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No. 6

## Senate

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

### PRAYER

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

Almighty God, You have created us in Your own image; forgive us when we return the compliment by trying to create You in our image, projecting onto You human judgmentalism. We evade Your judgment of our judgments. Our judgments divide us from one another. We condemn those who differ with us; we miss Your lordship by lording it over others. We need to be reconciled to You, Lord. Forgive any pride, prejudice, or presumption. Our Nation is deeply wounded by cutting words and hurting attitudes toward other religions, races, and political parties. We are divided into camps of liberal and conservative, Republican and Democrat, and from each camp we shout demeaning criticisms of each other. Forgive our arrogance, but also forgive our reluctance to work together with those with whom we differ. We confess that Your work in our Nation is held back because of intolerance.

We know that You are the instigator of our longing to be one and the inspiration of our oneness. Bind us together with the triple-braided cord of Your acceptance, atonement, and affirmation. In Your holy name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance as follows:

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Utah is recognized.

### SCHEDULE

Mr. HATCH. Mr. President, today the Senate will immediately resume consideration of the bankruptcy bill under the previous order. Senator WELLSTONE will be in control of the first hour to debate his amendments regarding life-line accounts and debt collection. There are other remaining amendments that will be debated and voted on throughout today's session with a vote on final passage expected to occur no later than tomorrow.

As a reminder, a cloture motion was filed on the motion to proceed to the nuclear waste disposal legislation during Monday's session, and by previous consent that vote will occur following completion of the bankruptcy bill during Wednesday's session of the Senate.

I thank my colleagues for their attention.

### BANKRUPTCY REFORM ACT OF 1999

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

The bill clerk read as follows:

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

Pending:

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

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

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

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

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Minnesota, Mr. WELLSTONE, to speak on amendments Nos. 2537 and 2538.

The Senator from Nevada.

Mr. REID. Mr. President, a couple things before we get to Senator WELLSTONE.

It is my understanding, I say to the acting majority leader, Mr. HATCH, there will be no votes this morning and the first vote may occur after the caucuses.

I also ask unanimous consent that the Senator from Minnesota be allowed 1 hour rather than terminating his remarks at 10:30, that he should be entitled to 1 hour.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. If I may infringe on my colleague's time just for a minute—

Mr. REID. Does the Senator accept that unanimous consent request?

The PRESIDING OFFICER. Is the Senator objecting to the unanimous consent request?

Mr. HATCH. As I understand it, the unanimous consent request is that there will be no votes until 2:15, Senator WELLSTONE having the first hour.

Mr. REID. Yes, he gets an hour rather than being cut off at 10:30.

Mr. HATCH. Yes. I have no objection.

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

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. The two WELLSTONE amendments, they have been filed, haven't they?

The PRESIDING OFFICER. They are pending.

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



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Mr. HATCH. Then I ask unanimous consent that the votes occur with respect to the pending amendments in stacked sequence beginning at 2:15 p.m. today and that there be 5 minutes for debate to be equally divided for closing remarks prior to the votes.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. I move to table both amendments.

I ask unanimous consent that it be in order for me to move to table each amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WELLSTONE. Mr. President, we are talking about tabling the amendments this afternoon; is that right—not now?

Mr. HATCH. No. When they occur, they will be tabled.

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

The Senator from Minnesota.

AMENDMENTS NOS. 2537 AND 2538

Mr. WELLSTONE. Mr. President, first of all, I remind my colleagues of what I said last week about this legislation which I think, with all due respect to my colleague—I do have a lot of admiration for Senator HATCH—is still fundamentally flawed legislation. It contains numerous provisions which are unbelievably harsh toward those citizens who are most vulnerable in our society, and that troubles this Senator.

I think the entire concept of the bill is wrong. It addresses a crisis that appears to be self-directed. It rewards predatory and reckless lending by banks and credit card companies which fed the crisis in the first place, and it does nothing to actually prevent bankruptcy by closing economic security to working families. I reject the notion the Senate should assume that there are problems with the bankruptcy code because more people are going bankrupt.

Real bankruptcy reform would address the root causes of bankruptcy. It would address the concentration of financial markets which are increasing the clout and power of big banks and credit card companies to unprecedented levels. It would make working families more financially secure. It would address skyrocketing medical expenses. It would confront the economic balkanization in this country, the increasing schism between the wealthy and the rest of America.

This bill does none of these things. It imposes harsh penalties on families who, by and large, file for bankruptcy in good faith because it is the only option they have.

The two amendments I have offered to this bill—the payday loan amendment, which would curb a form of predatory lending which targets low- and moderate-income working families, and also the low-cost basic banking amendment, which would require big banks with more than \$200 million in assets to offer low-cost banking serv-

ices to their customers if they wish to be able to make claims against debtors in bankruptcy proceedings—would go a long way toward making this bill more fair and more balanced.

When I spoke last week, I said the bankruptcy crisis is over and it ended without Congress passing legislation. I cited the fact that bankruptcy proceedings actually fell last year—fell last year, I repeat—by 112,000 cases.

My good friend from Alabama came to the floor and said something that, actually, I think is true: This bill doesn't have anything to do with the number of bankruptcies. I think he was more right than probably any of us want to seem to admit. But the decrease in bankruptcy filings is significant, and let me explain why.

Ironically, the bankruptcy crisis probably ended because Congress has not passed a bill. The bean counters in the consumer credit industry realized that all of these bankruptcies were not good for profits, so they started lending less money. They were more careful about to whom they lent the money. In fact, overall consumer debt actually declined in 1998. And guess what. There were fewer bankruptcies. But if S. 625 becomes law, bankruptcy protection will be harshly rolled back. It will even be more profitable to overburden folks with debt, and the banks and credit card companies will fall over themselves trying to do it. But this time, America's working families are going to pay even more of a price.

This argument isn't purely historical or theoretical. Empirical data backs it up. I want to take my colleagues through a little bit of history. I want to read from an article published in the August 13, 1984, issue of *Business Week*. The article was entitled: "Consumer Lenders Love the New Bankruptcy Laws." It was written in the aftermath of Congress' last tightening of the bankruptcy code in 1984. Here is how the article goes:

It doesn't take much to get a laugh out of Finn Casperson these days. Just ask him the outlook for Beneficial Corp. now that the U.S. has a tough new bankruptcy law. "It looks a lot rosier," says the chairman of the consumer finance company, punctuating the assessment with a hearty chuckle.

The article then explains what the banks and credit card industries got back in 1984:

But when someone seems to be abusing the revised law, a judge can, on his or her own, throw a case out of Chapter 7, leaving the debtor to file under Chapter 13. And in Chapter 13, where an individual works out a repayment plan under court supervision, lenders now can get a court order assigning all of a borrower's income for three years to repaying debts . . .

Anyway, it goes on to say that the lender does not have to worry any longer and they can have these predatory practices and they can target people and they do not have to worry if there is no protection for people. But there is protection for them.

Does this sound familiar to my colleagues? These "reforms"—and I put

"reforms" in quotes—are substantially similar to what the industry says are desperately needed now—that means to curb abusive filings. That is exactly what the Congress gave the credit card industry in 1984. But the question is, After we passed that bill in 1984, how did lenders behave after the "strengthening" of the bankruptcy code? That story will help us answer the question: If we give them this new, stricter, lopsided law in 2000, what will they do with it?

From the same 1984 *Business Week* article:

Lenders say they will make more unsecured loans from now on, trying to lure back the generally younger and lower-income borrowers recently turned away.

Why not? We are giving them all the protection in the world. They can go about with all kinds of unscrupulous practices that I am going to talk about: Target poor people, target single parents, target young people, and not have to worry.

But that is exactly the problem. The consumer finance industry went after these folks with a vengeance post 1984. Lenders felt so protected by the new bankruptcy law that they eventually threw caution to the wind and began using the same aggressive, borderline deceptive and abusive tactics that are now common in the industry. That is exactly what we are going to do with this law—give them a blank check to continue with this deception.

In a 1999 Harvard Business School study entitled, "The Rise of Consumer Bankruptcy: Evolution, Revolution, or Both?" David Moss of the Harvard Business School and Gibbs Johnson, an attorney, lay out the case. They say—colleagues and staff listening to this debate, I think this is an important piece:

It is conceivable, therefore, that the pro-creditor reforms of 1984 actually contributed to the growth of consumer (bankruptcy) filings. This could have occurred if the reforms exerted a larger impact in encouraging lenders to lend—and to lend more deeply into the income distribution—than they did in deterring borrowers from borrowing and filing.

Mark Zandi, in the January 1997 edition of the *Regional Financial Review*, writes:

While forcing more households into a Chapter 13 filing, though an income test would raise the amount that lenders would ultimately recover from bankrupt borrowers, it would not significantly lower the net cost of bankruptcies.

I emphasize:

Tougher bankruptcy laws will simply induce lenders to ease their standards further.

That is exactly what we are doing with this bill.

Again, we know this is exactly what happened. Credit card companies sent out over 3.5 billion solicitations last year. They use aggressive tactics to sign up borrowers. Is there anything in this "reform" legislation that holds them accountable? No. Once again, the big givers and heavy hitters and well-connected dominate. But when it

comes to the poor, when it comes to single-parent families, when it comes to senior citizens, when it comes to the people who are most vulnerable, we have unbelievable harshness in this legislation.

These credit card companies use aggressive tactics to sign up borrowers—and to keep you in debt once they get you. They also go after low-income individuals, even though they might not be good credit risks. Why? Because they are desperate for credit. They have a captive audience. Poor people can be charged exorbitant interest rates and fees. Despite the fact that there are hundreds of credit card firms targeting low-income borrowers, interest rates and terms on these cards have not been driven down by the supposed "competition."

For these borrowers, for low-income people, the market is failing.

In a June 3, 1999, interview in *USA Today*, Joe Lee, a respected bankruptcy judge for over 37 years in the Eastern District of Kentucky, placed the blame for the current high number of bankruptcies squarely on the backs of the banks and the credit card companies. There is not a word in this legislation holding them at all accountable for their unscrupulous practices; they all target people who are desperate for credit and have no other choice but to receive loans on horrible terms, the poor and the vulnerable.

When asked if he had seen many people file for bankruptcy who could afford to pay most of their debts, he said—because that is the premise of this legislation, that you have all this abuse—

No. It's simply not true. Most of them are very poor, drowning in debt. The target (of bankruptcy reform) should be the consumer credit [card] industry and the laws governing extension of consumer credit. Instead they're robbing the poor to enrich the rich.

That is exactly what this legislation does. But these poor people are invisible. They have no clout. They have no power. They have no lobbyists. They are not the heavy hitters. They are not the big givers. They are left out.

*USA Today* also asked Judge Lee if he thought there was less stigma attached to bankruptcy than there used to be. He said:

I've been on the bench now for 37 years, working on 38. I never have seen this business about debtors being cavalier about bankruptcy.

Look at it from the point of view of the debtor. They have mothers and fathers. They go to church. They have neighbors. They have to walk into the office after filing for bankruptcy and explain it to other employees, and this is not easy to do. There's the additional stigma that bankruptcy remains on your credit report for 10 years. You have trouble getting credit other than at high interest rates. You have difficulty buying a home. You have lots of problems.

What Judge Lee is saying is borne out by the facts. Remember, as I stated last year, the vast majority of families who file for bankruptcy are not trying to beat the system. They file for a

fresh start. That is what bankruptcy provides for them. It is the only way they can get out from crushing medical bills or other debts brought on by unforeseen circumstances. Only a very small percentage—perhaps 3 percent—of those who file for bankruptcy file abusively, according to the American Bankruptcy Institute. The American Bankruptcy Institute says about 3 percent of the people abuse this system. The Justice Department goes higher. For that, we have this wide, broad net that punishes the poor and the most vulnerable.

A constituent from Crystal, MN, wrote to my office in July to tell me about her experience with bankruptcy:

What I want you to know specifically is that this one credit card company would not offer any reductions in the interest rate, demanded over one quarter of my entire monthly income, did not care if I could not meet my payments for the most basic requirements of human existence, suggested that I use a food shelf, and they refused to acknowledge that my child was suicidal and that their harassing phone calls to my house nearly caused her to overdose on the only nonprescription pain relievers that I could have for myself.

What was the reason for that? Her life was like ours. Actually, we make a lot more money than she made. She was a worker. She had a factory job. An injury forced her to leave the job. For all I know, it could have been a ruptured disk. I know what a ruptured disk is like. She worked multiple minimum-wage jobs for several years. Her marriage fell apart, and her daughter fell into deep clinical depression. No fault of hers; no fault of her daughter's. In the meantime, she enrolled in computer school so she could pursue a career that would give her some income and would also help her help her daughter. She purchased a computer on credit so she could spend more time working at home. In time the payments on the computer, her mortgage, and her daughter's medical bills became too much, and she fell behind on debt payments. When the creditors approached her, she tried to work out a repayment schedule she could meet, and then the quote I read is what happened to her. So she filed for bankruptcy.

She has begun to rebuild her life. She ended her letter by saying this:

Please do not vote for Senate Bill 625 or any other bill that makes bankruptcy harder for people who find themselves caught in the unforeseen predicaments of life for which they have no control. It is not fair to pass a bill that helps the credit card companies by hurting people like me without forcing them to look at what they are doing and how they respond. They have many options that could be used without creating the emotional trauma that forces hard working people to choose the relief of bankruptcy.

I ask my colleagues, is there one thing in this piece of legislation that could have helped this woman head off bankruptcy, a Minnesotan? Absolutely not. This bill would simply have made it harder for her to get the relief necessary for her to take care of herself and her daughter. Why aren't we talk-

ing about what could have kept this woman out of bankruptcy? What does this bill have to do with helping a woman or a man educate themselves so they can do better for their family? The answer: Nothing. What does this bill do to help ordinary people who are overwhelmed by medical expenses? The answer is: Absolutely nothing. What does this bill do to promote economic stability for working families? Absolutely nothing.

