate with simple majority votes and few distractions. The result is plain to see: Congress passes extravagant tax bills that do not command a national consensus and that cannot become law.

As well, in this most recently-adopted budget resolution, the majority has even chosen by majority vote to require 60 votes to offer sense-of-the-Senate amendments to future budget resolutions. Though by no means an earth-shaking change in and of itself, it shows yet another instance of how the majority abuses majority-vote vehicles to create yet another variance from the Standing Rules of the Senate. Once again, the current majority seeks to muzzle debate.

The current majority has also diminished the Senate by bringing S.-numbered appropriations bills to the floor.

That is what is happening right now. That is what prompted, in part, these remarks. The majority wants to go to these S.-numbered appropriations bills. They want to do it on the foreign ops bill.

The Senate just considered the military construction appropriations bill as a Senate-numbered bill, not—as is usually the case with appropriations bills—a House bill with Senate Committee-reported amendments. And what does this do? It has a purpose. This posture deprives Senators of the ability to offer legislative amendments. It is yet another way to deny the duly elected Members of this body a chance to offer amendments—an absolutely basic right of every Senator.

Not infrequently, the House chooses to attach legislation to an appropriations measure. In that case, if as is usually done, the Senate considers the House bill with Senate amendments, a Senator can also offer amendments with legislative language. If another Senator raises a point of order under rule XVI against legislating on the appropriation bill, the amendment's proponent can raise the defense of germaneness. The idea is that the House opened the door to legislation on this appropriations bill, and the Senate must be able to respond with germane amendments.

If, on the other hand, as is being attempted here, the Senate takes up a Senate-numbered appropriations bill, as it did with the military construction bill, then there is no House bill to provide a basis for the defense of germaneness. Under this circumstance, if a Senator offers a legislative amendment and another Senator raises a point of order against legislating on an appropriation bill, then the Chair simply rules the amendment out of order and the amendment falls. The Senator does not have a chance, again, to offer an amendment.

Through this device, the majority once again deprives the minority of opportunities to legislate. As well, the majority deprives the full Senate of its ability to respond to riders that the House attaches to appropriations bills. Once again, the majority has diminished the deliberation of the Senate.

And now, we see the spectacle of the majority standing ready to shut down the Senate for over 4 hours, as they did, on Tuesday, just to prevent a sense-of-the-Senate vote on gun safety.

And now, we see the majority leader appealing the ruling of the Chair, and by a majority vote, changing the Standing Rules of the Senate, so as to have the Presiding Officer rule out of order nongermane amendments to appropriations bills.

This in itself was a remarkable thing. Rule XVI, which creates the prohibition against nongermane amendments, states in part:

[A]ll questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

And as my colleagues know, it takes a two-thirds vote to invoke cloture on a change to the Senate rules. But by a party-line, majority vote Wednesday, the Senate just erased those words from the Standing Rules of the Senate. And why? For the same reason all these other things were done—all to make it more difficult for Senators to offer amendments on appropriations bills.

What has become of our right to debate? What has become of our right to amend?

The traditional Senate, I am afraid, is becoming a thing of the past. I have seen this change just from the time I got here in 1993 to now. Some may say, "Good riddance." After all, as a Democratic Member of Congress once said, "In the Senate, you can't go to the bathroom without 60 votes."

But the character of this Senate, I am afraid, has been unmistakably altered. The majority's actions are transforming the Senate into a much more majoritarian institution. And that is not how the founders wanted it.

Recall that the Constitution itself manifests a belief in supermajorities. Supermajority requirements are evident in the veto power, in the ratification of treaties, in the constitutional amendment process, and in a number of other places.

Recall, as well, that the founders who created this Senate also expressed a healthy distrust of simple majority rule.

James Madison said that:

[i]n Republics, the great danger is, that the majority may not sufficiently respect the rights of the minority.

In a letter to James Monroe, Madison also wrote:

There is no maxim, in my opinion, which is more liable to be misapplied, and which, therefore, more needs elucidation, than the current one, that the interest of the majority is the political standard of right and wrong.

In his first inaugural address, Thomas Jefferson said:

Though the will of the majority is . . . to prevail, that will, to be rightful, must be reasonable. . . . The Minority possess their equal rights, which equal laws must protect, and to violate which would be oppression.

And John Adams wrote:

That the desires of the majority of the people are often for injustice and inhumanity against the minority, is demonstrated by every page of the history of the whole world.

More recently, Senator J. William Fulbright said:

The greatest single virtue of a strong legislature is not what it can do but what it can prevent.

In 1984, retiring Congressman Barber Conable told *Time Magazine*: "Congress is 'functioning the way the founding fathers intended—not very well.' He explain[ed], 'They understood that if you move too quickly, our democracy will be less responsible to the majority. I don't think it's the function of Congress to function well. It should drag its heels on the way to decision.'"

And Senator BYRD, who has stood on both the giving and receiving end of many a filibuster, writes in his Senate history:

The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate. The liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed.

For all their inconvenience, the Senate traditions of deliberation and amendment serve our Nation. It is through those traditions that the Senate protects liberty. It is through those traditions that the Senate can effect justice.

When we stand and look back at the Senate's glorious history, we can be forgiven when we do not measure up to the standards of our greatest predecessors. We cannot be forgiven—and we should not be forgiven—when so often we do not even care to try.

We can be forgiven if, after considering the traditions of the Senate's hallowed past, we choose to depart from those traditions. We can not be forgiven—and we should not be forgiven—if we depart from those traditions unaware or oblivious of what we leave behind.

I invite my colleagues to look around this Senate Chamber, to read the inscriptions in the marble reliefs over the doors. To the east is written "Patriotism." To the west is inscribed "Courage." And to the south is carved "Wisdom."

These are the icons under which we walk whenever we come into this Chamber and whenever we leave it. These walls do not speak of "ease." The marble does not memorialize "rapidity." These sculptures do not enshrine "convenience."

This Senate advances the love of country that is patriotism when it struggles to deliver justice. The Senate serves the people not when it avoids difficult issues but when it acts with

courage to address them fully. And it is only through the crucible of debate and amendment that this Senate can come, as come it must, to wisdom.

Mr. President, I yield the floor.

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

Mr. WELLSTONE. Mr. President, first of all, let me thank my colleague and my neighbor from Wisconsin, Senator FEINGOLD. I have a very strong feeling and belief that this speech, which has been given at 5 o'clock this Thursday afternoon, will end up being one of the more memorable speeches given on the floor of the Senate. I think the speech was eloquent and powerful. It went way beyond political party. I thank my colleague from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank my friend from Minnesota for his efforts on each and every issue I tried to raise to try to constantly point out that this place is supposed to be where we can deliberate and actually talk about these issues and offer amendments. He is probably the best example of a person who understands the need to do that.

Mr. WELLSTONE. Mr. President, I won't be—I can't be—as eloquent, but I actually thought I would come to the floor and try to basically speak to what I think are some important questions for the Senate.

This is, in part, the discussion we had yesterday; and especially with the majority leader not on the floor, I will make sure that what I say, I say in such a way that if he wants to respond later, he can. In any case, I intend to say it at least in the best possible way I can.

I know the majority leader today, in a couple of interviews—it has come my way from several journalists—has said that yesterday he sort of believed that I was responsible for this exchange that we had on the floor—in getting it started. I believe he also mentioned Senator DURBIN.

I want to say that, actually, if that is the case, I would be proud to accept the blame. I think it is a discussion we needed to have, albeit what I hope is that something positive will come out of it. That is to say—and this is what Senator FEINGOLD was trying to say—I came here to do my very best to represent the people in Minnesota. I think when you are a Senator, and also when you pass amendments or bills, it can have implications for people all across the country.

What I have always loved about the Senate in the time I have been here is that individual Senators can matter and can make a difference. We are really much more of an amendment body. I think the Senate is at its best when bills come to the floor and Senators bring amendments out and we start early in the morning and—we don't need to go until midnight; that is not good for families. But we can go until 7 or 8 o'clock at night.

We are about the work of democracy. That is what we are doing. We have votes up or down, and we are all held accountable; we are able to come out here and introduce amendments that speak to the concerns and circumstances, in our view, of the people we represent. That is why I came here.

Yesterday, on the floor of the Senate, in response to some of what the majority leader said—I will make sure I do not make the response personal—I said I felt that we have had a pattern here—and Senator FEINGOLD has spoken about this—over and over and over again where bills are considered and the majority leader and others make it clear that only certain amendments are acceptable—not very many—for debate. If there is no agreement on the minority side, then the majority leader files cloture and usually doesn't get it. The bill is pulled and no legislation is passed. This has been happening over and over and over again.

From my point of view, a point of order challenge for the first time in 16 years, or thereabouts, which prevented Senators from introducing even sense-of-the-Senate resolutions to appropriations bills—the argument that was made was, well, hey, we have to do business and we have to get going. You know what. Every year we have appropriations bills—last year and the year before that and the year before that. Never before—at least in the last 16 or 17 years—has this been done.

My view was that all of this added up to an effort to basically run the Senate like the House of Representatives. That is what I have said, and that is what I believe. I have said it many times. I think that is detrimental to the Senate. I think it takes away the vitality that we have and robs us of some of the capacity for debate, for deliberation, for honest differences of opinion, which need to be expressed out here on the floor of the Senate, and for individual Senators to be able to speak to their priorities.

Now, some of my colleagues on the other side may want to talk about tax cuts or about this or that and the other. I may want to talk about the poverty of children and the need to have affordable child care and the need to make sure we have food and nutrition programs so children don't go hungry. We all have things about which we care the most. Nobody is better than anybody else. But do you know what. I want the right to be able to do that. What I was trying to say yesterday—and I will say it, given what the majority leader said to several journalists—was I actually didn't intend to be silenced.

So I will continue to issue challenges and speak out. I think that Senator DASCHLE spoke probably for every single Democrat yesterday. I think it is going to be important for us to move forward, and I hope we will. Sometimes what happens on the floor of the Senate is that people speak with some indignation because that is what they

feel, and they may feel very strongly. So the words are uttered in that way, and some of the discussion takes place that way. Do you know what? I think there comes a time when that is necessary.

Frankly, I think it is important that the minority party makes sure we maintain our rights. It is important that the minority maintains its voice. It is important that Senators have opportunities to bring amendments out here and do their very best to legislate for people back home, to introduce amendments, have debate, to win or to lose, but to be at the work of democracy. I just think that the Senate doesn't do the work of democracy when we basically go through bills that are laid out, and then cloture is filed and the bills are pulled, and that is about it. And we really aren't about doing the work I think we ought to be doing. That is my own view.

Again, in responding to some of what has been said today, listen, if the majority leader feels that I am the blame for getting this debate started yesterday, I am proud to accept that. I think we needed to have the debate. But the most important thing is that we all figure out a way we can move forward from it.

I will tell you that I feel very strongly that we have to get back to some debate out here on the floor of the Senate. We have to get back to the deliberation.

I would be interested in the Senator's response, frankly, if he can help me a moment.

To me, the work of democracy is when Senators come out here with amendments. As I said earlier, we should start early in the morning, go to 8 or 9 at night, and have at it. We would have good deliberations and good debate, and we would vote amendments up or down. Senators would be able to raise the kinds of questions they want to raise and speak to the kinds of issues they think are so important to the people they represent; we are all accountable. But it is substantive. It is real. It is about issues, and nobody is gagged; nobody is blocked. That is the Senate and the vitality of the Senate.

I wonder what my colleague thinks about that.

Mr. FEINGOLD. Mr. President, I couldn't agree more.

First, I thank the Senator from Minnesota for his discussion of the problems we are having in the Senate, and for that important statement. But I also certainly will not accept his apology for what he did yesterday, for what he did was right.

Mr. WELLSTONE. I wasn't trying to apologize.

Mr. FEINGOLD. I understand. What the Senator did was absolutely essential. We need to get out here and talk about what is happening.

I remember when I first came here. The Senator from Minnesota was here several years before I was—I believe two. But I remember when we were in

the majority, Senators on the other side were allowed to freely amend bills.

I learned a great deal from my colleagues, the Senators on the other side. When they offered an amendment, I sometimes agreed with them. Usually I wouldn't. I learned a great deal about what they were thinking, and about what my constituents might think. I, in particular, give credit to the Senator from Texas, Senator GRAMM. He is a superb Senator in terms of his ability. For us to be deprived because of this kind of a process of benefiting from the knowledge and thinking and sentiments of our colleagues on the other side is a terrible loss to the Senate. I have not been here that long, but I remember when it used to be different that it was better.

Mr. WELLSTONE. I will ask my colleague another question. It is interesting that he mentioned Senator GRAMM from Texas because I remember that several years ago, we were in the majority. We were in the office because I know it was July 21. It was my birthday, and we had the cake and candles. Somebody said: Senator GRAMM is out there with an amendment on legal services that you don't agree with. You have to go out there and debate him.

I didn't know he was going to bring that amendment up. I had to end the birthday party, get the notes, and run down here. There was a 2- or 3-hour debate on it.

But that is what I love about being a Senator. It is not a game. He was serious about what he was doing, and I was serious in opposition.

Mr. FEINGOLD. Mr. President, I find it hard to believe in these few years that the nature of what we do out here has changed this much. I wonder if there is any way that the number of Senators on both sides of the aisle, who remember, who valued that, could sort of come together and talk about restoring this institution to what it was.

Mr. WELLSTONE. I would like to ask the Senator from Wisconsin another question. This has not been brought up. I think the Senator gave a speech that, as I said, will be memorable for many years to come. This is a little bit away from the framework. The Senator can respond in any way, of course, that is appropriate from the Senator's point of view.

One of the things that I think in part caused me to raise these questions with the majority leader yesterday was that I was little worried. Back home, people meet with you, and they believe because of the chance of meeting with you that something positive can happen, that it will make a difference in lives, that it will help them.

I get worried that if you can't offer amendments and you are shut out, you are not able to respond to people.

For example, take agriculture and dairy farmers in Wisconsin and in Minnesota, much less other farmers. For them, time is not mutual. They really believe when I meet with them that I can do something right now about the

abysmally low prices, whether it is the livestock producers, or whether it is the corn growers. You meet with people. With what is going on in farm country with crops, people are in such pain. They still come out to meetings because they still believe you are their Senator, and by meeting with you and talking about what is happening to them, somehow since you are their Senator you can do something to help. But I can't do anything to help right now.

Mr. FEINGOLD. Again, Mr. President, looking back over the last several years, I have worked a great deal on agriculture issues, as well, and I remember these kinds of meetings and being able to honestly say to a group of farmers I didn't know if we were going to be able to pass a bill. But I could say there was a decent chance to be able to bring it up on the floor, either as a bill or as an amendment. Maybe we would win; maybe we would lose.

It is an odd feeling now to tell a bunch of farmers that we are not allowed to offer amendments anymore. They look at you as if you have lost your mind. But that is what we have to tell them. We aren't allowed anymore in the Senate to bring up ideas and have amendments and have bills because they have to be cleared with the majority leader. We have to show him the amendment first. If he doesn't like it, we can't offer it. I try to be candid with people. That is a candid comment. That is truly different from the way things were. And I have served both in the majority and in the minority in the short years that I have been here.

Mr. WELLSTONE. Mr. President, I wonder what the response of the Senator from Wisconsin would be. I even found myself saying to people—I can think of different meetings, but I will stay with agriculture. I want to talk about some of the other issues where I literally sometimes slip into, if you will, I guess, what I call "Washington language," and say to people I don't know if there will be a vehicle. People are thinking: Wait a minute; we are losing our farms.

They do not know what you are talking about. They have no health care coverage, and can't there be more support for child care, teachers talk about what will make a difference in the schools—pick your issue. And you are at a meeting with people, you are moved by people, and you want to do something to help.

Other Senators might have a very different viewpoint, in which case we can have the debate. I find myself saying I just hope there will be a vehicle. People do not know what you are talking about. What do you mean, there is no vehicle? Don't you have an opportunity as a Senator to try to legislate and to be out there representing people and fighting for people?

That is what I am worried about. That is what yesterday was about.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. I asked the Senator from Wisconsin whether or not he has been in a similar experience. I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota may accept questions when he has the floor.

Mr. FEINGOLD. Mr. President, I wonder if the Senator from Minnesota would respond to a question.

Mr. WELLSTONE. I would be pleased to.

Mr. FEINGOLD. If he will yield for a question, I suggest to the Senator that if I tell a group of my constituents that I cannot find a vehicle, they would offer me a ride. They would say: Do your job; here is your ride. That is the problem.

I ask the Senator if he would agree, if we are forced to talk to our constituents about the minutia of Senate procedure, and if that is the kind of conversation we have to have with our dairy farmers in Wisconsin instead of talking to them about what we should be talking about, the substance of the legislation—let us worry about the Senate procedure—then really the opponents of any kind of change have won because that is not something they should have to concern themselves with. It is very interesting; great. But that is not what dairy farmers in Wisconsin need. They have some great ideas about how to do things differently, and we should be able to come out here and have an amendment or a bill.

In fact, I ask the Senator from Minnesota if he would agree with this. We are not used to getting a lot of votes sometimes. Sometimes we don't get many votes on our amendments. Sometimes there is a little laughter about how WELLSTONE and FEINGOLD only got 10 or 12 votes. But at least we got a chance to get some votes.

Mr. WELLSTONE. The Senator should speak for himself.

Mr. FEINGOLD. That is right. I would ask the Senator how he would react to that.

Mr. WELLSTONE. I would say to my colleague from Wisconsin that I have two answers. The first answer is part of what I have been trying to say, which is I am really in a debate with the majority leader. I think other Democrats are with me. I hope some Republicans are. It is not a debate for the sake of debate because what I worry about the most is to go back home all the time and to have people meet with you to talk about their lives and have the hope that you as a Senator can make a difference, and you can't make a difference. If there is this effort basically to silence you and if there is this effort basically to block amendments and block debate, Senator FEINGOLD is right. Sometimes you win; sometimes you lose. But you have to have that opportunity to be out here advocating and legislating and fighting for people. That is important to me.

Second, this didn't come up in yesterday's debate. I ask my colleague in

the form of a question, part of what is going on I think is whether or not the Senate becomes just a nondecision-making body. Whether that is good or bad very much depends on one's view about government. If one thinks there is no positive role that government or public policy can play in the lives of people and in improving the lives of people, it would not bother Members that Senators cannot introduce amendments and that we don't debate these issues.

I ask my colleague whether or not he thinks that is in part what is going on. If one believes there is nothing the government can or should do to respond to dairy farmers, family farmers, by way of making health care more affordable, or improving educational opportunities for children, then denying Senators the opportunity to debate and offer amendments and moving forward is not a problem. If one believes there is a role for government to be doing this, I think it is a problem.

I ask my colleague whether he thinks there is a philosophical debate.

Mr. FEINGOLD. Mr. President, I suggest that is one way that a person can come to the conclusion that the Senate should operate this way. However, there are others who would believe that government sometimes has to stop things that are bad that other levels of government or perhaps the other body would want done.

I ask the Senator if he does not agree that the Senate has a role from another philosophical point of view; I think it is called the "saucer" that THOMAS Jefferson spoke of, the saucer that goes with the cup in order to cool the Senate.

Whether this reflects a belief that government does not have a function, or whether it reflects a fundamental misunderstanding of what the Senate is supposed to be, I wonder if the Senator would react.

Mr. WELLSTONE. I thank my colleague from Wisconsin. I am a political scientist and taught American politics classes, but I think the Senator from Wisconsin is my teacher.

I talked about it from the point of view we ought to be about the business of legislating and deciding, not about the business of not deciding and not moving forward.

I think what my colleague from Wisconsin is saying is, but also, Senator WELLSTONE, the other critical role of the Senate is by definition, two Senators from every State, regardless of population of State. It is not straight majority or majoritarian principles. The Senate is there to defend the rights of minorities, sometimes to represent unpopular causes, and sometimes to make sure that if there is a rush to pass a piece of legislation which has cataclysmic consequences in people's lives, such as the bankruptcy bill, there is an opportunity for Senator or Senators to say: Wait a minute; I insist this not move through. I will be out here fighting, even if it is an un-

popular cause. I want the public and the country to know. Sometimes there is much to be said for deliberation. Sometimes there is much to be said for the Senate as a deliberative body, and therefore there is much to be said for a Senator's rights or a group of Senators' rights to represent this viewpoint.

I thank my colleague from Wisconsin for his comments, and I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota. This was a useful opportunity to discuss very serious problems in the Senate.

CRISIS FACING THE ADMINISTRATION OF THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, I rise today to talk about the crisis facing our criminal justice system. For the first time since the reinstatement of the modern death penalty almost a quarter century ago, there is an increasing recognition, from both death penalty supporters and opponents, that the administration of capital punishment in our country has reached a crisis stage.

Our criminal justice system is fraught with errors and the risk that an innocent person may be condemned to die. Since 1976, there have been over 600 executions in the United States. But during this same period, 87 people who were sentenced to death were later proven innocent. That means for every seven persons executed, our criminal justice system has found an innocent person was wrongly condemned to die. The system by which we impose the sentence of death is rife with errors, inadequate legal representation of defendants and racial disparities. At the same time, Congress, state legislatures and the courts have curtailed appellate review of capital convictions.

With declining crime rates and a world where our closest allies have increasingly shunned capital punishment, a growing number of Americans—both opponents and supporters of the death penalty—are realizing that something must be done. Indeed, momentum for a moratorium on executions has been building for some time. In 1997, the American Bar Association called for a moratorium on executions. Numerous city and local governments have followed the ABA's lead by passing resolutions urging a moratorium on executions. Governor George Ryan, a death penalty proponent, has acknowledged that fatal flaws exist in the criminal justice system in Illinois and earlier this year effectively put a halt to executions in his state while a blue ribbon panel reviews his state's criminal justice system. Christian Coalition founder and death penalty supporter, the Reverend Pat Robertson, also recently proclaimed his support for a moratorium.

Today, on the heels of this activity, the New Hampshire state legislature earlier today took a historic step that is indicative of the deepening public

concern about the accuracy and fairness of the use of the death penalty. New Hampshire has had a provision for the death penalty on its books for almost ten years. Over two months ago, the lower chamber of the New Hampshire legislature passed a bill that would repeal the death penalty. Earlier today, the New Hampshire Senate followed the House's lead and passed a bill to abolish the death penalty. This marks the first time since the late 1970's that a state legislature has passed legislation to abolish the death penalty, and I urge Governor Shaheen to let the will of the legislature stand. The New Hampshire legislature's action is particularly remarkable because it comes at the same time that the pace of executions has been accelerating in this country. Last year, we hit an all-time high for executions in any one year since 1976, 98 executions. This year, we are on track to execute at least 100 people.

The action of the New Hampshire legislature and long-time death penalty supporters like Governor Ryan and Reverend Pat Robertson indicates that our nation is beginning to re-think its longstanding support for capital punishment. When an auto manufacturer produces a vehicle with a bad fuel tank or malfunctioning airbags that risks injury or death to passengers, we push to have that product recalled, thoroughly review the problem and don't allow the vehicle back on the road until the problem is solved. Like a defective automobile, it is time for a recall on the death penalty. It is time to suspend executions nationwide while we review our criminal justice system to understand why so many innocents have been condemned to death row and to ensure that our justice system is a truly just system.

A bill I introduced just a few weeks ago does just that. The National Death Penalty moratorium Act would place a moratorium on executions nationwide while a national, blue ribbon commission reviews the administration of capital punishment. When Americans, both death penalty supporters and opponents, take a moment to consider the flaws in our criminal justice system, they can reasonably reach only one conclusion: the system is broken and must be fixed. I encourage my colleagues to join me in calling for a nationwide moratorium.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. THOMAS. 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. THOMAS. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on a motion to proceed on an appropriations bill.

BLOCKING CONSIDERATION OF BUSINESS

Mr. THOMAS. Mr. President, I would like to visit just a little bit, maybe express some frustration about what we are doing here on the floor and mostly what we are not doing here on the floor. It seems to me, we, of course, are here for a reason and that is to move bills forward. There is not going to be unanimous understanding or agreement on all these bills, but we have a system. We can have a reasonable debate and vote on them. But the idea that each time we bring up some issue that then we are going to bring back again, issues that are clearly raised for political purposes only and hold up the progress of this entire body, hour after hour and day after day, that begins to be a bit trite. It seems to me that is the direction we are taking. Our friends on the other side of the aisle seem to be perfecting this procedure, and we move forward at our own risk, knowing we are going to have a blocking activity going on.

Republicans are trying to move forward with some issues for the American people that are very important: marriage penalty, tax relief, farm assistance, education, critical needs of the men and women in the armed services, and all of the 13 bills we have on appropriations that are before us. What we have had and what we are continuing to have is Senate Democrats trying to tie up the Senate by changing the subject, by attaching irrelevant amendments to every bill that comes to the Senate floor.

It took five votes before Republicans could break the Democrat filibuster and pass the Ed-Flex bill in 1999. It took five votes in order to deal with an issue that said local school boards, local governments could have more flexibility in what they do with Federal money. Is that something to hold up? I don't think so.

When Republicans offered the lockbox legislation in 1999 to protect the Social Security trust fund, Democrats opposed it six times. Senate Democrats even opposed a measure that passed the House last year by a vote of 416-12, when we were talking about taking Social Security money and insulating it from expenditures on non-Social Security matters. Tell me that is a reasonable thing to do.

On April 13, Senate Democrats blocked a marriage penalty relief bill from continuing through the legislative process, a bill that is based largely on fairness. It is based on the notion that a man and woman, each working singly, earning a certain amount of money, when married earn the same amount of money and pay more taxes. This was a way to resolve that. However, Democrats were rejecting a discussion of the marriage penalty tax. In the House, the Democrats joined the Republicans 268-158 to pass relief. President Clinton pledged his support of the marriage tax penalty relief in his State of the Union. But still they

block this because they want to bring up some amendments that are irrelevant to this issue, bring them up totally for political purposes. Unfortunately, we find ourselves in a position of being more interested in raising issues than seeking solutions. That is too bad. That is a shame. It is terribly frustrating, frankly.

I just came from a meeting. We could not have a hearing this afternoon because our friends objected to having a hearing. We had people who came all the way from Alaska to testify. So I can tell you we went ahead and had a meeting and listened to what they had to say. I do not think that is the way we intended for this body to function. We disagree? Of course, we disagree. Different views? Of course, we have different views.

On May 4, Rollcall recounted that one of our friends on the other side promised to work with his colleagues on an education bill if we could do it. Unfortunately, he decided to change in the middle of the stream and we did not go forward.

Now we have 13 appropriations bills that must be passed. Really, our destination, our purpose, was to pass those before the August recess so we would have that out of the way and could deal with other things that are important. By the looks of it, we will not be able to move forward in that important area.

It is very difficult. We just spent 2 days working on military construction. I do not think anybody would argue that we need to move forward on the military; we need to strengthen the military; we need to do something about strengthening the opportunity for people to belong to the military and at least not to be on food stamps. We could do that. But, no, we have to get off on something totally irrelevant, an issue—whether it is gun control or whatever—that we have already dealt with. It keeps coming up on every issue.

I do not argue with the difference of view on it, but to use those things to keep us from moving forward and do the things we ought to be doing is disruptive and is not the intended purpose of what we do here.

There are only 65 legislative days remaining for the Senate to finish its work. Yet we continue to find obstruction; we continue to find delay.

Military construction finally got through. We spent all that time talking about something totally irrelevant to it. We had to get off on the thing. Yesterday we did nothing all afternoon, basically. We finally got it passed. I am pleased with that. I, frankly, voted against it. I voted against it because I did not agree with the process. I do not have any argument with what was in it.

Education had to be pulled, the Elementary and Secondary Education Act, probably the broadest issue with which we will deal. It touches almost everyone. Almost everyone agrees we need

to do something with that. Could we finish it? No, we sure couldn't. Sure, there is a little different view. We wanted to let the local people have more flexibility. Our friends over there wanted the rules to come from here. OK, we have a difference. We have a difference in philosophy. I don't argue with that. We have an honest difference. Let's vote. But, no, that is not what happened. What we did was have introduced all kinds of irrelevant, non-germane amendments. I don't know how long we can do that.

The marriage penalty—I have already mentioned it. That is something that certainly ought to be done. As far as I know, it is agreed to by nearly everyone, including the President. It is a fairness issue. We ought to be doing it.

Agriculture, crop insurance, that is one of the things we need to strengthen, since we are moving away from the old farm program. Agriculture is out there; farmers are running some risks and crop insurance is part of it. We were not able to do that. Things that were not pertinent were there.

The juvenile justice bill, we passed juvenile justice. It is still in the committee. We are trying to get some agreement. It is being held up by non-germane kinds of things.

I respect fully the difference of view. I respect fully the differences in philosophy. That is why we are here. That is what elections are about. I understand that. But we simply have to find a way to put aside this business of stalling, just put aside this business of delay, put aside this business of constantly seeking to bring to the floor issues that are totally political and have nothing to do with the topic we are on and talk about them at the time to talk about them. But talk about them once. Don't talk about them every other day. That is what we do. That is wrong. We ought to change it.

We have a chance to take a look at where we are and where we want to go. I have thought more recently, I don't know quite why, about the concept that each of us has goals for ourselves, whether they be personal goals, whether they be professional goals, whether they be spiritual goals, whether they be family goals, and seek to identify those and then decide what our goal is and what we have to do to reach it.

Frankly, I wish it applied a little more to Government. As we enter into these, we ought to not only be looking at the daily issues with which we deal, but we should also be looking at, having set goals and identified where we want to be, whether what we are doing now is contributing to the attainment of those goals.

It is my view we have not done enough of that. If we have a goal of accomplishment in the Senate, a goal of doing the things the people sent us here to do, and then find ourselves caught up in business which does not move toward the attainment of that goal, it is frustrating.

I hope we can move forward. I believe we will. I appreciate the Presiding Offi-

cer's efforts. I look forward to next week to accomplish more than we did this week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

PROCEEDING TO DEBATE

Mr. ENZI. Mr. President, I just finished presiding, and the last 15 minutes I presided was a quorum call. It occurred to me there are probably people watching the quorum call who wonder why there was a quorum call. Since I had to listen to some of the previous discussion that I don't think gave a full explanation of why there is a quorum call, or why we are not proceeding on the business of this country, I feel compelled to give a brief explanation.

In the Senate, we have to get permission to proceed to debate a bill. That is where we are right now. We are trying to get permission to proceed to debate an appropriations bill. It is a foreign operations appropriations bill. The Democrats have decided, because of a procedural motion on which they lost yesterday, which will have an effect on the debate of the Senate for years to come perhaps, that we are not going to debate anything for a while.

Let me explain a little more about what that is. What we are having is a filibuster. It is being done rather silently, and sometimes in a whining way. We are having a filibuster over whether we are going to debate any of the appropriations bills. What you heard earlier was them saying that if we can't debate extraneous, non-germane items on any one of the appropriations bills, we are going to see that the business of this country does not go forward. I want to tell you, I think that is wrong and I think the American people need to know about it.

We can do a lot of finger-pointing over why things aren't happening around here, and that isn't going to get anything done except allow the voters in November to make a decision. But the voters need to know what it is that is happening. We are talking about whether a Senator ought to be able to run down here to the floor on any measure that comes up under appropriations—we have 13 appropriations bills to pass, and it usually takes a week to pass each one, and we have about 13 weeks left of the session this year. We are debating now whether or not you can come down here and just stick in any amendment you want, on any issue you want, and call it "deliberative debate."

You can't have an appropriations amendment that legislates. Nobody

questions that. That has been determined. We have a Senate rule that says you can't legislate on an appropriations bill. But there is a loophole there. It isn't clear whether you can pontificate on an appropriations bill, whether you can't stick in something that is your pet project and talk ad infinitum on it. That is what this is about. That is what the silence is about. That is what the inability to go forward is about. It is about whether we ought to be able to pontificate on anything we want to, whether or not it is relevant to the item that is up.

Why is that important? I guess it is because this Chamber has television in it now and what we say can be carried to people all across this country. It is cheaper than buying a campaign ad. But it doesn't make it right.

You can't legislate on an appropriations bill, so should you be able to do a sense of the Senate? I say you should not be able to. We should be at the business of taking the appropriations bills we have and deciding on each and every issue that is in that appropriations bill to see if it is the right thing to do. If it is some other issue we want to debate, we should not get to do it then. When we finish up the 13 appropriations bills, we can go back to the regular legislation of this body. On those, there is no requirement on what can be added to them. You can debate and put in an amendment whether it has anything to do with the bill or not. My personal opinion is that you should not be able to do that either. We would get more business done. But there isn't a rule that keeps you from doing non-germane amendments on the regular legislative business; it is only on the appropriations.

Why would we do that? Why would there be requirements on what can be debated when we are talking about appropriations? Well, the bill on which we are trying to get permission to debate right now is one of the smaller ones. A lot of people probably don't think it is very important to this country. In fact, if this bill didn't pass, a lot of people in Wyoming would probably be overjoyed. But it is our business to make sure we deliberate and pass this bill before October 1. What bill is it? The permission that has been requested is to debate the foreign operations appropriations bill.

Earlier, a couple of my colleagues mentioned that if people come to see them in their office and they want to talk about the dairy business, they expect them to be able to come over here to the floor and solve their problem. Well, I want to tell you, that isn't how it happens. You can't talk to somebody in your office, leave your office, come over here, and solve their problem. There are days I wish it were that easy and that fast. But it is designed not to be that easy and that fast. You really have to be able to put it with something that will convince enough Senators it is a good idea that you can do it.

If we happen to be debating a bill that has that dairy problem in it and the funding allocated for it, you can make a difference at that point in time. That is what we are talking about—how to spend the money of this country. As I said, this is a very small bill. This is a \$13 billion bill—\$13 billion that we are going to spend partly in the United States and partly around the world. It has some interesting provisions in it that are probably worthy of debate—funds for university development assistance programs across the United States. On page 23, they go into a whole bunch of countries that we help. In the report on the bill on page 34, we talk about physician exchanges, so we can have better health around the world. We have vitamins for at-risk women. On page 35, we have violence against women. One of the items that will undoubtedly be debated at some length in this bill is whether there ought to be some bilateral economic assistance to Colombia for narcotics control and law enforcement. But we are not going to get to debate those because perhaps we ought to be able to debate a sense of the Senate on this bill that has nothing to do with it. Patients' Bill of Rights is very important.

I am one of the people on the Senate team negotiating between the Republicans and Democrats in the House and Senate for a Patients' Bill of Rights. We passed that bill. It is an important bill. We are trying to get resolution on that bill.

As a Senator, if we don't have the rule about how peripheral and how nongermane you can get, I could offer an amendment that says I have this sense of the Senate that everyone will agree with me on, and I would like that Patients' Bill of Rights finished by next week. It isn't going to happen because there are too many details that need to be worked out.

I would have had the right day before yesterday to do that. That is what we are talking about. I could have demanded debate time.

It is very difficult to bring debate to a close in this body. As you saw with the gun amendment which was a sense of the Senate, it was a nonbinding sort of thing that said they wanted the juvenile justice bill resolved between the House and the Senate, and they wanted it done by May 24, sometime next week. And it had to be done.

Well, it isn't going to be done. It can't be done. They demanded 12 hours of debate on that issue—12 hours of debate holding up the Senate. That issue is important to a lot of Members. We already debated it and sent it to the conference committee. It is being resolved in the conference committee.

Does it deserve another 12 hours of debate when we are on appropriations? The appropriations bill that we are trying to get done now is on foreign ops. The one we finished when that came up was military construction, building the things that our military needs at home and abroad to do the right job for our national security.

Deliberation is different than publicizing.

These desks down here on the floor were built two per State as the States came into the Nation. They are the same desks that all of the Senators have used through the years. If you have an opportunity to be on the floor, you can take out the bottom drawer of these desks. Senators, as they were leaving this deliberative body, carved their names in that drawer as a tradition. Those are now preserved in Plexiglass. That is taken out, and Members can add their names as they leave.

There is a list in each desk that shows each and every Senator who sat at that desk in the history of the United States. It is fascinating to come down here at night and sit at these desks, look at those lists, and see the names of Senator after Senator whom you have read about in your history book who has been here and debated. You can read about some of the great debates they gave.

For a long time there was not even a sense-of-the-Senate amendment. We didn't have this pontificating, saying I really think we will feel better if we debate and do a sense of the Senate on this nongermane issue. But if you sit here at night and read those names, it is like a walk through history. It is also an opportunity for you to get the feeling that they are still in this Chamber debating whether we are doing the job that we ought to be doing.

In my opinion, the job that we ought to be doing is getting the appropriations bills of this country done as fast as we possibly can, as deliberately as we possibly can, as carefully as we possibly can but getting it done and sticking to the issue of what is in that appropriations bill, or what we think ought to be in that appropriations bill, or what we think ought to be disappearing from that appropriations bill.

Those are the amendments that we ought to be debating, turning in, and turning over. Those are the ones that we ought to be giving grand consideration to in the style that used to in this Chamber—not bringing in peripheral amendments and saying I think I can delay this whole bill so that the President can negotiate it when the new year begins.

It is even possible to delay the whole thing by doing genuine amendments to a genuine bill. It is important for Senators to be able to express themselves on all issues. I daresay if you watch television evenings and weekends you can see Senators debating absolutely every issue. You can't see them making progress on every issue. That is a very prized thing and very difficult to do around here.

I have to tell you that a sense-of-the-Senate amendment doesn't do that. A sense of the Senate delays the actual amendments that change appropriations.

I suspect that if we don't get some agreement to proceed on this bill, we

will check and see if there are other appropriations bills they believe are maybe important enough that we ought to be getting on with the business of and debating. We have 13 of them.

I think another one that has now cleared the committee is agriculture. I have to tell you that I think the farmers across this country are going to be pretty livid if this appropriations bill is being held up because somebody has a sense of the Senate where they kind of want to see if all of the Senators kind of feel good about something that doesn't have to do with agriculture. They ought to be livid about it.

I know when I go home, they say: How come you guys put other non-related stuff in bills you are talking about? How come some of those get in there? They really want the stuff to be germane to the bill that we are working on and they want it debated. They want it debated in a timely fashion. They think we ought to be getting on with the business.

We can finish appropriations. We can talk about other bills. We talked about a lot of them. They just need to be resolved. But we can talk about those other bills. On the other bills of the Senate, you can still add anything you want, including a sense-of-the-Senate amendment, or including a motion, or legislation that has nothing to do with anything.

The debate should be moving on. The debate should not be held up over whether we can do feel-good motions on appropriations. The debate should center around whether an appropriations bill is justified or not justified, whether we ought to spend the money or we ought not to spend the money, whether the program is good or whether the program is bad.

That is the appropriations process. We have plenty of it to do as we spend close to \$2 trillion in this United States.

For those of you who have family budgets and scrimp and save and worry and force that into your capability to buy things, you can recognize how important it would be for us even on something as small as \$13 billion to get started on the debate, to look at the items that are included to decide whether or not they are justified and make a decision and move forward so that we can get to the bigger bills that amount to billions more dollars than this one. This should be a bill that is done in about 1 day. But it isn't going to be 1 day. It isn't even going to be started in 1 day. I suspect we may not be started on it next weekend, unless the American people get upset with the way their Government is being run. I am sure they will express their opinion that we ought to be debating every dollar that is involved, and when the debate on the dollars is over, get to the other business of passing laws in this country.

I thank the President. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

PARLIAMENTARY ELECTIONS IN HAITI

Mr. DEWINE. Mr. President, as we prepare to begin the debate concerning the provisions within the fiscal year 2001 foreign ops appropriations bill, I would like to call my colleagues' attention to an event scheduled to take place this Sunday, May 21, referring to the parliamentary elections of Haiti.

The openness, the fairness, the transparency of these elections that will be held on Sunday are critical to Haiti, and really place the country and its people at a crossroads. These are the elections that have been postponed, postponed, postponed, and postponed. Finally, it appears as if they will actually take place this Sunday.

The world is watching to see how Haiti conducts these elections. The international community and the United States will be judging Haiti based on these elections. I think it is a fair statement to say that future assistance, future aid from the international community, from the private sector, private organizations, as well as governments, as well as the United States, will depend certainly to some extent on how these elections are conducted. Not how they turn out but how they are conducted. The world will be looking on Sunday to see the amount of violence connected with these elections; to see whether or not the elections are fair, transparent, and open; to see what kind of participation takes place among Haitian people.

We have every right to be concerned about these elections. We have a right to be concerned because of the investment the United States has made in Haiti, which I will discuss in a moment. We have a right to be concerned because these elections have been postponed, postponed, and postponed. We have a right to be concerned because we want to see whether or not this fledgling democracy is, in fact, making progress.

So, yes, the world will be watching. We are concerned, quite candidly, about these elections because of the action and because of the inaction of Haiti's political elite, its upper class, what they have not done and what they have done during the past 5 years.

We all had high expectations for Haiti when the United States sent 20,000 U.S. troops to that island in 1995 to restore President Aristide to power. At that time, we understood it would take time for Haiti to become politically stable. We understood it would take time to establish a free and open market system in that country. We understood it would take time to invoke the rule of law and privatization of government-run-and-owned industries. And we understood it would take a while to establish a fair and impartial and functioning judicial system.

Quite tragically, time has passed and very little, if anything, has changed.

The phrase "Haitian Government" is an oxymoron, given President Preval has been ruling by decree without a democratically elected Parliament since January 1999. Political intimidation is rampant, with violence and killings increasing as the elections approach. Furthermore, the Haitian economy is, at best, stagnant. Haiti remains the poorest nation by far in our entire hemisphere, with a per capita income estimated at \$330 per year per person, where 70 percent of the people are either without jobs or certainly underemployed.

When we deal with Haiti, the statistics don't matter. We are not even sure how reliable they are. Anyone who has visited Haiti—and I have had occasion to visit Haiti nine different times in the last 5½ years—sees where that economy is and sees the years of wrenching, unbelievable poverty in Haiti, a country that is just a short trip from Miami.

Absent a stable and democratic government, Haiti has no hope of achieving real and lasting economic nor political nor judicial reforms. That is why Haiti is finding itself stuck in a vicious cycle of despair. It is a cycle in which political stalemate threatens the government and judicial reforms, which, in turn, discourages investment and privatization.

Caught in this cycle, the economy stands to shrink further and further until there is no economic investment to speak of at all. With no viable law enforcement institutions in place, and given the island's weak political and economic situation, drug traffickers operate with impunity.

I have talked about this on this floor on several different occasions in the last few years. I predicted several years ago that we would see the amount of drug transportation in Haiti, the amount of drugs flowing through that country, go up and up and our own Government has estimated today that prediction has, tragically, come true. Our Government estimates Haiti accounts for 14 percent of all cocaine entering the United States today. Haiti is now the major drug transshipment country in the entire Caribbean. We estimate 75 tons of cocaine moved through Haiti in 1999. That represents a 24-percent increase over the previous year.

Quite frankly, Haiti has become a great human tragedy. While the decade of the 1980s witnessed unbelievable changes in Central America, with countries moving from totalitarian regimes to democracies, that was the great success story of the 1980s. Many of us hoped in the 1990s, and into the next century, we would see that same progress made in Haiti. Tragically, that has not taken place. Haiti now stands as a missed opportunity for reform, a missed opportunity for progress, for growth, and for development. The true casualties, the real victims of all the turmoil and instability are the children. They are the victims

because the small band of political elite in Haiti has not moved forward and taken seriously the need for reform. They have missed their opportunity.

The economy is worse, human rights are being violated, and there is very little optimism today in Haiti. These dire conditions are every day killing children. Haiti's infant mortality rate is approximately 15 times that of the United States. Because Haiti lacks the means to produce enough food to feed its population, the children who are born suffer from malnutrition, malnourishment. They rely heavily on humanitarian food aid. Additionally, because of the lack of clean water and sanitation, only 39 percent of the population has access to clean water. It is estimated only 26 percent have access to sanitation. Diseases such as measles and tuberculosis are epidemic.

Given this human tragedy, we can't turn our backs on these children as mad as we may get at the political leaders of that country, as frustrated as we may become with the political leaders of that country. Haiti is part of our hemisphere, and what happens in our hemisphere, what happens in our own backyard, is very much our concern. If we ignore the situation, we risk another massive refugee exodus for our shores, and drug trafficking through Haiti will continue to increase and increase and increase.

We must seek ways to foster democracy building in Haiti and promote free markets in the rule of law. We also must fight drug trafficking through Haiti and expand agricultural assistance through nongovernmental organizations. Let me say there are good nongovernment organizations that are in Haiti working to make a difference in spite of the Haitian Government. I must also say I have personally seen and visited a number of Americans in church groups who are down in Haiti risking their lives, making a difference every day to save the lives of children.

Finally, most important, I believe we must ensure that humanitarian and food assistance continues to reach the Haitian people, especially the children. We cannot just sit back and let the political elite in Haiti starve these orphan children as well as the elderly and the destitute.

Ultimately, though, Haiti will not really progress until its political leaders and the elite of the country take responsibility for the situation and commit to turning things around. The tragedy of the last 5 years is that the elite in Haiti has not made a decision that it is in their interests and in the interests of their country to change things. Until the elite of Haiti decides to make these changes, it is going to be very difficult, no matter what we do, to have any significant progress made in that very poor country.

Haiti can succeed as a democracy if, and only if, the elite has the resolve to hold open elections, create free markets, reduce corruption, improve its judicial system, respect human rights,

and learn how to sustain an agricultural system that can feed its people. Nothing the United States does with regard to Haiti can provide long-term permanent solutions unless and until the Haitians take democratic and societal reforms seriously and work in earnest to create a stable political system in a free and democratic market economy. That is why the world is watching to see how these elections are conducted this Sunday.

Let me turn to another portion of the foreign operations appropriations bill. There is language, as I have just talked about, in regard to Haiti in this bill. I wanted to speak about Haiti this evening on the Senate floor because of that language in the bill but also because of the upcoming elections.

There is another provision in the foreign operations appropriations bill we hope we will be taking up shortly. This provision has to do with our neighbor to the south, Colombia.

Let me first commend the chairman and ranking member on the subcommittee, Senator MCCONNELL and Senator LEAHY, and also the chairman and ranking member of the full committee, Senator STEVENS and Senator BYRD, for working with me, for working with Senator COVERDELL, Senator GRASSLEY, Senator GRAHAM of Florida, and so many others on the Colombia/Andean emergency antidrug assistance package which is now part of this bill.

This assistance to Colombia would provide approximately \$934 million to support Colombian efforts to eliminate drugs at the source, to improve human rights programs, to improve rule of law programs, and to increase economic development—\$934 million is what is contained in this bill. Passage of this assistance package is crucial to helping keep drugs off our streets here at home and to bring stability to our hemisphere.

No one questions there is a real emergency that currently exist in Colombia. Colombia is a democratic success story that is now in crisis. Thanks largely to the growing profits from illicit drug trafficking, Colombia is embroiled in a destabilizing and brutal civil war, a civil war that has gone on for decades with a death toll that continues to rise and that we estimate is at least 35,000 people. We have seen and continue to see the tragedy of Colombia unfold in our newspapers; we see the violence that is occurring there. Members of the army, members of the police are killed on a daily basis at an unbelievably alarming rate.

Just this week we saw a graphic, horrible picture in our newspapers of a bomb necklacing, where one of the terrorist groups, one of the guerrilla groups, placed a bomb around a woman's neck, asked her family for money, locked the bomb so it could not be removed, and told the family the bomb would go off at 3 in the afternoon. The bomb squad came in, the army. For 8 hours they tried to get the bomb off. Tragically, the bomb went off. The

bomb killed the woman and killed the young man who was working to try to free her. That is just a graphic example of what is occurring, in one form or the another, in Colombia every single day.

Many of us on the floor were in Congress in the 1980s when we worked so hard to give assistance to the countries in this hemisphere, particularly in Central America, to drive communism out to allow these countries to become democratic. The 1980s are a true success story for this hemisphere. We paid a very heavy price, but I think most of us believe that was a price worth paying. We brought democracy, we brought opportunity to our hemisphere.

Today the drug trade has emerged as the dominant threat to peace and freedom in the Americas. Communism was the threat in the 1980s. Today the drug trade is the threat. It threatens the sovereignty of the Colombian democracy and the continued prosperity and security of our hemisphere.

We have devoted a good portion of this week to discussing the threat that is involved in the whole situation in the Balkans, specifically in regard to Kosovo. I think we should have; it is very important. But I believe what we are seeing right here in our own hemisphere, what is happening in Colombia, is certainly equally important and maybe more important than what is going on in the Balkans.

Tragically, it is America's own drug habit that is fueling this threat in our hemisphere. It is our own drug habit that is causing the instability and violence in Colombia and in the region. Let's just look at what is happening in my own home State of Ohio, in Cincinnati, OH. In 1990, there were 19 heroin-related arrests in Cincinnati—1990, 19 heroin-related arrests. Last year, there were 464 arrests. Law enforcement officers in Cincinnati understand the reason for this surge. Colombia produces low-cost, high-purity heroin, making it more and more the drug of choice. And because of our Government's inadequate emphasis on drug interdiction and eradication efforts, that Colombian heroin is making its way across our borders and in my case, to the State of Ohio.

We may say, sure, Cincinnati is just one urban area, one metropolitan area. But if there is a heroin problem in Cincinnati, you can bet there is a heroin problem in New York City and Chicago and Los Angeles and throughout our country. The fact is that drugs from Colombia are cheap and plentiful in this country, so our children across America are using them. In fact, more children today are using and experimenting with drugs than 10 years ago—many more than did 10 years ago. The facts and statistics are startling. According to the 1999 Monitoring the Future Study, since 1992 overall drug use among tenth graders has increased 55 percent, heroin use among tenth graders has increased 92 percent, and cocaine use among tenth graders has increased 133 percent.

The ability of our law enforcement officers to succeed in keeping drugs off our streets and away from our children is clearly, directly linked to our ability to keep drugs produced in places such as Colombia from ever reaching our shores. To be effective, our drug control strategy needs to be a coordinated effort that directs and balances resources and support among three key areas: Domestic law enforcement, international eradication and interdiction efforts, and demand reduction. This means we must balance the allocation of resources towards efforts to stop those who produce drugs, those who transport illegal drugs into this country, and those who deal drugs on our streets and in our schools.

The sad fact is, the cultivation of coca in Colombia has skyrocketed, doubling from over 126,000 acres in 1995 to 300,000 in 1999. Poppy cultivation has grown to such an extent that it is now the source of the majority of heroin consumed in the United States. Not surprisingly, as drug availability has increased in the United States, drug use among adolescents also has increased.

To make matters worse, these Colombian insurgents see the drug traffic as a financial partner to sustain their illicit cause, only making the FARC and ELN grow stronger. The sale of drugs today not only fuels the drug business, but also the antidemocratic insurgents in Colombia.

Why does Colombia matter? It matters to us, first of all, because of what I just talked about, and that is the drugs Colombia ships into the United States.

Why else does it matter? The drug trade in Colombia is a source of rampant lawlessness and violence in Colombia. It has destabilized that country and stands to threaten the entire Andean region. Fortunately, in the last few years, Congress has had the foresight to recognize the escalating threats, and we have taken the lead to restore our drug-fighting capability beyond our borders off our shores.

Many of my colleagues who have worked so hard on this Colombia assistance package also worked with me just a few short years ago to pass the Western Hemisphere Drug Elimination Act, a \$2.7 billion, 3-year authorization initiative aimed at restoring international eradication, interdiction, and crop alternative development funding.

With this law, we already have made an \$800 million downpayment. We have appropriated and spent \$800 million, \$200 million of which represented the first substantial investment in Colombia to counternarcotics activities.

I stress to my colleagues that the emergency assistance package before us is based on a blueprint that Senator COVERDELL and I developed and introduced last October, 3 months before the administration unveiled its proposal.

Like our plan, the emergency assistance package before us this evening goes beyond counternarcotics assistance and crop alternative development

programs in Colombia. This plan targets Latin American countries, including Bolivia, Peru, Panama, and Ecuador.

This is a regional approach, and a regional approach is crucial. Peru and Bolivia have made enormous progress to reduce drug cultivation in their countries, and they have done it with our assistance. What has taken place in those two countries has been a success story.

An emphasis only on the Colombian drug problems risks the spillover effect of Colombia's drug trade shifting to other countries in the region. That is why resources are needed and provided in this bill for countries such as Bolivia, Panama, Ecuador, and Peru.

I also note the positive contributions to our antidrug activities made by the chairman and ranking member, Senator BURNS and Senator MURRAY, of the Military Construction Subcommittee. We passed today the military construction bill which includes investments in equipment and support activities as part of our Colombia-Andean region antidrug strategy.

That bill also includes funding for the Coast Guard to provide supplies, reduce the maintenance backlog, and for pay and benefits for Coast Guard personnel.

Funding in that bill also was provided for six C-130J aircraft, which give critical support to our counter-narcotics efforts.

That bill also contains funding for forward operating locations which will provide the logistic support needed for our aircraft to conduct detection and monitoring flights over the source countries. The closure of Howard Air Force Base in Panama, as part of the Panama Canal transfer treaty, severely diminished this capability. That is why we need these forward operating locations, and that is why the money provided in this bill is so important.

As I stated a moment ago, a balanced approach is critical to the success of our counterdrug policy. We must continue to invest resources in our law enforcement agencies—Coast Guard, Customs, and the Drug Enforcement Agency. They are our front line of defense against drugs coming into the United States. They also work with law enforcement agencies of other countries to eradicate and interdict drugs. These agencies need additional resources to ensure the increase in illicit drug production in Colombia does not result in a corresponding increase in drugs on the streets and in the schools of our country.

Addressing the crisis in Colombia is timely and necessary. It is in the national security interest of Colombia and the United States to work together and with our other partners in the hemisphere to curb the corroding effects of illicit drug trafficking. The bottom line is that an investment in the Andean region to help stop the drug trade and preserve democracy is a direct investment in the peaceful fu-

ture of our entire hemisphere. It is in our national interest.

I know there are some of my colleagues on this side of the aisle who have expressed some hesitancy and reluctance about the provision in this bill concerning Colombia. I want to take a moment to direct my comments specifically to them.

The Western Hemisphere Drug Elimination Act that Congress passed several years ago was an attempt to change the direction of our drug policy. What do I mean? I consistently said during this speech and other speeches on the floor that we need a balanced drug policy. We have to have treatment, education, domestic law enforcement, and we have to have international law enforcement and interdiction. We have to do all these things. We have to have a balanced approach.

We found 3 years ago when we looked at what had happened in our antidrug effort over the last decade that beginning with the Clinton administration, that administration began to reduce the percentage of the money we were spending on international drug interdiction.

When George Bush left the White House, we were spending approximately one-third of our total Federal antidrug budget on international drug interdiction, basically on stopping drugs from ever getting inside the United States—spending it either on law enforcement in other countries, on Customs, on DEA, on crop eradication, stopping drugs from ever reaching our shores. That was about one-third of our budget. That is what we were spending when George Bush left the White House.

As of 2 years ago, after 6 years of the Clinton administration, that one-third has been reduced to approximately 8 to 10 percent, a dramatic reduction in the amount of money we were spending on international drug interdiction.

Some of us in this body—Senator COVERDELL, myself, and others—decided we had to change that, so we introduced the Western Hemisphere Drug Elimination Act. A corresponding bill was introduced in the House of Representatives. Then Congressman HASTERT, now Speaker HASTERT, played a major role in working on that bill, as did others.

The bottom line is, we passed the bill, it became law, and we have begun to change that direction. The initiative for that came from this side of the aisle. We saw what the administration was doing. We said the policy has to change; we need to put more money into interdiction, and we need to begin to do that. We did do that.

Fast forward a couple more years as the crisis in Colombia continued to get worse and worse. Again, Senator COVERDELL, Senator GRASSLEY, myself, and others put together a new package. It was a package aimed specifically at dealing with the crisis in Colombia. We introduced that package last October. After we introduced that package, a

few months later the administration finally came forward and said: Yes, we have to do something about Colombia. But it was our initiative that started it.

It brings us now to where we are today. The initiative that Senator COVERDELL, Senator GRASSLEY, and others introduced has now been wrapped into this bill. The good news is that the administration is on board.

The administration also came forward with a proposal to deal with Colombia and has stated their understanding of the severity of this problem. So that is where we are today.

I ask my colleagues to look at the big picture and to think about what is in the best interests of the United States. This package is not put together for Colombia. It is not put together for the Colombians. It is put together for us. It is put together because Colombia is our neighbor, and what happens to our neighbor, in our neighbor's country, affects us.

Why? Trade. Colombia is a major trading partner of the United States. What happens in that country affects our trade. The drugs that come into this country, as I have already demonstrated in this speech, come from Colombia to a great extent. The drugs that are killing our young people come from Colombia.

So we have a very real interest in stabilizing that country, keeping that country democratic, keeping that country a trading partner of the United States, and to help that democratically elected government in Colombia help themselves to beat back the drug dealers, to beat back the guerrillas.

They face a crisis that is different than any crisis that any other country has probably ever faced. Many countries have faced guerrilla movements throughout history. But I do not know any other country that ever faced a guerrilla movement that was fueled with so much money. There is this synergistic relationship now that has been created between the drug dealers and the guerrillas. Each one benefits the other. Each one takes care of the other. The end result is that the guerrillas are emboldened and enriched by the drug dealers' money. So it is a crisis that Colombia faces, but it is a crisis that directly impacts the United States.

I ask my colleagues to remember how we got here, to remember what role this side of the aisle played in trying to deal with the Colombia problem and deal with the problem in Central America, South America, what role we played in trying to increase the money that we are spending and resources we are spending on stopping drugs from coming into this country.

If we recall that history, and recall what the situation is in Colombia today, we will be persuaded that this is the right thing to do and that this provision in this bill that deals with an aid package for the Colombia-Andean region is clearly in the best interests of

the United States and is something that we have to do.