I believe if my colleagues wanted to reduce the number of bankruptcies, they would focus more on providing a helping hand rather than removing a safety net. If my colleagues wanted to tackle bankruptcy, they would take on the credit card companies and their abusive tactics. No, we don't want to take on those interests. Unfortunately, my constituent's story, a woman from Minnesota, single parent, is becoming increasingly typical. All too often overburdened families, the vast majority of them single-wage-earner families headed by a woman, have to deal with these circumstances all the time.

This year more than a half million women-headed households filed for bankruptcy. Women-headed households are the poorest group of families in America. They are the largest group who have to file for bankruptcy. Ironically, the credit card industry has run advertisements—I cannot believe this—during debate on this bill talking about how friendly this piece of legislation is toward women and children. They have no shame. This is ridiculous.

I will read from a letter signed by approximately 70 scholars at our Nation's law schools who are opposed to this legislation.

I ask unanimous consent that this letter, along with a list of a variety of consumer, women, and union organizations be printed in the *RECORD*.

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

NOVEMBER 2, 1999.

Re: The Bankruptcy Reform Act of 1999 (S. 625)

Hon. ORRIN HATCH,  
Chairman, Committee on the Judiciary, U.S.  
Senate, Washington, DC.

Hon. PATRICK LEAHY,  
Ranking Member, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR SENATORS: In a letter to you dated September 7, 82 professors of bankruptcy law from across the country expressed their grave concerns about some of the provisions of S. 625. In a public letter dated September 16, two professors took the opposing view. One of the principal concerns of the 82 professors was that S. 625 "may adversely affect women and children."

Proponents of the bill—namely, the consumer credit industry—have responded to the concerns raised about the effects of the bill on women and children with a media blitz trumpeting the view that "Bankruptcy reform helps women and children." A September 14 letter from consumer credit issuers proclaims that "S. 625 vastly improves the position of women and children who depend on family support payments from an absent parent who has filed for bankruptcy." A full-page advertisement also

dated September 14 asserts, "The truth is that bankruptcy reform gives much-needed help to single parents and their children who are dependent on family support payments." The advertisement cautions in large type: "Distorting the facts about reform helps no one."

The undersigned professors agree that "distorting the facts about reform helps no one." The real distortion is the assertion that S. 625 would benefit women and children. The truth is that, notwithstanding the pleas of the bill's proponents, S. 625 does not help women and children. Thirty-one organizations devoted exclusively to promoting the best interests of women and children continue to oppose the pending bankruptcy bill. The concerns expressed in the professors' letter of September 7 regarding how S. 625 would hurt women and children have not been resolved—they have not even been addressed.

First, one of the biggest problems the bill presents for women and children was stated in the September 7 letter:

"Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy."

This increased competition for women and children will come from many quarters: from powerful credit card issuers, whose credit card claims increasingly will be excepted from discharge and remain legal obligations of the debtor after bankruptcy; from large retailers, who will have an easier time obtaining reaffirmations of debt that legally could be discharged; and from creditors claiming they hold security, even when the alleged collateral is virtually worthless. None of the changes made to S. 625 and none being proposed addresses these problems. The truth remains: if S. 625 is enacted in its current form, women and children will face increased competition in collecting their alimony and support claims after the bankruptcy case is over.

Second, it is a red herring to argue, as do advocates of the bill in touting how the bill will "help" women and children, that it will "Make child support and alimony payments the top priority—no exceptions." True enough—but, as the law professors pointed out in the September 7 letter: "Giving 'first priority' to domestic support obligations does not address the problem."

Granting "first priority" to alimony and support claims is not the magic solution the consumer credit industry claims because "priority" is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95% of bankruptcy cases make NO distributions to any creditors because there are no assets to distribute. Granting women and children a first priority for bankruptcy distributions permits them to stand first in line to collect nothing.

The hard-fought battle is over reaching the ex-husband's income after bankruptcy. Under current law, child support and alimony share a protected post-bankruptcy position with only two other collectors of debt—taxes and student loans. The credit industry asks that credit card debt and other consumer credit share that position, thereby elbowing aside the women trying to collect on their own behalf. The credit industry carefully avoids discussing the increased post-bankruptcy competition facing women if S. 625 becomes law. As a matter of public policy, does this country want to elevate credit card debt to the preferred position of taxes and child support?

In addition to the concerns raised on behalf of the thousands of women who are struggling now to collect alimony and child support after their ex-husband's bank-

ruptcies, we also express our concerns on behalf of the more than half a million women heads of household who will file for bankruptcy this year alone. As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

These two facts are unassailable: S. 625 forces women to compete with sophisticated creditors to collect alimony and child support after bankruptcy. S. 625 makes it harder for women to declare bankruptcy when they are in financial trouble. We implore you to look beyond the distorted "facts" peddled by the credit industry. Do not pass a bill to hurt women and children.

Thank you for your consideration.

Respectfully yours,

*Sixty-nine (69) Professors*

Charles J. Tabb, Professor of Law, University of Illinois College of Law; Peter A. Alces, Professor of Law, College of William and Mary School of Law; Peter Alexander, Professor of Law, The Dickinson School of Law, Pennsylvania State University; Thomas B. Allington, Professor of Law, Indiana University School of Law (Indianapolis); John D. Ayer, Professor of Law, University of California at Davis School of Law; Laura B. Bartell, Associate Professor of Law, Wayne State University Law School; Patrick B. Bauer, Professor of Law, University of Iowa College of Law; Susan Block-Lieb, Professor of Law, Seton Hall University School of Law; Douglass G. Boshkoff, Robert H. McKinney Emeritus Professor of Law, Indiana University School of Law (Bloomington); Amelia Boss, Professor of Law, Temple University School of Law.

Jean Braucher, Roger Henderson Professor of Law, University of Arizona, James E. Rogers College of Law; Ralph Brubaker, Associate Professor of Law, Emory University School of Law; Mark E. Budnitz, Professor of Law, Georgia State University College of Law; Daniel J. Bussel, Professor of Law, UCLA School of Law; Marianne B. Culhane, Professor of Law, Creighton University School of Law; Susan DeJarnatt, Assistant Professor, Beasley School of Law of Temple University; Paulette J. Delk, Associate Professor of Law, Cecil C. Humphreys School of Law, The University of Memphis; A. Mechele Dickerson, Associate Professor of Law, College of William and Mary School of Law; Samuel J.M. Donnelly, Professor of Law, Syracuse University College of Law; Scott B. Ehrlich, Associate Dean and Professor of Law, California Western School of Law; Thomas L. Eovaldi, Professor of Law, Northwestern University School of Law.

Jeffrey T. Ferriell, Professor of Law, Capital University School of Law; Wilson Freyermuth, Associate Professor of Law, University of Missouri-Columbia School of Law; Christopher W. Frost, Professor of Law, University of Kentucky College of Law; Nicholas Georgakopoulos, Professor of Law,

University of Connecticut School of Law; S. Elizabeth Gibson, Burton Craige Professor of Law, University of North Carolina School of Law; Marjorie L. Girth, Professor of Law, Georgia State University College of Law; Karen Gross, Professor of Law, New York Law School; Matthew P. Harrington, Associate Dean for Academic Affairs and Director, Marine Affairs Institute, Roger Williams University School of Law; Joann Henderson, Professor of Law, University of Idaho College of Law; Richard A. Hesse, Professor of Law, Franklin Pierce Law Center; Ingrid Michelson Hillinger, Associate Professor of Law, Boston College Law School; Margaret Howard, Professor of Law, Vanderbilt University Law School; Ted Janger, Associate Professor, Brooklyn Law School; Lawrence Kalevitch, Professor of Law, Nova Southeastern University Law Center; Allen R. Kamp, Professor of Law, John Marshall Law School; Lawrence P. King, Charles Seligson Professor of Law, New York University School of Law; Kenneth N. Klee, Acting Professor of Law, UCLA School of Law; John W. Larson, Associate Professor of Law, Florida State University College of Law; Robert M. Lawless, Associate Professor of Law, University of Missouri-Columbia School of Law; Lynn M. LoPucki, Security Pacific Bank Professor of Law, UCLA School of Law; Lois R. Lupica, Associate Professor of Law, University of Maine School of Law; William H. Lyons, Professor of Law, University of Nebraska College of Law.

Bruce A. Markell, Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas; Nathalie Martin, Assistant Professor of Law, University of New Mexico School of Law; Judith L. Maute, Professor of Law, University of Oklahoma Law Center; Jeffrey W. Morris, Professor of Law, University of Dayton School of Law; Spencer Neth, Professor of Law, Case Western Reserve University Law School; Gary Neustadter, Professor of Law, Santa Clara University School of Law; Dean Pawlowic, Professor of Law, Texas Tech University School of Law; Lawrence Ponoroff, Vice Dean and Professor of Law, Tulane Law School; Nancy B. Rapoport, Dean and Professor of Law, University of Nebraska College of Law; Doug Rendleman, Huntley Professor, Washington and Lee University School of Law; Alan N. Resnick, Benjamin Weintraub Professor of Law, Hofstra University School of Law.

Linda J. Rusch, Professor of Law, Hamline University School of Law; Charles J. Senger, Professor of Law, Thomas M. Cooley Law School; Charles Shafer, Professor of Law, University of Baltimore School of Law; Melvin G. Shimm, Professor of Law Emeritus, Duke University; Philip Shuchman, Weintraub Professor of Law, The State University of New Jersey, Rutgers School of Law (Newark); Marshal Tracht, Associate Professor of Law, Hofstra University School of Law; Bernard R. Trujillo, Assistant Professor, University of Wisconsin Law School; Valerie K. Vojdik, Assistant Professor of Law, Western New England College, School of Law; William T. Vukowich, Professor of Law, Georgetown University Law Center; Thomas Ward, Professor of Law, University of Maine School of Law; Elizabeth Warren, Leo Gottlieb Professor of Law, Harvard Law School; Jay L. Westbrook, Benno C. Schmidt Chair of Business Law, University of Texas School of Law; Michaela M. White, Professor of Law, Creighton University School of Law; Mary Jo Wiggins, Professor of Law, University of San Diego School of Law; Peter Winship, James Cleo Thompson Sr. Trustee Professor of Law, Southern Methodist University School of Law.

ORGANIZATIONS OPPOSED TO S. 625, THE  
"BANKRUPTCY REFORM ACT"

Among the organizations that have voiced their opposition to S. 625 are:

AFL-CIO, Alliance for Justice, American Association of University Women, American Federation of Government Employees (AFGE), American Federation of State, County and Municipal Employees (AFSCME), American Medical Women's Association, Association for Children for Enforcement of Support, Inc. (ACES), Business and Professional Women/USA, Center for Law and Social Policy, Center for the Advancement of Public Policy, Center for the Child Care Workforce, Church Women United, Coalition of Labor Union Women, Communications Workers of America, Consumer Federation of America, Consumers Union, Equal Rights Advocates.

Feminist Majority, Hadassah, International Association of Machinists & Aerospace Workers (IAM), International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, International Brotherhood of Teamsters, International Women's Insolvency & Restructuring Confederation, Ralph Nader, National Association of Commissions for Women, National Black Women's Health Project, National Center for Youth Law, National Consumer Law Center, National Council of Jewish Women, National Council of Negro Women, National Council of Senior Citizens, National Organization for Women, National Partnership for Women and Families, National Women's Conference.

National Women's Law Center, Northwest Women's Law Center, NOW Legal Defense and Education Fund, Public Citizen, Union of Needletrades, Industrial & Textile Employees (UNITE), United Automobile, Aerospace and Agricultural Implement Workers of America/UAW, United Food & Commercial Workers International Union, United Steelworkers of America, U.S. Public Interest Research Group, Wider Opportunities for Women, The Woman Activist Fund, Women Employed, Women Work!, Women's Institute for Freedom of the Press, Women's Law Center of Maryland, Inc., YWCA of the U.S.A.

Mr. WELLSTONE. The letter begins:

In a letter to you, dated September 7, 82 professors of bankruptcy law from across this country expressed their grave concerns about some of the provisions of S. 625. In a public letter dated September 16, two professors took the opposing view. One of the principal concerns of the 82 law professors was that S. 625 may adversely affect women and children.

Proponents of the bill—namely, the consumer credit industry—have responded to the concerns raised about the effects of the bill on women and children with a media blitz. . . .

They have the money for a media blitz. These women and children don't have the money for that.

. . . trumpeting the view that "Bankruptcy reform helps women and children." A September 14 letter from the consumer credit issuers proclaims that "S. 625 vastly improves the position of women and children who depend on family support payments from an absent parent who has filed for bankruptcy." A full-page advertisement also dated September 14 asserts, "The truth is that bankruptcy reform gives much-needed help to single parents and their children who are dependent on family support payments." The advertisement cautions in large type: "Distorting the facts about reform helps no one." The undersigned professors agree that "distorting the facts about reform helps no one." The real distortion is the assertion that S. 625 would benefit women and children.

You can pass this legislation but I am not going to let you get by with that claim.

The truth is that notwithstanding the pleas of the bill's proponents, this legislation does not help women and children. Thirty-one organizations devoted exclusively to promoting the best interests of women and children continue to oppose this pending bankruptcy bill. The concerns expressed in the professors' letter of September 7 regarding how S. 625 would hurt women and children have not been resolved—they have not even been addressed.

Reading from one other section of the letter:

We also express our concerns on behalf of the more than half a million women heads of household who will file for bankruptcy this year alone. As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of the repayment plan was impossible.

I don't think the choice could be framed any more starkly. Here is the core question:

Will Senators be on the side of these women who are struggling to raise their families or do they see these women as the banks and the credit card companies do—as an economic opportunity, ripe for exploitation?

Mr. President, I hope my colleagues will recognize as they take a second look at this legislation that a vote for this bill is a vote against consumers; it is against women, it is against children, and it is against working families.

I believe our country and our society and this Senate should be judged by how we treat our society's most vulnerable members. By this standard, this is an exceptionally harsh piece of legislation. All the consumer groups oppose this bill; 31 organizations that are devoted to women and children's issues oppose this bill.

The two amendments I will speak to after I have given them context are my payday loan amendment, which would curb a form of predatory lending that targets low- and moderate-income and working families, and the low-cost, basic banking amendment, which would require big banks with more than \$200 million in assets to offer low-cost, basic banking services to customers if they wish to be able to make claims against the debtors in bankruptcy proceedings. I think that would

make the legislation at least a little bit more fair and balanced.

First, let me speak to my payday loan amendment. This is one that should have the vote of 100 Senators. This amendment would prevent claims in bankruptcy on high-cost transactions in which the annual rate exceeds 100 percent. That is what I am going to ask Senators to vote on. We would prevent claims in bankruptcy on transactions in which the annual rate exceeds 100 percent—such as payday loans and car title pawns. Now, these loans are marketed as giving the borrower a "little extra until payday."

Do you know what happens with these loans? It is incredible. You have hard-pressed people, poor people, senior citizens, women, people of color, people who live in our rural and urban areas, and they can't get the credit any other way, so they get a loan for \$100, which will hold them over until they get their paycheck. They get charged these huge fees—15 percent or more. These credit companies, unscrupulous companies, can put a lien on their car and even require that they give them the key to the car, and then when they can't pay it back—which is often the case—they just keep rolling the loan over and over and over again. For example, a \$15 fee on a 2-week loan of \$100 ends up being an annual rate of about 391 percent because people ask for the loans over and over again. Rates can be actually as high as 2,000 percent per year, or they take title to the car.

This is absolutely incredible. Someone can take out a \$100 loan, and the car might be worth \$2,000, and these companies that we don't do a darn thing about—I know some of the national media has had some exposure, thank God. I just hope the Senate is sensitive to this question. They are hard-pressed people with nowhere to go for a \$100 loan. Maybe there has been an illness in the family or the car broke down, or whatever the case is. They end up getting charged 300, 400, 500, 600 percent. Then they get harassed and they say: We have the check you made out to us. We are going to cash the check and you will be charged with writing a bad check and you can go to prison. These are unscrupulous practices. If the car is worth \$2,000, they can basically repossess the car, sell the car, and in a lot of States they don't even have to give back to the owner anything that they make over what the owner owed them. Can you imagine that that goes on in this country? Why in this "bankruptcy reform" legislation have we not at least paid a little bit more attention to how we can protect some of our consumers?

Now, nobody needs to charge this type of interest rate for a loan. Indeed, this industry is grossly profitable as a result. Stephens Incorporated, one of our investors, says they can expect a return of 48 percent in 9 months to a year and can expect profit margins in excess of 30 percent. Stevens Incorporated reported that there were 6,000

storefronts making payday loans in 1999 across the country but estimates the potential "mature" market as being 24,000 stores nationwide generating \$6 billion in fees. With these kinds of profits, only your conscience will keep you out of this business.

With these kinds of profits, only your conscience will keep you out of this business. It is amazing. You make these loans, you say you are going to help people, you charge them high fees, and you roll it over and over again. You end up charging way above 100 percent per year. You repossess their car. You sell the car. You don't even give them back the additional money you make beyond what they owed you. You do all this with impunity, and these are the poorest people, most vulnerable people who are targeted, and we don't have anything in this legislation to protect them. Let me tell you, Senators, if you want to protect them, you will and you should vote for this amendment.

I say to my colleagues that these sleazy debt merchants, expanding their tentacles into our cities and towns, are the mirror image of the retreat of our Main Street and mainstream financial institutions from the same communities. Some of my colleagues on the floor know this. When we had our community banks and smaller banks, they cared. They helped small businesses out and helped out hard-pressed people. They were willing to help out. But now that we have moved to these branch banks and all of this consolidation, they don't. So people have to rely on these kinds of loans.

According to an analysis by the brokerage firm Piper Jaffrey, as reported in the Washington Post, "established customers" of one payday lender engaged in 11 transactions a year and could end up paying \$165 to \$330 for a \$100 loan.

This vote is going to be watched. This is one I think national media will pay attention to because we have had some horror stories. We know about what has happened to people. The question is, Whose side are we on? Are we on the side of vulnerable people or on the side of single-parent households headed by women, on the side of children, or are we on the side of these unscrupulous credit card companies?

The following June 18 New York Times piece is typical of the horror stories associated with payday lending:

Shari Harris, who earns around \$25,000 a year as an information security analyst, was managing money well enough until the father of her two children, 10 and 4, stopped paying \$1,200 in child support. "And then," Ms. Harris said, "I learned about the payday loan places." She qualified immediately for a two-week \$150 loan at Check Into Cash, handing it a check for \$183 to include the \$33 fee. "I started maneuvering my way around until I was with seven of them," she said. In six months, she owed \$1,900 and was paying fees at a rate of \$6,000 a year. "That's the sickness of it," Ms. Harris said. "I was in a hole worse than when I started. I had to figure out a way to get out of it."

Mr. President, here is where we are. If you have desperate customers—the

most vulnerable—and these are the kinds of loans they are dependent upon, where the terms are outrageous—only somebody with no alternative would seek to borrow money at such scandalous rates.

The Consumer Federation of America noted in a September 1999 report entitled "Safe harbor for Usury" that, quote:

Consumers who are desperate enough for credit to pay triple digit interest rates for two week loans have very little market power to bring rates down. The real costs of payday loans made in small sums for very short periods of time may not be clear to unsophisticated consumers. When lenders deny that their cash advances are 'loans' and fail to comply with Truth and Lending Act disclosures of Annual Percentage Rates, consumers do not have the key price tag needed to comparison shop for credit. If, as the industry claims, payday loan customers have nowhere else to go for small loans, rate regulation is necessary to prevent abuse of a captive market.

That is what is going on. The industry is saying to Senators: Oh, no, you can't do anything about this because these people are desperate and they come to us for loans and we perform a vital service. But does that justify scandalous fees? On the contrary, it justifies stringent regulation to protect the most vulnerable citizens. What are we about if we cannot at least extend this kind of protection?

If it is poor credit which drives a borrower to a payday lender, the borrower is likely to find himself in still deeper water after taking one of these high interest loans. For example, in Tennessee—the state with the highest bankruptcy rate in the country—payday lending is becoming an increasing problem for the bankruptcy system. As one Chapter 13 bankruptcy trustee, as quoted in the March 18th edition of The Tennessean put it, quote:

I see them (payday lenders) as the last straw. I would certainly say they are compounding the problem. We are dealing with a bankruptcy filing rate that's through the roof. You are looking at one of the basic causes: lending to people who are not credit worthy and extracting exorbitant interest rates from them.

Why aren't we doing something about this? This amendment says if you have a 100-percent interest charge over a year, you are not at the table when it comes to bankruptcy, and the collections of these payday loans can be coercive.

For example, in September, the Cook County, Illinois State's Attorney filed suit against Nationwide Budget Finance, a St. Louis based payday lender, alleging multiple violations of Illinois Consumer Installment Loan Act and Consumer Fraud Act, charging that Nationwide threatened consumers with criminal charges and lawsuits when it had no intention of taking such action. The State's attorney stated, quote: "Apparently, pay day loan businesses are so lucrative that it is more cost-effective to write off bad debts rather than to try and collect them, even though they harass and intimidate

their customers." Additionally, the company required borrowers to list four references on the loan application. But the references weren't used for the loan approval, instead Nationwide would place harassing to the people listed if the borrower defaulted.

That is why this amendment amends the Fair Debt Collection Practices Act to prohibit coercive collecting tactics in lending transactions where deferred cashing of a check is involved.

I should also point out that, at the very minimum, if we are going to be talking about accountability and responsibility, why don't we make it a little more lenient with this piece of legislation? It takes two to tango. These unscrupulous credit card companies have something to do with bankruptcy.

Such loans are patently abusive. They should not be protected by the bankruptcy system. And because they are so expensive, they should be completely dischargeable in bankruptcy so that debtors can get a true fresh start, and so that more responsible lenders' claims are not "crowded out" by these shifty operators.

Consider that. Why should we penalize some of our good companies that are responsible lenders by letting these unscrupulous loan sharks be at the table? Why should unscrupulous lenders have equal standing in bankruptcy court with a community banker or a credit union that tries to do right by their customers? And lenders should not be able to take advantage of their customers' vulnerability through harassment and coercion.

That is what this amendment is about.

Mr. President, my amendment simply says: if you charge over 100% annual interest on a loan, and the borrower goes bankrupt, you cannot make a claim on that loan or the fees from the loan.

Colleagues, you have such a clear choice. There is no reason in the world that you should not vote for this amendment.

I grant you that I come to the floor today to speak for some people who haven't been included in the system. They are just poor and they are vulnerable, and therefore they are fair game for these companies.

I have just said to you that my amendment says if you charge over 100 percent as an interest rate and the borrower goes bankrupt, you cannot make a claim on that loan or on the fees on the loan.

Why don't we make the legislation just a teeny bit fairer? Why don't we have just a little bit more balance? Why don't we go after these unscrupulous operators?

The second amendment I've offered on this bill is my low cost, basic banking amendment. This important consumer amendment would require big banks with more than \$200 million in assets to offer low-cost basic banking services to their customers if they wish



to be able to make claims against debtors in bankruptcy proceedings.

We have been talking about responsibility. What about the responsibility of the banks and the lending institutions to offer inexpensive means to conduct financial transactions and to save money for low-income people?

Right now, the minimum balance that people are supposed to have in their accounts and the high fees mean that for about 12 million Americans, they can't afford to open up an account; they can't afford to have a checking account. What happens when people can't afford to open up a checking account? They are forced to complete their financial transactions either through costly check-cashing operations or they carry around whatever sums of money they have when they go out to purchase groceries or to pay their rent. These are risks that people should not have to take.

For example, ACE Cash Express, a national check-cashing company, charges between 3 and 6 percent of a check's value to convert the check into cash. That is what poor people are forced to do. There would be a charge of between \$15 and \$30 on a paycheck of \$500. While that may not seem to be much money to many of my colleagues, to many low- and moderate-income families who live paycheck to paycheck, that \$30 could be a meal; that \$30 could be a piece of clothing they could buy for their child; that \$30 could mean they could go visit a doctor.

We have been passing legislation that has driven these small banks out, that has led to all of these mergers and acquisitions, with these huge branch banks making billions and billions of dollars. All I am saying is, why can't we at least say to them: You have some community responsibility; you ought to at least give people low-cost basic bank services. If you do not, then you are not at the table in bankruptcy proceedings against such a bank.

This amendment focuses on banks with more than \$200 million. I want to be crystal clear that I am not talking about the smaller banks because the smaller banks have done a good job. Much of my work is in rural America. The smaller banks and the community banks have done a good job. They go out of their way to help. But the problem is that these small community banks that have been connected to Main Street have been connected by these huge financial conglomerates that are much more connected to Wall Street. They don't really know the people. They don't know them at all. They sure as heck don't go out of their way to help them.

Would this amendment present an unfair burden to these larger banks, as some of my colleagues may argue? Not according to a survey of the Consumer Bankers Association. According to the CBA, 70 percent of the institutions found that offering a basic bank account did not result in a financial loss for their bank or impose a burden on their operation.

What in the world is going to happen to seniors? What is going to happen to low-income elderly people? As the U.S. Government begins to make the shift to electronic distribution of benefits, pensions, and wages, consumers must have access to banking services. Now more than ever, the 6.5 million recipients of Social Security and SSI, the Supplemental Security Income program, who do not have a checking account, will face even a steeper uphill battle in their attempts to access these funds. They currently cannot afford the monthly fees, nor do they have the money to keep the minimum balance in their checking accounts necessary to complete these financial transactions.

What are we saying to senior citizens who in the future will need a bank simply to get their electronically transferred Social Security check? Let's not forget that it is not just the financial giants that are affected by this process of modernization. It is everyone. We should not try to close the door to low-income consumers who desperately need access to basic banking services. If we provide wider access to bank accounts, we will reduce bankruptcy, we will promote financial literacy, and we will reduce low- and moderate-income families' reliance on high-cost check cashers and payday lenders.

Why should bankers who are unwilling to promote the general good be given the same standing in bankruptcy court as those who do? I am tired of seeing the folks in the private sector who do the right thing being put at a competitive disadvantage because their competitors will not.

I will conclude by characterizing the debate this way: Over the past several decades, our economy has become more and more balkanized. We have, indeed, seen an economy that is booming. But I come from a State where we have had an economic convulsion in agriculture and our family farmers and our rural citizens are falling behind. The U.S. economy is becoming more and more balkanized. More wealth and more economic power is concentrated among a few. What we have been doing in the Senate over the past several years is passing legislation which provides the lion's share of benefits for those at the top of the heap, those with the big bucks. The two amendments I have introduced give us an opportunity, in a small way, to reverse this trend.

This bill is already an enormous giveaway to the financial services industry. It basically rewards lenders for their aggressive, irresponsible lending habits. I went over that already. So I say to colleagues, since we seem to be on our way to changing the rules for America's working families with this legislation, since we seem to be about to ratify the scandalous lending practices of the banking industry, let the Senate adopt several amendments that balances this legislation. Both of these amendments test whether we are serious about curbing bankruptcy. These

two amendments, the payday loan amendment and the lifeline banking amendment, are antibankruptcy amendments. A vote for either of these amendments is a vote to promote responsible financial habits among consumers and responsible lending from the credit card companies—responsible lending from the credit card companies. A vote against these amendments sanctions the abandonment by big banks of poor people and, increasingly, the middle class, and ratifies the stranglehold that unscrupulous lenders have on low-income and moderate-income and working families. There is no doubt in my mind this is a flawed piece of legislation. It punishes the vulnerable and rewards the big banks and credit card companies for their own poor practices.

Earlier I used the word "injustice" to describe this legislation. That is exactly right. It will be a bitter irony if the creditors are able to use a crisis, largely of their own making, to convince Congress to reduce borrowers' access to bankruptcy relief. That is exactly what is going on.

I said at the beginning of my statement that real bankruptcy reform would address the concentration of financial markets, which are increasing the power and clout of the big banks and credit card companies to unprecedented levels. It would make working families more secure. It would deal with the crisis in agriculture and what is happening in rural America. It would address skyrocketing medical expenses. It would confront the economic balkanization of the country. It would confront the increasing chasm between the wealthy and the rest of America.