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

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

RECOGNITION OF JUDGE RHESA HAWKINS BARKSDALE'S TEN YEARS OF SERVICE TO THE UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT

Mr. LOTT. Mr. President, I rise today to congratulate my good friend, Rhesa Hawkins Barksdale. Last month marked the tenth anniversary of Judge Barksdale's investiture as a United States Circuit Judge for the Fifth Circuit. On April 1, 1990, Judge Barksdale was sworn into office by Justice Byron White, for whom Judge Barksdale clerked following his graduation from the University of Mississippi School of Law. Throughout the past ten years Judge Barksdale has faithfully fulfilled his sworn duty to enforce the Constitution and laws of the United States. Needless to say, his service to the Fifth Circuit has brought distinction to his family, our State, and the Nation.

I might add that this country is indebted to Judge Barksdale for more than his zealous commitment to justice. His service as a Circuit Judge continues a lifetime of dedication and sacrifice to protect the freedoms and liberties of all Americans, as exemplified by his valiant and decorated service to his country during the Vietnam War. Judge Barksdale served in combat in Vietnam as an officer in the United States Army, and he was awarded a number of medals, including the Silver Star, Purple Heart, Bronze Star for Valor, and Bronze Star for Meritorious Service.

Mr. President, Mississippians and Americans are grateful for Judge Barksdale's public service, and I congratulate and honor him on the tenth anniversary of his service on the bench.

READING THE NAMES OF GUN VICTIMS

Mr. LAUTENBERG. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

These names come from a report prepared by the United States Conference of Mayors. The report includes data from 100 U.S. cities between April 20, 1999 and March 20, 2000. The 100 cities covered range in size from Chicago, Illinois, which has a population of more than 2.7 million to Bedford Heights, Ohio with a population of about 11,800. But the list does not include gun deaths from some major cities like New York and Los Angeles.

The following are the names of some of the people who were killed by gunfire one year ago today—on May 18th, 1999: Gregory Babb, 24, Philadelphia, PA; Clifford Clark, 54, Detroit, MI; James Courtney, 20, Providence, RI; Julius Ford, 32, San Antonio, TX; Derrick Hall, 24, Chicago, IL; Jason Horsley, 25, Denver, CO; Keith Mitchell, 21, Detroit, MI; Laredo Schetop, 48, Dallas, TX; Jamaar Wynn, 15, Nashville, TN.

In the name of those who died, we will continue the fight to pass gun safety measures.

THE MILLION MOM MARCH

Mr. FRIST. Mr. President, on Mother's Day 2000, half a million mothers and others marched on Washington to demonstrate their fury at the number of children killed by gun violence last year. Their goal: to convince Congress to pass even more laws restricting citizen access to handguns. All in all, it was quite a spectacle. But while it reflects the modern American view that every ill can be remedied through the power of law, it seems to me the real—and only—question to be answered is will more laws actually produce the result we all seek?

Before we can answer that question, Mr. President, we must examine this one: is the recent spate of gun violence involving children the result of rising levels of crime and escalating gun ownership, or something else?

Let's look at the facts:

During the 1960s, 1970s, and 1980s, gun violence increased dramatically. During the 1990s, however, the numbers actually began to decline, with school violence of the type exhibited at Columbine falling precipitously to the point where kids today are probably the safest they've been in decades.

In 1996 (the last year for which statistics are available), 1,134 Americans died in accidental shootings—the lowest level ever recorded. Only 42 were under the age of 10. Yet more than 2,400 10-year-olds died that year in motor vehicle accidents, another 800 were drowned, and well over 700 died from fire. As for the danger of guns in homes, only about 30 people each year are accidentally killed by homeowners

who believe they are shooting an intruder, as opposed to 330 who are accidentally killed by police.

So why are the numbers declining? While there could be lots of reasons—tougher judges, stiffer penalties, and little mercy for repeat offenders—it's also interesting to note that the decline in murder and violent crime has paralleled an increase in gun ownership.

Mr. President, today about 80 million Americans, or 40 percent of the population, own almost 250 million firearms, as compared with about 27 percent in 1988. And in states like Texas where citizens are allowed to carry concealed weapons, the number of murders, assaults, and burglaries has dropped dramatically. Significantly, in 15 states with tough gun control measures including the trigger locks and "safe storage" laws moms on the Mall were rallying for, there were—accordingly to Mr. LOTT—3,600 more rapes, 22,500 more robberies, and 64,000 more burglaries. Could it be that criminals are smart enough to know where they're likely to encounter resistance and where it's easiest to operate?

Mr. President, there is nothing more tragic than losing a child. And nothing more wonderful than mothers fighting to keep their children safe from harm. But before any war can be won, we must understand the enemy and develop a strategy to defeat him. In the war against gun violence, the enemy is not the weapon, but the criminal who uses it. Making it easier for him to win by restricting those who could thwart his evil act, or deter it in the first place, is not the answer.

Marching on the Mall is stirring spectacle, but ending the tragedy of gun violence requires a much more serious solution.

Mr. President, I thank the Chair and yield the floor.

Mr. DODD. Mr. President, I rise today to bring to the Senate's attention an excellent report on the state of child care in the U.S. military and the implications for improving civilian child care. "Be All That We Can Be: Lessons from the Military for Improving Our Nation's Child Care System" documents the Department of Defense's impressive turn-around of its troubled child care system and its emergence as a model of affordable and quality child care for the civilian world. As recently as ten years ago, military child care was in crisis—changing demographics in the military workforce had led to a surge in demand for child care that the Department was unprepared to meet. Child care waiting lists soared and quality plummeted. Prodded by a GAO report, Congressional hearings, and the recognition that child care is a fundamental issue for military readiness, the Department of Defense turned its child care system the gold standard for the Nation.

The experience of the Department of Defense offers important lessons for the civilian world and offers great hope

for improving child care across the Nation. Parents should not have to join the service to receive good child care. High quality, affordable care is a basic necessity for all working families. It is my hope that we will take these lessons to heart and commit to ensuring that all children are given opportunities for the right start in life.

I would like to express my gratitude to Nancy Duff Campbell and Judith Appelbaum of the National Women's Law Center for their hard work on producing this valuable report and I would ask that a summary of the important "lessons learned" from their report be entered into the RECORD.

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

SIX LESSONS LEARNED

First, those seeking to make improvements in civilian child care should not be daunted by the task: the military has shown by its example that it is possible to take a woefully inadequate child care system and dramatically improve it over a relatively short period of time. If even a tradition-bound institution like the military can turn its child care system around, similar progress should be achievable in other settings.

Second, to achieve progress, it is necessary to acknowledge the seriousness of the child care problem and the consequences of inaction. Policy makers in Congress and the Department of Defense acted to reform military child care after extensive Congressional hearings and GAO reports not only exposed the poor state of military child care, but also documented two results: because the child care system was failing to meet the needs of a changing workforce it was jeopardizing workforce performance (and thus military readiness), and it was affecting the welfare of the children. Similar concerns about the unavailability of high-quality, affordable child care across the U.S. today—its impact on workforce performance, and the effects on the healthy development and learning of children—should prompt action to improve civilian child care.

Third, the quality of child care can be improved by focusing on establishing and enforcing comprehensive standards, assisting providers in becoming accredited, and enhancing provider compensation and training. The military has developed comprehensive standards that providers must meet in order to be certified to operate, and it ensures that these standards are met through a system of unannounced inspections and serious sanctions for failure to comply. It also assists providers in meeting the additional requirements necessary to become accredited by a nationally recognized program. It encourages parental involvement through parent boards, an "open door" policy, and an anonymous hotline for reporting problems. And it has increased provider compensation and training, and linked compensation increases to the achievement of training milestones. While some states have taken steps forward in one or more of these areas, on the whole the states have been far less effective in addressing these issues, and could benefit substantially from emulating the military's formula for success.

Fourth, child care affordability should be addressed through a system of subsidies. The military child care system keeps care affordable for parents through the use of a sliding schedule of fees based on parent income, as well as other subsidies. As a result, the average weekly fee paid by military families for

center-based care is significantly lower than the average weekly fee paid by civilian families for such care. In the civilian world, a patchwork array of government measures assists some families in meeting their child care expenses, but these policies are inadequate. Policy makers at both the federal and state levels should follow the military's example in making more resources available—as well as using the mechanisms it has used to distribute these resources—to help subsidize care for families who cannot afford to pay the full cost of good child care.

Fifth, the availability of care should be expanded. Although demand still far exceeds supply in the military system, the military has made significant progress in this regard by continually assessing unmet need and taking steps to address it through a comprehensive approach that includes all kinds of care: child care centers, family child care, and before and after-school programs, as well as resource and referral agencies to assist parents in locating care. Some states and localities have taken a variety of steps to expand the supply of child care, but the military's experience demonstrates, among other things, that it is essential to measure unmet demand and then develop a plan for meeting it with specific goals and timetables.

Sixth, improving the quality, affordability, and availability of child care is a costly proposition, and will succeed only if policy makers commit the resources necessary to get the job done. Through increased Congressional appropriations and allocations from within DoD resources, the funds provided for military child care have been climbing dramatically in recent years, making the turnaround in military child care possible. The same commitment of resources on the civilian side is not yet evident. An increased public investment is critical if the same progress is to be achieved in civilian child care. The military's experience shows, in short, that policy makers can be prodded into action by the acknowledgment of a serious child care problem, and that once they make child care a top priority and allocate the resources that are needed to address it, a seriously deficient system can be turned around. Those faced with the challenge of expanding access to affordable, high-quality child care across the United States today—policy makers, child care administrators, advocates, providers, parents, and others—should find encouragement in this conclusion. Inspired by the military's example, and armed with knowledge of the tools it used to achieve its successes, they need only to apply the lessons learned to make child care for all working families, like the child care provided to military families—to echo the Army's familiar jingle—"be all that it can be."

VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION

Mr. FEINGOLD. Mr. President, I rise today to call for Senate action on reauthorization of the Violence Against Women Act. Earlier this week, the Supreme Court in its decision in *United States versus Morrison* struck a specific provision from the Violence Against Women Act of 1994. But that decision leaves intact the bulk of this landmark law. For the past five years, VAWA has funded and promoted significant innovations in federal, state and local programs to assist victims of violence, enhance prosecution of domestic violence and sexual assault crimes, and prevent violence against

women and children in their homes and on our streets. This support has enabled shelters, rape crisis centers, health care professionals, schools, police forces and communities across the country to address and prevent violence against women. I commend my distinguished colleague from Delaware, Senator BIDEN, for his authorship of the original Violence Against Women Act and for his commitment to ensuring that this important legislation is re-authorized.

Women across the nation, including in my home state of Wisconsin, have benefitted from this important legislation. Women's lives have been saved. Countless victims of domestic violence or sexual assault are receiving the services they need. Police are participating in training programs to arrest and bring abusers to justice. Both men and women are learning about the problem of domestic violence and sexual assault. In short, women are safer today because of this legislation.

Our nation's progress in preventing violence against women, however, is now in serious jeopardy. Authorization for the Violence Against Women Act ends this year. I understand that Senators BIDEN and HATCH have been working closely to craft a compromise re-authorization bill. I commend both of my colleagues for their commitment to this issue. But with only weeks remaining in this abbreviated session, I urge the Senate leadership to take action on this legislation without further delay.

EXPLANATION OF VOTES

Mr. DODD. Mr. President, yesterday, May 17, 2000, I was necessarily absent during rollcall votes 102, 103, and 104 in order to accompany the President of the United States to the United States Coast Guard Academy in New London, Connecticut, and to meet with several mayors representing cities in southeastern Connecticut. Had I been present, I would have voted as follows: yes on rollcall vote 102; yes on rollcall vote 103; yes on rollcall vote 104.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 17, 2000, the Federal debt stood at \$5,671,580,132,464.01 (Five trillion, six hundred seventy-one billion, five hundred eighty million, one hundred thirty-two thousand, four hundred sixty-four dollars and one cent).

One year ago, May 17, 1999, the Federal debt stood at \$5,587,730,000,000 (Five trillion, five hundred eighty-seven billion, seven hundred thirty million).

Five years ago, May 17, 1995, the Federal debt stood at \$4,884,247,000,000 (Four trillion, eight hundred eighty-four billion, two hundred forty-seven million).

Ten years ago, May 17, 1990, the Federal debt stood at \$3,093,688,000,000

(Three trillion, ninety-three billion, six hundred eighty-eight million).

Fifteen years ago, May 17, 1985, the Federal debt stood at \$1,751,773,000,000 (One trillion, seven hundred fifty-one billion, seven hundred seventy-three million) which reflects a debt increase of almost \$4 trillion—\$3,919,807,132,464.01 (Three trillion, nine hundred nineteen billion, eight hundred seven million, one hundred thirty-two thousand, four hundred sixty-four dollars and one cent) during the past 15 years.

ADDITIONAL STATEMENTS

RETIREMENT OF COLONEL WILLIAM "DAVE" MILLER

• Mr. ROBB. Mr. President, today I rise to honor Col. William "Dave" Miller upon his retirement from the U.S. Army and to thank him for his 27 years of faithful and honorable service to the Army and the Nation.

Serving in positions of increasing responsibility, Colonel Miller has displayed remarkable leadership and superb knowledge throughout his entire career. Colonel Miller's exceptional abilities were notably acknowledged when he was selected as Commander of the Data Systems Unit, White House Communications Agency. As the Commander, he was the driving force behind the development of a host of automation modernization programs, which significantly improved the crisis management decision process of the Nation and placed the Command upon the cutting edge of the information revolution. Colonel Miller routinely interacted with the National Security Council, White House Military Office, and the White House Staff. The consummate professional, he demonstrated the ability to work successfully with each of these offices and build consensus thereby ensuring mission success.

Upon completion of the Program Manager's Course, Colonel Miller served as the Commander of the U.S. Army Research, Development and Acquisition Information Systems Activity, where he directly supported the Assistant Secretary of the Army for Research, Development and Acquisition. Colonel Miller introduced a myriad of initiatives that resulted in dramatic improvements in the daily operation of his organization. Chief among these was his ability to reduce base operations costs by 38 percent which translated into a yearly savings of over three hundred thousand dollars.

Colonel Miller culminated his career as the Commander of the United States Army Information Systems Software Center, a centrally selected Command with over 900 military and civilian personnel supported by over 400 contractors. He managed a budget of over \$115 million. Colonel Miller, a recognized leader in the acquisition and automation communities, did an exceptional

job of leading his command through a difficult period of downsizing and budget cuts while continuing to improve automation support to the Warfighter.

Colonel Miller is one of the Army's most outstanding automation officers. His selfless dedication, consummate professionalism, and visionary leadership have enabled him to lead his Command to unprecedented heights, eliciting praise from field commanders Army wide. He personifies the very best character attributes of the Officers' Corps. The Army will be greatly diminished the day that he retires.

I am honoring Colonel Miller today as a way of thanking him for his faithful and honorable service to the Army and to the citizens of the United States.●

KIDS DAY AMERICA/ INTERNATIONAL

• Mr. SANTORUM. Mr. President, I rise today to join Stefanou Chiropractic Centers in supporting the sixth annual Kids Day America/International event in Philadelphia on May 20, 2000. Stefanou Chiropractic is the official chiropractic office representing Kids Day America/International at the event, which will benefit the World Children's Wellness Foundation.

Kids Day America/International is a special day set aside to address health, safety and environmental issues. It was founded for the purpose of educating families and communities about important social concerns that affect us as individuals and as a community.

Our children represent the promise of a bright future, and we must uphold our obligation to nurture and protect them, providing them with the opportunity to learn, achieve, grow and succeed in a healthy and safe environment. Kids Day America/International is an opportunity to teach our children positive principles which will benefit them for a lifetime.

I would like to offer my best wishes to Stefanou Chiropractic Centers for a successful and educational event to be enjoyed by all. To honor this event, I put forward the following proclamation:

Whereas, the health and well-being of children is our responsibility; and

Whereas, the safety of our children is a significant concern for parents, community leaders and health care givers; and

Whereas, environmental welfare is of universal concern and deserves the utmost attention; and

Whereas, if started in childhood, proper health, safety and environmental habits can be maintained for a lifetime, producing a valued member of society, and enhancing our community;

Now, therefore, I urge my Senate colleagues to join me in proclaiming the 20th of May, 2000 as "Kids Day America/International."●

IN MEMORY OF JO-ANN MOLNAR

• Mr. KERRY. Mr. President, I would like to share just a few words about a

good friend we recently lost, someone I have known since I first ran for Lieutenant Governor in Massachusetts in 1982, a good hearted and selfless individual who was always an inspiration, Jo-Ann Molnar. Jo-Ann recently passed away after bravely battling cancer, and I know that I am not alone in saying that as someone whose life was touched by Jo-Ann Molnar's service, activism, and warmth, there is today a deep and profound sense of loss. In Jo-Ann many of us have lost—and today I would like to honor—a committed activist, a person of enormous courage and character and, most simply, a great friend.

I first met Jo-Ann Molnar when I became involved in politics in the 1970s. Jo-Ann approached me at one of our earliest events and offered to help in any way she could. Jo-Ann was one of those individuals who—through her commitment to do what is right, through her belief in politics not as sport but as a fight for principle—could reaffirm precisely why politics matters and why public service is worthwhile.

Jo-Ann and I remained in touch ever since that first involvement, and I looked forward to and always appreciated Jo-Ann's warm cards and greetings. Always a loyal friend, Jo-Ann would share with me her thoughts on issues of importance, keep me abreast of her accomplishments, and offer me words of encouragement as I worked through the challenges of the United States Senate.

It was through her frequent cards and letters—and the occasional happy meeting either in Massachusetts or at political gatherings around the Maryland area—that I learned of the many ways in which Jo-Ann continued to dedicate herself to public service. Her determination to make a difference led her to remarkable achievements. In 1977, Jo-Ann graduated magna cum laude from Fairleigh Dickinson University, with a degree in history and political science. She went on to earn a master's degree in political science from American University. Jo-Ann selflessly offered her leadership to her fellow Democrats, serving admirably as President of the Montgomery County, Maryland Young Democrats, as Vice Chair of the Handicapped Commission in Montgomery County, and on the Board of Directors of the Montgomery County public libraries. In addition to her help with my campaigns, Jo-Ann served as a legislative intern to U.S. Senator Donald Reigle, U.S. Representative Gene Andrew Maguire, and Montgomery County Council member Michael L. Gudis. She also worked as a Congressional Liaison Assistant for the U.S. Department of Health and Human Services. For almost a decade, Jo-Ann served as a legal researcher for the Human Relations Commission. She gave of herself as a Sunday School teacher and a confirmation teacher at the Foundary United Methodist Church in Washington, D.C., as well as an instructor at Colesville United Methodist Church in Silver Spring, Maryland.

Mr. President, Jo-Ann lived a life true to her ideals of service—service to community, service to faith. I would add, though, that none of these achievements would have been possible if Jo-Ann had not worked so hard to overcome cerebral palsy. Jo-Ann refused to be slowed by her disability—and in fact rejected the notion that she should in any way lower her expectations for herself or expect different expectations from those to whom she so selflessly offered her best efforts. Jo-Ann was a fighter, and I continually marveled at her drive to rise above what some would view as limitations.

For that reason, Jo-Ann served as one of the best possible advocates and activists for the Americans with Disabilities Act. Honored as a teenager for her activism on the Education for All Handicapped Children Act, Jo-Ann kept pushing as an adult to break down barriers in our society that she believed kept disabled Americans from maximizing their contributions to their communities and our nation. Jo-Ann was not just an advocate for legislation to protect and empower disabled Americans—she was the living embodiment of those efforts.

Mr. President, it is difficult to accept that we have all lost a friend in Jo-Ann Molnar, but it is particularly difficult, I know, for Jo-Ann's family—her mother, Helen, and her two sisters, Dorothy and Ilona. They are in our thoughts and prayers.

I was comforted, though, to learn that Jo-Ann was able to enjoy life as she had always done, up until her last days. Jo-Ann's mother, Helen, let me know that she had a wonderful Christmas with her family and was able to attend a New Millennium New Year's Eve celebration, complete with the 60's rock music she loved. Just as she did throughout her life, even in her most difficult days, Jo-Ann kept on doing the things that she loved—and she moved forward in so many remarkable efforts driven by a real sense of social conscience.

Mr. President, today I remember Jo-Ann for her service, her friendship, and her kindness. All of us who knew her continue to draw strength from her courage and her faith, and Jo-Ann's life continues to inspire. ●

COMMEMORATING SAMUEL JAMES TOBIAS

● Mr. DOMENICI. Mr. President, I rise today to join the community of Ruidoso, New Mexico in mourning the loss of Samuel James Tobias. Sam, a twenty-four-year veteran of the U.S. Forest Service, lost his life this week battling the Scott Able Fire in southern New Mexico when the spotter plane he was in crashed shortly after takeoff. His loss leaves a tremendous void for his wife, Jackie, the Forest Service, and the entire community of Ruidoso.

Sam joined the Forest Service in 1977 and worked in Recreation Management his whole career because of his love for

the National Forest and the public. Preserving the land was his passion, and although fire fighting was the most dangerous aspect of his job, it was the part he especially enjoyed. Sam joined many local and regional fire teams and became trained as an Air Attack Coordinator. His skills in coordinating air tankers, helicopters and fire crews became well known and he gained the respect of all throughout the fire fighting community.

Sam was also deeply respected as a person. A big man with a soft voice, he was known as always having a smile on his face. One of his coworkers remembered him as "the peacemaker with that big smile, always helping and giving good advice." Others have talked about the "twinkle in his eyes" and his big "bear hugs." His lifelong friend, Dale Mance, recalled how Sam helped him find his way out of the steel mills of Pennsylvania and into a career with the Forest Service. There are so many examples of Sam's goodness; obviously, he had a heart that matched the size of his physical stature.

The many testimonials about Sam that his friends and family have offered carry a common theme: his willingness to help others, his selflessness, his concern for others. Often, such character is uncommon in men. For Sam Tobias it was natural, because he held genuine love for his family, his neighbors, and the land. Mr. President, I share the grief of the community of Ruidoso and my heartfelt condolences go out to the Tobias family. ●

TRIBUTE TO ALICE FULLER

● Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to a remarkable woman, Alice Fuller. At the age of 81, she has two adult daughters, six grandchildren, and nine great grandchildren. She manages a thirteen-acre farm and garden, and still spoils her family with homemade rolls and baked goods at every family dinner. Her stamina and good-nature should be an inspiration to all Americans. A native of Missouri, she moved with her family to California in 1936, and in 1941, she married and moved to Oregon. Irrespective of her southern and western roots, she is an enthusiastic and loyal fan of the New York Yankees. On Mother's Day, The Register-Guard of Eugene, Oregon included the following story on this, "One Tough Mom."

Mr. President, I ask that this statement and the following article be printed in the RECORD.

A FARMER'S INSTINCT

(By Kimber Williams, The Register-Guard)

VENETA.—Seated on a stack of newspapers astride her John Deere tractor, dragging a brush cutter around her 13-acre farm, she looks no bigger than a child.

At 81, Alice Fuller is small—her slim, delicate limbs whittled by the inevitable bending and shrinkage that come with the years. Steadied by a wooden cane, she stands at 4 feet 6 inches and weighs maybe 91 pounds.

Don't be fooled. She's still got plenty of horsepower.

Fuller has lived alone since her husband's death, tending her beloved garden and fruit trees, hauling in wood to heat her home—she prefers wood heat—cooking and baking her famous from-scratch dinner rolls. As always, keeping her place up.

Hard work is the essential rhythm to her life—as sure and steady as her own heartbeat.

As the daughter of Missouri sharecroppers, Fuller grew up working the land.

Corn and wheat and oats, watermelon and canteloupe. She quit school early to help her brothers, the baby of the family intent on carrying her own weight.

It was a good life, an honest life. But she would never tell you that it's been hard.

Like many children of the Depression—like mothers everywhere—she simply did what had to be done.

As a wife and mother in rural Oregon, Fuller learned to run a chicken ranch—raising up to 75,000 chickens five times a year. She could clean and dress 100 chickens, dissect a chicken and tell you what killed it, then turn around and fry up a batch for dinner.

Once, when Fuller left to visit her own ailing mother, she returned to find that someone had left a chicken house door unlatched.

Cows had wandered in among the 15,000 maturing broilers, sending terrified chickens scrambling. Smothered chickens were stacked in every corner of the chicken house.

Without complaint, she went to work slaughtering and dressing a couple of hundred chickens.

Fuller's Poultry Farm is behind her now, but the will to work remains, a siren song even in her waning years.

Work is the call that propels her out of bed each morning. It gives her purpose and keeps her moving. Call it a farmer's instinct. It is the only life she has known.

She is blessed with both extraordinary drive and internal blinders that allow her to ignore many barriers of age—much to the consternation of her grown daughters, Evelyn McIntyre and Judy Bicknell, who view their tiny, determined mother with love, gratitude and amazement.

If there is a problem, Fuller tackles it. That simple.

"When a water pipe broke earlier this year, Mom went out in the rain, muck and mud, and dug the hole for the plumber to be able to fix the pipe," McIntyre recalled. "She falls often, and in fact, fell into the hole, but climbed back out and went right back to digging."

"I don't think Mom ever, ever thought there was anything she couldn't do."

At this, Fuller can't keep quiet.

"Well there's one thing that I can't do, much to my daughters' delight," she said with a good-natured grumble. "There are four chain saws out in the shop, and I can't start one of them. It's been so frustrating to me, and I don't think anything could make them happier."

It might be hard to imagine a 91-pound woman with arms as slight as a 10-year-old's waving around a roaring chain saw. But you don't know Fuller.

There's still a touch of flame in her once-auburn hair, and a bit of fire in her belly.

"Oh, I'm pretty reckless," she jokes with a wave of her hand. "I stalled the John Deere yesterday—tried to put it between two trees. The tractor would make it, but the brush cutter wouldn't. Had to get out the Oliver, the big tractor, to get her out."

It's like her. Over the years, she has developed a habit of depending on herself.

Once, while climbing a metal ladder to check a feed bin on a rainy day, she discovered a short in the electric auger that moved chicken feed into the bin. Her hand froze to

the ladder, fixed with an electrical current. It wouldn't budge.

"Well, the girls had gone to school, my husband had gone to work and there I stood. I could not let loose of this ladder," she chuckled. "It was about 9 in the morning, and I decided I couldn't possibly stand there all day."

With her left hand, Fuller grabbed the fingers of her right hand, carefully prying each one off the metal.

"They just stayed stiff until they were all off," she smiled. "I was kind of lucky that time."

Other times, she wasn't so lucky. A cow kick that led to knee surgery. A broken ankle. A torn rib cartilage from a fall off a ladder. The rigors of farm life.

"Once she rode her riding mower under a sign, but was looking behind her and forgot to duck," McIntyre recalled. "She hurt her neck quite a bit, but at the hospital the doctors couldn't read the X-rays of the bones in her neck to tell if anything had been broken because of so many arthritic changes in her bones."

Fuller wasn't one to complain.

"Mom always gave us the feeling that we could and should accomplish the next challenge before us," McIntyre added. "She demanded absolute honesty—always counted her change and checked the clerk's math, but would just as readily return an error in her favor as point out when she was short-changed."

"One tough mom," she added. "She's ours and we love her."

Ask Fuller where she finds strength, and she shrugs.

She doesn't give advice to others. She knows what she knows. And what she knows is work.

She'll tell you that she's slowed down. "Not nearly as active as I once was," Fuller insisted, a wistful note in her voice. But in the same breath, she talks about the tasks before her.

It's spring out at her place, with calla lilies unfurling and bleeding hearts and sword ferns awakening in the shade of towering fir trees. Tall grass stretches upward beneath gentle spring rain, a yard demanding to be mown.

There is a garden to plant, nearly an acre of raspberry bushes to tend, fruit trees in flower and a grape arbor that promises 40 to 50 quarts of grape juice this summer.

There are jobs to be done. And that's enough.●

TRIBUTE TO MR. JOHN C. GARDNER

● Mr. GRASSLEY. Mr. President, it is my distinct pleasure to pay tribute to John C. Gardner, an exceptionally dedicated public servant. Mr. Gardner is retiring after ten years of service as the President of the Quad City Development Group, a public/private not-for-profit corporation. This organization promotes economic growth in and around the cities of Davenport and Bettendorf, Iowa, and Moline and Rock Island, Illinois. The Development Group markets these communities as locations for companies seeking to expand or relocate. It also works with Quad City communities to improve their climate for job creation.

Under his leadership, the Quad City Development Group has been the driving force behind the retention and addition of more than 14,000 jobs and the

investment of over \$1 billion in the Quad Cities area. John's leadership style, which was developed and honed in the private sector, was ideal for his position as the President of this vital community and business-based group.

I would like to take a moment to highlight John's career. Immediately before joining the Quad City Development Group, John was the director of economic development for Lee Enterprises, Inc., the owner of the Quad City Times and the Southern Illinoisan newspapers. Before that assignment, John was publisher of the Quad City Times for five years. He learned the newspaper business in a 23-year career as a reporter, editor and eventually publisher of The Southern Illinoisan newspaper in Carbondale, Illinois. He is active in a number of professional and community organizations, and has been involved in various statewide projects in both Iowa and Illinois. He is a member of the Iowa Group for Economic Development and was chairman of the Iowa Future project, a statewide strategic planning effort.