But instead of lifting up low-income and moderate-income and working-income families, this bill punishes them. I hope my colleagues reject this legislation. I strongly urge the Senate to at least provide some balance to this legislation and to accept my amendments.

I have also a document from the Department of Labor, written by an officer, Capt. Robert W. "Andy" Andersen, and I believe this was written to Senator LIEBERMAN. In this letter, he is talking about these payday loans. What he is saying is we have this problem in the military. We have our military people who are underpaid—we know all about this—so they end up having to rely on these payday loans, and the same thing happens to them, to men and women in the Armed Forces. We do not pay them enough, we don't reward their work, we don't provide them the salaries they and their families deserve—just like other low- and moderate-income people—and then they rely on these payday loans. They are desperate. They take out a loan for \$100 which then gets rolled over and over and over again or have liens put on their car, they lose that car, they get charged interest rates of 300, 400, 500 or 600 percent a year, and it is a living hell for their families, because of the same practices by unscrupulous

lenders who are making billions of dollars. I think we ought to be on the side of these men and women in our military who are confronted with this.

But you know what, I am not going to use this as the big emotional argument in this debate. It is not just the military. It is low- and moderate-income people. It is men and women in the Armed Forces. It is a lot of single-parent families, I am sorry to say most of them headed by women. It is some of our senior citizens. Contrary to the stereotype, the income profile of elderly Minnesotans and elderly people in Utah and around the country is not very high. It is basically the most vulnerable citizens in our country.

I will speak to this payday loan. I would like to know why in the world there would be opposition to this amendment. We are saying if you are charging over 100 percent interest a year, you are not going to be at the table. I thought we were on the side of consumers when it comes to people being charged exorbitant fees and interest rates. It says you cannot use these coercive practices that the State of Illinois is going after these consumers on wherein they threaten people and tell them they are going to cash their checks and then they are going to end up going to prison.

I believe the vote on these amendments—and I am going to focus on the payday amendment—is a test case. This is a test case vote. Whatever you think about the overall bill—I have laid out my case against it—on this amendment this is a test case as to whether or not we can at least provide some protection to the most vulnerable citizens, whether or not we are on the side of the most vulnerable people, women and children, whether we are on the side of low- and moderate-income, working-income families, whether we are on the side of hard-pressed people, whether we are on the side of regular people, whether we are on the side of ordinary citizens, or whether we are on the side of unscrupulous loan shark companies that have no conscience and no soul and exploit people.

I urge my colleagues to support this amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. HATCH). Who seeks recognition? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is always a pleasure to listen to the Senator from Minnesota because whether he is right or wrong, he always speaks with a great deal of passion. I want people who have ideas to have passion for those ideas. Senator WELLSTONE is a person who speaks with a great deal of passion and conviction.

I disagree with a lot of the points he has made; otherwise, we would not have this legislation before us. On the other hand, on the subject of concentration, which he brought up, I have some sympathy for what he has said. The solution to the concentration problem is we should get this administration to vigorously enforce the anti-

trust laws both within the Justice Department and the Federal Trade Commission. There is a general feeling among people about whether the marketplace is working adequately and, consequently, support the antitrust laws. The antitrust laws are well written and have withstood a period of time, but enforcement is very much an issue.

We are not talking about concentration, and we are not talking about enforcement of the antitrust laws when we deal with bankruptcy. We have a very real problem. We have seen a dramatic increase in bankruptcies over the last 6 or 7 years. In 1993, we had 875,202 bankruptcies, and in 1998, it shot up to 1,442,549.

We have seen this dramatic increase in the number of bankruptcies during one of the most prosperous times in the history of our country. It has been the most prosperous for several reasons: One, information technology is helping to expand our economy and make it more efficient than ever before.

The globalization of our economy has also reduced consumer costs, giving consumers more money to expend on other things. We have seen Congress balance the budget in the last 3 years, and it worked toward that for the last 6 years and made considerable progress. Now we are paying down the national debt for the third year in a row. All that has contributed to it.

We are in the 18th year of economic expansion, which started in the second year of Ronald Reagan's administration. We had a turnaround in the economy after the stagflation of the seventies, and except for a 6-month period of time in 1992, we have had 18 years of economic expansion. During that period of economic expansion, we have had this very dramatic increase in bankruptcies.

Why? I wish I could say there is just one reason, as the Senator from Minnesota seems to imply; that it is credit being extended too easily, too many credit cards. I agree that is a reason, but that is only one of the reasons.

Another reason is we have a bankruptcy bar that has, quite frankly, encouraged bankruptcies. We have shown during previous debates on this bill where bankruptcy lawyers in California advertise in the media how to get out of paying alimony and child support by going into bankruptcy. These types of practices, obviously, are not ethical but are still being used.

We also have the bad example set by the Federal Government of 30 years of deficit spending. If Uncle Sam can borrow money into the trillions of dollars over a period of 30 years, isn't it all right for Mary Smith and Tom Jones or the people who are working in Anywhere USA to go into debt as well? Uncle Sam did not set a very good example. Congress, doing the fiscal policy for Uncle Sam, did not set a very good example. It says to others: Yes, it's OK for you to go in debt.

The Federal Government has turned that around in 3 years by balancing the

budget and paying down some of the national debt and is on the road to paying down the national debt very dramatically over the next 10 to 15 years.

We also have a situation where somehow financial responsibility is not considered a personal responsibility anymore. In other words, it is OK to go into debt and not pay your bills. There used to be a certain amount of shame connected with bankruptcy that does not seem to be there now.

I gave four reasons—and there may be a lot more—of why we are probably in this situation where we have had 18 years of economic expansion since the second year of the Reagan administration and yet have a historically high number of bankruptcies, and during the best years of our economy, we have seen bankruptcies almost double in a period of 6 or 7 years.

Consequently, we have this legislation before us. I do not disregard the words of the Senator from Minnesota that there are some people who are vulnerable and for whom we need to be concerned, but I say to the Senator from Minnesota, we are not extinguishing the principle that has been a part of the bankruptcy law for the last 102 years, permanent bankruptcy legislation. There are segments of our population in bad financial trouble, through no fault of their own, who need the help of bankruptcy. That could be death, divorce, a lot of medical expenses, a natural disaster, for instance, if you are a farmer or some other small businessperson, or maybe even a homeowner who had a natural disaster that was not properly insured.

Our code says there are select groups of people who are in a bad financial situation, through no fault of their own, who should have a fresh start. I say to the Senator from Minnesota and all the other Senators who question this legislation, we keep that principle, but we also say this Congress has to send a clear signal to the 270 million people in this country that if you have the ability to repay some or all of your debt, you are not going to get off scot-free. There are large numbers of people who are getting off scot-free, albeit they may be a minority, but they are a significant minority, and it does not set a very good example for some people to be able to use the bankruptcy code as part of financial planning.

We are saying to those who can repay that they have to repay, but we are also sending a signal through this legislation to credit card companies that are willy-nilly sending out credit cards that encourage bankruptcy or even a lack of personal responsibility.

We are saying it has to be a new day. We want to discourage those people who maybe are low income, who should not have gotten, through their own fault, into debt, and are not in the classification of people who I say are entitled to a fresh start—that somehow they should think again about going into bankruptcy and only use bankruptcy as a last resort.



We find that the 1978 law, obviously, has contributed some to the big increase in bankruptcies. This legislation passed by a very wide margin. So I do not think it was intended that the 1978 law ought to make it easier to go into bankruptcy. But, obviously, it sent that signal to a lot of people in America, as we have seen that the number of bankruptcies in 1980 was only 331,000 and now 18 years later, in 1998, the figures are 1,442,000.

Something has happened recently. Again, I do not pretend to stand before the American people, or my colleagues in the Senate, and say passing a law is going to solve all these problems. I wish it would. It is going to be a combination of several things: the credit card companies or credit-granting companies to be more careful in who they grant credit to; a Congress to be financially responsible and, hence, set a good example for every taxpayer and citizen in this country that debt isn't OK; the bankruptcy bar to be a little more careful about encouraging people to go into bankruptcy and not to advertise that bankruptcy is OK as a way out; and then the law itself, by discouraging people who can repay to use the bankruptcy code for financial planning.

In this whole process, I hope we then enhance personal responsibility. By enhancing personal responsibility, then we can reduce these numbers of bankruptcies and then reduce the economic problem we have—because we are not talking about something that does not make an impact upon everybody.

Some people have put this at a \$40 billion problem—\$40 billion owed by those who go into bankruptcy and do not pay. Then every other consumer in America picks up part of that tab. We have no doubt about it, if you are shoplifting, the honest consumer, who does not shoplift, is going to pay the cost of shoplifting. This is somewhat the same. If you are a businessperson, and somebody does not pay their bills by declaring bankruptcy, the honest person buying goods from that same business is going to pick up the tab. And \$400, on average, for a family of four, is what we pay for other people who do not pay.

We hope to enhance personal responsibility. We hope to help the economy in the process. But most importantly, this is something that must be dealt with, and I think this legislation deals with it.

That is the background for this legislation. I think it is necessary to give some of that background, as I respond to some of the specific issues that the Senator from Minnesota brought up.

First of all, he mentioned the point that there has been some decline in the rate of growth of bankruptcies in recent years. We think that is true. It is a little bit too early to make that judgment. I hope it is true. I think it is a direct result of Congress talking about this horrible economic problem we have of \$40 billion and the lack of per-

sonal responsibility which goes with that economic problem. Perhaps it is sending signals to some of the consumers to think twice about whether bankruptcy is the right direction to go in. Maybe it sent a signal to some of the bankruptcy lawyers in America to counsel people not to go into bankruptcy.

I hope the leadership of this Congress over the last 3 years, in discussing this legislation—actually having passed it in the last Congress in both Houses, but not getting the final product to the President in time before adjournment—has done some good.

So we have had a very modest decline in bankruptcies in 1999 as compared to 1998. But if you take the historical look—and I have referred to some of those figures since 1980—Senator WELLSTONE's point that the bankruptcy crisis is going away turns out to be false. I have referred to the 330,000 bankruptcies we had in 1980, the year the new code went into effect. But that has gone up to just under 1.4 million in 1999. Unlike the Senator from Minnesota, I think 1.4 million bankruptcies per year is a real crisis.

In the past, in the middle 1980s, and even once during the 1990s, we have had some minor dips in the bankruptcy filings; but since then, as I have referred to, we have had this dramatic increase, almost doubling, in the last 6 or 7 years.

I ask unanimous consent to have printed in the RECORD a table of the total filings, business filings, nonbusiness filings, and the percentage of consumer filings of total filings.

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

U.S. BANKRUPTCY FILINGS 1980–1998  
(Business, Non-Business, Total)

Year	Totals filings	Business filings	Non-business filings	Consumer filings as a percentage of total filings
1980	331,264	43,694	287,570	86.81
1981	363,943	48,125	315,818	86.78
1982	380,251	69,300	310,951	81.78
1983	348,880	62,436	286,444	82.10
1984	348,521	64,004	284,517	81.64
1985	412,510	71,277	341,233	82.72
1986	530,438	81,235	449,203	84.69
1987	577,999	82,446	495,553	85.74
1988	613,465	63,853	549,612	89.59
1989	679,461	63,235	616,226	90.69
1990	782,960	64,853	718,107	91.72
1991	943,987	71,549	872,438	92.42
1992	971,517	70,643	900,874	92.73
1993	875,202	62,304	812,898	92.88
1994	832,829	52,374	780,455	93.71
1995	926,601	51,959	874,642	94.39
1996	1,178,555	53,549	1,125,006	95.46
1997	1,404,145	54,027	1,350,118	96.15
1998	1,442,549	44,367	1,398,182	96.92

Mr. GRASSLEY. The Senator from Minnesota also made reference to some changes in the bankruptcy code that were made by Senator Dole in 1984 which allowed judges to dismiss chapter 7 cases in cases of—these are the words from the statute—“substantial abuse” of the bankruptcy code.

I spoke to this point a week ago. Obviously, the Senator from Minnesota did not have an opportunity to hear my remarks. But he would have heard me

state, in detail, how the 1984 legislation has not worked at all, regardless of its good intentions. Because under the 1984 legislation, creditors are banned by law from bringing evidence of abuse to the attention of the judge.

Here we have a law that says if there is substantial abuse of the bankruptcy code, then the judge can determine that that certain bankrupt does not have a right to be in bankruptcy court. But then we have another section that says creditors who might know about this abuse cannot bring evidence of that abuse to bankruptcy court.

So it seems that the 1984 legislation was designed not to work. We correct that in this legislation by making it possible for people to bring evidence of such substantial abuse to the bankruptcy judge, for it to be considered, and if the judge agrees, then that person cannot continue to abuse the public at large by making misuse of the bankruptcy courts to get out of paying debt.

I also remember the Senator saying that tightening bankruptcy law will not reduce the costs of bankruptcy. All I can say is, the Clinton administration's own Treasury Secretary, Larry Summers, said in one of our hearings that reducing bankruptcies could help reduce interest rates. And what helps lower-income people more in America than reducing interest rates?

It really helps the very people the Senator from Minnesota speaks of as being vulnerable and as a class of citizens about whom we should all have concern, and I believe all do have concern.

I have an example of a vulnerable person at the other end, a person who has been substantially harmed by somebody who went into bankruptcy. It isn't just people who go into debt who are vulnerable and can be hurt by bankruptcy; there are a lot of other hard-working people who are hurt by other people who go into bankruptcy. I hope this body will remember that every abusive bankruptcy hurts scores of Americans.

I will read, without using names, from a constituent in Keokuk, IA, writing to me about the need for the passage of this legislation. She had read a headline in the local paper that said: The Senate may toughen bankruptcy laws.

“My son”—I will not use the name—“works for a local electric company as a meter reader full time during the day and then goes right to work nearly every evening and on Saturdays with his own growing washing, vacuuming business. He works so hard to do a good job for his customers. He takes his responsibilities as a father of five very seriously. During the last 3 to 4 months, he has been doing a job for an out-of-town gentleman.” Then the last name is given. “I believe he is in the Des Moines area. I have learned that he has several businesses and is known to be a crook.” That is why I don't want to use the names; I don't know whether

he is a crook or not, but that is the writer's judgment.