It gives me great pleasure to present the credentials of John C. Gardner to the Senate today. It is clear that the Iowa and Illinois communities he has served so well are losing a great talent. They will miss his leadership, his winning smile, and his personal and professional dedication. I would like to wish both John and his wife, Ann, the best in their retirement and continued success in all their future endeavors.●

CONGRATULATIONS TO MR. THOMAS PILKINGTON

● Mr. ASHCROFT. Mr. President, I rise today to pay tribute to Thomas Pilkington as he retires from over thirty-six years of service to General Motors.

Tom began his career with General Motors in 1964 as a Suggestion Plan Investigator at the Chevrolet Motor Division Plant in Framingham, Massachusetts. Through hard work and determination, Tom achieved numerous promotions, including Interviewer and later Safety Inspector. In 1970, Tom was appointed Supervisor of Labor Relations at the Chevrolet Assembly Plant at Ypsilanti, Michigan, Supervisor of Salaried Personnel Administration in 1972, and later that year, he became Supervisor of Labor Relations. In 1973, Tom became General Supervisor of Labor Relations followed by General Supervisor of Industrial Relations in 1976. The following year, he was named Administrator of Labor Relations at the GMAD-Central office in Warren, Michigan. Within a month, he became Administrator of Salaried Personnel.

In October of 1977, Tom was named Personnel Director at the GMAD-Tarrytown plant in Tarrytown, New York, until his transfer in 1982 to Wentzville, Missouri, as Personnel Director.

Tom Pilkington's long tenure of service demonstrates his perseverance,

hard work and dedication. His outstanding service to General Motors over the years is truly admirable.

I urge the Senate to join me in congratulating Thomas Pilkington and wishing him, his wife, Marilee, and their family the very best as they move on to face new challenges, opportunities, and rewards.●

MESSAGE FROM THE PRESIDENT

A treaty from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

TREATY REFERRED

As in executive session the Presiding Officer laid before the Senate a treaty from the President of the United States which was referred to the Committee on Foreign Relations.

A NOTICE CONTINUING THE NATIONAL EMERGENCY WITH RESPECT TO BURMA THAT WAS DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997—A MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 2000.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 18, 2000.

A 6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA THAT WAS DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997—A MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

WILLIAM J. CLINTON,
THE WHITE HOUSE, May 18, 2000.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

H.R. 3709. An act to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9016. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-329, "Choice in Drug Treatment Act of 2000"; to the Committee on Governmental Affairs.

EC-9017. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-327, "Alcoholic Beverage Control New Grocery Store Development Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-9018. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-326, "Elimination of Unlicensed Group Residential Facilities Temporary Act of 2000"; to the Committee on Governmental Affairs.

EC-9019. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-325, "Moratorium on Conversion of Existing Public Schools into Charter Schools Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-9020. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-321, "Tobacco Settlement Model Act of 2000"; to the Committee on Governmental Affairs.

EC-9021. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-323, "Closing of Public Alleys in Square 252, S.O. 98-144 Act of 2000"; to the Committee on Governmental Affairs.

EC-9022. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-324, "Approval of the Extension of the Term of District Cablevision Limited Partnership Franchise Temporary Act of 2000"; to the Committee on Governmental Affairs.

EC-9023. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-322, "Money Transmitters Act of 2000"; to the Committee on Governmental Affairs.

EC-9024. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-320, "John Wilson Campaign Fund Transfer Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-9025. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-338, "Attendance and School Safety Temporary Act of 2000"; to the Committee on Governmental Affairs.

EC-9026. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-339, "District of Columbia Emancipation Day Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-9027. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-337, "Workforce Investment Implementation Act of 2000"; to the Committee on Governmental Affairs.

EC-9028. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-333, "Long-Term Care Insurance Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-9029. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-335, "Electricity Tax Act of 2000"; to the Committee on Governmental Affairs.

EC-9030. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-334, "Omnibus Police Reform Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-9031. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-336, "School Governance Companion Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC-9032. A communication from the Attorney General, transmitting, pursuant to law, a report relative to the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC-9033. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interest on Underpayments and Overpayments of Customs Duties, Taxes, Fees and Interest" (RIN1515-AB76), received May 15, 2000; to the Committee on the Judiciary.

EC-9034. A communication from the Department of Education, transmitting, pursuant to law, the report of a final rule entitled "NIDRR-NFP-Rehabilitation Research and Training Centers" (84.133), received May 16, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9035. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Prohibition of Nonpelagic Trawl Gear in the Bering Sea and Aleutian Islands Pollock Fishery" (RIN0648-AL30), received May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9036. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Final Rule-Amends the Regulations Implementing the Transfer Provisions of the License Limitation Program" (RIN0648-AO01), received May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9037. A communication from the National Marine Fisheries Service, Department

of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2000 Management Measures" (RIN0648-AN81), received May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9038. A communication from the Food and Nutrition Service, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled "National School Lunch Program and School Breakfast Program: Additional Menu Planning Approaches" (RIN0584-AC38), received May 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9039. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Reorganizations; Nonqualified Preferred Stock" (RIN1545-AV86) (TD 8882), received May 16, 2000; to the Committee on Finance.

EC-9040. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Announcement 2000-48" (OGI 108637-00), received May 16, 2000; to the Committee on Finance.

EC-9041. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Changes to Regulation Section 1441 Effective 2001" (RIN1545-AX53; RIN1545-AV27; RIN1545-AV41), received May 16, 2000; to the Committee on Finance.

EC-9042. A communication from the Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Youngstown-Warren Regional Airport-Air Reserve Station, OH; to the Committee on Armed Services.

EC-9043. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a final rule entitled "OMB Circular A-73, Audit of Federal Operations and Programs" (DFARS Case 2000-D007), received May 16, 2000; to the Committee on Armed Services.

EC-9044. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a final rule entitled "Research, Development, Test, and Evaluation Budget Category Definition" (DFARS Case 2000-D410), received May 16, 2000; to the Committee on Armed Services.

EC-9045. A communication from the Office for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9046. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-9047. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-9048. A communication from the Office of Legislative Affairs, Department of State,

transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-9049. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC-9050. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC-9051. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Korea; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 2593: An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106-298).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

H.R. 371: A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos.

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 1953: A bill to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

H.R. 2484: A bill to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S. Res. 296: A resolution designating the first Sunday in June of each calendar year as "National Child's Day."

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 484: A bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S. 1902: A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or cer-

tain intelligence matters, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

James J. Brady, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

Mary A. McLaughlin, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Berle M. Schiller, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Richard Barclay Surrick, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Petrese B. Tucker, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania retired.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. ABRAHAM, Mr. LEAHY, Mr. JEFFORDS, Mr. REID, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. DURBIN, and Mr. DEWINE):

S. 2586. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, and Mr. VOINOVICH):

S. 2587. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Finance.

By Mr. BENNETT:

S. 2588. A bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON (for himself, and Mr. TORRICELLI):

S. 2589. A bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VOINOVICH:

S. 2590. A bill to reauthorize and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. HATCH, Mr. ROCKEFELLER, Mr. ROBB, Mr. L. CHAFEE, Mr. BRYAN, and Mr. KERRY):

S. 2591. A bill to amend the Internal Revenue Code of 1986 to allow tax credits for al-

ternative fuel vehicles and retail sale of alternative fuels, and for other purposes; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. DASCHLE, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 2592. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENS:

S. 2593. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. ALLARD:

S. 2594. A bill to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of non-project water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 2595. A bill to amend chapter 7 of title 31, United States Code, to authorize the General Accounting Office to take certain personnel actions, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON:

S. 2596. A bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. DEWINE, Mr. VOINOVICH, Mrs. MURRAY, Mr. CRAPO, and Mr. CRAIG):

S. 2597. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. MURKOWSKI, Mr. HATCH, Mr. DASCHLE, Mr. ABRAHAM, Mr. SARBANES, Mr. MOYNIHAN, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. KOHL, Mr. LEVIN, Mr. WYDEN, Mr. FEINGOLD, Mr. ROBB, Mr. WELLSTONE, Mr. LIEBERMAN, and Mr. INOUE):

S. 2598. A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Ms. SNOWE, Mr. CRAIG, Ms. COLLINS, Mr. GORTON, Mr. JEFFORDS, Mr. SCHUMER, Mr. GRAHAM, Mr. LEVIN, Mr. DEWINE, and Mrs. MURRAY):

S. 2599. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON (for himself, Mr. MOYNIHAN, and Mr. ROCKEFELLER):

S. Res. 308. A resolution congratulating the International House on the occasion of its

75th anniversary; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. ABRAHAM, Mr. LEAHY, Mr. JEFFORDS, Mr. REID, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. DURBIN, and Mr. DEWINE):

S. 2586. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS ACT OF 2000

Mrs. FEINSTEIN. Mr. President, today I am introducing bipartisan legislation that, if enacted, will enable the Immigration and Naturalization Service (INS) to cut through and eventually eliminate the unacceptably long backlogs in its processing of applications for naturalization, adjustment of status, and other immigration benefits.

I am pleased that Senators ABRAHAM, JEFFORDS, DEWINE, LEAHY, REID, MOYNIHAN, MIKULSKI, GRAHAM, and DURBIN have joined me as original cosponsors of this important bill.

All of us have heard the horror stories of the long delays in processing naturalization and immigration applications. What was once a 6-month process has now become a 3- to 4-year ordeal.

The "Immigration Services and Infrastructure Improvement Act of 2000," which I am introducing today, would provide the Immigration and Naturalization Service with the direction and resources it needs to reduce the current immigration backlogs and hold it accountable to get the job done.

It is unacceptable that millions of people who have followed our nation's laws, made outstanding contributions to our nation, and paid the requisite fees have had to wait months—and in too many cases, years—to obtain the immigration services they need. The enormous delays in processing have had a negative impact on the reunification of spouses and minor children, and on businesses seeking to employ essential workers to help keep them globally competitive.

The fact is, there are many victims of an agency that is in dire need of a change in the way it does business. Today, it has become all too clear that the INS needs to re-engineer its adjudication process, which will require both additional resources and strong congressional direction and oversight.

The "Immigration Services and Infrastructure Improvement Act" would enable millions of law-abiding residents, immigrants, and businesses, who have played by the rules and paid fees to the INS, to have their applications processed in a timely manner.

This bill evolved from discussions with immigration advocates, the busi-

ness community, State and local leaders, and the Administration. Specifically, this legislation would do three things.

First, it would create a separate "Immigration Services and Infrastructure Improvement Account" ("Account") and authorize such sums as may be necessary to fund it.

This account would permit the INS to fund across several fiscal years infrastructure improvements, including additional staff, computer records management, fingerprinting, and nationwide computer integration. Moreover, it would pay for these infrastructure improvements through direct appropriations rather than through increased application fees.

Second, the "Immigration Services and Infrastructure Improvement Act of 2000" would require the INS to put together a plan on how it will eliminate existing backlogs and report on this plan before it could access any of the funds.

In its report, the INS would be required to describe its current processing capabilities and detail its plans to eliminate existing backlogs in immigration benefit applications and petitions.

And third, it would require the Department of Justice to submit an annual, detailed report to Congress, including data on the number of naturalization applications and immigration petitions processed and adjudicated in each of the fiscal years following enactment of the act.

The act would also require the INS to report on the number of cases still pending in the naturalization, immigrant and nonimmigrant visa categories. In some cases this would involve a state-by-state or regional analysis of INS's progress in processing applications in a timely fashion.

In the past 7 years, 6.4 million people applied for U.S. citizenship—more than the previous 37 years combined. Today, INS faces a backlog of 1.3 million naturalization applications. Although the INS has put more resources into processing naturalization applications, this has come at the expense of processing other immigration-related applications, such as those for lawful permanent residence. At the beginning of this year, the INS had a pending caseload of 951,350 adjustment of status applications—an eightfold increase since 1994.

As a result, major cities continue to face tremendous delays in the processing of INS naturalization and immigrant applications. Five cities—Los Angeles, New York, San Francisco, Miami, and Chicago—handle 65 percent of the nation's naturalization workload.

By now, most of us are familiar with the numbers. Indeed, it would be easy for one to look at and decry the statistics reflecting the enormous number of backlogged applications. Instead, I come to floor of the Senate today to talk about the human cost of these backlogs and what I intend to do

through legislation to help the INS put itself on its proper course.

As one who represents California, a State that is number one among immigrant-receiving States, I have seen firsthand how families and businesses can be disproportionately affected by the smallest fluctuations in INS resources and services.

One out of every four Californians—about 8.5 million people—is foreign born. The average number of new immigrants to the State is more than 300,000 annually. Population growth of this magnitude is like adding a city the size of Anaheim, California each year.

The constant processing delays at the INS have had a tremendous impact on the ability of immigrants to naturalize, and seek services related to their application for green cards, work authorization, and family reunification.

On almost a daily basis, my office fields calls from people who have been waiting three or four years to naturalize or to adjust their status to that of lawful permanent resident. And this is after having paid a fee of \$225 per naturalization application, and \$220 for an adjustment of status application—per person. Imagine how much of an investment a family makes in order to play by the rules.

Applicants for these services are never really sure if their application is still in the process or lost, especially when the expected time for a fingerprint or interview notice comes and goes.

I have received numerous letters from constituents that vividly portray the human toil these backlogs have taken.

For example, one person wrote that he and his family have been in the country legally for more than 10 years. They filed their request for permanent residency at the right time. Their file, however, has moved so slowly within the INS that one of their sons is now about to "age out" of qualifying for permanent residence because he will turn 21 soon.

Just recently, I received a letter from a young student at Berkeley who filed a citizenship application in October 1996. She is still waiting to receive word from the INS on the correct status of her file.

She was told by the INS in January this year that it had closed her case in June 1999 without her knowledge or ability to address any concerns they might have had with her case. In fact, she was never told there were problems with her case.

Up until January, she had been told by the INS that she would be receiving her interview notice within six weeks. Unfortunately, six weeks became three years. Now, almost four years later, she has come to my office for assistance, wondering what she might have done to create this situation.

The fact is, like millions of others throughout the country, she is a victim of an agency that is in dire need of a change in the way it does business.

Millions of people are being prevented from participating in American civic life because of the inability of INS to process their naturalization applications in a timely fashion (e.g., they cannot vote, run for public office, assume certain government positions). U.S. citizens are unable to be reunited with their spouses and minor children because of the delays in INS processing.

And thousands of American businesses, such as high tech companies like Sun Microsystems and others, have been prevented from getting qualified workers because of the INS's inability to provide access to a critical portion of their workforce. Lengthy delays and inconsistencies in INS processing have taken a toll on company projects, planning and goals.

How does this legislation help Congress hold the INS accountable for the prompt delivery of services? If INS does not met the goals of set out in this legislation, it would have to explain to Congress why the backlogs persist and what the agency is doing to fix them. This legislation would also require the INS to describe the additional mechanisms and resources needed to meet Congress's mandate that backlogs be eliminated and that the processing of applications take place in an acceptable time frame.

While funds devoted to enforcing our immigration laws have rightfully been increased in recent years, until very recently, Congress had not provided increases in funding to the INS specifically to deal with the increased missions that Congress has imposed on it. Nor has Congress provided adequate funding to deal with the increased number of naturalization and other immigration benefits applications that have been submitted in recent years and continue to be submitted.

The business community, immigration community, and the Administration have indicated their support for mechanisms such as those included in my legislation. I wish to thank the following organizations whose valuable input and ideas helped shaped this important legislation:

American Business for Legal Immigration; American Council on International Personnel; American Immigration Lawyers Association; Hebrew Immigration Aid Society; Mexican American Legal Defense and Education Fund; National Association of Latino Elected Officials; National Asian Pacific American Legal Consortium; National Council of La Raza; United Jewish Communities; and United States Catholic Conference.

Mr. President, the "Immigration Services and Infrastructure Improvement Act of 2000" would provide direction and accountability on how the INS uses appropriated funds. Passage of this legislation would send a strong congressional directive to the INS that timely and efficient service is not merely goal, but a mandate.

I urge the Senate to act swiftly and pass this urgently needed legislation.

By Mr. NICKLES (for himself and Mr. VOINOVICH):

S. 2587. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Finance.

SIMPLIFICATION OF EXCISE TAX ON HEAVY TRUCK TIRES

• Mr. NICKLES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIMPLIFICATION OF EXCISE TAX ON HEAVY TRUCK TIRES.

(a) TAX BASED ON TIRE LOAD CAPACITY NOT WEIGHT.—Subsection (a) of section 4071 of the Internal Revenue Code of 1986 (relating to imposition of tax on tires) is amended to read as follows:

"(a) IMPOSITION AND RATE OF TAX.—There is hereby imposed on tires of the type used on highway vehicles, if wholly or in part made of rubber, sold by the manufacturer, producer, or importer a tax equal to 8 cents for each 10 pounds of the tire load capacity in excess of 3500 pounds."

(b) TIRE LOAD CAPACITY.—Subsection (c) of section 4071 of such Code is amended to read as follows:

"(c) TIRE LOAD CAPACITY.—For purposes of this section, tire load capacity is the maximum load rating labeled on the tire pursuant to section 571.109 or 571.119 of title 49, Code of Federal Regulations. In the case of any tire that is marked for both single and dual loads, the higher of the 2 shall be used for purposes of this section."

(c) TIRES TO WHICH TAX APPLIES.—Subsection (b) of section 4072 of such Code (defining tires of the type used on highway vehicles) is amended by striking "tires of the type" the second place it appears and all that follows and inserting "tires—

"(1) of the type used on—

"(A) motor vehicles which are highway vehicles, or

"(B) vehicles of the type used in connection with motor vehicles which are highway vehicles, and

"(2) marked for highway use pursuant to section 571.109 or 571.119 of title 49, Code of Federal Regulations."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1 of the first calendar year which begins more than 30 days after the date of the enactment of this Act. •

By Mr. BENNETT:

S. 2588. A bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes; to the Committee on Armed Services.

UTE-MOAB LAND RESTORATION ACT

• Mr. BENNETT. Mr. President, I take the floor today to introduce the Ute-Moab Land Restoration Act, a proposal that enjoys great support from the State of Utah and many of my constituents. This legislation contains two major components that will enable the restoration of Ute Indian Tribal lands

and the remediation of a uranium mill tailings site near Moab, Utah.

The first component is the transfer of the Naval Oil Shale Reserve Numbered 2 (NOSR 2) lands east of the Green River to the Ute Indian Tribe. The lands that contain the NOSR 2 were taken from the Ute tribe in 1916 by the government to provide the Navy with a source of petroleum for oil-burning ships. This transfer will return these traditional homelands to the Ute tribe. Additionally, the return of these lands will spur economic development on the Uintah and Ouray Indian Reservation, home of the Ute Tribe. The increased economic development will include oil and gas production. It should be noted that the Ute Tribe has a history of environmentally responsible petroleum development on one of Utah's largest oil and gas fields. The bill also incorporates a provision whereby a nine percent royalty will be returned to the Secretary of Energy for the purposes of offsetting the cost of removing the Atlas tailings pile as I shall describe in a moment. I expect the tribe will give all future petroleum developments the same amount of care they have demonstrated in the past.

The economy of the Uintah Basin will not be the sole beneficiary of the land transfer. There are numerous conservation provisions incorporated into the transfer. These provisions include the establishment of a quarter mile corridor along 75 miles of the Green River to conserve its scenic qualities and protections for wild horses and threatened and endangered plants life.

The second component will facilitate the removal of the tailings from the Atlas uranium milling site across the Colorado River from Moab, Utah. It should be noted that the determination to locate the Atlas milling facility at MOAB was driven by encouragement from the former Atomic Energy Commission. Further, the Department of Energy (DOE) bears responsibility for approximately 56 percent of the 10.5 million tons of mildly radioactive debris left as a residue from the Cold War and our nation's effort to maintain its nuclear weapons stockpile. These tailings, produced from 1956 to 1988, are currently leaching ammonia into the waters of the Colorado River. Additionally, the pile is a significant source of airborne radon. Both of these pollutants need to be addressed.

In January of this year, Secretary of Energy Bill Richardson announced the intention of DOE to move the Atlas tailings pile to a remote location where this waste could be contained in a sealed cell. This proposal follows work done previously by DOE on 22 former uranium mill tailings sites. The legislation I am introducing today amends the Uranium Mill Tailings Radiation Control Act (UMTRCA) by adding the Atlas tailings site as the 23rd site for DOE remediation.

I note that the U.S. Nuclear Regulatory Commission conducted a lengthy five-year environmental impact statement on the Atlas site. Its

conclusion held that the site could be remediated in place by dewatering the pile, treating the ground water, and capping the tailings. Indeed, the NRC has appointed a trustee that is moving forward with this remediation process today. However, given the interests of the State of Utah and the people of Grand County, I am introducing this legislation so the tailings can be removed and treated in a more secure manner.

I am concerned that securing the funding for this clean-up may be difficult. Therefore, I have included a provision which will enable the NRC trustee to continue on-site remediation up to the point that DOE obtains the necessary appropriations to step up and take over the process. I believe this is the responsible approach to ensure that public health and the environment are protected regardless of the outcome of future appropriations.

I look forward to working with my colleagues in moving this legislation forward and restoring these Utah lands.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2588

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 "Ute-Moab Land Restoration Act".

SEC. 2. TRANSFER OF OIL SHALE RESERVE.

Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261) is amended to read as follows:

"SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED 2.

"(a) DEFINITIONS.—In this section:

"(1) MAP.—The term "map" means the map entitled "Boundary Map,", numbered ____ and dated _____, to be kept on file and available for public inspection in the offices of the Department of the Interior.

"(2) MOAB SITE.—The term "Moab site" means the Moab uranium milling site located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917.

"(3) NOSR-2.—The term "NOSR-2" means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

"(4) TRIBE.—The term "Tribe" means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

"(b) CONVEYANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the United States conveys to the Tribe, subject to valid existing rights in effect on the day before the date of enactment of this section, all Federal land within the exterior boundaries of NOSR-2 in fee simple (including surface and mineral rights).

"(2) RESERVATIONS.—The conveyance under paragraph (1) shall not include the following reservations of the United States:

"(A) A 9 percent royalty interest in the value of any oil, gas, other hydrocarbons,

and all other minerals from the conveyed land that are produced, saved, and sold, the payments for which shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted.

"(B) The portion of the bed of Green River contained entirely within NOSR-2, as depicted on the map.

"(C) The land (including surface and mineral rights) to the west of the Green River within NOSR-2, as depicted on the map.

"(D) A ¼ mile scenic easement on the east side of the Green River within NOSR-2.

"(3) CONDITIONS.—

"(A) MANAGEMENT AUTHORITY.—On completion of the conveyance under paragraph (1), the United States relinquishes all management authority over the conveyed land (including tribal activities conducted on the land).

"(B) NO REVERSION.—The land conveyed to the Tribe under this subsection shall not revert to the United States for management in trust status.

"(C) USE OF EASEMENT.—The reservation of the easement under paragraph (2)(D) shall not affect the right of the Tribe to obtain, use, and maintain access to, the Green River through the use of the road within the easement, as depicted on the map.

"(c) WITHDRAWALS.—All withdrawals in effect on NOSR-2 on the date of enactment of this section are revoked.

"(d) ADMINISTRATION OF RESERVED LAND, INTERESTS IN LAND.—

"(1) IN GENERAL.—The Secretary shall administer the land and interests in land reserved from conveyance under subparagraphs (B) and (C) of subsection (b)(2) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

"(2) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

"(e) ROYALTY.—

"(1) PAYMENT OF ROYALTY.—

"(A) IN GENERAL.—The royalty interest reserved from conveyance in subsection (b)(2)(A) that is required to be paid by the Tribe shall not include any development, production, marketing, and operating expenses.

"(B) FEDERAL TAX RESPONSIBILITY.—The United States shall bear responsibility for and pay—

"(i) gross production taxes;

"(ii) pipeline taxes; and

"(iii) allocation taxes assessed against the gross production.

"(2) REPORT.—The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

"(3) FINANCIAL AUDIT.—

"(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code.

"(B) INCLUSION OF RESULTS.—The results of each audit under this paragraph shall be included in the next annual report submitted after the date of completion of the audit.

"(f) RIVER MANAGEMENT.—

"(1) IN GENERAL.—The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within ¼ mile of, the Green River in a manner that—

"(A) maintains the protected status of the land; and

"(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary.

"(2) NO MANAGEMENT RESTRICTIONS.—An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

"(3) REPEAL OR AMENDMENT.—An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of—

"(A) the Tribe; and

"(B) the Secretary.

"(g) PLANT SPECIES.—

"(1) IN GENERAL.—In accordance with a government-to-government agreement between the Tribe and the Secretary, in a manner consistent with levels of legal protection in effect on the date of enactment of this section, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

"(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

"(B) located or found on the NOSR-2 land conveyed to the Tribe.

"(2) TRIBAL JURISDICTION.—The protection described in paragraph (1) shall be performed solely under tribal jurisdiction

"(h) HORSES.—

"(1) IN GENERAL.—The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR-2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of horses in effect on the date of enactment of this section.

"(2) TRIBAL JURISDICTION.—The management, control, and protection of horses described in paragraph (1) shall be performed solely—

"(A) under tribal jurisdiction; and

"(B) in accordance with a government-to-government agreement between the Tribe and the Secretary.

"(i) REMEDIAL ACTION AT MOAB SITE.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary of Energy shall prepare a plan for the commencement, not later than 1 year after the date of completion of the plan, of remedial action (including groundwater restoration) at the Moab site in accordance with section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)).

"(2) LIMIT ON EXPENDITURES.—The Secretary shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

"(A) amounts specifically appropriated for the remedial action in an Act of appropriation; and

"(B) other amounts made available for the remedial action under this subsection.

"(3) RETENTION OF ROYALTIES.—

"(A) IN GENERAL.—The Secretary of Energy shall retain the amounts received as royalties under subsection (e)(1).

"(B) AVAILABILITY.—Amounts referred to in subparagraph (A) shall be available, without further Act of appropriation, to carry out the remedial action under paragraph (1).

"(C) EXCESS AMOUNTS.—On completion of the remedial action under paragraph (1), all remaining royalty amounts shall be deposited in the General Fund of the Treasury.

"(D) AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

"(ii) CONTINUATION OF NRC TRUSTEE REMEDIATION ACTIVITIES.—After the date of enactment of this section and until such date as funds are made available under clause (i), the Secretary, using funds available to the Secretary that are not otherwise appropriated, shall carry out—

"(I) this subsection; and

"(II) any remediation activity being carried out at the Moab site by the trustee appointed by the Nuclear Regulatory Commission for the Moab site on the date of enactment of this section.

"(4) SALE OF MOAB SITE.—

"(A) IN GENERAL.—If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the miscellaneous receipts account of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site that is attributable to the completion of the remedial action, as determined in accordance with subparagraph (B).

"(B) DETERMINATION OF ENHANCED VALUE.—The enhanced value of the Moab site referred to in subparagraph (A) shall be equal to the difference between—

"(i) the fair market value of the Moab site on the date of enactment of this section, based on information available on that date; and

"(ii) the fair market value of the Moab site, as appraised on completion of the remedial action."

SEC. 3. URANIUM MILL TAILINGS.

Section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)) is amended by inserting after paragraph (3) the following:

"(4) DESIGNATION AS PROCESSING SITE.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this paragraph as the 'Moab Site') located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917, is designated as a processing site.

"(B) APPLICABILITY.—This title applies to the Moab Site in the same manner and to the same extent as to other processing sites designated under this subsection, except that—

"(i) sections 103, 107(a), 112(a), and 115(a) of this title shall not apply;

"(ii) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of enactment of this paragraph; and

"(iii) the Secretary, subject to the availability of appropriations and without regard to section 104(b), shall conduct remediation at the Moab site in a safe and environmentally sound manner, including—

"(I) groundwater restoration; and

"(II) the removal, to at a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab Site and the floodplain of the Colorado River."

SEC. 4. CONFORMING AMENDMENT.

Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note) is amended by inserting after subsection (e) the following:

"(f) OIL SHALE RESERVE NUMBERED 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405."

By Mr. VOINOVICH:

S. 2590. A bill to reauthorize and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environmental and Public Works.

BROWNFIELDS REVITALIZATION ACT OF 2000

• Mr. VOINOVICH. Mr. President, I rise today to introduce legislation that will provide incentives to clean up abandoned industrial sites—or brownfields—across the country and put them back into productive use and preserve our greenspaces.

It is time to create more certainty in the brownfields cleanup process. Parties that clean up non-Superfund sites under state cleanup laws need certainty about the rules that apply to them, particularly that their actions terminate the risk of future liability under the federal Superfund program.

The bill that I introduce today, the Brownfield Revitalization Act of 2000, creates that certainty by allowing states to release parties that have cleaned up sites under state laws and programs from federal liability. This bill has strong bipartisan support from our nation's Governors who have written to me expressing their support for this legislation.

I strongly believe that there should be no requirement that the U.S. Environmental Protection Agency (EPA) pre-approve state laws and programs. State brownfields programs address sites that are not on the National Priorities List (NPL) and where the federal government has played little or no role.

States are leading the way in cleaning up sites more efficiently and cost-effectively. According to state solid waste management officials, states average more than 1,400 cleanups per year. And they are addressing approximately 4,700 sites at any given time.

This is helping to recycle our urban wastelands, prevent urban sprawl and preserve our farmland and greenspaces. These programs are cleaning up eyesores in our inner cities, making them more desirable places to live. Because they are putting abandoned sites back into productive use, they are the key to providing economic rebirth to our urban areas, and good-paying jobs to local residents. This bill makes sense for our environment and it makes sense for our economy.