"Of course—then she uses the name of her son—" had no idea about this person's background, but he eagerly wanted the work and took the work. He felt especially good about it because one of his men is very poor, one of the workers he hires for his moonlighting business, and so he turned the job over to him so he could make extra money.

"The sorry ending of this story is, as you might have guessed, just last week Kenny called the original hiring company where Kenny works directly doing cleanup jobs. And before he could talk to the manager about not being paid by this gentleman from Des Moines, Mike told Kenny that he had just called to inform him that he had declared bankruptcy. He owed Kenny over \$3,600. To him, this might as well have been \$36,000 because of some new, very expensive equipment purchased to be able to handle the additional work.

"Something must be done to keep crooks from sticking hard-working people like my son, who associate with him in good faith, from dropping the hatchet—you know the numbers when it comes to poor management—and then take the easy way out at everyone else's expense." Then in capital letters: "It is wrong and it should not be allowed."

So there are hard-working mothers and fathers in America, I say to the Senator from Minnesota, who are vulnerable and hurt by other people who take advantage of them and go into bankruptcy.

On another point the Senator from Minnesota made, perhaps he isn't aware that the organization of prosecutors who enforce child support says this bill, S. 625, will help women and children who are owed child support. On this point, in fact, there is no point. Both parties have worked hard on this legislation in the compromises that have taken place over the last 2 or 3 years. We are not going to let people use the bankruptcy code to get out of paying child support. Yet we are still hearing, this very day, that old argument that may have had some credibility 2 or 3 years ago but that we had taken care of almost that long ago because it was a very important point raised. But those points are still being made.

So I ask my colleagues, as they consider that point made by the Senator from Minnesota, to whom are you going to listen: The people who actually collect child support—that is, the organization of prosecutors who enforce child support who say this is a good bill and will help women and children—or are you going to listen to Washington special interest think tanks that are using smoke and mirrors to say this bill will make it more difficult to collect child support? I think those who prosecute know the difficulty of collecting that. I hope my colleagues will listen to the prosecutors who get child support who say this bill will help women and children.

Finally, I wish the Senator from Minnesota had at least mentioned title II, subtitle A, which is entitled: Abusive Creditor Practices. We know creditors can be abusive, and we address that problem to make sure there is a level playing field between creditors and debtors when it comes to the bankruptcy courts. We have numerous new consumer protections. Understand, there are some customers who don't want to go into bankruptcy, and they try to negotiate with their creditor to avoid going to court. That is a good step we want to preserve and encourage. But if that customer then has to declare bankruptcy because of not being able to negotiate, then the creditor is severely limited in his ability to collect that debt. To me, this is real consumer protection that should not be forgotten as we vote on this legislation.

I will now turn to a specific amendment the Senator from Minnesota is offering as well and to oppose his amendment that is referred to as the payday loan. For those who don't know, this type of loan happens when a borrower gives a personal check to someone else and that person gives the borrower cash in an amount less than the amount of the personal check. The check isn't cashed if the borrower redeems the check for its full value within 2 weeks. The fact is that payday loans are completely legal transactions in many States. If a financial transaction is explicitly legal under State law, to me, it isn't wise that we use the bankruptcy code to try to undo that transaction.

First of all, using the bankruptcy code for this purpose leads to perverse results because the only people who will receive any benefit or relief will be those who file for bankruptcy. Then you have all those other people who are using payday loans who never file for bankruptcy. These people who have taken out loans but don't take the easy way out in bankruptcy court will still have to pay back their loan. So if this is a problem, it seems to me the Senator from Minnesota ought to work to help everybody, not only those who go into bankruptcy court. Then you also have the perverse result of people who don't have the money to file for bankruptcy who will have to pay the loan as agreed. Even if you share Senator WELLSTONE's distaste for payday loans, this amendment won't benefit the poorest of the poor because most of the poorest of the poor don't seek bankruptcy relief.

Earlier during the course of the debate, my colleague from Utah, Senator HATCH, sought to include language in an amendment that would have changed the Fair Debt Collection Practices Act. This act is in the jurisdiction of the Banking Committee. At that very time, the ranking Democrat on the Banking Committee, the Senator from Maryland, indicated that he would not consent to allowing changes to the Fair Debt Collection Practices

Act on a bankruptcy bill. So to be fair, then, the portion of Senator WELLSTONE's amendment changing the Fair Debt Collection Practices Act should be stricken out in deference to the jurisdictional objections that have been lodged by the ranking Democrat on the Banking Committee. So I am asking Senator WELLSTONE to listen to the arguments of his fellow Democrat about jurisdiction and respect the jurisdiction of the particular committees.

If the Senator from Minnesota doesn't want to honor this objection, I think his proposed changes to the Fair Debt Collection Practices Act represent poor policy at least. His amendment would not say that lenders can't offer payday loans. His amendment would say that you aren't allowed to use State courts to collect the debt, even if the debt is completely legal under that same State law. In fact, the State of Minnesota specifically allows payday loans, as does my home State of Iowa. I don't think the Federal Government has any business telling State judges they can't enforce debts that are fully legal under the laws of that particular State. I would have confidence in my State legislature correcting this economic and social problem, if it is one in our State. I haven't studied it enough to know whether it is, but I have confidence that my State legislators would correct that. I hope the Senator from Minnesota has the same confidence that his State legislators know what is best for Minnesota, not those of us in the Congress of the United States.

I also think this amendment would have the effect of making it harder for the poor and those with bad credit histories to gain access to cash—the very people the Senator from Minnesota is so concerned about because, in his words, "they are so vulnerable." People who use payday loans simply can't get loans through traditional sources because they are too risky, so a payday loan may be the only way they can get quick cash to pay for family emergencies or essential home and auto repairs.

I know the intentions of my good friend from Minnesota are honorable, but the effect of this amendment would be to make it harder for poor people to get help when they need that help the most. I hope this amendment by the Senator from Minnesota will be defeated.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in opposition to the amendments offered by the distinguished Senator from Minnesota. His amendment is, in fact, two amendments—one to the bankruptcy laws and one to the Fair Debt Collection Practices Act.

The debt collection amendment would prohibit anyone, such as a grocery store or a hotel, who cashes

checks for a fee and defers depositing the check from notifying the writer of a check which is later bounced that they will seek civil or criminal penalties for that bounced check. It is important to keep in mind that under most State laws writing bad checks is a crime and many States allow for civil and/or criminal penalties against those who write fraudulent checks.

The other part of this amendment would disallow in bankruptcy claims arising from a deferred deposit loan—a so-called payday loan—if the annual percentage rate of the loan exceeds 100 percent.

Although well intentioned, this amendment is misplaced. So-called payday loans are made when a borrower writes a check for the loan amount plus a fee. The lender typically gives the borrower the loan amount and holds the check until a future date. In making payday loans, these lenders provide a vital service to the poorest borrowers. Because sometimes it is more convenient to go to a hotel, grocery store, gas station, or other similar businesses that may keep longer hours than banks, many consumers choose to cash a check at these types of places when they need small amounts of money to overcome an emergency.

With this check cashing service, borrowers can get the emergency cash they need without telling the boss they need a cash advance or giving up their televisions and furniture. This is a legitimate service that many honest consumers use and in which established businesses engage.

If adopted, this amendment may operate to the detriment of the very people it is intended to help. So I urge colleagues to vote against that amendment.

The lifeline account amendment would disallow the bankruptcy claims of certain banks and credit unions. In particular, it would disallow claims by larger institutions, such as banks with more than \$200 million in aggregate assets that offer retail depository services to the public, unless they offer the specific services required by this amendment. First, these institutions would be required to offer both checking and savings accounts with “low fees” or no fees at all. Second, they would have to offer “low” or no minimum balance requirements for checking and savings accounts—and to any consumer, regardless of income level. Further, the “penalty” for not providing these particular services is the disallowance of the bank’s claim in bankruptcy. That is a harsh penalty, indeed, and a windfall for bankrupts.

Let me explain what this means. It means someone with the resources of, let’s say, Steve Forbes can walk into one of these banks, and if he is denied a “low fee” or no fee account, then any claim that bank has in any bankruptcy proceeding—not just Steve’s bankruptcy—then the bank’s claims are disallowed. I emphasize that any claim in any bankruptcy will be disallowed be-

cause the bank did not offer Steve Forbes a “low” or no fee checking account. Let me substitute Bill Gates’ name for Steve Forbes here.

I should also note that this amendment does not describe what a “low fee” account is. Whose standard of low are we to base this dictated fee on? This is bad policy that would effectively dictate to banks the specific services they must offer, whether or not consumers need or want them. This is Government interference with free markets at its worse. Whenever such rules are forced on businesses, the offsetting costs inevitably occur. In other words, consumers will end up paying for mandated low fee or free checking in the form of higher prices for other services. Alternatively, other services by banks may be discontinued to offset the costs of these new requirements, not to mention the costs of the penalties. I don’t believe this kind of regulatory interference with the markets is either warranted or wise. I urge colleagues to oppose this amendment.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Minnesota for raising this important consumer issue. Seven weeks ago, I held a forum on payday lending to help educate myself and the public on this troubling consumer credit practice. At the forum, we heard from representatives of the payday industry, consumer advocates, state regulators, and a credit union representative. We also were fortunate to hear from two Navy servicemen, one a payday borrower and one a commander who provides financial counseling to his sailors. Their stories of military personnel caught in cycles of debt to payday lenders helped me realize the impact this issue can have on individuals’ lives. For example, Captain Robert W. Andersen, commanding officer of Patrol Squadron 30 in Jacksonville, FL, testified that sailors who take payday loans are often victims of a “snowball effect or financial death spiral they cannot recover from.”

For those who aren’t familiar with payday lending, let me explain how it works. Someone who is short of cash can borrow money using his or her future paycheck as security. The borrower usually writes a check for the loan amount plus a fee, and then the lender agrees not to cash the check until after the borrower’s next paycheck comes in.

Payday lenders commonly promote their product as quick and easy cash. But what they don’t usually advertise is that this is one of the most expensive consumer credit products in existence. Interest rates on payday loans average about 500 percent annually, with some loans going well over 1000 percent APR. Among the frequent borrowers who pay these high fees are those with particularly limited ability to repay the loan, including enlisted military personnel, college students, and senior citizens on fixed incomes.

Despite the fact that payday loans are marketed as short-term credit, in-

tended to help people get through one rough pay period, a disturbingly high number of payday borrowers apparently soon discover that they can’t pay their loan off immediately, and so they end up rolling their loan over for another—and another, and another—term. According to a study by the Indiana Department of Financial Institutions, 77 percent of all payday loan transactions are rollover transactions, and the average annual number of renewals per borrower is over ten. As a result, consumers can end up paying amounts in interest and fees that dwarf their initial loans—and make it very difficult for them to repay the principal. One borrower in Kentucky, for example, ended up paying \$1,000 in fees for a loan of only \$150 over a period of six months—and the borrower still owed the \$150. It is cases like these that has led the Consumer Federation of America to call payday lending “legal loan sharking.” As the American Association of Retired Persons (AARP) stated in written testimony provided for the forum:

It is not difficult to see how a borrower could become mired in debt. A person so desperate for money that he or she is willing to pay a three-digit APR is not likely to have the cash—plus the fee—two weeks after taking out a loan. . . . Taking out a loan at 391% APR, with the obligation to repay the principal and interest charge in *two weeks*, is not going to help consumers who do not have the cash to cover the checks they write. (emphasis in original)

And that’s not the worst of it: state efforts to control rollovers appear to be failing; lenders and customers find any number of ways to roll over a loan, even if rollovers are limited or prohibited. The Illinois Department of Financial Institutions has concluded that rollover rules have “been ineffective in stopping people from converting a short term loan into a long term headache.” At the forum, Mark Tarpey, Consumer Credit Division Supervisor with the Indiana Department of Financial Institutions, testified:

The problem with renewals is that you have an incentive for the lender to continue to collect fees as long as the customer pays them. There is no incentive to limit renewals/rollovers. Even if you statutorily prohibit or limit renewals/rollovers, you have the problem of a customer coming in and paying cash and the lender then giving them the same funds back and calling it a new loan. There are other practices to conceal transactions from being deemed a renewal/rollover.

The industry acknowledges that loan renewal is a problem, although there is dispute over just how big a problem it is. Both of the trade associations represented at the forum I held in December have adopted “best practices” guidelines that attempt to address this issue, but because the borrower drives the decision to renew a loan, it would be difficult for the industry guidelines to succeed.

Equally disturbing are the practices that some in the payday industry have used to collect on delinquent loans—and I recognize and appreciate that the

amendment offered by the Senator from Minnesota addresses this problem. At the forum in December, Leslie Pettijohn, the Consumer Credit Commissioner in Texas, testified:

From a regulator's perspective, one of the most objectionable practices of these transactions is the threat of criminal prosecution against the consumer. When a check bounces, lenders frequently file charges against consumers with law enforcement officials and attempt to collect this debt by means of criminal prosecution. In a single precinct in Dallas County, more than 13,000 of these charges were filed by these kind of companies in one year.

As I mentioned, payday lending uses as security a live check that both the borrower and the lender know is no good at the time it is written. Just as we don't imprison people for failure to pay their credit card bills or meet their mortgage payments, I do not believe that a borrower—unless he committed fraud—should be subject to threat of such severe measures for failure to make good on a payday loan, particularly because the very premise of the loan was the borrower's willingness to write a bad check. The amendment offered by the Senator from Minnesota would prevent the misuse of these "bad check" laws, but it would still permit a fraud prosecution where appropriate. That is an important step.

Again, I thank the Senator from Minnesota for raising this important issue, and I look forward to working with him to address it further in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Under the previous order, the next amendment has 2 hours equally divided.

The Chair recognizes the Senator from Michigan.

Mr. LEVIN. I thank the Chair.