The bill I am introducing today is similar to the brownfields provisions in S. 1090, the Superfund Program Completion Act of 1999, by Senator BOB SMITH and the late-Senator John Chafee. The purpose of my bill is to build upon the success of state programs by providing even more incen-

tives to clean up brownfield sites in order to provide better protection for the health and safety of our citizens and the environment. What we don't need are delays caused by the U.S. EPA's second-guessing of state decisions.

A good example of second-guessing occurred in my own state of Ohio. One company, TRW completed a cleanup at its site in Minerva under Ohio's enforcement program in 1986. Despite these cleanup efforts, the U.S. EPA placed the site on the NPL in 1989. However, after listing the site, the U.S. EPA took no aggressive steps for additional cleanup. The site has been untouched for years. In fact, it is now likely that the site will be delisted.

To enhance and encourage further cleanup efforts, Ohio has implemented a private sector-based program to clean up brownfields sites. When I was Governor, Ohio EPA, Republicans and Democrats in the Ohio Legislature and I worked hard to implement a program that we believe works for Ohio. Our program is already successful in improving Ohio's environment and economy.

In almost 20 years under the federal Superfund program, the U.S. EPA has only cleaned up 18 sites in Ohio. In contrast, 103 sites have been cleaned up under Ohio's voluntary cleanup program in 5 years. And many more cleanups are underway.

States clearly have been the innovators in developing voluntary cleanup programs, and Ohio's program has been very successful in getting cleanups done more quickly and cost effectively. For example, the first cleanup conducted under our program—the Kessler Products facility, near Canton—was estimated to cost \$2 million and take 3 to 5 years to complete if it had been cleaned under Superfund. However, under Ohio's voluntary program, the cost was \$600,000 and took 6 months to complete. These cleanups are good for the environment and good for the economy.

Mr. President, Ohio and other states have very successful programs that clean up sites more efficiently and cost effectively. This bill would help build on their success by providing assurances to parties that when they clean up a site correctly, they will not be held liable under Superfund down the road. The bill precludes the federal government from taking action at a site where cleanup is being conducted under a state program except under certain circumstances, such as when a state requests federal action, when the U.S. EPA determines that a state is unwilling or unable to take appropriate action, or when contamination has migrated across state lines. The bill does not take away the U.S. EPA's authority to conduct emergency removals or their authority to conduct tests at a site to determine if a site should be listed on the NPL.

This legislation also ensures that Federal facilities are subject to the

same environmental cleanup requirements as private sites. In 1992, Congress enacted the Federal Facilities Compliance Act (FFCA), which holds Federal facilities accountable to meet State and Federal environmental laws regulating hazardous waste. However, subsequent Federal court decisions have undermined the intent of FFCA and similar language in other statutes. We should be reminded that contamination problems at Federal facilities are largely the result of years of self-regulation by Federal agencies. It is essential that States have the authority to oversee cleanup and enforce their own laws and standards. My bill merely ensures that Federal agencies are held accountable to the same state and federal regulations that govern private entities.

This bill is just plain commonsense. It provides more protection for the environment by providing incentives to clean up hazardous waste sites. It helps preserve our greenspaces. And it helps our economy by putting abandoned sites back into productive use, providing jobs and better places to live in our urban areas.

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

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

S. 2590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Brownfields Revitalization Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION

Sec. 101. Brownfields.

TITLE II—STATE RESPONSE PROGRAMS

Sec. 201. State response programs.

Sec. 202. State cost share.

TITLE III—PROPERTY CONSIDERATIONS

Sec. 301. Contiguous properties.

Sec. 302. Prospective purchasers and windfall liens.

Sec. 303. Safe harbor innocent landholders.

TITLE IV—FEDERAL ENTITIES AND
FACILITIES

Sec. 401. Applicability of law; immunity.

TITLE I—BROWNFIELDS REVITALIZATION

SEC. 101. BROWNFIELDS.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 127. BROWNFIELDS.

"(a) DEFINITIONS.—In this section:

"(1) BROWNFIELD FACILITY.—

"(A) IN GENERAL.—The term 'brownfield facility' means real property, the expansion or redevelopment of which is complicated by the presence or potential presence of a hazardous substance.

"(B) EXCLUSIONS.—The term 'brownfield facility' does not include—

"(i) any portion of real property that, as of the date of submission of an application for assistance under this section, is the subject of an ongoing removal under this title;

"(ii) any portion of real property that has been listed on the National Priorities List or is proposed for listing as of the date of the submission of an application for assistance under this section;

"(iii) any portion of real property with respect to which cleanup work is proceeding in substantial compliance with the requirements of an administrative order on consent, or judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(iv) a land disposal unit with respect to which—

"(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

"(II) closure requirements have been specified in a closure plan or permit; or

"(v) a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

"(C) FACILITIES OTHER THAN BROWNFIELD FACILITIES.—That a facility may not be a brownfield facility within the meaning of subparagraph (A) has no effect on the eligibility of the facility for assistance under any provision of Federal law other than this section.

"(2) ELIGIBLE ENTITY.—

"(A) IN GENERAL.—The term 'eligible entity' means—

"(i) a general purpose unit of local government;

"(ii) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

"(iii) a government entity created by a State legislature;

"(iv) a regional council or group of general purpose units of local government;

"(v) a redevelopment agency that is chartered or otherwise sanctioned by a State;

"(vi) a State; and

"(vii) an Indian Tribe.

"(B) EXCLUSION.—The term 'eligible entity' does not include any entity that is not in substantial compliance with the requirements of an administrative order on consent, judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.) with respect to any portion of real property that is the subject of the administrative order on consent, judicial consent decree, or permit.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

"(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants for the site characterization and assessment of brownfield facilities.

"(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT AND RESPONSE ACTIONS.—

"(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make grants to the eligible

entity to be used for the site characterization and assessment of 1 or more brownfield facilities.

"(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A)—

"(i) shall be performed in accordance with section 101(35)(B); and

"(ii) may include a process to identify or inventory potential brownfield facilities.

"(c) BROWNFIELD REMEDIATION GRANT PROGRAM.—

"(1) ESTABLISHMENT OF PROGRAM.—In consultation with the Secretary, the Administrator shall establish a program to provide grants to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

"(2) ASSISTANCE FOR RESPONSE ACTIONS.—On approval of an application made by an eligible entity, the Administrator, in consultation with the Secretary, may make grants to the eligible entity to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

"(d) GENERAL PROVISIONS.—

"(1) MAXIMUM GRANT AMOUNT.—

"(A) IN GENERAL.—The total of all grants under subsections (b) and (c) shall not exceed, with respect to any individual brownfield facility covered by the grants, \$350,000.

"(B) WAIVER.—The Administrator may waive the \$350,000 limitation under subparagraph (A) based on the anticipated level of contamination, size, or status of ownership of the facility.

"(2) PROHIBITION.—

"(A) IN GENERAL.—No part of a grant under this section may be used for payment of penalties, fines, or administrative costs.

"(B) EXCLUSIONS.—For the purposes of subparagraph (A), the term 'administrative cost' does not include the cost of—

"(i) investigation and identification of the extent of contamination;

"(ii) design and performance of a response action; or

"(iii) monitoring of natural resources.

"(3) AUDITS.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants under this section as the Inspector General considers necessary to carry out the objectives of this section. Audits shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

"(4) LEVERAGING.—An eligible entity that receives a grant under this section may use the funds for part of a project at a brownfield facility for which funding is received from other sources, but the grant shall be used only for the purposes described in subsection (b) or (c).

"(5) AGREEMENTS.—Each grant made under this section shall be subject to an agreement that—

"(A) requires the eligible entity to comply with all applicable State laws (including regulations);

"(B) requires that the eligible entity shall use the grant exclusively for purposes specified in subsection (b) or (c);

"(C) in the case of an application by an eligible entity under subsection (c), requires payment by the eligible entity of a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent of the costs of the response action for which the grant is made, is from non-Federal sources of funding.

"(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

"(e) GRANT APPLICATIONS.—

"(1) SUBMISSION.—

“(A) IN GENERAL.—Any eligible entity may submit an application to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, for a grant under this section for 1 or more brownfield facilities.

“(B) COORDINATION.—In developing application requirements, the Administrator shall coordinate with the Secretary and other Federal agencies and departments, such that eligible entities under this section are made aware of other available Federal resources.

“(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in obtaining grants under this section.

“(2) APPROVAL.—The Administrator, in consultation with the Secretary, shall make an annual evaluation of each application received during the prior fiscal year and make grants under this section to eligible entities that submit applications during the prior year and that the Administrator, in consultation with the Secretary, determines have the highest rankings under the ranking criteria established under paragraph (3).

“(3) RANKING CRITERIA.—The Administrator, in consultation with the Secretary, shall establish a system for ranking grant applications that includes the following criteria:

“(A) The extent to which a grant will stimulate the availability of other funds for environmental remediation and subsequent redevelopment of the area in which the brownfield facilities are located.

“(B) The potential of the development plan for the area in which the brownfield facilities are located to stimulate economic development of the area on completion of the cleanup, such as the following:

“(i) The relative increase in the estimated fair market value of the area as a result of any necessary response action.

“(ii) The demonstration by applicants of the intent and ability to create new or expand existing business, employment, recreation, or conservation opportunities on completion of any necessary response action.

“(iii) If commercial redevelopment is planned, the estimated additional full-time employment opportunities and tax revenues expected to be generated by economic redevelopment in the area in which a brownfield facility is located.

“(iv) The estimated extent to which a grant would facilitate the identification of or facilitate a reduction of health and environmental risks.

“(v) The financial involvement of the State and local government in any response action planned for a brownfield facility and the extent to which the response action and the proposed redevelopment is consistent with any applicable State or local community economic development plan.

“(vi) The extent to which the site characterization and assessment or response action and subsequent development of a brownfield facility involves the active participation and support of the local community.

“(vii) The extent to which the applicant coordinated with the State agency.

“(viii) Such other factors as the Administrator considers appropriate to carry out the purposes of this section.

“(C) The extent to which a grant will enable the creation of or addition to parks, greenways, or other recreational property.

“(D) The extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield facility is located because of the small population or low income of the community.”

TITLE II—STATE RESPONSE PROGRAMS

SEC. 201. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

“(39) BONA FIDE PROSPECTIVE PURCHASER.—The term ‘bona fide prospective purchaser’ means a person that acquires ownership of a facility after the date of enactment of this paragraph, or a tenant of such a person, that establishes each of the following by a preponderance of the evidence:

“(A) DISPOSAL PRIOR TO ACQUISITION.—All deposition of hazardous substances at the facility occurred before the person acquired the facility.

“(B) INQUIRIES.—

“(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility and the facility’s real property in accordance with generally accepted good commercial and customary standards and practices.

“(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in paragraph (35)(B)(ii) or those issued or adopted by the Administrator under that paragraph shall be considered to satisfy the requirements of this subparagraph.

“(iii) RESIDENTIAL USE.—In the case of property for residential or other similar use purchased by a nongovernmental or non-commercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

“(C) NOTICES.—The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

“(D) CARE.—The person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

“(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person has not failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

“(F) NO AFFILIATION.—The person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.

“(40) FACILITY SUBJECT TO STATE CLEANUP.—The term ‘facility subject to State cleanup’ means a facility other than a facility—

“(A) that is listed on the National Priorities List;

“(B) that is proposed for listing on the National Priorities List, based on a determination by the Administrator published in the Federal Register that the facility qualifies for listing under section 105; or

“(C) for which an administrative order on consent or judicial consent decree requiring response action has been entered into by the United States with respect to the facility under—

“(i) this Act;

“(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

“(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

“(iv) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

“(v) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

“(41) QUALIFYING STATE RESPONSE PROGRAM.—The term ‘qualifying State response

program’ means a State program that includes the elements described in section 128(b).”

(b) QUALIFYING STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(a)) is amended by adding at the end the following:

“SEC. 128. QUALIFYING STATE RESPONSE PROGRAMS.

“(a) ASSISTANCE TO STATES.—The Administrator shall provide grants to States to establish and expand qualifying State response programs that include the elements listed in subsection (b).

“(b) ELEMENTS.—The elements of a qualifying State response program are the following:

“(i) Oversight and enforcement authorities or other mechanisms that are adequate to ensure that—

“(A) response actions will protect human health and the environment and be conducted in accordance with applicable Federal and State law; and

“(B) in the case of a voluntary response action, if the person conducting the voluntary response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the response activities will be completed as necessary to protect human health and the environment.

“(2) Adequate opportunities for public participation, including prior notice and opportunity for comment in appropriate circumstances, in selecting response actions.

“(3) Mechanisms for approval of a response action plan, or a requirement for certification or similar documentation from the State to the person conducting a response action indicating that the response is complete.

“(c) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO A STATE PLAN.—

“(i) ENFORCEMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a release or threatened release of a hazardous substance at a facility subject to State cleanup, neither the President nor any other person, except the State, may use any authority under this Act to take an administrative or enforcement action against any person regarding any matter that is within the scope of a response action—

“(i) that is being conducted or has been completed under State law; or

“(ii) at a site, the cleanup of which shall be subject to State oversight.

“(B) EXCEPTIONS.—The President may bring an enforcement action under this Act with respect to a facility described in subparagraph (A) if—

“(i) the enforcement action is authorized under section 104;

“(ii) the State requests that the President provide assistance in the performance of a response action and that the enforcement bar in subparagraph (A) be lifted;

“(iii) at a facility at which response activities are ongoing the Administrator—

“(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

“(II) the Administrator determines that the release or threat of release constitutes a public health or environmental emergency under section 104(a)(4);

“(iv) the Administrator determines that contamination has migrated across a State line, resulting in the need for further response action to protect human health or the environment; or

“(v) in the case of a facility at which all response actions have been completed, the Administrator—

“(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

“(II) makes a written determination that the facility presents a substantial risk that requires further remediation to protect human health or the environment, as evidenced by—

“(aa) newly discovered information regarding contamination at the facility;

“(bb) the discovery that fraud was committed in demonstrating attainment of standards at the facility;

“(cc) the failure of the remedy to prepare a site for the intended use of the site;

“(dd) a structural failure of the remedy; or

“(ee) a change in land use giving rise to a clear threat of exposure to which a State is unwilling to respond.

“(C) EPA NOTIFICATION.—

“(i) IN GENERAL.—In the case of a facility at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to undertake an administrative or enforcement action, the Administrator, prior to taking the administrative or enforcement action, shall notify the State of the action the Administrator intends to take and wait a for a period of 30 days for an acknowledgment from the State under clause (ii).

“(ii) STATE RESPONSE.—Not later than 30 days after receiving a notice from the Administrator under clause (i), the State shall notify the Administrator if the facility contains a site, the cleanup of which—

“(I) is being conducted or has been completed under State law; or

“(II) shall be subject to State oversight.

“(iii) PUBLIC HEALTH OR ENVIRONMENTAL EMERGENCY.—If the Administrator finds that a release or threatened release constitutes a public health or environmental emergency under section 104(a)(4), the Administrator may take appropriate action immediately after giving notification under clause (i) without waiting for State acknowledgment.

“(2) COST OR DAMAGE RECOVERY ACTIONS.—Paragraph (1) shall not apply to an action brought by a State, Indian Tribe, or general purpose unit of local government for the recovery of costs or damages under this Act.

“(3) SAVINGS PROVISION.—

“(A) EXISTING AGREEMENTS.—A memorandum of agreement, memorandum of understanding, or similar agreement between the President and a State or Indian tribe defining Federal and State or tribal response action responsibilities that was in effect as of the date of enactment of this section with respect to a facility to which paragraph (1)(C) does not apply shall remain effective until the agreement expires in accordance with the terms of the agreement.

“(B) NEW AGREEMENTS.—Nothing in this subsection precludes the President from entering into an agreement with a State or Indian tribe regarding responsibility at a facility to which paragraph (1)(C) does not apply.”.

SEC. 202. STATE COST SHARE.

Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)) is amended—

(1) by striking “(c)(1) Unless” and inserting the following:

“(c) MISCELLANEOUS LIMITATIONS AND REQUIREMENTS.—

“(1) CONTINUANCE OF OBLIGATIONS FROM FUND.—Unless”;

(2) in paragraph (1), by striking “taken obligations” and inserting “taken, obligations”;

(3) by striking “(2) The President” and inserting the following:

“(2) CONSULTATION.—The President”; and

(4) by striking paragraph (3) and inserting the following:

“(3) STATE COST SHARE.—

“(A) IN GENERAL.—The Administrator shall not provide any funding for remedial action under this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the Administrator that provides assurances that the State will pay, in cash or through in-kind contributions, 10 percent of—

“(i) the remedial action costs; and

“(ii) operation and maintenance costs.

“(B) ACTIVITIES WITH RESPECT TO WHICH STATE COST SHARE IS REQUIRED.—No State cost share shall be required except for remedial actions under this section.

“(C) INDIAN TRIBES.—The requirements of this paragraph shall not apply in the case of remedial action to be taken on land or water—

“(i) held by an Indian Tribe;

“(ii) held by the United States in trust for an Indian Tribe;

“(iii) held by a member of an Indian Tribe (if the land or water is subject to a trust restriction on alienation); or

“(iv) within the borders of an Indian reservation.

TITLE III—PROPERTY CONSIDERATIONS SEC. 301. CONTIGUOUS PROPERTIES.

(a) IN GENERAL.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

“(o) CONTIGUOUS PROPERTIES.—

“(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

“(A) IN GENERAL.—A person that owns or operates real property that is contiguous to or otherwise similarly situated with respect to real property on which there has been a release or threatened release of a hazardous substance and that is or may be contaminated by the release shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

“(i) the person did not cause, contribute, or consent to the release or threatened release;

“(ii) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility; and

“(iii) the person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

“(B) GROUND WATER.—With respect to hazardous substances in ground water beneath a person's property solely as a result of subsurface migration in an aquifer from a source or sources outside the property, appropriate care shall not require the person to conduct ground water investigations or to install ground water remediation systems.

“(2) COOPERATION, ASSISTANCE, AND ACCESS.—A party described in paragraph (1) may be considered an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) if the party has failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

“(3) ASSURANCES.—The Administrator may—

“(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

“(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).”.

(b) NATIONAL PRIORITIES LIST.—

(1) IN GENERAL.—Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended—

(A) in subsection (a)(8)—

(i) in subparagraph (B), by inserting “and” after the semicolon at the end; and

(ii) by adding at the end the following:

“(C) provision that in listing a facility on the National Priorities List, the Administrator shall not—

“(i) list the facility unless the Administrator first obtains concurrence for the listing from the Governor of the State in which the facility is located; and

“(ii) include in a listing any parcel of real property at which no release has actually occurred, but to which a released hazardous substance, pollutant, or contaminant has migrated in ground water that has moved through subsurface strata from another parcel of real estate at which the release actually occurred, unless—

“(I) the ground water is in use as a public drinking water supply or in such use at the time of the release; and

“(II) the owner or operator of the facility is liable, or is affiliated with any other person that is liable, for any response costs at the facility, through any direct or indirect familial relationship, or any contractual, corporate, or financial relationship other than that created by the instruments by which title to the facility is conveyed or financed.”; and

(B) by adding at the end the following:

“(h) LISTING OF PARTICULAR PARCELS.—

“(1) DEFINITION.—In subsection (a)(8)(C) and paragraph (2) of this subsection, the term ‘parcel of real property’ means a parcel, lot, or tract of land that has a separate legal description from that of any other parcel, lot, or tract of land the legal description and ownership of which has been recorded in accordance with the law of the State in which it is located.

“(2) STATUTORY CONSTRUCTION.—Nothing in subsection (a)(8)(C) limits the Administrator's authority under section 104 to obtain access to and undertake response actions at any parcel of real property to which a released hazardous substance, pollutant, or contaminant has migrated in the ground water.”.

(2) REVISION OF NATIONAL PRIORITIES LIST.—Not later than 180 days after the date of enactment of this Act, the President shall revise the National Priorities List to conform with the amendments made by paragraph (1).

(c) CONFORMING AMENDMENT.—Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by striking “of this section” and inserting “and the exemptions and limitations stated in this section”.

SEC. 302. PROSPECTIVE PURCHASERS AND WIND-FALL LIENS.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 301(a)) is amended by adding at the end the following:

“(p) PROSPECTIVE PURCHASER AND WIND-FALL LIEN.—

“(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely

on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

"(2) LIEN.—If there are unrecovered response costs at a facility for which an owner of the facility is not liable by reason of subsection (n)(1) and each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may obtain from appropriate responsible party a lien on any other property or other assurances of payment satisfactory to the Administrator, for such unrecovered costs.

"(3) CONDITIONS.—The conditions referred to in paragraph (1) are the following:

"(A) RESPONSE ACTION.—A response action for which there are unrecovered costs is carried out at the facility.

"(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed 180 days before the response action was initiated.

"(C) SALE.—A sale or other disposition of all or a portion of the facility has occurred.

"(4) AMOUNT.—A lien under paragraph (2)—

"(A) shall not exceed the increase in fair market value of the property attributable to the response action at the time of a subsequent sale or other disposition of the property;

"(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

"(C) shall be subject to the requirements of subsection (1)(3); and

"(D) shall continue until the earlier of satisfaction of the lien or recovery of all response costs incurred at the facility."

SEC. 303. SAFE HARBOR INNOCENT LAND-HOLDERS.

(a) AMENDMENT.—Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the matter that precedes clause (i), by striking "deeds or" and inserting "deeds, easements, leases, or"; and

(B) in the matter that follows clause (iii)—

(i) by striking "he" and inserting "the defendant"; and

(ii) by striking the period at the end and inserting ", has provided full cooperation, assistance, and facility access to the persons that are responsible for response actions at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility, and has taken no action that impeded the effectiveness or integrity of any institutional control employed under section 121 at the facility."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) REASON TO KNOW.—

"(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must show that—

"(I) at or prior to the date on which the defendant acquired the facility, the defendant undertook all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

"(II) the defendant exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource

exposure to any previously released hazardous substance.

"(ii) STANDARDS AND PRACTICES.—The Administrator shall by regulation establish as standards and practices for the purpose of clause (i)—

"(I) the American Society for Testing and Materials (ASTM) Standard E1527-94, entitled 'Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process'; or

"(II) alternative standards and practices under clause (iii).

"(iii) ALTERNATIVE STANDARDS AND PRACTICES.—

"(I) IN GENERAL.—The Administrator may by regulation issue alternative standards and practices or designate standards developed by other organizations than the American Society for Testing and Materials after conducting a study of commercial and industrial practices concerning the transfer of real property in the United States.

"(II) CONSIDERATIONS.—In issuing or designating alternative standards and practices under subclause (I), the Administrator shall consider including each of the following:

"(aa) The results of an inquiry by an environmental professional.

"(bb) Interviews with past and present owners, operators, and occupants of the facility and the facility's real property for the purpose of gathering information regarding the potential for contamination at the facility and the facility's real property.

"(cc) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records to determine previous uses and occupancies of the real property since the property was first developed.

"(dd) Searches for recorded environmental cleanup liens, filed under Federal, State, or local law, against the facility or the facility's real property.

"(ee) Reviews of Federal, State, and local government records (such as waste disposal records), underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility or the facility's real property.

"(ff) Visual inspections of the facility and facility's real property and of adjoining properties.

"(gg) Specialized knowledge or experience on the part of the defendant.

"(hh) The relationship of the purchase price to the value of the property if the property was uncontaminated.

"(ii) Commonly known or reasonably ascertainable information about the property.

"(jj) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate investigation.

"(iv) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph."

(b) STANDARDS AND PRACTICES.—

(1) ESTABLISHMENT BY REGULATION.—The Administrator of the Environmental Protection Agency shall issue the regulation required by section 101(35)(B)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)) not later than 1 year after the date of enactment of this Act.

(2) INTERIM STANDARDS AND PRACTICES.—Until the Administrator issues the regulation described in paragraph (1), in making a determination under section 101(35)(B)(i) of the Comprehensive Environmental Response,

Compensation, and Liability Act of 1980 (as added by subsection (a)), there shall be taken into account—

(A) any specialized knowledge or experience on the part of the defendant;

(B) the relationship of the purchase price to the value of the property if the property was uncontaminated;

(C) commonly known or reasonably ascertainable information about the property;

(D) the degree of obviousness of the presence or likely presence of contamination at the property; and

(E) the ability to detect the contamination by appropriate investigation.

TITLE IV—FEDERAL ENTITIES AND FACILITIES

SEC. 401. APPLICABILITY OF LAW; IMMUNITY.

Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 120. FEDERAL ENTITIES AND FACILITIES.;"

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—

"(A) DEFINITION OF SERVICE CHARGES.—In this paragraph, the term 'service charge' includes—

"(i) a fee or charge assessed in connection with—

"(I) the processing or issuance of a permit, renewal of a permit, or amendment of a permit;

"(II) review of a plan, study, or other document; or

"(III) inspection or monitoring of a facility; and

"(ii) any other charge that is assessed in connection with a State, interstate, or local response program.

"(B) APPLICATION OF FEDERAL, STATE, INTERSTATE, AND LOCAL LAW.—

"(i) IN GENERAL.—Each department, agency, and instrumentality of the executive, legislative, or judicial branch of the United States shall be subject to and shall comply with this Act and all other Federal, State, interstate, and local substantive and procedural requirements and other provisions of law relating to a response action or restoration action or the management of a hazardous waste, pollutant, or contaminant in the same manner, and to the same extent, as any nongovernmental entity is subject to those provisions of law.

"(ii) PROVISIONS INCLUDED.—The provisions of law referred to in clause (i) include—

"(I) a permit requirement;

"(II) a reporting requirement;

"(III) a provision authorizing injunctive relief (including such sanctions as a court may impose to enforce injunctive relief);

"(IV) sections 106 and 107 and similar provisions of Federal, State, or local law relating to enforcement and liability for cleanup, reimbursement of response costs, contribution, and payment of damages;

"(V) a requirement to pay reasonable service charges; and

"(VI) all administrative orders and all civil and administrative penalties and fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for an isolated, intermittent, or continuing violation.

"(C) WAIVER OF IMMUNITY.—

"(i) IN GENERAL.—The United States waives any immunity applicable to the United States with respect to any provision of law described in subparagraph (B).

"(ii) LIMITATION.—The waiver of sovereign immunity under clause (i) does not apply to the extent that a State law would apply any

standard or requirement to the Federal department, agency, or instrumentality in a manner that is more stringent than the manner in which the standard or requirement would apply to any other person.

“(D) CIVIL AND CRIMINAL LIABILITY.—

“(i) INJUNCTIVE RELIEF.—Neither the United States nor any agent, employee, or officer of the United States shall be immune or exempt from any process or sanction of any Federal or State court with respect to the enforcement of injunctive relief referred to in subparagraph (B)(ii)(III).

“(ii) NO PERSONAL LIABILITY FOR CIVIL PENALTY.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal or State law relating to a response action or to management of a hazardous substance, pollutant, or contaminant with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

“(iii) CRIMINAL LIABILITY.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including a fine or imprisonment) under any Federal or State law relating to a response action or to management of a hazardous substance, pollutant, or contaminant, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the United States shall be subject to any such sanction.

“(E) ENFORCEMENT.—

“(i) ABATEMENT ACTIONS.—The Administrator may issue an order under section 106 to any department, agency, or instrumentality of the executive, legislative, or judicial branch of the United States. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against any other person.

“(ii) CONSULTATION.—No administrative order issued to a department, agency, or instrumentality of the United States shall become final until the department, agency, or instrumentality has had the opportunity to confer with the Administrator.

“(iii) USE OF PENALTIES AND FINES.—Unless a State law in effect on the date of enactment of this clause requires the funds to be used in a different manner, all funds collected by a State from the Federal Government as penalties or fines imposed for violation of a provision of law referred to in subparagraph (B) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.

“(F) CONTRIBUTION.—A department, agency, or instrumentality of the United States shall have the right to contribution under section 113 if the department, agency, or instrumentality resolves its liability under this Act.”;

(B) in the second sentence of paragraph (3), by inserting “(other than the indemnification requirements of section 119)” after “responsibility”; and

(C) by striking paragraph (4); and

(2) in subsection (e), by adding at the end the following:

“(7) STATE REQUIREMENTS.—Notwithstanding any other provision of this Act, an interagency agreement under this section shall not impair or diminish the authority of a State, political subdivision of a State, or any other person or the jurisdiction of any court to enforce compliance with requirements of State or Federal law, unless those requirements have been specifically addressed in the agreement or waived without objection after notice to the State before or on the date on which the response action is selected.”.

NATIONAL GOVERNORS ASSOCIATION,

Washington, DC, May 16, 2000.

Hon. GEORGE V. VOINOVICH,
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the National Governors' Association (NGA), we are pleased with the introduction of the Brownfields Revitalization Act of 2000. NGA has reviewed the bill and believe that it addresses key issues raised by the nation's Governors to facilitate the speedy cleanup of brownfields sites and make some important corrections to the Superfund statute. We hope that all Senators will work with you to ensure passage of legislation that the President can sign this year.