#### AMENDMENT NO. 2658

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

Mr. LEVIN. Mr. President, I call up amendment No. 2658.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

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

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

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

The amendment is as follows:

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

#### SEC. \_\_\_\_ CHAPTER 11 NONDISCHARGEABILITY OF DEBTS ARISING FROM FIREARM-RELATED DEBTS.

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

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

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

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

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

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

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

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

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

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

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

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

Our amendment would change the bankruptcy code so that a firearm manufacturer or distributor who is found liable or may be found liable for negligence or reckless action cannot escape accountability by filing for reorganization in bankruptcy.

Our amendment has the endorsement of the National League of Cities, the U.S. Conference of Mayors, Handgun Control, Inc., which is Sarah Brady's organization, and the Violence Policy Center. The amendment is cosponsored by Senators DURBIN, WYDEN, KENNEDY, FEINSTEIN, LAUTENBERG, and SCHUMER, and I thank them for their persistence and their hard work on this important issue.

Under the current bankruptcy code, firearm manufacturers are able to "take advantage of the system." Those are not my words. Those are the words of Lorcin Engineering Company, a manufacturer of cheap, semiautomatic handguns. Lorcin told Firearms Business, an industry publication, that it was "taking advantage of the system" by filing for chapter 11 bankruptcy protection in 1996. At the time, Lorcin was one of the chief producers of Saturday night specials or junk guns. Their semiautomatic pistol was number two on the Alcohol, Tobacco, and Firearms list of guns traced to crimes. Some of their cheaply constructed guns were made so poorly they did not meet basic safety requirements to be eligible even for importation.

Lorcin sought to evade responsibility for the damages caused by their negligence by filing for chapter 11. Other

manufacturers are following their lead, seeking to evade accountability for their wrongdoing by filing in bankruptcy court. For instance, Davis Industries, another producer of poorly constructed semiautomatic firearms, has also sought refuge in bankruptcy court. The New York Times reported on June 24, 1999, that a spokesman for Davis Industries said, "I'm sure other companies will do the same thing."

On July 19, 1999, at a creditors meeting for Davis Industries, the owner was asked a few questions by the bankruptcy trustee about his chapter 11 bankruptcy petition.

Question: Now, the reasons for filing sounded to me like you're getting sued by all the municipalities in the United States. Is that pretty close to correct?

Answer: I think you hit the button on the nose.

Lorcin Engineering and Davis Industries found a loophole in our Federal bankruptcy law and the list of these companies grew and is still growing.

When the bankruptcy code was enacted, its primary goal was debtor rehabilitation, to provide a fresh start to "honest but unfortunate debtors" through the discharge of debts. The code gives debtors the opportunity to shed indebtedness, but there are exceptions. These exceptions to the discharge of a debtor's liability were based on public policy or wrongful conduct of the debtor. Currently, the bankruptcy code defines 18 specific categories of debt that are nondischargeable. These exceptions have been created because of an overriding public purpose.

A report issued by the National Bankruptcy Review Commission, an independent commission established by Congress to investigate and study issues relating to the bankruptcy code, says this about nondischargeability:

Debts excepted from the discharge obtain distinctive treatment for public policy reasons. Many nondischargeable debts involve "moral turpitude" or intentional wrongdoing. Other debts are excepted from discharge because of the inherent nature of the obligation, without regard to any culpability of the debtor. Regardless of the debtor's good faith, for example, support obligations and many tax claims remain nondischargeable. Society's interest in excepting those debts from discharge outweighs the debtor's need for a fresh economic start.

Among the debts that we exempt from discharge for public policy reasons are debts which arise from death or personal injury caused by the debtor's operation of a motor vehicle while intoxicated, debts incurred by fraud or falsehood, debts incurred by willful and malicious injury, family support obligations, taxes, educational loans, fines, and penalties payable to a governmental entity, et cetera. These exceptions reflect Congress' intent to carve out exceptions to dischargeability for important public interest policy considerations.

One category of debt that was added not too long ago to the code ensures that debtors cannot escape debts incurred by a debtor's operation of a

motor vehicle while intoxicated. This change, which was first introduced by Senators Danforth and Pell in the early 1980s, was considered part of an "all-out attack on drunk driving." Congress was persuaded to amend the Federal bankruptcy code with respect to this important policy initiative. At the time, drunk driving accidents killed tens of thousands of Americans and disabled hundreds of thousands of people annually. Senator Danforth argued that drunk driving has caused insurmountable human suffering and economic loss, and in his words:

We must assure victims and their families that if they win a civil damage award against the drunk driver, they need not fear that the offender will use Federal law to escape his debt.

We should do no less for victims of negligence and recklessness and wrongdoing of gun manufacturers and distributors.

Senator Danforth told us:

It is a national scandal that 50,000 Americans are smashed and slashed to death on our highways and that 2 million people suffer disabling injuries in car accidents every year.

He went on to say:

The greatest tragedy is that we have become desensitized to the meaning of these statistics. We have almost come to accept this carnage as the unfortunate price we must pay for the mobility we enjoy. However, if we look behind the mind-numbing statistics—if we ask why so many people are suffering—we will see over half of this bloodshed results from our unwillingness to put a halt to the most frequently committed violent crime in America: drunk driving.

The reduction of alcohol-related driving fatalities was an important public policy issue, and by making those debts nondischargeable, Congress acted wisely to protect victims of drunk driving and to deter drunk driving.

Congress acted against those endless tragedies and senseless deaths and human suffering by amending the bankruptcy code so a drunk driver could not escape his debt by going bankrupt. Like debts incurred by drunk driving, debts for death or personal injury and costs to communities resulting from the unsafe manufacture or distribution of unsafe firearms and their negligent distribution should also not be dismissed in bankruptcy. The public policy involved here is an overriding one, given the damage caused by the unsafe manufacture and distribution of guns.

Senator Danforth's plea to curb drunk driving is very similar to our people's plea to reduce gun violence. Week after week, Americans are lost to the senselessness of gun violence. Year after year, some 30,000 of us are lost to murder or suicide or unintentional shootings and tens of thousands of Americans are treated for firearm injuries. Many of these deaths and injuries are to children. When the carnage results from the unsafe manufacture or distribution of a firearm, we should not allow the manufacturer or distributor to evade the responsibility for its

wrongdoing by reorganizing in bankruptcy.

Cities around the country and their residents are taking on this problem on their own. Thirty cities and counties have filed lawsuits alleging negligence, wrongdoing, unsafe practices on the part of gun manufacturers or distributors. New Orleans started in October of 1998, followed by Chicago; Miami; Dade County; Bridgeport, CT; Atlanta, GA; Cleveland, OH; Cincinnati, OH; Wayne County, MI; and Detroit, MI; St. Louis, MO; San Francisco, and others.

Citizens want the firearm industry to be accountable for unsafe actions on their part. They want firearm manufacturers to be held responsible for poorly constructed and unsafe products. Citizens want firearm manufacturers and distributors to be accountable for wrongful injuries resulting in public outlays for medical care, emergency rescue, and police investigative costs.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. LEVIN. I thank the Chair and yield myself an additional 3 minutes.

One way to deter such misconduct is to say that you cannot avoid that accountability by filing for reorganization in bankruptcy any more than you can evade a judgment for damages resulting from drunk driving.

Sound public policy also dictates that the debt incurred by a company's action should not be ducked by a company reorganizing under chapter 11 while the company goes on its merry way and the victims are victimized twice.

This amendment does not judge the merits of any lawsuit or the liability of any parties involved in these lawsuits. The amendment simply gives our citizens the assurance that if they win a civil damage award against a firearm manufacturer or distributor, the damages caused by the perpetrator cannot be evaded by being dismissed in bankruptcy court.

Mr. President, I ask unanimous consent that letters from the U.S. Conference of Mayors, the National League of Cities, the Violence Policy Center, and Handgun Control, which is chaired by Sarah Brady, be printed in the RECORD.

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

THE U.S. CONFERENCE OF MAYORS,  
Washington, DC, November 17, 1999.

Hon. CARL LEVIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the United States Conference of Mayors, I am writing to express our strong support for your amendment, No. 2658, to the Bankruptcy Reform Act of 1999 (S. 625).

For over 30 years, The U.S. Conference of Mayors has supported comprehensive efforts to promote gun safety and help keep guns away from kids and criminals. At our Annual Conference of Mayor in New Orleans this past June, we adopted a strong policy in support of broad gun safety legislation, and on September 9, over 50 mayors, 30 police

chiefs and leaders from the interfaith community took our call for action to Washington on "Gun Safety Day."

During our New Orleans Annual Meeting we adopted an equally strong policy opposing any state or federal promotion of local government access to the court system on behalf of local citizens. To that end, gun manufacturers, distributors and dealers should not be allowed to use federal statute to evade legal claims for damages by filing for bankruptcy—which would amount to a de facto preemption of local rights to protect public safety and to recoup public revenues. The threat of this action is real with Lorcin Engineering Co., one of the chief manufacturers of "Saturday Night Specials" or "junk guns," having filed for Chapter 11 bankruptcy in 1996, and several other gun manufacturers recently following the same course of action.

Currently, 18 categories of debt are non-dischargeable under the Bankruptcy Code. The Code makes certain debts nondischargeable when there is an overriding public purpose. We believe that there is no higher public purpose than protecting public safety, and that your amendment will allow these judicial proceedings to continue without the improper use of federal law to preempt this important process.

Therefore, The U.S. Conference of Mayors strongly supports adoption of amendment No. 2658.

Yours truly,

WELLINGTON E. WEBB,

President,  
Mayor of Denver.

NATIONAL LEAGUE OF CITIES,  
Washington, DC, November 16, 1999.

Hon. CARL LEVIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEVIN: On behalf of our 135,000 municipal elected officials, the National League of Cities strongly supports your amendment, S. AMT. No. 2658, to the Bankruptcy Reform Act of 1999 (S. 625). In prohibiting manufacturers, distributors and dealers of firearms from discharging debts which are firearm-related, incurred as a result of judgments against them based on fraud, recklessness, misrepresentation, nuisance, negligence, or product liability, this amendment effectively stops an abuse of the bankruptcy system. More importantly, the measure helps insure that municipal lawsuits against the gun industry, are not undermined by firearms companies seeking to potentially avoid their culpability through the use of the bankruptcy code.

While NLC does not support some amendments to the Bankruptcy Reform Act (particularly the Ross-Moynihan Amendment, S. AMT. No. 2758) that would preempt state and local government interest rates that apply to Chapter 11 corporate repayments, we believe that this particular amendment helps cities and towns recover monies expended for numerous criminal investigations, litigation fees, health costs, and other resources needed to address incidents of gun violence. The National League of Cities has a long history of supporting legislation to reduce gun violence and gun-related criminal activity. Like debts incurred by drunk driving, Congress must send a clear and convincing message that it will not permit debtors to escape debts incurred by improper conduct. It is crucial that the federal government do all that it can to help local law enforcement effectively address gun violence with common sense legislation that curtails access to firearms including altering the bankruptcy code.

An unfortunate example of such abuse occurred in 1996 when Lorcin Engineering Co.,

a manufacturer of cheap handguns, filed for Chapter 11 bankruptcy protection. Lorcin was one of the nation's chief manufacturers of "Saturday Night Specials" or "junk guns," and in 1998, their inexpensive semi-automatic pistol was number two on the list of guns traced to crime scenes by the Bureau of Alcohol, Tobacco and Firearms. Lorcin's low quality and unsafe firearms caused innumerable deaths in our nation's cities and towns because of their cheap construction and easy availability in urban areas.

Moreover, Lorcin's weapons were the basis of more than two dozen product liability lawsuits. Once Lorcin decided they could not defend their practices against the multiple liability claims filed against them, they decided to protect themselves by using the bankruptcy system to settle these lawsuits for pennies on the dollar and be exempted from an additional lawsuit filed by the city of New Orleans.

Senator Levin, we support this amendment, and strongly advocate its inclusion in any final bankruptcy reform measure enacted that does not undermine municipal finances. Additionally, you will find an enclosed resolution passed by the National League of Cities' Public Safety and Crime Prevention Steering Committee that supports your proposed amendment.

Sincerely,

CLARENCE E. ANTHONY,  
President, Mayor, South Bay, Florida.

Enclosure.

#### PROPOSED RESOLUTION—PSCP #9—CITIES LAWSUITS AGAINST THE FIREARM INDUSTRY

Whereas, gun violence results in great costs to cities and towns, including the costs of law enforcement, medical care, lost productivity, and loss of life; and

Whereas, it is an essential and appropriate role of the federal government, under the Constitution of the United States, to remove burdens and barriers to interstate commerce and protect local governments from the adverse effects of interstate commerce in firearms; and

Whereas, firearm manufacturers, distributors, and retailers, and importers have a special responsibility to take into account the health and safety of the public in marketing firearms; and

Whereas, to the extent possible, the costs of gun violence should be borne by those liable for them, including negligent firearm manufacturers, distributors, and retailers, and importers; and

Whereas, the firearm industry has generally not included numerous safety devices with their products, including devices to prevent the unauthorized use of a firearm, indicators that a firearm is loaded, and child safety locks, and the absence of such safety devices has rendered these products unreasonably dangerous; and

Whereas, the firearm industry has potentially engaged in questionable distribution practices in which the industry oversupplies certain legal markets with firearms with the knowledge that the excess firearms will be potentially distributed not nearby illegal markets; and

Whereas, it is fundamentally the right of local elected officials to determine whether to bring suits against firearm manufacturers on behalf of their constituents to best serve the needs of their city or town; and

Whereas, across the nation, cities are bringing rightful legal claims against the gun industry to seek changes in the manner in which the industry conducts business in the civilian market in their communities: Now, therefore, be it

*Resolved*, That cities and towns be able to bring suits against manufacturers, dealers, and importers to determine their possible

culpability for firearm violence; and be it further

*Resolved*, That the National League of Cities opposes any federal preemption that would undermine the authority of state and local officials to bring suits against firearm manufacturers on behalf of their citizens; and be it further

*Resolved*, That the National League of Cities urges better cooperation between firearm manufacturers and local elected officials to prevent firearm violence and ensure less firearm injuries and costs to cities and towns.

VIOLENCE POLICY CENTER,  
Washington, DC.

#### DON'T LET GUN MANUFACTURERS "TAKE ADVANTAGE OF THE SYSTEM"

SUPPORT THE LEVIN AMENDMENT TO THE BANKRUPTCY BILL TO HOLD GUNMAKERS RESPONSIBLE FOR DEFECTIVE GUNS

The Levin amendment to S. 625 will ensure that gun manufacturers cannot discharge debts incurred as a result of consumer lawsuits for defectively designed and manufactured firearms.

The Levin amendment is necessary to ensure that firearm manufacturers—which are exempt from federal health and safety regulation—remain accountable for civil liability to consumers injured by negligent or reckless industry behavior. Lack of health and safety regulation means that the civil justice system is the only mechanism available to regulate the conduct of gun manufacturers.

At least three major gun manufacturers have sought bankruptcy protection specifically to protect themselves from product liability claims.

Lorcin Engineering arrogantly stated in 1996 that it was filing for bankruptcy to protect the company from at least 18 pending liability suits. Lorcin officials stated to Firearm Business—a gun industry trade publication—that the company chose to "take advantage of the system" when it decided that it could not defend against liability claims. Furthermore, at a 1996 meeting of creditors, the U.S. Bankruptcy Trustee posed the following question to Lorcin's attorney, "The triggering factor [of the bankruptcy] was the Texas lawsuit, but there were three or four others that could also be a problem?" Lorcin's lawyer responded, "Yep."

In 1993, Lorcin was the number one pistol manufacturer in America, churning out 341,243 guns. Many of Lorcin's handguns are of such poor quality they are ineligible for importation under the Bureau of Alcohol, Tobacco and Firearms (ATF) "sporting purpose" test. Lorcin's .380 pistol regularly tops the list of all guns traced to crime by ATF.

Davis Industries, also motivated by pending product liability claims as well as lawsuits filed by U.S. cities including Chicago, New Orleans, Miami, Atlanta, Cleveland, Los Angeles, and Detroit filed for bankruptcy protection in May 1999. Davis manufactured nearly 40,000 guns in 1997, the last year for which figures are available.

Sundance Industries also sought bankruptcy protection in August 1999. As a result, the Superior Court of California enjoined the City of Los Angeles from pursuing Sundance in the city's lawsuit to recover costs inflicted on the city as a result of gun violence.

Many more gun manufacturers may soon choose to follow in the footsteps of Lorcin, Davis, and Sundance to escape responsibility for suits filed recently by U.S. cities.

More than 25 cities and counties have filed lawsuits against the gun industry. These lawsuits allege that firearm manufacturers have produced and sold defectively designed firearms, and engaged in negligent mar-

keting and distribution practices resulting in countless deaths and injuries in America's cities. The NAACP has filed a similar lawsuit. Lawyers for the cities are very concerned that bankruptcy will become a common gun industry defense tool.

Many other consumer lawsuits are pending against gun manufacturers.

For example, Glock is the defendant in a case recently certified as a nation-wide class action. The class includes individuals and police officers injured by unintentional discharges of Glock handguns. The suit alleges that Glock handguns, including those used by many police departments, contain design defects long known to the manufacturer.

Gun manufacturers must not be allowed to use bankruptcy to escape accountability when their reckless or negligent conduct causes death and injury. Vote to protect victims of gun violence. Support the Levin amendment to S. 625.

HANDGUN CONTROL,

Washington, DC, November 9, 1999.

Hon. CARL LEVIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEVIN: I am writing in support of the amendment to S. 625, the Bankruptcy Reform Act of 1999 sponsored by Senators Levin, Durbin, Wyden, Kennedy, Feinstein, Lautenberg, and Schumer. This amendment would prevent firearm manufacturers, distributors and dealers from filing for Chapter 11 bankruptcy protection to evade wrongful death and personal injury lawsuits caused by their dangerous products.

As you know, several cities and their residents have filed suits against the gun industry to recover some of the costs of gun violence and to attempt to encourage more responsible conduct by the industry in the future. These suits attack two basic problems caused by irresponsible practices of the gun industry. One is the failure to make guns as safe as possible and failing to include many simple, live-saving safety devices in their guns. The other is the irresponsible distribution of guns which enables and fosters the criminal use of guns.

Gun manufacturers, distributors, and dealers should not be able to evade these legitimate claims for damages by filing for bankruptcy. In 1996, Lorcin Engineering Company, one of the chief manufacturers of "Saturday Night Specials" or "junk guns" filed for Chapter 11 bankruptcy to protect itself from multiple product liability lawsuits. Other gun manufacturers, like Davis Industries and Sundance Industries, have followed Lorcin's lead and have filed for bankruptcy to avoid liability. We must not allow other firearms companies to take advantage of the bankruptcy system.

I urge you to support this important amendment.

Sincerely,

SARAH BRADY,  
Chair.

Mr. LEVIN. My friend from Illinois is not here, so I simply yield the floor.

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

Mr. HATCH. Mr. President, I rise to speak in opposition to the amendment offered by the Senator from Michigan. This amendment makes debts owed by a corporation on account of firearms non-dischargeable in a chapter 11 reorganization bankruptcy proceeding if the debt arose out of an action for fraud, misrepresentation, negligence, nuisance, or product liability. In addition, this amendment excepts such



debts from the automatic stay protection provided in a bankruptcy proceeding.

This amendment effectively singles out both gun manufacturers and those who legally transfer guns, including major retailers who sell guns in compliance with all laws, and prevents them from successfully reorganizing under the bankruptcy laws, if they should need such reorganization. If a large product liability suit succeeds against a gun manufacturer, this amendment virtually ensures that the companies affected will be driven out of business and its workers will lose their jobs.

In addition to being just bad policy, the amendment is also self-defeating. Here is why: it effectively assures that only a fraction of the judgment against the affected company will be paid, if at all. That is because those manufacturers that could pay off the judgment over time will not be able to do so, and will be forced into liquidation. This is neither good for the lawful business, nor for those other investors or creditors with legitimate claims against the company.

I also want to point out to my colleagues that as a matter of long-standing bankruptcy policy in the United States, it has been universally recognized that if a company with manufacturing expertise suffers an unexpected financial setback—whether from a huge products liability judgment or business reverses—everyone is better off if it can at least try and restructure the business to preserve its legitimate business lines. Workers can save their jobs and creditors can be paid off over time from the operating revenues of the restructured company, receiving much more than they would from liquidation. It is not as if this amendment, much to the dismay of its supporters, will wipe out the second amendment's protection to bear arms. What this amendment will do is ensure that the manufacture of legal arms, and the corresponding jobs it creates, will move overseas.

Longstanding bankruptcy policy in this country has been that bankruptcy laws should apply to all lawful products and industries in a similar fashion; not pick and choose between unpopular, but legal, industries. This amendment unfairly singles out one industry for unfavorable treatment, and does so in an unprecedented fashion. In my view, Congress should be loathe to single out companies that legally manufacture or sell lawful products for unfavorable treatment, simply because they are unpopular. Which industry will be targeted next?

We should not be setting the precedent that lines of business that are unpopular with some in the Congress, but legal, will be denied the ability to reorganize in bankruptcy. If we do this to firearms manufacturers, what about companies involved in other industries, such as medical devices, drug manufacturing, or automobile makers? The

basic social policy that it is better to keep the company operating and paying off the judgment than liquidating it should not be narrowed company by company, industry by industry.

Plain and simple, this amendment is designed to encourage lawsuits by trial lawyers against gun manufacturers and retailers who sell guns. And I think this amendment is part of an effort to put the firearms industry out of business.

Let me emphasize that I am very concerned about the gun violence our country has experienced in recent years. However, I am a firm believer in second amendment rights. The amendment encourages the new wave of lawsuits we have all been hearing about, in which gun manufacturers are being sued for the conduct of third-party criminals. Liberals have been unable to eliminate the second amendment or the gun industry through direct legislation, so they are attempting to eliminate it through this kind of backdoor "policy through litigation" approach.

This amendment promotes an issue that has nothing to do with real bankruptcy reform and sets an undesirable precedent. Accordingly, I urge my colleagues to vote against this amendment.

It is time for us in the Congress to grow up with regard to firearms matters in our country. There is no use kidding ourselves. We have passed some 20,000 rules, regulations, and laws in this country against the use of firearms that have limited our second amendment rights and privileges. There are some legitimate arguments against this type of legislation. I believe it is far preferable for us to uphold second amendment rights and privileges and get tougher on criminals.

Our problem in this country, and especially over the last 7 years, is that this administration has not been serious about getting tough on criminals. Under Project Triggerlock, the number of gun prosecutions under that approach, which was working very well under President Bush, has now dropped by 50 percent. No wonder the President in his State of the Union Address said: We are going to start doing something about gun crimes.

They caught 12,000 people illegally taking guns to school in the last few years, and there have been only 13 prosecutions. Last year, up to January 1, they caught 100,000 people under the instant check system. They call that Brady, as if that were a victory by the administration. Brady was first a 7-day waiting period which devolved into 5 days. In order to not prevent decent, law-abiding citizens from purchasing their guns, we instituted the instant check system, and it has worked magnificently.

Of the 100,000 people they caught last year trying to illegally purchase weapons, I do not recall one single prosecution. I understand that 200 have been recommended for prosecution, one-fifth of 1 percent. I could go on and on.

This administration has not been serious about gun crimes, and we have not had a lot of help from people who are opposed to the second amendment in helping to resolve these problems. The juvenile justice bill is caught up in a conference that is impossible to resolve unless we get rid of this issue and do what has to be done in the interest of juvenile justice.

The fact of the matter is, there is always going to be somebody trying to—and sincerely so—make political points on the issue of guns and weapons. This is not the bill on which they should be making those political points. This would be a very disastrous approach towards bankruptcy law. It means that anytime you find enough popular business a majority of Members of Congress can stick it to, they are going to be able to do it under the bankruptcy laws. That is ridiculous. When we start showing preferences for certain political points of view in bankruptcies to the exclusion of common sense, then it seems to me we are all going to suffer. Sooner or later, it is going to affect something that each one of us treasures or thinks is particularly important.

I speak in opposition to this amendment. This amendment would do an injustice to the bankruptcy laws. In the process, I think we will not accomplish what my friends on the other side, who are sincere about it—at least I believe most of them are sincere about it—really want to do. It is better for us to battle out these issues in Congress. I, for one, will be opposed to any diminution in our second amendment rights and privileges. If you want to diminish the second amendment, then you ought to do it by constitutional amendment. You shouldn't be doing it by bits and tatters. It ought to be done straight up, and it ought to be done in a way that is constitutionally justifiable, and not in these bits and pieces that literally make political points but do not belong in something as important as this bankruptcy bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I am more than happy to rise in support of what I consider to be a very important and valuable amendment in this debate on the bankruptcy bill.

I am not one who is in favor of abolishing the second amendment, nor, I am sure, is the Senator from Michigan. What we are attempting to do in this bill is address a very serious problem. For those who believe the second amendment is somehow an absolute right to bear arms, I will just tell them, there are no absolute rights under the Constitution of the United States. Each and every right that is guaranteed to us as individual citizens can be limited. Whether it is the right

of free expression limited by the libel laws or even the right to life limited by death penalties that are imposed in many States, all of these things suggest that no right is absolute, and certainly the right to bear arms is not either.

We have had regulations throughout our modern history that have limited the rights of those who care to bear arms in the interest of the public good. That is what this amendment is all about.

Why are we debating guns on a bankruptcy bill? It gets down to the very basics. The bankruptcy law is designed so a person who has reached an economic position in life where they can't see a good future can go to the court and ask for relief from their debts, whether that is an individual or a family or a business. We say, for almost two centuries in this country, that bankruptcy is a right of individuals under our Federal court system. Again, we make exceptions and say that some people who come to court will be limited in the types of debts they can discharge.

We make a list, a pretty lengthy list, of some 17 or 18 exceptions. They include such things as debts incurred by fraud that can't be discharged in bankruptcy court, alimony and child support, student loans, debts from death or personal injury resulting from driving while intoxicated, court fees. There are several others. It suggests that when the Congress wrote the bankruptcy laws and continued to amend them, we said there are certain things in a bankruptcy court from which you cannot escape. If you have been guilty of certain conduct, if you have not met certain obligations, the bankruptcy court will not be your shield or your shelter.

What the Senator from Michigan is doing with his amendment is saying that the gun industry, the gun manufacturers, if they have engaged—and I will quote directly from the amendment—if they have engaged in fraud, recklessness, misrepresentation, nuisance, or product liability, they cannot race to the bankruptcy court and escape their responsibility to the American people. It is just that straightforward.

Those who are arguing that we should carve out some special exception for these gun manufacturers are the same people who are loath to regulate these businesses in the first place.

Several firearm manufacturers have recently been sued in cases that have been brought by cities and municipalities and counties and other local governments that have, frankly, been victimized by gun crimes. These people, in their lawsuits, are alleging that the gun manufacturers have been guilty of misconduct beyond selling the gun, that they have been involved in marketing practices, for example, that end up putting guns in the hands of those who commit crimes. Those lawsuits are still pending, but the interesting re-

sponse from the gun manufacturers is: So what, sue us if you want to. Ultimately, if you win your verdict, we will go to bankruptcy court, and we are going to escape any liability to the citizens of these cities and counties and States which are bringing these lawsuits.

Two companies have already sought bankruptcy protection: Lorcin Engineering and Davis Industries. The Lorcin .380 pistol tops the list of all guns traced by the Bureau of Alcohol, Tobacco and Firearms for its involvement in crime. By virtue of the bankruptcy law, these manufacturers are able to make millions of dollars flooding the market with low-quality firearms of little appeal to legitimate sportsmen and hunters but of great appeal to criminals and gang bangers.

Once these companies are sued, because they are flooding the market with these cheap Saturday night specials, they simply declare bankruptcy and walk away free from any financial responsibility for their misconduct. The owners of these companies remain free to start up a new company under a new name making the same weapons, wreaking havoc across America because they are flooding us with these guns.