We would like to briefly comment on four provisions in the bill. We applaud the inclusion of a provision dealing with certainty at state brownfields sites. The bill's finality provision would improve the effectiveness and pace of hazardous waste cleanups by allowing state voluntary cleanup programs to provide assurance to landowners who wish to develop their property without fear of being engulfed in the federal liability scheme. There is no question that voluntary cleanup programs and brownfields redevelopment are currently hindered by the pervasive fear of federal liability under the Superfund law. Your bill addresses this problem by precluding enforcement by the federal government at sites where cleanup has occurred or is being conducted under a state program. In instances when a state is unwilling or unable to take appropriate action, or if contamination has migrated across state lines, your bill contains reasonable exceptions to this preclusion of enforcement.

In addition, the Governors greatly appreciate the inclusion of a provision requiring gubernatorial concurrence before a site is listed on the National Priorities List. Such a requirement will help avoid duplication of effort when a state can take the lead in restoring a site to productive use. As you know, states are currently overseeing most cleanups; listing a site on the NPL when a state is prepared to apply its own authority is not only wasteful of federal resources, it is often counterproductive, resulting in increased delays and greater costs.

We also support the provision in the bill that clarifies that the state cost-share at Superfund sites is limited to ten percent for both remedial activities and operations and maintenance (O & M). This provision has been interpreted to require states to be responsible for 100 percent of the O & M expenses at a site. Your provision will correct this inequitable situation, and at the same time, help ensure that there is no financial bias toward remedies that involve more intensive O & M than necessary.

The funding provisions in the bill that provide grants to states and local governments for both response actions as well as site assessments are very positive steps in assuring that financial assistance is available so that sites can actually move toward final cleanups.

Lastly, we applaud you for adding a provision that makes all federal facilities subject to CERCLA and state hazardous waste laws to the same extent as other nongovernmental entities. There is no legitimate rationale for exempting the federal government from the same environmental protection laws that apply to businesses, individuals and state and local government.

We look forward to continuing our strong working relationship with you on these issues. The nation's Governors believe that brownfields revitalization and some reasonable Superfund “fixes” can be accomplished if done in a bipartisan manner and we believe that your bill will go a long way toward accomplishing that goal. We will work with

you to ensure that this bill has bipartisan support as it begins to move. If we can be of any assistance, please contact us directly or have your staff contact Diane S. Shea at 202/624-5389.

Sincerely,

Governor KENNY C. GUINN,
Chair,

Committee on Natural Resources.
Gov. THOMAS J. VILSACK,

Vice Chair,
Committee on Natural Resources.●

By Mr. JEFFORDS (for himself,
Mr. HATCH, Mr. ROCKEFELLER,
Mr. ROBB, Mr. L. CHAFEE, Mr.
BRYAN, and Mr. KERRY):

S. 2591. A bill to amend the Internal Revenue Code of 1986 to allow tax credits for alternative fuel vehicles and retail sale of alternative fuels, and for other purposes; to the Committee on Finance.

ALTERNATIVE FUELS TAX INCENTIVES ACT

● Mr. JEFFORDS. Mr. President, today, Senator HATCH and I, together with Senators ROCKEFELLER, CHAFEE, BRYAN, and KERRY are introducing a bill which we believe will serve two important national interests: air quality and energy security. We call it the “Alternative Fuels Tax Incentives Act,” and it consists of a series of temporary tax provisions to encourage purchases of cars and trucks operating on alternative fuels, and to promote the retail sale of these fuels.

The sharp gasoline price spikes earlier this year were a reminder of what can happen when the United States is not in control of the source of the energy it consumes. Some of us remember the long lines in the mid-1970s, when the Middle East pipeline was shut down, when service stations rationed the amount of gas you could buy, and when fistfights broke out over gasoline purchases. Science is now taking us to a point where we can develop other sources of energy and free ourselves from this over-reliance on foreign oil.

Imports of foreign oil now exceed 50 percent of our oil consumption. Most of the oil that we use—more than two-thirds—is used for transportation. But there's some good news: cars and trucks that operate with alternative fuels are rapidly becoming a fact of life. Each of the major automobile manufacturers offers alternative fuel vehicles, but low production volume and high initial costs have impeded their widespread use and adoption. Consumers and businesses are receptive to alternative fuel vehicles and electric vehicles, but are often reluctant to pay the additional costs manufacturers charge for them.

This bill's tax incentives will make those vehicles more cost competitive. With their environmentally-friendly fuels, these vehicles will mean significant benefits to the air we breathe. The levels of pollutants emitted by these alternative fuels vehicles are a tiny fraction of those released from a conventional gasoline or diesel engine. Some of these cars don't even have tail-pipes. To assure that owners of alternative fuel vehicles can find fuels

for their cars, the bill also provides for two incentives to encourage the retail sales of alternative fuels: a tax credit for retailers for each gasoline gallon-equivalent of alternative fuel sold, and a provision allowing retailers to immediately expense up to \$100,000 of the costs of alternative fuel refueling infrastructure.

Passing this bill would mean cleaner air, energy independence, and more jobs in a developing sector of the auto industry. We have the technology and the resources to accomplish these goals. And we have manufacturers ready to deliver. It shouldn't take another oil crisis for us to get moving on this.●

Mr. HATCH. Mr. President, I rise today with my friend and colleague, Senator JEFFORDS, to introduce the Alternative Fuels Tax Incentives Act. I am pleased that we are being joined by Senators ROCKEFELLER, ROBB, CHAFEE, and BRYAN as original cosponsors.

This bill is an outgrowth of S. 1003, the Alternative Fuels Promotion Act of 1999, which was sponsored by many of the same sponsors of this year's bill. And, like S. 1003, the bill we are introducing today is designed to achieve two vital goals—reduce our dependency on foreign oil and reduce air pollution from motor vehicles.

While the goals of both of these bills are the same, Mr. President, the Alternative Fuels Incentive Act takes a similar, but more comprehensive approach to achieving them.

There is a little dispute that our growing dependency on imported oil is dangerous, not only to our continued economic growth, but also to our national security. We are witnessing again this year just how volatile the price of gasoline and other motor fuels are and how decisions made by oil producers far from our shores affect the everyday lives of all Americans. As we increase our dependence of energy from other nations, we are literally placing our future in the hands of foreign entities. Yet, we are stymied at every turn in trying to significantly increase the discovery and development of new domestic sources of oil.

At the same time, we continue to face serious air quality challenges from our almost exclusive use of conventional fuels for motor vehicles. Just in my home state of Utah, transportation vehicles account for 87 percent of carbon monoxide emissions, 52 percent of nitrogen oxide emissions, 34 percent of hydrocarbon emissions, and 22 percent of coarse particulate matter in the air. All of these emissions can be harmful to individuals suffering from chronic respiratory illnesses, heart disease, asthma, and other ailments.

More than just harming our health, however, these emissions detract from the natural beauty of our country. Furthermore, as the United States grows in population and dependency on automobile transportation, these problems will only become worse unless something is done to turn the tide.

Fortunately, Mr. President, answers to both problems exist. Vehicle technology using domestically plentiful and clean-burning alternative fuels have advanced to the point that, if widely adapted by Americans, we could reverse the course on both foreign dependence and clean air. The challenge is in getting over the hurdle of initial acceptance of the new technologies by the American public.

In essence, there are currently three market barriers to this initial acceptance of alternative fuels vehicles by Americans—the incremental cost of the vehicles over conventionally-fueled vehicles, the cost of the fuel, and the lack of convenient fueling stations. Providing incentives—not mandates—to overcome all three of these barriers is what this bill is all about.

Mr. President, the bill addresses the first barrier—the extra cost of the alternative fuels vehicles—by providing a tax credit for a portion of the difference in cost. This is key component of the bill that was lacking in S. 1003. By bringing the cost of these vehicles within the range where savings on the cost of the alternative fuel will make owning these vehicles economically viable over the life of the vehicle, public acceptance of the technology should rapidly increase. Once this occurs, production economies of scale will bring the price of the vehicles down further.

The bill addresses the second and third market barriers, that of fuel cost and availability, by providing tax credits for the alternative fuels and tax benefits for suppliers who decide to sell it to the public. This is important because the ready availability of the fuel in all geographic locations where the public needs to go or to send goods is key to their acceptance of alternative fuels vehicles. These tax benefits, when combined with the market effect caused by the demand for more fueling stations created by the purchase of more vehicles, will help ensure that such stations will appear where people need them.

Mr. President, the incentive approach taken by this bill is meant to provide a temporary bridge over these barriers. If this approach works, the tax incentives will not be needed in the long run. This is why we have placed a seven-year sunset on these provisions. At the end of this period, Congress should take a close look at how well these incentives worked and how the market has developed.

There is little doubt that sooner or later this Nation will have to turn to alternative fuels to help solve the two problems I mentioned earlier. I believe it should be sooner and the move should be incentive-based and market-driven. The bill we are introducing today can create the momentum to get us to a cleaner and more secure America much sooner. I urge my colleagues to support this legislation.

Mr. ROCKEFELLER. Mr. President, today I gladly lend my support to the Alternative Fuels Tax Incentives Act

being introduced by Senator JEFFORDS, along with Senators HATCH, ROBB, KERRY, BRYAN, and CHAFEE. I join with my colleagues because of my longstanding dedication to increasing the use of alternative fuels for transportation, and my understanding that to do so we must stimulate interest in the still fledgling alternative fuel vehicle industry. The success of this industry, and the acceptance of these vehicles in the market place, is critical to lowering our dependence on imported oil, improving the quality of the air we breathe, and reducing the greenhouse gases our nation emits.

Let me take a few moments to relate some of the reasons why it is so important that we reduce our consumption of petroleum and use alternative sources of energy. The first and most tangible reason is the need to reduce our nation's dependence on foreign oil. Currently, we import more than half of the oil consumed in this nation. That translates to \$180,000 per minute that is being spent to purchase foreign oil. That's bad for our balance of trade, but more important, none of us want to continue to have our energy costs fluctuate and spike at the whim of OPEC or any other foreign organization. The recent price increase shows just how important this is, and how vulnerable we are.

A second reason is that it is critical that we reduce the transportation sector's negative impact on air quality. While the automobile industry has made great strides in reducing the emissions of cars and trucks, the improvement has been largely offset by the dramatically increasing number of miles these vehicles are driven each year, and by our increasing desire for larger, more powerful vehicles. In 1980, light trucks, a category that includes minivans and SUVs, accounted for only 19.9 percent of the U.S. automobile market. Traditionally, these vehicles have been exempted from corporate average fuel economy (CAFE) standards. In the past couple of years, some in Congress have been successful in blocking any adjustment to CAFE standards, including the inclusion of SUVs and minivans. Now the reason for including them is even more obvious. By 1998, these larger vehicles accounted for 47.5 percent of the automobile market, with SUVs alone accounting for 18.1 percent. Clearly, doing something to cut air pollution and to reduce greenhouse gas emissions will require an enormous change in our transportation sector.

Because I believe it is the right thing to do for the people of West Virginia, and for the nation as a whole, I have been a long-time supporter of research into, incentives for, and commercial implementation of alternative fuel technologies. During my first term in the United States Senate, I introduced the Alternative Motor Vehicle Act of 1988. That legislation has been credited with a dramatic increase in the production of alternatively fueled vehicles,

notably the so-called flexibly-fueled vehicles, which run on either alternative fuels or gasoline. In fact, 500,000 of the 17 million cars sold in the United States in 1999 were flexible-fuel vehicles. In 1992, when Congress passed the Energy Policy Act (EPAct), I authored and supported a number of provisions in that law to promote the use of alternatively-fueled and electric vehicles through tax credits for vehicle purchase and installation of supporting infrastructure.

Finally, just over a year ago, along with my colleagues Senators HATCH, CRAPO, and BRYAN, I introduced the Alternative Fuels Promotion Act, S. 1003. Both the Alternative Fuels Tax Incentives Act introduced today, and the Alternative Fuels Promotion Act introduced last year, would provide the alternative fuel vehicle industry some of the help it needs to begin to get a sustainable foothold in the market place. While these bills differ in the size and type of tax incentives, I strongly believe that both bills are appropriate steps toward a cleaner environment and a more energy independent nation.

As I have stated on the Floor of the Senate before, the options for bringing about change in the transportation sector are somewhat limited. Congress could impose new taxes, mandates, or regulations. However, these approaches are sometimes unpopular with both the American people and our colleagues in Congress. I believe the best way to bring about the change we need is to provide incentives for manufacturers to develop and sell clean technology and for consumers to buy and use this technology. I believe that the Alternative Fuels Tax Incentives Act being introduced today offers manufacturers and consumers these necessary incentives.

Our domestic automobile manufacturers have developed a number of clean-running and efficient vehicles. These vehicles are virtually indistinguishable from their gasoline-powered counterparts in terms of performance, safety, and comfort. However, there are still two major barriers to widespread acceptance. The first is cost. Though manufacturers have made great strides in reducing the cost of these vehicles, most, including those powered by natural gas, propane, methanol, and electricity, are still significantly more expensive than their gasoline-powered counterparts.

A second critical roadblock impeding acceptance of alternatively fueled vehicles is the lack of an adequate refueling infrastructure. I received a call a few months ago from a woman who had just purchased a compressed natural gas-powered car made by a domestic manufacturer. Her entire car pool loved the car, especially the absence of any "exhaust smell" when you stood behind the car. She was calling to find out if we could help her locate more places to fuel it. She lives in Boston, and knew of only three fueling stations within a reasonable driving area. If

this is the case in a major metropolitan area—which has a significant number of compressed natural gas-powered fleets in operation—it is clear that we have a long way to go. The Alternative Fuels Promotion Act offers strong incentives aimed at minimizing these roadblocks.

We know that when national policy supports the creative energies and potential of the private sector, progress is made at a faster rate. The private sector is leading the way in developing alternative fuel vehicle technology. We need to provide consumers with a strong financial incentive to use this technology. Certainly, our continued dependence on foreign oil and the contribution of conventionally-powered vehicles to air pollution—including greenhouse gases—compels us to try. I encourage my colleagues to take a hard look at our environment and our national energy security, and to pass the Alternative Fuels Tax Incentives Act during this Congress.

I ask unanimous consent that this statement be inserted in the RECORD immediately after Senator JEFFORDS' statement introducing the Alternative Fuels Tax Incentives Act.

Mr. ROBB. Mr. President, I am pleased to be an original co-sponsor of the Alternative Fuels Tax Incentive Act. This legislation will help accomplish two things. First, it will promote the production and use of cars that use clean fuels, and will consequently improve air quality. Secondly, the tax credit will improve our energy independence. I honestly believe that one of the best things we can do for this country is to find a way to fuel transportation that is cleaner, and more reliable. Our automobile emissions get cleaner every year. But there are more of us on the road every year, and we drive more miles every year. So we have to keep increasing our efforts in the direction of more efficient vehicles and cleaner fuels.

Earlier this year, we experienced a sharp spike in fuel prices, courtesy of OPEC. It wasn't the first time and it won't be the last. It is imperative for our country to keep moving in the direction of energy independence, and I am convinced that it can be done without sacrificing convenience, mobility, or the environment. But we need to find a substitute for gasoline, and we need to combine the most efficient technologies in a way that provides convenient transportation.

New automotive technologies are being developed by automobile companies, in concert with some of our fine engineering schools. All these technologies show promise, but after the pilot stage and before achieving mass appeal, there is a critical phase at which we can help a new idea grow, or we can ignore it and perhaps let it fail. This tax credit is a tool that can be used to bridge the gap between an experimental vehicle and a commercially available vehicle. It encompasses the kind of creative thinking that we need

to employ if we are going to reach a new standard of efficiency in automotive technology.

I look forward to a full discussion of the benefits of this bill, and hope my colleagues will join me in supporting this bill, and move for quick passage.

By Mr. SARBANES (for himself, Mr. DASCHLE, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 2592. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FIRST ACCOUNTS ACT OF 2000

• Mr. SARBANES. Mr. President, I rise today to address a very serious problem facing our nation: millions of low- and moderate-income Americans lack adequate access to basic financial services. I am pleased to introduce the First Accounts Act of 2000 ("FAA"). This bill, which has been proposed by the Administration, establishes a pilot program within the Department of the Treasury designed to promote access to financial services for the millions of low- and moderate income persons currently facing barriers to affordable and convenient banking services. Joining as original co-sponsors in the introduction of this legislation are the Senate Democratic leader, Senator DASCHLE, and my fellow Democratic members of the Banking Committee—Senators DODD, KERRY, BRYAN, JOHNSON, REED, SCHUMER, EDWARDS, and BAYH.

Access to basic banking services is essential for Americans seeking to participate fully in our increasingly complex financial and economic system. Unfortunately, recent studies show that millions of families lack access to affordable banking accounts and safe and secure ATMs, and do not have adequate knowledge of beneficial financial services and products. The lack of information and access to such financial services limits economic opportunities for low- and moderate-income persons, steers them toward high cost services offered by fringe operators in the financial services industry, reduces their ability to manage their finances and plan for the future, and may even place these individuals at a risk to their personal safety. Under the bill, the Treasury Department is authorized to partner with financial institutions, community organizations, and financial services electronic networks to improve access to mainstream financial services in four ways: affordable banking accounts, safe and secure ATMs, extensive financial literacy, and research and development efforts.

AFFORDABLE BANKING ACCOUNTS

First, the bill would promote access to financial services by helping write-down the cost to depository institutions of establishing low-cost accounts

for low- and moderate-income consumers. According to the Federal Reserve, approximately 8.4 million low- and moderate-income families did not have a bank account in 1998. This represents 22% of such households. The high cost of banking services—particularly high minimum opening balances and monthly fee—remains a major obstacle to many families establishing a relationship with a federally-insured depository institution. According to the Federal Reserve Board, the average minimum opening balance requirement was \$115 in 1997. Moreover, a 1999 U.S. Public Interest Research Group study revealed that consumers who could not meet account minimum balances at banks paid an average of \$217 annually.

Although seven states currently require banks to offer some form of low-cost banking accounts, there is a growing recognition that banks would voluntarily expand access to affordable accounts with appropriate encouragement. For instance, Treasury currently provides incentives under the Electronic Funds Transfer ("EFT") program to banks that provide low-cost accounts for recipients of government checks. More than 538 federally-insured institutions signed up to offer the low-cost account during the first nine months of the EFT program.

I am pleased to have worked closely with Treasury in developing the EFT program to extend its benefits to the "unbanked" who receive government checks. This legislation would build on that experience to extend the benefits of direct deposit accounts to those who receive private sector checks.

The lack of access to basic banking services creates numerous difficulties for the "unbanked." First, it increases the cost of financial transactions for low- and moderate-income persons. These individuals pay high service fees to check cashing outlets and other nonbanks when cashing checks and purchasing money orders. A 1998 study by the Organization for a New Equality showed that over a lifetime, a low-income family could pay over \$15,000 in fees for cashing checks and paying bills outside the financial services mainstream.

Moreover, the lack of a banking account often makes it difficult for low- and moderate-income individuals to establish traditional credit and limits their ability to access other financial products. First-time homeowner programs, rental property managers, utility companies, and credit card companies are increasingly requiring applicants to have bank accounts. In the absence of a relationship with banks, low- and moderate-income individuals often end up as customers of fringe bankers who charge them exorbitant fees to access credit.

SAFE AND SECURE ATMS

Second, Treasury would provide assistance to banks and financial services automated networks that expand the availability of ATMs in safe, secure, and convenient locations in low-in-

come neighborhoods. The availability of convenient and safe ATMs and point-of-sale terminals is taken for granted by most Americans. However, a substantial number of Americans live in communities where there are either no ATMs or the ATMs are located in unsafe and insecure environments. A recent Treasury analysis of census tracts in Los Angeles and New York showed that there were nearly twice as many ATMs in middle-income census tracts than there were in low-income areas. The absence of safe and secure ATMs in many neighborhoods places residents in situations that risk their personal safety. Every day many low- and moderate-income Americans decide between the risk of carrying large sums of money on their persons and going to an ATM at night. The FAA would increase the number of safe and secure access points into the financial mainstream by working with financial institutions and financial services networks to install ATMs in secure locations such as U.S. post offices. A pilot program between Treasury and a major financial institution has already placed ATMs in post offices in underserved communities in Baltimore and Tallahassee, and there are plans to expand the program to post offices across the country.

FINANCIAL LITERACY

Third, FAA would support financial education for low- and moderate-income Americans. Proponents of affordable banking services and products have come to recognize that the creation and design of these services only represents an initial step to improving access for this segment of the population. States such as New York have discovered that despite the existence of affordable banking accounts targeted towards underserved communities, many people do not take advantage of such services because they either do not know that such services are available or do not believe that they would benefit. This lack of information remains one of the greatest obstacles to bringing "unbanked" Americans into the economic mainstream. Through partnerships with community organizations and a public awareness campaign, Treasury will educate low- and moderate-income Americans about the availability of affordable financial services and the usefulness of having a bank account, managing household finances and building assets.

RESEARCH AND DEVELOPMENT

Finally, the FAA authorizes the Treasury to conduct research and development in order to expand access to financial services for low- and moderate-income communities.

The Administration has strongly supported expanding access to financial services for all Americans. The FAA would build upon and expand current initiatives by the Administration. The Administration's FY 2001 budget seeks an appropriation of \$30 million in fiscal year 2001 for this program.

The First Accounts Act will help millions of low- and moderate-income

Americans who lack access to affordable and convenient financial services to become part of the economic mainstream. This will be to their benefit, the benefit of the financial institutions with which they do business, and the benefit of our society as a whole. This modest legislation can make an enormous contribution to giving all Americans the opportunity to participate fully in our current economic prosperity. I urge its support by all of my colleagues.●

By Mr. GORTON (for himself, Mr. DEWINE, Mr. VOINOVICH, Mrs. MURRAY, Mr. CRAPO, and Mr. CRAIG):

S. 2597. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Armed Services.

LEGISLATION ASSURING CLEANUP OF DEFENSE SITES

● Mr. GORTON. Mr. President, in 1989, the Department of Energy signed an historic agreement with the State of Washington and the Environmental Protection Agency, committing to clean up the Hanford Nuclear Reservation in the South-Central part of the State of Washington. This pact, known as "The Tri-Party Agreement" has, for the most part, worked well to assure that the federal government keeps its commitment to the citizens of the state of Washington to keep the by-products of nuclear materials production from harming the people who live and work in that area.

Last year, responding to different pressures, Congress created the National Nuclear Security Administration (NNSA). Some officials, including my own state Attorney General, are concerned that the creation of the NNSA may create some uncertainty as to the Department of Energy's continued legal obligation to clean up the site. The NNSA was never intended to disrupt the enforceability of legal agreements that assure sites such as Hanford are to be cleaned up under specific timelines.

The purpose of this legislation is to clarify that environmental, safety and health provisions continue to apply to the functions of the recently created NNSA to the same extent as they applied to those functions before transfer to the NNSA.

While the legislative history of the legislation creating the National Nuclear Security Administration demonstrated clear Congressional intent that the NNSA remain subject to state, federal and local environment, safety and health requirements, some have raised concern that the legislation could be construed as narrowing the existing waivers of federal sovereign immunity with respect to these requirements.

The Department of Energy hosts some of the most challenging environmental contamination sites in the country. Although the Hanford site is perhaps the biggest challenge, there are sites in several other states as well.

It is critical to the preservation of the environment and the protection of human health that states maintain their existing authority to enforce environmental, safety, and health requirements with respect to Department of Energy facilities under the NNSA's control.

A wide range of support exists for this legislation clarifying that the earlier legislation creating the NNSA was not intended to impair state regulatory authority over facilities under the NNSA's jurisdiction. Organizations supporting this legislation include the National Governors Association, the National Conference of State Legislatures, and the National Association of Attorneys General.

Just as this bill will clarify that the NNSA does not impair state regulatory authority over facilities under the NNSA's jurisdiction, the bill is carefully worded so as not to expand the states' authority in this regard. This bill simply reaffirms the ability of states to use the enforcement measures that are contained in cleanup agreements made with the federal government, such as the Tri-Party Agreement.●

By Mr. BINGAMAN (for himself, Mr. MURKOWSKI, Mr. HATCH, Mr. DASCHLE, Mr. ABRAHAM, Mr. SARBANES, Mr. MOYNIHAN, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. KOHL, Mr. LEVIN, Mr. WYDEN, Mr. FEINGOLD, Mr. ROBB, Mr. WELLSTONE, Mr. LIEBERMAN, and Mr. INOUE):

S. 2598. A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Energy and Natural Resources.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM REAUTHORIZATION

● Mr. BINGAMAN. Mr. President, today I am introducing legislation which reauthorizes appropriations for the United States Holocaust Memorial Museum. In addition to extending the authorization for the museum and the United States Holocaust Memorial Council, the bill makes several clarifying and conforming changes to the 1980 enabling legislation to incorporate the recommendations of a recently completed review of the museum and the council by the National Academy of Public Administration.

As described in the museum's mission statement, the United States Holocaust Memorial Museum is America's national institution for the documentation, study, and interpretation of Holocaust history, and serves as this country's memorial to the millions of people murdered during the Holocaust. The Museum's primary mission is to

advance and disseminate knowledge about this unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral and spiritual questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.

Since the museum was opened to the public in 1993, it has been one of the most heavily visited sites in our nation's capital, with more than 2 million visitors last year. Previous bills authorizing appropriations for the museum have enjoyed broad bipartisan support, and I am pleased that this bill is no exception, with over 17 original cosponsors on both sides of the aisle.

Mr. President, identical legislation has already been introduced in the other body. Given the broad support for the museum and the memorial council, it is my hope that the Senate will approve this legislation expeditiously. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Chapter 23 of title 36, United States Code, is amended to read as follows:

"CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL MUSEUM

"Sec. 2301. Establishment of the United States Holocaust Memorial Museum; functions.

"Sec. 2302. Functions of the Council; membership.

"Sec. 2303. Compensation; travel expenses; full-time officers or employees of United States or Members of Congress.

"Sec. 2304. Administrative provisions.

"Sec. 2305. Staff.

"Sec. 2306. Memorial museum.

"Sec. 2307. Gifts, bequests, and devises of property; tax treatment.

"Sec. 2308. Annual report.

"Sec. 2309. Audit of financial transactions.

"Sec. 2310. Authorization of appropriations.

"SEC. 2301. ESTABLISHMENT OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM; FUNCTIONS.

"The United States Holocaust Memorial Museum (hereinafter in this chapter referred to as the 'Museum') is an independent establishment of the United States Government. The Museum shall—

"(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the Holocaust, and encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

"(2) operate and maintain a permanent living memorial museum to the victims of the Holocaust, in cooperation with the Secretary of the Interior and other Federal agencies as provided in section 2306 of this title; and

"(3) carry out the recommendations of the President's Commission on the Holocaust in its report to the President of September 27, 1979, to the extent such recommendations are not otherwise provided for in this chapter.

"SEC. 2302. FUNCTIONS OF THE COUNCIL; MEMBERSHIP.

"(a) IN GENERAL.—The United States Holocaust Memorial Council (hereinafter in this chapter referred to as the 'Council') shall be the board of trustees of the Museum and shall have overall governance responsibility for the Museum, including policy guidance and strategic direction, general oversight of Museum operations, and fiduciary responsibility. The Council shall establish an Executive Committee which shall exercise ongoing governance responsibility when the Council is not in session.

"(b) COMPOSITION OF COUNCIL; APPOINTMENT; VACANCIES.—The Council shall consist of 65 voting members appointed (except as otherwise provided in this section) by the President and the following ex officio non-voting members:

"(1) 1 appointed by the Secretary of the Interior.

"(2) 1 appointed by the Secretary of State.

"(3) 1 appointed by the Secretary of Education. Of the 65 voting members, 5 shall be appointed by the Speaker of the United States House of Representatives from among Members of the United States House of Representatives and 5 shall be appointed by the President pro tempore of the United States Senate upon the recommendation of the majority and minority leaders from among Members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

"(c) TERM OF OFFICE.—

"(1) Except as otherwise provided in this subsection, Council members shall serve for 5-year terms.

"(2) The terms of the 5 Members of the United States House of Representatives and the 5 Members of the United States Senate appointed during any term of Congress shall expire at the end of such term of Congress.

"(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President pro tempore of the United States Senate, may serve after the expiration of his term until his successor has taken office.

"(d) CHAIRPERSON AND VICE CHAIRPERSON; TERM OF OFFICE.—The Chairperson and Vice Chairperson of the Council shall be appointed by the President from among the members of the Council and such Chairperson and Vice Chairperson shall each serve for terms of 5 years.

"(e) REAPPOINTMENT.—Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be appointed to those offices.

"(f) BYLAWS.—The Council shall adopt bylaws to carry out its functions under this chapter. The Chairperson may waive a bylaw when the Chairperson decides that waiver is in the best interest of the Council. Immediately after waiving a bylaw, the Chairperson shall send written notice of the waiver to every voting member of the Council. The waiver becomes final 30 days after the notice is sent unless a majority of Council members disagree in writing before the end of the 30-day period.

"(g) QUORUM.—One-third of the members of the Council shall constitute a quorum, and any vacancy in the Council shall not affect its powers to function.

"(h) ASSOCIATED COMMITTEES.—Subject to appointment by the Chairperson, an individual who is not a member of the Council may be designated as a member of a committee associated with the Council. Such an

individual shall serve without cost to the Federal Government.

"SEC. 2303. COMPENSATION; TRAVEL EXPENSES; FULL-TIME OFFICERS OR EMPLOYEES OF UNITED STATES OR MEMBERS OF CONGRESS.

"(a) IN GENERAL.—Except as provided in subsection (b) of this section, members of the Council are each authorized to be paid the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, for each day (including travel time) during which they are engaged in the actual performance of duties of the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5.

"(b) EXCEPTION.—Members of the Council who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Council.

"SEC. 2304. ADMINISTRATIVE PROVISIONS.

"(a) EXPERTS AND CONSULTANTS.—The Museum may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, at rates not to exceed the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5.

"(b) AUTHORITY TO CONTRACT.—The Museum may, in accordance with applicable law, enter into contracts and other arrangements with public agencies and with private organizations and persons and may make such payments as may be necessary to carry out its functions under this chapter.

"(c) ASSISTANCE FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary of the Smithsonian Institution, the Library of Congress, and the heads of all executive branch departments, agencies, and establishments of the United States may assist the Museum in the performance of its functions under this chapter.

"(d) ADMINISTRATIVE SERVICES AND SUPPORT.—The Secretary of the Interior may provide administrative services and support to the Museum on a reimbursable basis.

"SEC. 2305. STAFF.

"(a) ESTABLISHMENT OF THE MUSEUM DIRECTOR AS CHIEF EXECUTIVE OFFICER.—There shall be a director of the Museum (hereinafter in this chapter referred to as the 'Director') who shall serve as chief executive officer of the Museum and exercise day-to-day authority for the Museum. The Director shall be appointed by the Chairperson of the Council, subject to confirmation of the Council. The Director may be paid with non-appropriated funds, and, if paid with appropriated funds shall be paid the rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5. The Director shall report to the Council and its Executive Committee through the Chairperson. The Director shall serve at the pleasure of the Council.

"(b) APPOINTMENT OF EMPLOYEES.—The Director shall have authority to—

"(1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and general schedule pay rates;

"(2) appoint and fix the compensation (at a rate not to exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5) of up to 3 employees notwithstanding any other provision of law; and

"(3) implement the decisions and strategic plan for the Museum, as approved by the Council, and perform such other functions as may be assigned from time to time by the Council, the Executive Committee of the Council, or the Chairperson of the Council, consistent with this legislation.

"SEC. 2306. MEMORIAL MUSEUM.

"(a) ARCHITECTURAL DESIGN APPROVAL.—The architectural design for the memorial museum shall be subject to the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission.

"(b) INSURANCE.—The Museum shall maintain insurance on the memorial museum to cover such risks, in such amount, and containing such terms and conditions as the Museum deems necessary.

"SEC. 2307. GIFTS, BEQUESTS, AND DEVICES OF PROPERTY: TAX TREATMENT.

"The Museum may solicit, and the Museum may accept, hold, administer, invest, and use gifts, bequests, and devises of property, both real and personal, and all revenues received or generated by the Museum to aid or facilitate the operation and maintenance of the memorial museum. Property may be accepted pursuant to this section, and the property and the proceeds thereof used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such property. Funds donated to and accepted by the Museum pursuant to this section or otherwise received or generated by the Museum are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

"SEC. 2308. ANNUAL REPORT.

"The Director shall transmit to Congress an annual report on the Director's stewardship of the authority to operate and maintain the memorial museum. Such report shall include the following:

"(1) An accounting of all financial transactions involving donated funds.

"(2) A description of the extent to which the objectives of this chapter are being met.

"(3) An examination of future major endeavors, initiatives, programs, or activities that the Museum proposes to undertake to better fulfill the objectives of this chapter.

"(4) An examination of the Federal role in the funding of the Museum and its activities, and any changes that may be warranted.

"SEC. 2309. AUDIT OF FINANCIAL TRANSACTIONS.

"Financial transactions of the Museum, including those involving donated funds, shall be audited by the Comptroller General as requested by Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Museum, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.

"SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.

"To carry out the purposes of this chapter, there are authorized to be appropriated such sums as may be necessary. Notwithstanding any other provision of law, none of the funds authorized to carry out this chapter may be made available for construction. Authority to enter into contracts and to make payments under this chapter, using funds authorized to be appropriated under this chapter, shall be effective only to the extent, and

in such amounts, as provided in advance in appropriations Acts."•

● Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill with my good friend, Senator BINGAMAN that will reauthorize the United States Holocaust Memorial Museum.

The United States Holocaust Memorial Museum is America's national institution for the documentation, study, and interpretation of the history of the Holocaust and serves as this country's memorial to the millions of people murdered during the Holocaust.

The Museum's primary mission is to advance and disseminate knowledge about the unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.

The work of the Museum is not limited to the building which overlooks the tidal basin here in Washington, D.C. I and my constituents in Alaska have benefitted from the work of the Museum. Through a system of very well designed traveling exhibits the Museum has been able to bring the story of the Holocaust, and its related history to millions of Americans nationwide. I know my constituents in Anchorage and Fairbanks will never forget their opportunity to view the traveling programs.

The legislation makes some changes in the management authorities for the Museum and streamlines the procedures to appoint the Museum's Director. The legislation also provides the United States Holocaust Memorial Museum with the same permanent authorization as we have previously provided for the Smithsonian Institution.

Mr. President, I urge my colleagues to support this bipartisan legislation.●

By Mr. ABRAHAM (for himself, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Ms. SNOWE, Mr. CRAIG, Ms. COLLINS, Mr. GORTON, Mr. JEFFORDS, Mr. SCHUMER, Mr. GRAHAM, Mr. LEVIN, Mr. DEWINE, and Mrs. MURRAY):

S. 2599. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

IMMIGRATION AND NATURALIZATION SERVICE
DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Mr. ABRAHAM. Mr. President, I rise today to introduce the Immigration and Naturalization Service Data Management Improvement Act of 2000. This bill is designed to save jobs in Michigan and other states and prevent potentially enormous, hours-long traffic delays on the U.S.-Canadian border. That is achieved by amending Section 110 of the 1996 immigration law.

Mr. President, Section 110 of the 1996 Immigration Act mandated that an automated system be established to record the entry and exit of all aliens as a means to provide more information on individuals who "over stay"

their visas. In the opinion of many it became clear that this well-intentioned measure, if implemented, could have an unforeseen impact. Today, when INS or Customs officials inspect people at land borders, they examine papers as necessary and make quick determinations, using their discretion on when to solicit more information. According to Dan Stamper, President of the Detroit International Bridge Company, if every single passenger of every single vehicle were required to provide detailed information in a form that could be entered into a computer—even assuming an incredibly quick 30 seconds per individual—the traffic delays could exceed 20 hours in numerous jurisdictions at the Northern border. This would obviously create significant economic and even environmental harm. Moreover, it would divert scarce law enforcement resources away from more effective measures.

Out of concern for its harmful impact on Michigan and law enforcement, I passed legislation in 1998 to delay implementation of Section 110 from its original start date of Sept. 30, 1998, until March 30, 2001. But it remained clear that a delay could not sufficiently satisfy concerns that the INS might develop a system that would prove harmful to the people of Michigan and other states.

Mr. President, FRED UPTON showed great leadership in the House on this issue and served his constituents extraordinarily well in helping to forge this compromise. LAMAR SMITH deserves great credit for working closely with us and his other House colleagues in making an agreement that meets the economic and security interests of all sides on this issue.

This is a great victory for the people of Michigan. This agreement strikes the right balance in enhancing our security and immigration enforcement needs while ensuring that we preserve the jobs and the other economic benefits Michigan receives from our close relationship with Canada.

This bill, the product of the agreement with the House, replaces the current requirement that by March 30, 2001, a record of arrival and departure be collected for every alien at all ports of entry with a more achievable requirement that the Immigration and Naturalization Service develop an "integrated entry and exit data system" that focuses on data INS already regularly collects at ports of entry.

The goal of Section 110 has been to track individuals who overstay their allowable stay in the United States. That goal is redirected into a more achievable direction. INS will be directed to put in electronic and retrievable form the information already collected at ports of entry and pursue other measures steps to improve enforcement of U.S. immigration laws. In addition, a task force chaired by the Attorney General that will include representatives of other government agencies and the private sector is estab-

lished to examine the need for and costs of any additional measures, including additional security measures, at our borders. The bill also calls for increased international cooperation in securing the land borders.

In essence, the agreement substitutes this approach in place of a mandate that a system be developed that would have required that all foreign travelers or U.S. permanent residents be individually recorded into a system at ports of entry and exit, thereby likely bringing traffic to a halt on the northern border for miles, trapping U.S. travelers in the process and costing potentially tens of thousands of jobs in manufacturing, tourism and other industries. The agreement also maintains the status quo in preventing new documentary requirements on Canadian travelers.

Mr. President, the bottom line is that we will have a system that enhances law enforcement capabilities and will not impose new or onerous requirements on travelers that would damage Americans or the American economy.

I would like to thank the cosponsors of this legislation who have been so important in achieving success in this long three-year effort: Senators LEAHY, GRAMS, KENNEDY, SNOWE, COLLINS, CRAIG, GORTON, JEFFORDS, SCHUMER, GRAHAM, LEVIN, DEWINE, and MURRAY.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2599

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 "Immigration and Naturalization Service Data Management Improvement Act of 2000".

SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.

(a) IN GENERAL.—Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.

"(a) REQUIREMENT.—The Attorney General shall implement an integrated entry and exit data system.

"(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED.—For purposes of this section, the term 'integrated entry and exit data system' means an electronic system that—

"(1) provides access to, and integrates, alien arrival and departure data that are—

"(A) authorized or required to be created or collected under law;

"(B) in an electronic format; and

"(C) in a data base of the Department of Justice or the Department of State, including those created or used at ports of entry and at consular offices;

"(2) uses available data described in paragraph (1) to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or non-immigrant, and date of arrival in, and departure from, the United States;

"(3) matches an alien's available arrival data with the alien's available departure data;

"(4) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary's obligations under immigration law) to identify, through on-line searching procedures, lawfully admitted nonimmigrants who may have remained in the United States beyond the period authorized by the Attorney General; and

"(5) otherwise uses available alien arrival and departure data described in paragraph (1) to permit the Attorney General to make the reports required under subsection (e).

"(c) CONSTRUCTION.—

"(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS.—Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including—

"(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of such Act (8 U.S.C. 1182(d)(4)(B)); or

"(B) requirements that are inconsistent with the North American Free Trade Agreement.

"(2) NO REDUCTION OF AUTHORITY.—Nothing in this section shall be construed to reduce or curtail any authority of the Attorney General or the Secretary of State under any other provision of law.

"(d) DEADLINES.—

"(1) AIRPORTS AND SEAPORTS.—Not later than December 31, 2003, the Attorney General shall implement the integrated entry and exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at an airport or seaport. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at an airport or seaport, are entered into the system and can be accessed by immigration officers at other airports and seaports.

"(2) HIGH-TRAFFIC LAND BORDER PORTS OF ENTRY.—Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at such a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other such land border ports of entry.

"(3) REMAINING DATA.—Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are available to immigration officers at all ports of entry into the United States.

"(e) REPORTS.—

"(1) IN GENERAL.—Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

"(2) INFORMATION.—Each report shall include the following information with respect

to the preceding fiscal year, and an analysis of that information:

“(A) The number of aliens for whom departure data was collected during the reporting period, with an accounting by country of nationality of the departing alien.

“(B) The number of departing aliens whose departure data was successfully matched to the alien’s arrival data, with an accounting by the alien’s country of nationality and by the alien’s classification as an immigrant or nonimmigrant.

“(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien’s authorized period of stay, with an accounting by the alien’s country of nationality and date of arrival in the United States.

“(D) The number of lawfully admitted non-immigrants identified as having remained in the United States beyond the period authorized by the Attorney General, with an accounting by the alien’s country of nationality.

“(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—

“(1) IN GENERAL.—Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine which officers and employees of the Departments of Justice and State may enter data into, and have access to the data contained in, the integrated entry and exit data system.

“(2) OTHER LAW ENFORCEMENT OFFICIALS.—The Attorney General, in the discretion of the Attorney General, may permit other Federal, State, and local law enforcement officials to have access to the data contained in the integrated entry and exit data system for law enforcement purposes.

“(g) USE OF TASK FORCE RECOMMENDATIONS.—The Attorney General shall continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force established under section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2008.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by amending the item relating to section 110 to read as follows:

“Sec. 110. Integrated entry and exit data system.”.

SEC. 3. TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, shall establish a task force to carry out the duties described in subsection (c) (in this section referred to as the “Task Force”).

(b) MEMBERSHIP.—

(1) CHAIRPERSON; APPOINTMENT OF MEMBERS.—The Task Force shall be composed of the Attorney General and 16 other members appointed in accordance with paragraph (2). The Attorney General shall be the chairperson and shall appoint the other members.

(2) APPOINTMENT REQUIREMENTS.—In appointing the other members of the Task Force, the Attorney General shall include—

(A) representatives of Federal, State, and local agencies with an interest in the duties

of the Task Force, including representatives of agencies with an interest in—

- (i) immigration and naturalization;
- (ii) travel and tourism;
- (iii) transportation;
- (iv) trade;
- (v) law enforcement;
- (vi) national security; or
- (vii) the environment; and

(B) private sector representatives of affected industries and groups.

(3) TERMS.—Each member shall be appointed for the life of the Task Force. Any vacancy shall be filled by the Attorney General.

(4) COMPENSATION.—

(A) IN GENERAL.—Each member of the Task Force shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Task Force.

(c) DUTIES.—The Task Force shall evaluate the following:

(1) How the Attorney General can efficiently and effectively carry out section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act.

(2) How the United States can improve the flow of traffic at airports, seaports, and land border ports of entry through—

(A) enhancing systems for data collection and data sharing, including the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act, by better use of technology, resources, and personnel;

(B) increasing cooperation between the public and private sectors;

(C) increasing cooperation among Federal agencies and among Federal and State agencies; and

(D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border ports of entry.

(3) The cost of implementing each of its recommendations.

(d) STAFF AND SUPPORT SERVICES.—

(1) IN GENERAL.—The Attorney General may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Task Force to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Task Force.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Attorney General may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Attorney General may procure temporary and intermittent services for the Task Force under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Attorney General, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section.

(e) HEARINGS AND SESSIONS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate.

(f) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Attorney General, the head of that department or agency shall furnish that information to the Task Force.

(g) REPORTS.—

(1) DEADLINE.—Not later than December 31, 2002, and not later than December 31 of each year thereafter in which the Task Force is in existence, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force. Each report shall also measure and evaluate how much progress the Task Force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such report.

(h) LEGISLATIVE RECOMMENDATIONS.—

(1) IN GENERAL.—The Attorney General shall make such legislative recommendations as the Attorney General deems appropriate—

(A) to implement the recommendations of the Task Force; and

(B) to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such legislative recommendations.

(i) TERMINATION.—The Task Force shall terminate on a date designated by the Attorney General as the date on which the work of the Task Force has been completed.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION.

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury,

should consult with affected foreign governments to improve border management cooperation.

Mr. LEAHY. Mr. President, I am pleased to cosponsor this bill, which will help protect both America's economy and our relationship with Canada. In particular, citizens of states all across our Northern Border should breathe a sigh of relief that we appear to be close to finding a legislative solution to a potentially serious problem brewing along our border with Canada.

This bill will replace section 110 of the Illegal Immigration Reform and Responsibility Act (IIRIRA). Section 110 would mandate that the Immigration and Naturalization Service (INS) establish an automated system to record the entry and exit of all aliens in order to track their movements within the United States and to determine those who "overstay" their visas. The system has not yet been implemented.

By requiring an automated system for monitoring the entry and exit of "all aliens," this provision requires that INS and Customs agents stop each vehicle or individual entering or exiting the United States at all ports of entry. Canadians, U.S. permanent residents and many others who are not currently required to show documentation of their status would likely either have to carry some form of identification or fill out paperwork at the points of entry.

This sort of tracking system would be costly to implement along the Northern Border, especially since there is no current system or infrastructure to track the departure of citizens and others leaving the United States.

Section 110 would also lead to excessive and costly traffic delays for those living and working near the border. These delays would surely have a negative impact on the \$2.4 billion in goods and services shipped annually from Vermont to Canada and would likely reduce the \$120 million per year which Canadians spend in Vermont.

The Immigration and Naturalization Service Data Management Improvement Act will replace the existing Section 110 with a new provision that requires the Attorney General to implement an "integrated entry and exit data system." This system would simply integrate the arrival and departure data which already is authorized or required to be collected under current law, and which is in electronic format within databases held by the Justice and State Departments. The INS would not be required to take new steps to collect information from those entering and leaving the country, meaning that Canadians will have the same ability to enter the United States as they do today.

This bill will ensure that tourists and trade continue to freely cross the border, without additional documentation requirements. This bill will also guarantee that more than \$1 billion daily cross-border trade is not hindered in

any way. Just as importantly, Vermonters and others who cross our nation's land borders on a daily basis to work or visit with family or friends should be able to continue to do so without additional border delays.

This is an issue that I have worked on ever since section 110 was originally adopted in 1996. In 1997, along with Senator ABRAHAM and others, I introduced the "Border Improvement and Immigration Act of 1997." Among other things, that legislation would have (1) specifically exempted Canadians from any new documentation or paperwork requirements when crossing the border into the United States; (2) required the Attorney General to discuss the development of "reciprocal agreements" with the Secretary of State and the governments of contiguous countries to collect the data on visa overstayers; and (3) required the Attorney General to increase the number of INS inspectors by 300 per year and the number of Customs inspectors by 150 per year for the next three years, with at least half of those inspectors being assigned to the Northern Border.

I also worked with Senator ABRAHAM, Senator KENNEDY, and other Senators to obtain postponements in the implementation date for the automated system mandated by section 110. We were successful in those attempts, delaying implementation until March 30, 2001. But delays are by nature only a temporary solution; in the legislation we introduce today, I believe we have found a permanent solution that allows us to keep track of the flow of foreign nationals entering and leaving the United States without crippling commerce or our important relationship with Canada. That is why I am proud to support this legislation, and why I urge prompt action.

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 890

At the request of Mr. WELLSTONE, the names of the Senator from California

(Mrs. BOXER) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1459

At the request of Mr. MACK, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1594

At the request of Mr. BOND, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor 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. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2045

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

S. 2060

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2060, a bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

S. 2123

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965,

the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2123, *supra*.

S. 2297

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2297, a bill to reauthorize the Water Resources Research Act of 1984.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2407

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 2407, a bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2486

At the request of Mr. WARNER, the name of the Senator from Delaware

(Mr. ROTH) was added as a cosponsor of S. 2486, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. BAYH), the Senator from Maine (Ms. COLLINS), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S.Con.Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S.J. RES. 44

At the request of Mr. HATCH, his name was added as a cosponsor of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

SENATE RESOLUTION 308—CONGRATULATING THE INTERNATIONAL HOUSE ON THE OCCASION OF ITS 75TH ANNIVERSARY

Mr. GORTON (for himself, Mr. MOYNIHAN, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 308

Whereas International House at 500 Riverside Drive, New York City, was founded in 1924 as a residence and program center for graduate students and trainees from all nations;

Whereas International House was created to allow diverse peoples from around the world the opportunity to live together in a shared cultural and intellectual environment, and enable its residents and members to understand and better appreciate people of divergent backgrounds; and

Whereas in the last 75 years International House has grown from this fundamental concept to become an internationally recognized institution, serving as a vital resource for the global academic, business, professional, and artistic communities: Now, therefore, be it

Resolved, That the Senate commends International House for its distinguished service to the people of the United States and all citizens of the world in the promotion of global understanding and world peace and extends congratulations to International House on the occasion of its 75th anniversary.

AMENDMENTS SUBMITTED

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

DOMENICI AMENDMENT NO. 3156

Mr. BURNS (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed

an amendment to the bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 44 line 6, strike "\$136,000,000" and replace with "\$221,000,000"; and on page 44 line 12, strike "\$136,000,000" and replace with "\$221,000,000".

GREGG AMENDMENT NO. 3157

Mr. BURNS (for Mr. GREGG) proposed an amendment to the bill, S. 2521, *supra*; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to allow for the entry into, or withdrawal from warehouse for consumption in the United States of diamonds if the country of origin in which such diamonds were mined (as evidenced by a legible certificate of origin) is the Republic of Sierra Leone, the Republic of Liberia, the Republic of Cote d'Ivoire, the Democratic Republic of the Congo, or the Republic of Angola.

STEVENS (AND OTHERS) AMENDMENT NO. 3158

Mr. BURNS (for Mr. STEVENS (for himself, Mr. COVERDELL, and Mr. DEWINE)) proposed an amendment to the bill, S. 2521, *supra*; as follows:

On page 26, at line 15, strike "\$74,859,000", and insert in lieu thereof: "\$542,859,000";

On page 27, at line 7 and 8, strike "*Provided*", and insert in lieu thereof "*Acquisition of six C-130J long-range maritime patrol aircraft authorized under section 812(G) of the Western Hemisphere Drug Elimination Act that are capable of meeting defense-related and other elements of the Coast Guard's multi-mission requirements, \$468,000,000: Provided*, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard's Deepwater Capability Replacement Project; *Provided further*".

DOMENICI (AND BINGAMAN) AMENDMENT NO. 3159

Mr. BURNS (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill, S. 2521, *supra*; as follows:

On page 35, between lines 17 and 18, insert the following:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test, and Evaluation, Army", \$5,700,000 for continued test activities under the Tactical High Energy Laser (THEL) program of the Army: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

McCONNELL (AND OTHERS)
AMENDMENT NO. 3160

Mr. BURNS (for Mr. McCONNELL (for himself, Mr. STEVENS, and Mr. WARNER)) proposed an amendment to the bill, S. 2521, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of enactment of this section and before December 31, 2000.

JEFFORDS AMENDMENT NO. 3161

Mr. BURNS (for Mr. JEFFORDS) proposed an amendment to the bill, S. 2521, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ ELECTRONIC AND INFORMATION TECHNOLOGY.

Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking "Effective" and all that follows through "1998," and inserting "Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2)."; and

(2) in subparagraph (B), by striking "2 years" and all that follows and inserting "6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).".

DASCHLE AMENDMENT NO. 3162

Mrs. MURRAY (for Mr. DASCHLE) proposed an amendment to the bill S. 2521, supra; as follows:

At the appropriate place, insert the following:

SEC. . FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.

Section 136(a)(3) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-596), is amended by adding at the end the following:

"(C) DETERMINATION OF ECONOMIC JUSTIFICATION.—

"(i) IN GENERAL.—A determination of economic justification under subparagraph (A) shall be based on an assumption that the Federal Government is liable for ground water damage to land or property described in paragraph (1).

"(ii) EFFECT OF CLAUSE.—Clause (i) does not impose on the Federal Government any liability in addition to any liability that the Federal Government may have under law in effect on October 20, 1998.".

STEVENS (AND INOUE)
AMENDMENT NO. 3163

Mr. BURNS (for Mr. STEVENS (for himself and Mr. INOUE)) proposed an amendment to the bill, S. 2521, supra; as follows:

AMENDMENT NO. 3163

At the appropriate place in the bill, insert:

"SEC. . Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262) is amended—

"And other SOFA claims" to be inserted following "... the funds made available for payments to persons, communities, or other entities in Italy for reimbursement property damages . . ."

FOREIGN OPERATIONS, EXPORT
FINANCING, AND RELATED PRO-
GRAMS APPROPRIATIONS ACT,
2001

BAUCUS (AND OTHERS)
AMENDMENT NO. 3164

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. ROBERTS, and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

On page 140, between lines 19 and 20, insert the following:

SEC. ____ USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP.

Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

FREEDOM TO E-FILE ACT

FITZGERALD AMENDMENT NO. 3165

Mr. BROWNBACK (for Mr. FITZGERALD) proposed an amendment to the bill (S. 777) requiring the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom to E-File Act".

SEC. 2. ELECTRONIC FILING AND RETRIEVAL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in accordance with subsection (c), the Secretary of Agriculture (referred to in this Act as the "Secretary") shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this Act as the "Department") specified in subsection (b).

(b) APPLICABILITY.—The agencies referred to in subsection (a) are the following:

- (1) The Farm Service Agency.
- (2) The Natural Resources Conservation Service.
- (3) The rural development components of the Department included in the Secretary's service center initiative regarding State and

field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).

(4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

(c) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall—

(1) provide a method by which agricultural producers may—

(A) download from the Internet the forms of the agencies specified in subsection (b); and

(B) submit completed forms via electronic facsimile, mail, or similar means;

(2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and

(3) ensure that the agencies specified in subsection (b)—

(A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(B) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(d) PROGRESS REPORTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.

SEC. 3. ACCESSING INFORMATION AND FILING OVER THE INTERNET.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, in accordance with subsection (b), the Secretary shall expand implementation of the Internet-based system established under section 2 by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 2(b).

(b) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall ensure that an agricultural producer is able—

(1) to file electronically or in paper form, at the option of the agricultural producer, all forms required by agencies of the Department specified in section 2(b);

(2) to file electronically or in paper form, at the option of the agricultural producer, all documentation required by agencies of the Department specified in section 2(b) and determined appropriate by the Secretary; and

(3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.

SEC. 4. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) RESERVATION OF FUNDS.—From funds made available for agencies of the Department specified in section 2(b) for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:

- (1) For fiscal year 2001, \$3,000,000.
- (2) For each subsequent fiscal year, \$2,000,000.

(b) TIME FOR RESERVATION.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.

(c) USE OF FUNDS.—

(1) ESTABLISHMENT.—Funds reserved under subsection (a) shall be used to establish the

Internet-based system required under section 2 and to expand the system as required by section 3.

(2) MAINTENANCE.—Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) RETURN OF FUNDS.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

SEC. 5. FEDERAL CROP INSURANCE CORPORATION AND RISK MANAGEMENT AGENCY.

(a) IN GENERAL.—Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this Act, to allow agricultural producers to—

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

(b) ADMINISTRATION.—The plan shall—

(1) conform to sections 2(c) and 3(b); and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

(c) IMPLEMENTATION.—Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a).

SEC. 6. CONFIDENTIALITY.

In carrying out this Act, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

NOTICE OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 24, 2000, at 9:30 a.m. to conduct a hearing on S. 611, the Indian Federal Recognition Administrative Procedures Act of 1999. The hearing will be held in room 485, Russell Senate Building.

Note: This hearing was originally scheduled for 9:30 a.m., May 17.

Those wishing additional information may contact committee staff at 202/224-2251.

THE CONFIRMATION OF JUDGES

Mr. LEAHY. Mr. President, I know the distinguished leader has been work-

ing on trying to find a way to confirm some more judges. I hope we do.

I remind the Senate, and the American public, that there is a mistaken belief that in a Presidential election year we stop confirming judges. That is not so.

As one who has been here for 25 years, I note that there is an informal procedure called the Thurmond rule, named after our beloved President pro tempore, the Senator from South Carolina, STROM THURMOND. This rule basically says that as we get close to the Presidential election time—July, August, and into the fall—we slow down and nearly stop the confirmation of judges to lifetime appointments to see how the Presidential election comes out, because the next President will be able to nominate judges.

But having said that, I point out what happened in the last year of President Bush's term. Democrats controlled the Senate, and we confirmed 66 judges—66 judges nominated by President Bush—more than have been confirmed in any year of President Clinton's term in which there has been a Republican majority, even when he was not facing reelection. In 1996 they confirmed only 17 judges all year.

With a Democratic Senate in the last year of President Reagan's term, we did not have this kind of a slowdown and stoppage. Democrats confirmed more than 40 judges.

I hope we will look, first and foremost, not at some kind of partisan game but at what is best for the judiciary.

We are seen throughout the world as having the most independent federal judiciary anywhere. Look at what happens in other parts of the world where the President or Prime Minister or leader of a country can tell the judiciary exactly what to do, and they do it. Look at what happened in Peru. President Fujimori got the Supreme Court to allow him to run unconstitutionally for a third term.

Look at a number of other countries around the world where dictators, and those who seize power, get the courts to bend to their will. That is not done here in the United States. Our Federal judiciary truly is independent. We should protect their independence by not making judges a partisan pawn in a political program. We should make sure they remain independent.

Democrats have given an enormous amount of flexibility to Republican Presidents. I hope—it may be a vain hope—that a Democratic President would get at least a goodly percentage of that same kind of flexibility from a Republican-controlled Senate. If we were to confirm all 16 of the judges on the Senate Executive Calendar today, we still would only have confirmed 23 judges so far this year. That is about half the total from 1988 and only one-third of the 66 judges confirmed in 1992.

We will not accomplish anything tonight on this. But I urge—as I did last night when I was speaking to the Cap-

itol Historical Society, speaking of the history of the Judiciary Committee, when I praised a number of Republican chairmen of that committee, from the past and present, and Democratic chairmen—and if I might, just for a moment, reflect on my 25 years here—we should lower our decibel level, especially in this area. I urge that the distinguished Republican leader and the distinguished Democratic leader, both of whom are dear friends of mine—and I have enjoyed the friendship and serving with them—might try once again. And the distinguished chairman of the committee, the senior Senator from Utah, Mr. HATCH, and I will do that, too, because whatever momentary political advantage either party might have, it does not begin to equate with our responsibility to the independence of the finest judiciary in the world. We should make that try.

It will not happen tonight, but over the weekend maybe calmer heads will prevail. I see my good friend from Kansas on the floor. He and I have joined on legislation. We are certainly not seen as political and philosophical allies, but we have reached across the aisle on significant legislation; one of the most significant is the collegiate gambling legislation. The distinguished Presiding Officer, the Senator from Alabama, and I have also joined together and voted together oftentimes in the Judiciary Committee. We know that, eventually, if something is going to work it has to have the support of Democrats and Republicans. I mention this because I hope that maybe the temperatures will lower. Let us realize that we have more things to unite us than to divide us and we can work together. I thank my two colleagues for their forbearance and letting me take these few minutes.

I yield the floor.

Mr. BROWNBACK. Mr. President, I thank the Senator from Vermont for his thoughtful comments on the need to work together, which I think is critically important. As I understood it, the distinguished Democratic leader and the majority leader were getting pretty close to getting something done and then it fell apart at the end. So I am hopeful that maybe come tomorrow, or the first of next week, those can move forward. I agree that we ought to work together in a calmness for the betterment of the country. I think we can get that done. This has been a tough week, and I have enjoyed working with my colleague.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-24

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on May 18, 2000, by the President, that being the Extradition Treaty with South Africa, Treaty Document No. 106-24. I further

ask that the treaty be considered as having been read 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 Extradition Treaty Between the Government of the United States of America and the Government of the Republic of South Africa, signed at Washington on September 16, 1999.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

The Treaty is one of a series of modern extradition treaties being negotiated by the United States to counter criminal activities more effectively. Upon entry into force, the Treaty will replace the outdated Treaty Relating to the Reciprocal Extradition of Criminals signed at Washington, December 18, 1947, and in force between the two countries since April 30, 1951. Together with the Treaty Between the Government of the United States of America and the Government of the Republic of South Africa on Mutual Legal Assistance in Criminal Matters, also signed September 16, 1999, this Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of the two countries. It will thereby make a significant contribution to international law enforcement efforts against serious offenses, including terrorism, organized crime, and drug-trafficking offenses.

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, May 18, 2000.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following Department of Defense nominations reported by the Armed Services Committee: Nos. 474 and 475.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements related to the nominations be printed in the RECORD,

that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF DEFENSE

Gregory Robert Dahlberg, of Virginia, to be Under Secretary of the Army.

Bernard Daniel Rostker, of Virginia, to be Under Secretary of Defense for Personnel and Readiness.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

HMONG VETERANS' NATURALIZATION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 562, H.R. 371.

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

The legislative clerk read as follows:

A bill (H.R. 371) to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 371

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 "Hmong Veterans' Naturalization Act of 2000".

SEC. 2. EXEMPTION FROM ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)) shall not apply to the naturalization of any person—

(1) who—

(A) was admitted into the United States as a refugee from Laos pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) served with a special guerrilla unit, or irregular forces, operating from a base in Laos in support of the United States military at any time during the period beginning February 28, 1961, and ending September 18, 1978; or

(2) who—

(A) satisfies the requirement of paragraph (1)(A); and

(B) was the spouse of a person described in paragraph (1) on the day on which such described person applied for admission into the United States as a refugee.

SEC. 3. SPECIAL CONSIDERATION CONCERNING CIVICS REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The Attorney General shall provide for special consideration, as determined by the

Attorney General, concerning the requirement of paragraph (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(2)) with respect to the naturalization of any person described in paragraph (1) or (2) of section 2 of this Act.

SEC. 4. DOCUMENTATION OF QUALIFYING SERVICE.

A person seeking an exemption under section 2 or special consideration under section 3 shall submit to the Attorney General documentation of their, or their spouse's, service with a special guerrilla unit, or irregular forces, described in section 2(1)(B), in the form of—

(1) original documents;

(2) an affidavit of the serving person's superior officer;

(3) two affidavits from other individuals who also were serving with such a special guerrilla unit, or irregular forces, and who personally knew of the person's service; or

(4) other appropriate proof.

SEC. 5. DETERMINATION OF ELIGIBILITY FOR EXEMPTION AND SPECIAL CONSIDERATION.

In determining a person's eligibility for an exemption under section 2 or special consideration under section 3, the Attorney General—

(1) shall review the refugee processing documentation for the person, or, in an appropriate case, for the person and the person's spouse, to verify that the requirements of section 2 relating to refugee applications and admissions have been satisfied;

(2) shall consider the documentation submitted by the person under section 4;

[(3) shall request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B) and shall take into account that opinion; and

[(4) may consider any certification prepared by the organization known as "Lao Veterans of America, Inc.", or any similar organization maintaining records with respect to Hmong veterans or their families.]

(3) may request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B); and

(4) may consider any documentation provided by organizations maintaining records with respect to Hmong veterans or their families.

The Secretary of Defense shall provide any opinion requested under paragraph (3) to the extent practicable, and the Attorney General shall take into account any opinion that the Secretary of Defense is able to provide.

SEC. 6. DEADLINE FOR APPLICATION AND PAYMENT OF FEES.

This Act shall apply to a person only if the person's application for naturalization is filed, as provided in section 334 of the Immigration and Nationality Act (8 U.S.C. 1445), with appropriate fees not later than 18 months after the date of the enactment of this Act.

SEC. 7. LIMITATION ON NUMBER OF BENEFICIARIES.

Notwithstanding any other provision of this Act, the total number of aliens who may be granted an exemption under section 2 or special consideration under section 3, or both, may not exceed 45,000.

Mr. HATCH. Mr. President, I thank my distinguished colleague from Wisconsin, Senator FEINGOLD, as well as my distinguished colleagues Senators WELLSTONE, GRAMS, KOHL and GRASSLEY, for their leadership and effort on behalf of the Hmong veterans and in support of this legislation. Also, I

would like to make special mention of Senator KOHL's critical role in bringing all parties together and in negotiating this compromise. Senator KOHL's role truly was pivotal.

With respect to Senator GRAMS, I would like to point out my appreciation for all that he has done to assist the Hmong veterans and their families in Minnesota.

I also appreciate very much the efforts of the Lao Veterans of America with their national recognition ceremonies for the Hmong and Lao veterans of the U.S. Secret Army and the monument that they dedicated at Arlington National Cemetery.

Mr. President, it is important to state that a negative inference should not be drawn from the fact that in moving this legislation through the Senate today, the Senate has amended the bill to eliminate specific mention of any one organization. In fact, the distinguished organization mentioned in the original House legislation was cited because of its role in developing, organizing and keeping records regarding the service of Hmong and Lao veterans who served with U.S. military and covert forces in Laos during the Vietnam War. It, along with other such organizations, may be helpful in providing input for the naturalization of the Hmong veterans and their families.

Mr. FEINGOLD. Mr. President, I thank the distinguished chairman of the Judiciary Committee, Senator HATCH, for his assistance in getting this legislation to the floor. I concur with Senator HATCH that a negative inference should not be drawn from the fact that the bill was amended to remove reference to a specific organization. Given that there is reason to believe that the federal government has little, if any, remaining records of which Lao and Hmong participated in the U.S. Secret Army, I think it is entirely reasonable for the Attorney General to consider documentation provided by the Lao Veterans of America or other Lao or Hmong veterans' organizations. In fact, I understand that the Lao Veterans of America was named in the House legislation because it has maintained extensive records of the Hmong and Lao veterans of the U.S. Secret Army.

Mr. WELLSTONE. Mr. President, I thank Chairman HATCH, Senator FEINGOLD and Senator KOHL for their work in passing the Hmong Veterans Naturalization Act through the Judiciary Committee today. I am proud to be its sponsor in the Senate. In particular, I would like to commend Rep. Bruce Vento for his efforts on this legislation and his extraordinary courage and selfless devotion to the important cause of the Hmong veterans.

I would like to affirm my colleagues' remarks and thank the Lao Veterans of America, the nation's largest Hmong veterans organization, for its leadership in helping to bring long-overdue national recognition to the Hmong and Lao veterans of the U.S. Secret Army,

as well as pushing for the passage of this legislation in the House and Senate. Lao Veterans of America is the nation's first non-profit veterans organization representing Hmong and Lao veterans of the U.S. Secret Army. These veterans and their families served with U.S. military and clandestine forces in Laos during the Vietnam War. Starting in 1990, the group established and began maintaining the nation's largest repository of records relating to the Hmong and Lao veterans who served with U.S. clandestine and military forces.

Mr. President, the Lao Veterans of America's second largest chapter is headquartered in Minnesota. I have heard from hundreds of Hmong Americans in support of this bill over the years. I want to thank them, as well as all the Hmong people from Minnesota and around the country who made the passage of this bill possible.

Mr. KOHL. Mr. President, I would also like to add my comments. Thank you Chairman HATCH for your kind words and all your help and the help of your staff in moving this important legislation forward. Thank you as well to my fellow Senator from Wisconsin and Senators WELLSTONE and GRAMS from Minnesota. I am pleased that we were able to work together to reach a compromise and help give the Hmong veterans and their families the chance to become citizens. The Hmong community, particularly the Lao Veterans of America, have worked tirelessly to bring us to this point. As my colleagues have mentioned, no negative inference should be drawn from the compromise language. Last week, I was proud to participate in the Lao Veterans of America National Recognition Ceremonies with so many Hmong veterans from Wisconsin. With this bill, we are attempting to repay them for their tremendous sacrifices and courage. I hope that we can achieve the final steps and send this bill to the President's desk for signature as soon as possible.

Mr. LEAHY. I rise today in support of the Hmong Veterans' Naturalization Act of 2000, which has passed the House and deserves our support as well. The beneficiaries of this bill are guerrilla soldiers—and their spouses and widows—who were our allies in Laos during the Vietnam War. Many of these soldiers came to the United States with their families after the war and have contributed to the American economy through their labor and by paying taxes. Now many of them seek to become citizens of this country, but find it difficult to meet the prerequisites for naturalization due to the unique characteristics of their native culture.

Until quite recently, the Hmong people had no written language. This lack of experience with written language has made it more difficult for Hmong people who have moved to the United States to learn English, which in turn makes it more difficult for them to ob-

tain citizenship. This bill would waive the English language requirement and provide special consideration for the civics requirement for Hmong veterans and their spouses and widows. It is a small concession to make in return for the great sacrifices that these men made in fighting for the American cause in Southeast Asia.

I would like to commend Senators WELLSTONE and FEINGOLD for the efforts they have made to draw attention to this issue and this bill, and to thank Representative VENTO whose persistence has made this bill possible. I would also note that this is a bipartisan bill that Senators HAGEL and MCCAIN have cosponsored. My only disappointment is that the majority made it impossible to report this bill from the Judiciary Committee last week, when we were joined at the hearing by many of the brave soldiers whom this bill would benefit. Instead of working out its concerns with the bill's sponsors in advance, the majority insisted upon an 11th-hour amendment, an amendment that—in violation of normal practice—was not distributed to members of this Committee. This conduct came only a week after the majority objected to an attempt to pass the House bill on the floor—an attempt that was cleared by every Senator on my side of the aisle.

But it is better to pass this bill after a delay than not at all. I am grateful for the opportunity to have helped bring this bill to the floor today, and I look forward to the day when these brave veterans become American citizens. It is a privilege that they have more than earned.

Mr. WELLSTONE. Mr. President, I will take a moment to thank my colleagues for passing S. 890, the Hmong Veterans Naturalization Act. Frankly, this bill is long overdue.

As the Senator from Minnesota, I am proud to represent the largest Hmong population in America. There are nearly 70,000 Hmong people living in the twin cities. My experience as a Senator has become so much greater as a result of coming to know the nobel history and rich culture of the Hmong people in Minnesota. I am in awe of their sacrifice for the American people.

Hmong soldiers died at ten times the rate of American soldiers in the Vietnam War. As many as 20,000 Hmong fell on the mountains in Laos. Hmong soldiers were paid \$3 a month and often lived off of rice alone. Where American pilots were sent home after a year or after their one hundredth mission, Hmong soldiers never stopped fighting. "Fly till you die" was what the Hmong soldiers said. And, as adults died, children as young as twelve were called up to take their place. In exchange for their service, the Hmong were given a promise of protection by the United States Government.

Yet the promise made on the battlefield was abandoned. When the United States military fled South East Asia, the Hmong Guerrillas were left to fight

alone. A trail of 100,000 refugees were left to fend for themselves. Many were slaughtered as they waited for evacuation planes that never came.

Because America's war effort in Laos was covert, perhaps the largest covert action in our history, the sacrifices and service of the Hmong and Lao veterans is still largely untold. As a result, many of these brave people are still suffering from poverty, discrimination, and persecution.

The legislation we passed today is a tribute to this sacrifice. It is a small but meaningful step in honoring and fulfilling our promise to the Hmong people. This legislation will simply waive the literacy requirement to all Hmong Veterans and their spouses to become citizens of the United States—a nation for which so many of them spilled their blood and a nation that has long ignored their unique struggle.

The need for this legislation is acute because the Hmong had no written language until recently, and because so many Hmong children were fighting for America when they should have been in school.

I want to thank my colleagues for their support. In particular, I also want to take a moment to thank and honor Congressman BRUCE VENTO. He, more than anyone in the Congress, has dedicated himself to ensure that Hmong and Lao veterans receive the honor and respect that has been so long deserved and too long delayed. I also want to thank Chairman HATCH, for guiding this bill through the Judiciary Committee and Senator RUSS FEINGOLD who, with Senator HERB KOHL, has worked so hard to see that this bill is passed. Mostly, I thank the Hmong people. You gave us your lives and your families. You are American heroes.

Mr. FEINGOLD. Mr. President, I am very pleased that the Senate today will pass H.R. 371, the Hmong Veterans' Naturalization Act. I was proud to join my colleague from Minnesota, Senator WELLSTONE, as an original co-sponsor of S. 890, which was companion legislation to H.R. 371. I commend Senator WELLSTONE for his leadership on this issue and for his persistence in pressing for the Judiciary Committee and the full Senate to consider the bill.

By passing this legislation today, the Senate recognizes the contribution of Hmong and Lao immigrants who risked their lives to support U.S. interests in Southeast Asia. The Senate not only recognizes the valor of Hmong and Lao veterans, but also helps them achieve their goal of citizenship.

Mr. President, Wisconsin is home to the third largest Hmong community in the United States. We are proud of the Hmong veterans and their families who sacrificed so much for U.S. national security during the Vietnam War and have done so much to enrich Wisconsin and the United States. I have had the opportunity to meet many Lao and Hmong veterans and their families as I travel throughout Wisconsin. I am struck by the profound importance

they place on becoming citizens of the United States. The most important thing to many of these individuals is to become legal citizens of the country they risked their lives to help and that they now call home. This bill is the least we can do to help repay the huge debt we owe these brave individuals.

This legislation is truly long overdue. The Hmong and Lao veterans of the U.S. Secret Army should not have had to suffer for so long in obscurity after the end of the Vietnam War. It should not have taken so long for the United States to finally dedicate a monument in Arlington National Cemetery to the Hmong and Lao veterans of the U.S. Secret Army, when it did so in May 1997.

Mr. President, the monument at Arlington National Cemetery to the Hmong veterans contains important language for us to remember as we pass this legislation today in the Senate. The monument in Arlington Cemetery, dedicated by many of the Hmong veterans and their families from Wisconsin and across the United States, reads as follows:

DEDICATED TO THE U.S. SECRET ARMY IN LAOS
1961-1973

In memory of the Hmong and Lao combat veterans and their American Advisors who served freedom's cause in Southeast Asia. Their patriotic valor and loyalty in the defense of liberty and democracy will never be forgotten "You will never be forgotten. (in Laotian and Hmong)—Lao Veterans of America, May 15, 1997."

Mr. President, I am particularly proud of the Lao Veterans of America chapters throughout the state of Wisconsin—in Milwaukee, Green Bay, Madison, Wausau, Stevens Point, Sheboygan, Oshkosh, Eau Claire and elsewhere. They played a positive role in helping to establish this monument as well as pressing the Congress to enact this legislation. They have also worked with the national headquarters of the Lao Veterans of America and its chapters across the United States to reconstruct many of the records of the veterans, which were destroyed in Laos at the end of the Vietnam War.

More than a thousand Hmong veterans from Wisconsin were in Washington, D.C. last week to commemorate the 25th anniversary of the end of the Vietnam War in Laos and the passage of this legislation in the House of Representatives. Over four thousand Hmong veterans marched down Pennsylvania Avenue and attended ceremonies at the Vietnam War Memorial, the U.S. Capitol and Arlington National Cemetery.

Mr. President, during the course of our consideration of this bill in Committee, an objection was raised to a provision of the bill that specifically mentions the Lao Veterans of America as an organization whose certification of the eligibility of an individual veteran as eligible for the benefits of this bill could be considered by the Attorney General. Given that there is reason to believe that the federal government has few remaining records of which Lao

and Hmong participated in the U.S. Secret Army, I think it is entirely reasonable for the Attorney General to consider documentation provided by the Lao Veterans of America or other Lao or Hmong veterans' organizations. In fact, I understand that the Lao Veterans of America was named in the House legislation because it has maintained extensive records of the Hmong and Lao veterans of the U.S. Secret Army. Frankly, I do not understand why this provision became such a sticking point, but in order to move this bill along and get it to the President's desk as quickly as possible, I agreed to a modification of this provision.

I am pleased that we reached agreement that this provision should not be removed in its entirety. And I emphasize, and I know that the Chairman of the Judiciary Committee agrees, that a negative inference should not be drawn from the fact that the name of this specific organization, the Lao Veterans of America, was removed from the bill. Even though its name was removed from the bill, the Lao Veterans of America can still provide documentation to the Attorney General, and the Attorney General may consider it.

Mr. President, I again want to thank Senator WELLSTONE, Senator KOHL, and Senator HATCH for their work to facilitate passage of this important legislation that will help Hmong veterans finally attain their well-deserved goal of U.S. citizenship.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

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

The bill (H.R. 371), as amended, was read the third time and passed.

Mr. LEAHY. Mr. President, if the Senator will yield a moment, I thank the Senator from Kansas and others for passing this bill. I know this has been a major cause of our retiring colleague from the other body, BRUCE VENTO. We had this before the Judiciary Committee this morning. I thank Senator HATCH and the others who helped make it possible to bring it out. It rights a grievous wrong, and it is a good piece of legislation.

Mr. BROWNBACK. I thank my colleague for mentioning that. It is important that we are getting this bill passed. It is right to bring attention to this matter. These are people who have done great things for us and for our country. It should be taken care of. I am glad it cleared through committee so well.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader,

in consultation with the Democratic Leader, pursuant to Public Law 105-389, announces the appointment of Sylvia Stewart of Mississippi to serve as a member of the First Flight Centennial Federal Advisory Board, vice Wilkinson Wright of Ohio.

INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 526, S. 1509.

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

The assistant legislative clerk read as follows:

A bill (S. 1509) to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets)

S. 1509

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 "Indian Employment, Training and Related Services Demonstration Act Amendments of 1999".

SEC. 2. FINDINGS, PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

(C) assisted in transitioning tribal members from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization;

(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

(i) the Department of the Interior;

(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

(b) PURPOSES.—The purposes of this Act are to demonstrate how Indian tribal governments can integrate the employment, training and related services they provide in order

to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.

SEC. 3. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

"(1) FEDERAL AGENCY.—The term 'federal agency' has the same meaning given the term 'agency' in section 551(1) of title 5, United States Code."

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking "job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training" and inserting the following: "assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities".

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking "Federal department" and inserting "Federal agency";

(2) by striking "Federal departmental" and inserting "Federal agency";

(3) by striking "department" each place it appears and inserting "agency"; and

(4) in the third sentence, by inserting "statutory requirement," after "to waive any".

(d) PLAN APPROVAL.—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", including any request for a waiver that is made as part of the plan submitted by the tribal government";

(2) in the second sentence, by inserting before the period at the end the following: ", including reconsidering the disapproval of any waiver requested by the Indian tribe".

(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The plan submitted"; and

(2) by adding at the end the following:

"(b) JOB CREATION OPPORTUNITIES.—

"(1) IN GENERAL.—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

"(2) DETERMINATION OF PERCENTAGE.—The percentage of funds that a tribal government may use under this subsection is the greater of—

"(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

"(B) 10 percent.

"(c) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula."

[SEC. 4. ALASKA REGIONAL CONSORTIA.

[The Indian Employment, Training, and Related Services Demonstration Act of 1992 is amended by adding at the end the following:

["SEC. 19. ALASKA REGIONAL CONSORTIA.

["(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary shall permit a regional consortium of Alaska Native villages or regional or village corporations (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to carry out a project under a plan that meets the requirements of this Act through a resolution adopted by the governing body of that consortium or corporation.

["(b) WITHDRAWAL.—Nothing in subsection (a) is intended to prohibit an Alaska Native village from withdrawing from participation in any portion of a program conducted pursuant to this Act.".]

SEC. [5.] 4. REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.

Not later than one year after the date of enactment of this Act, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this Act shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this Act, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

SEC. [6.] 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 1509), as amended, was passed.

AMERICAN INDIAN TRIBAL COLLEGES AND UNIVERSITIES IMPROVEMENT ACT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3629 just received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3629) to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action.

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

The bill (H.R. 3629) was read the third time and passed.

DAY OF HONOR 2000

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S.J. Res. 44, and the Senate then proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 44) supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BROWNBACk. Mr. President, I ask unanimous consent that Senator HATCH be added as a cosponsor.

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

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 44) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 44

Whereas World War II was a determining event of the 20th century in that it ensured the preservation and continuation of American democracy;

Whereas the United States called upon all its citizens, including the most oppressed of its citizens, to provide service and sacrifice in that war to achieve the Allied victory over Nazism and fascism;

Whereas the United States citizens who served in that war, many of whom gave the ultimate sacrifice of their lives, included more than 1,200,000 African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans;

Whereas because of invidious discrimination, many of the courageous military activities of these minorities were not reported

and honored fully and appropriately until decades after the Allied victory in World War II;

Whereas the motto of the United States, "E Pluribus Unum" (Out of Many, One), promotes our fundamental unity as Americans and acknowledges our diversity as our greatest strength; and

Whereas the Day of Honor 2000 Project has enlisted communities across the United States to participate in celebrations to honor minority veterans of World War II on May 25, 2000, and throughout the year 2000: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) commends the African American, Hispanic American, Asian American, Native American, Native Hawaiian, Pacific Islanders, Native Alaskan, and other minority veterans of the United States Armed Forces who served during World War II;

(2) especially honors those minority veterans who gave their lives in service to the United States during that war;

(3) supports the goals and ideas of the "Day of Honor 2000" in celebration and recognition of the extraordinary service of all minority veterans in the United States Armed Forces during World War II; and

(4) authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.

FREEDOM TO E-FILE ACT

Mr. BROWNBACk. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 777) to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 777) entitled "An Act to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom to E-File Act".

SEC. 2. ELECTRONIC FILING AND RETRIEVAL.

(a) *ESTABLISHMENT OF INTERNET-BASED SYSTEM.—The Secretary of Agriculture shall establish an electronic filing and retrieval system that uses the telecommunications medium known as the Internet to enable farmers and other persons—*

(1) *to file electronically all paperwork required by the agencies of the Department of Agriculture specified in subsection (b); and*

(2) *to have access electronically to information, readily available to the public in published form, regarding farm programs, quarterly trade,*

economic, and production reports, price and supply information, and other similar information related to production agriculture.

(b) *COVERED AGENCIES.—Subsection (a) shall apply to the following agencies of the Department of Agriculture:*

(1) *The Farm Service Agency.*

(2) *The Risk Management Agency.*

(3) *The Natural Resources Conservation Service.*

(4) *The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).*

(c) *TIME-TABLE FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall—*

(1) *to the maximum extent practicable, complete the establishment of the electronic filing and retrieval system required by subsection (a) to the extent necessary to permit the electronic information access required by paragraph (2) of such subsection;*

(2) *initiate implementation of the electronic filing required by paragraph (1) of such subsection by allowing farmers and other persons to download forms from the Internet and submit completed forms via facsimile, mail, or related means; and*

(3) *modify forms used by the agencies specified in subsection (b) into a more user-friendly format, with self-help guidance materials.*

(d) *INTEROPERABILITY.—In carrying out this section, the Secretary shall ensure that the agencies specified in subsection (b)—*

(1) *use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and*

(2) *develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.*

(e) *COMPLETION OF IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete the establishment of the electronic filing and retrieval system required by subsection (a) to permit the electronic filing required by paragraph (1) of such subsection.*

(f) *PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the progress made toward establishing the electronic filing and retrieval system required by subsection (a).*

SEC. 3. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) *RESERVATION OF FUNDS.—From funds made available for each agency of the Department of Agriculture specified in section 2(b) for information technology or information resource management, the Secretary of Agriculture shall reserve an amount equal to not more than the following:*

(1) *For fiscal year 2001, \$3,000,000.*

(2) *For each subsequent fiscal year, \$2,000,000.*

(b) *TIME FOR RESERVATION.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.*

(c) *USE OF FUNDS.—Funds reserved under subsection (a) shall be used to establish the electronic filing and retrieval system required by section 2(a). Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.*

(d) *RETURN OF FUNDS.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, and such funds shall remain available until expended.*

SEC. 4. CONFIDENTIALITY.

In carrying out this Act, the Secretary of Agriculture—

(1) *may not make available any information over the Internet that would otherwise not be*

available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

Amend the title so as to read "An Act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies."

Mr. BROWNBACK. Mr. President, I move that the Senate concur in the House amendment to the text with a further amendment which is at the desk.

AMENDMENT NO. 3165

(Purpose: To provide a substitute amendment)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. FITZGERALD, proposes an amendment numbered 3165.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom to E-File Act".

SEC. 2. ELECTRONIC FILING AND RETRIEVAL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in accordance with subsection (c), the Secretary of Agriculture (referred to in this Act as the "Secretary") shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this Act as the "Department") specified in subsection (b).

(b) APPLICABILITY.—The agencies referred to in subsection (a) are the following:

(1) The Farm Service Agency.

(2) The Natural Resources Conservation Service.

(3) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).

(4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

(c) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall—

(1) provide a method by which agricultural producers may—

(A) download from the Internet the forms of the agencies specified in subsection (b); and

(B) submit completed forms via electronic facsimile, mail, or similar means;

(2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and

(3) ensure that the agencies specified in subsection (b)—

(A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(B) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(d) PROGRESS REPORTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.

SEC. 3. ACCESSING INFORMATION AND FILING OVER THE INTERNET.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, in accordance with subsection (b), the Secretary shall expand implementation of the Internet-based system established under section 2 by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 2(b).

(b) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall ensure that an agricultural producer is able—

(1) to file electronically or in paper form, at the option of the agricultural producer, all forms required by agencies of the Department specified in section 2(b);

(2) to file electronically or in paper form, at the option of the agricultural producer, all documentation required by agencies of the Department specified in section 2(b) and determined appropriate by the Secretary; and

(3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.

SEC. 4. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) RESERVATION OF FUNDS.—From funds made available for agencies of the Department specified in section 2(b) for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:

(1) For fiscal year 2001, \$3,000,000.

(2) For each subsequent fiscal year, \$2,000,000.

(b) TIME FOR RESERVATION.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.

(c) USE OF FUNDS.—

(1) ESTABLISHMENT.—Funds reserved under subsection (a) shall be used to establish the Internet-based system required under section 2 and to expand the system as required by section 3.

(2) MAINTENANCE.—Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) RETURN OF FUNDS.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

SEC. 5. FEDERAL CROP INSURANCE CORPORATION AND RISK MANAGEMENT AGENCY.

(a) IN GENERAL.—Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this Act, to allow agricultural producers to—

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

(b) ADMINISTRATION.—The plan shall—

(1) conform to sections 2(c) and 3(b); and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

(c) IMPLEMENTATION.—Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a).

SEC. 6. CONFIDENTIALITY.

In carrying out this Act, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the title.

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

ORDERS FOR MONDAY, MAY 22, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Monday, May 22. I further ask consent that on Monday, immediately following the prayer, the Journal of 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 begin a period of morning business with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 11 a.m. until noon; Senator THOMAS, or his designee, from noon to 1 p.m.

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

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, the Senate will be in a period of morning business on Monday. It is anticipated that the Senate will proceed to executive session to begin debate on three judicial nominees. If those judges are debated, any votes ordered on Monday will be scheduled to occur on Tuesday, May 23, at 9:30 a.m. Therefore, all Senators should be prepared to vote early on Tuesday. Also on Tuesday, it is hoped that the Senate can begin consideration of the Agriculture appropriations bill. A vote on final passage of this important appropriations bill is expected prior to the Memorial Day recess.

May 18, 2000

CONGRESSIONAL RECORD—SENATE

S4217

ADJOURNMENT UNTIL 11 A.M.
MONDAY, MAY 22, 2000

Mr. BROWNBACK. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:11 p.m., adjourned until Monday, May 22, 2000, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 18, 2000:

DEPARTMENT OF DEFENSE

GREGORY ROBERT DAHLBERG, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY.

BERNARD DANIEL ROSTKER, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.