Lorcin officials stated to Firearms Business, a magazine that is published by the gun industry, that the company chose to "take advantage of the system" when it decided it couldn't defend against liability claims. What Senator LEVIN is doing—and I am happy to join him—is to say to Lorcin and other companies: Not so fast. If you are going to flood the markets of America with these cheap Saturday night specials, if you are going to be liable for increasing crime and increasing violence in America, you cannot use the Federal law as your shield or shelter when it comes to our bankruptcy court. I think Senator LEVIN is on the right track.

For those who would argue, as I have already heard on the floor, we already have too many laws when it comes to guns, they are just not enforced, let me be quick to add that when it comes to standards for the manufacture of firearms in this country, we virtually have no laws whatsoever. The Consumer Product Safety Commission has the responsibility of regulating virtually every product for household or recreational use. In fact, the toy guns sold for Christmas and birthday gifts are subject to regulation by the Consumer Product Safety Commission. But the real guns, the Saturday night specials and the firearms that could be the subject of these lawsuits, are not subject to any Federal safety regulations at all. The gun industry, by its power in Washington, has successfully lobbied to keep a law in place that protects them from any regulation on the safety of their product.

So for those who are supporting the gun industry, they want it both ways. They don't want the Government to impose any standard on the product

that is sold, and they don't want the companies held liable if that product turns out to be dangerous, if that firearm leads to crime and violence and death across America.

Senator LEVIN has said if these manufacturers come to court and they are found guilty of recklessness, fraud, misrepresentation, nuisance, or product liability, they cannot escape that liability because of the bankruptcy law.

How important is it to America? It is important because the costs of gun violence in both human lives and health care continue to escalate. All those who argue that the laws Congress has contemplated in the past are somehow restricting gun ownership in this country cannot answer the most basic question: If gun ownership is so restrictive in this country, how do we happen to have over 200 million firearms already in a nation of 275 million people?

The fact is, these guns are readily available, and on the average almost 90 people are killed, including 12 children, every day because of the proliferation of firearms and the fact that they get into the wrong hands. Gun manufacturers understand that they are finally going to be held accountable. These lawsuits are going to accomplish what legislatures across the Nation and this Congress have failed to face; that is, the fact that American families are fed up with this gun violence. They expect Members of the Senate and the House to come forward with reasonable suggestions to make their neighborhoods safe and take guns out of the hands of those who would misuse them and out of the hands of children.

Senator LEVIN has a valuable amendment here. He is saying to these companies: You will be held responsible. Even if this Congress cannot muster the courage to regulate the safety of a firearm that is sold in the United States, we will not let these manufacturers escape their liability in a court of law. Cities around the country—Chicago, New York, New Orleans, Atlanta, Bridgeport—have initiated suits against the industry to try to force changes to make guns safer and less likely to end up in the hands of criminals. Certainly, automobile manufacturers have faced a spate of lawsuits that really challenge them to use the most modern technology to make our cars safe.

Why are we not holding this industry to the same standard of responsibility? And why, if they are found guilty of fraud or recklessness in the products they sell, should they be able to get off the hook in a bankruptcy court? That is the gist of the Levin amendment—to hold these companies accountable. To say there are no privileged classes—if you engage in this conduct, you will be held as responsible as any other company or person for their wrongdoing.

The gun industry has long placed profits above the safety of America. I think it is interesting that an industry that can cause politicians to cower before them are scared to death to face a

jury in a courtroom in our country. I strongly support Senator LEVIN's amendment. By adopting it, we will further the goal of reducing abuses of the bankruptcy system. Remember, that is why this debate is underway. We are considering bankruptcy reform because many came to us and said that folks are abusing the bankruptcy system. Don't let the gun manufacturers abuse the bankruptcy system. Make certain that they are held accountable for the wrongdoing and the violence and death that results from their recklessness and fraud and the negligent use of their products. We should be on record as opposing bankruptcy abuse, whether it is the result of individual misconduct or the misconduct of gun manufacturers.

I yield the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I would be happy to alternate back and forth. If nobody is seeking recognition on that side, I will yield 6 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I commend Senator LEVIN for taking the initiative to close a gaping loophole that allows gun manufacturers, distributors, and dealers to use the Bankruptcy Code to avoid judgments against them based on fraud, recklessness, negligence or product liability. Firearms manufacturers and dealers should not be able to use bankruptcy to escape liability.

Under current law, many types of debt are dischargeable under the Bankruptcy Code. However, the Code makes certain debts nondischargeable, due to public policy concerns, such as debts incurred by the operation of a motor vehicle while legally intoxicated.

Recently, private citizens and local governments have sued the gun industry to hold it accountable for deaths and injuries caused by firearms. The current litigation can be an effective way of assessing responsibility and providing remedies for obvious harm, in accord with the long-standing traditions of the law.

Many of these lawsuits have been brought by federal and state governments against firearms manufacturers. Opponents of these lawsuits argue that the industry cannot afford them, and that the suits may well force some firms into bankruptcy.

The entire focus of the current lawsuits is the wrongdoing of the defendant corporations. The authority of the court to award damages against these defendants requires a judicial finding that the company engaged in misconduct in the manufacturing or marketing of its product. In the absence of such a finding, there is no liability.

At long last, the American people are getting their day in court against the gun industry, and the gun manufacturers and the NRA fear that justice will be done.

Everyday, 13 more children across the country die from gunshot wounds. Yet, the national response to this death toll continues to be grossly inadequate. The gun industry has fought against reasonable gun control legislation. It has failed to use technology to make guns safer. It has attempted to insulate itself from its distributors and dealers, once the guns leave the factory door.

Studies estimating the total public cost of firearm-related injuries put the cost at over one million dollars for each shooting victim. According to the Centers for Disease Control, cities, counties and states incur billions of dollars in costs each year as a result of gun violence—including the costs of medical care, law enforcement, and other public services.

Communities across the country are attempting to deal with the epidemic of gun violence that claims the lives of so many people each year. Law enforcement officials, community leaders, parents and youth are struggling to deal with this continuing epidemic of gun violence. But the gun industry, and Congress, and most state legislatures have persistently ignored these concerns.

Now, when the courts are likely to hold them accountable, some gun manufacturers are attempting to avoid their responsibility by filing for bankruptcy. One example is Lorcin Industries. During its heyday, Lorcin was one of the largest manufacturers of "affordable" guns. Law enforcement and gun-control advocates call them "Saturday night specials"—the inexpensive, easily concealed handguns often used in crimes.

Lorcin is one of several companies that sprang up after a 1968 law banned imports of "Saturday night specials" but permitted domestic manufacturing. Studies have found that these products are characterized by short "time to crime"—the brief period between sale and the time when the guns are used in criminal acts.

Lorcin Engineering Co. has been named as a defendant in 27 lawsuits. The suits charge that Lorcin and other firearm manufacturers do not provide adequate safety devices, and that they negligently market their products, so that their weapons are too easily accessible to criminals and juveniles. Lorcin was also the subject of at least 35 wrongful-death or injury claims involving people killed or wounded when their Lorcin pistols accidentally discharged. Lorcin settled at least two dozen of the 35 claims, ranging from a few thousand dollars to \$495,000.

Lorcin sought refuge from these product liability lawsuits by filing for Chapter 11 bankruptcy in October 1996. In bankruptcy, Lorcin was able to settle its lawsuits for pennies on the dollar, when tens of millions of dollars in damages were at stake. One of the major issues raised by creditors in the Lorcin bankruptcy case was whether the company was using the ability to

reorganize its operations under the bankruptcy code as a way to avoid paying large sums to plaintiffs if it lost the suits.

Last January, Lorcin was released from a lawsuit filed by the City of New Orleans. It petitioned the court to be removed from another lawsuit filed by the City of Chicago, because the company was reorganizing itself under Chapter 11 of the Bankruptcy Code when the cities filed their lawsuits.

The litigation has prompted two other gun manufacturers to seek refuge in bankruptcy. Sundance Industries of Valencia, California filed for Chapter 7 bankruptcy. The owner said he has been worn down by the legal assault on the gun industry. In addition, Davis Industries of Mira Loma, California sought Chapter 11 protection in the U.S. Bankruptcy Court on May 27, 1999.

According to a lawyer who represented creditors in the 1996 bankruptcy of Lorcin, "Bankruptcy is a very useful negotiating tool and predictably the more suits that are filed, the more these gun companies are going to file for bankruptcy."

A lawyer for one of the cities suing the gun-makers said that bankruptcy "is going to be a huge pain," because it will require much more time and expense for the cities, limit the amount of damages they can collect, and, perhaps most important, put the litigation in federal bankruptcy court.

Litigation may well be the only means to hold gun manufacturers accountable for the harm caused by their products. As we have seen with litigation against the tobacco industry, manufacturing secrets and marketing secrets often come to light in a courtroom. Public interest lawsuits have changed the balance of power between the public and the mammoth industries long thought to be invincible. The Levin amendment supports the citizens harmed by these powerful industries. It deserves to be supported by the Senate, and I urge the Senate to approve it.

Mr. President, in summation, I congratulate my friend, the Senator from Michigan, Mr. LEVIN, for the development of this particular amendment, and I join with others to recommend it strongly to the Senate. I am hopeful that it will be successful.

The Levin amendment, as has been pointed out, takes the initiative to close a gaping loophole that allows the gun manufacturers and distributors and dealers to use the bankruptcy code to avoid judgments against them based on fraud, recklessness, and negligence, or product liability. Firearm manufacturers and dealers should not be able to abuse the bankruptcy laws to escape liability.

We can ask ourselves, is this a problem? The answer is yes. Do the gun manufacturers intend to utilize bankruptcy to basically avoid responsibility to families across the country and because of the basis of negligence, recklessness, or fraud? The answer is yes to that, too, which undermines the importance of this particular amendment.

America has a gun problem and it is massive. The crisis is especially serious for children. Every day, 13 more children across the country die from gunshot wounds. For every child killed with a gun, four are wounded. Yet the national response to this death toll continues to be grossly inadequate.

The gun industry has fought against reasonable gun control legislation. It has failed to use the technology to make guns safer. All we have to do is remember the debates we had on the violence against youth legislation at the end of last year. We saw the efforts to try to provide common sense solutions to those who make these weapons available to individuals in our society who should not have these weapons, and how that was frustrated in important ways by the gun manufacturers. They were able to keep that piece of legislation that was passed with regard to gun show loopholes tied up in conference. How many weeks and how many months have passed when we have been unable to address this issue either in conference or back on the floor of the U.S. Senate? Those efforts continue to go on even today.

Here we find in the bankruptcy legislation another attempt by the gun manufacturers to exercise their muscle by giving them a special consideration at a time when the problems they foist on the American families are so significant.

The gun industry has attempted to insulate itself from its distributors and dealers once the guns leave the factory door. Guns are the only consumer product exempt from safety regulations.

Cities, counties, and States incur billions of dollars in costs each year as a result of gun violence, including the costs of medical care, law enforcement, and other public services. Studies estimating the total public cost of firearm-related injuries put the cost at over \$1 million for each shooting victim.

Communities across the country are attempting to deal with the epidemic of gun violence that claims the lives of so many people each year. Law enforcement officials, community leaders, parents, and youth are struggling to deal with this continuing epidemic of gun violence. But the gun industry, Congress, and most State legislatures have persistently ignored these concerns.

At long last, the American people are getting their day in court against the gun industry. Individuals, organizations, and municipalities are making progress in their effort to hold the industry liable for its failure to incorporate reasonable safety designs in the guns they sell, including features that would prevent gun use by children and other unauthorized users. Personalizing or childproofing guns would dramatically reduce the number of unintentional shootings, teenage suicides, and criminal offenses using stolen weapons.

One such lawsuit was filed in Massachusetts on behalf of the parents of Ross Mathieu, a 12-year-old boy who

was killed in 1996 when a friend the same age unintentionally shot him with a Beretta pistol, believing that the gun was unloaded. In 1997, a suit was filed against Beretta in Federal court in Boston alleging that Beretta caused the death by failing to include with the pistol either a magazine disconnect safety device, a chamber-loaded indicator, or a locking device that would have "personalized" the gun.

Last summer, the city of Boston filed a suit against gun manufacturers, distributors, and trade associations whose manufacturing decisions, marketing schemes, and distribution patterns have injured the city and its citizens. Boston is one of 30 cities and counties to have filed groundbreaking lawsuits to reform the gun industry.

When the courts seem likely to hold the industry accountable, some gun manufacturers are attempting to avoid their responsibility by filing for bankruptcy. We have heard the example that the Senator from Illinois pointed out, Lorcin Industries, one of the largest manufacturers of the Saturday night specials. We heard how they have attempted to use the bankruptcy laws to their financial advantage and to the disadvantage of the families who have legitimate interests in pursuing their rights in a court of law.

As a result, Lorcin was able to settle its lawsuit for pennies on the dollar when tens of millions of dollars in damages were at stake. One of the major issues raised by creditors in the bankruptcy case was whether the company was using the ability to reorganize its operations under the bankruptcy code as a way of avoiding paying large sums to plaintiffs if it lost the suits.

That has been replicated by Sundance Industries of Valencia, CA, who filed for chapter 7 bankruptcy. The owner said he had been worn down by the legal assault on the gun industry. In addition, last May, Davis Industries of Mira Loma, CA, sought protection in the U.S. bankruptcy court.

According to a lawyer who represented creditors in the 1996 bankruptcy of Lorcin, "Bankruptcy is a very useful negotiating tool, and predictably the more suits that are filed, the more these gun companies are going to file for bankruptcy."

A lawyer for one of the cities suing the gun manufacturers said that bankruptcy "is going to be a huge pain" because it will require much more time and expense for the cities.

Litigation may well be the only means to hold the gun manufacturers accountable for the harm caused by their products. Public interest lawsuits have changed the balance of power between the public and the mammoth industries long thought to be invincible.

At long last, the American people are getting their day in court against the gun industry. The gun manufacturers and the NRA should not be allowed to hide behind the bankruptcy laws to prevent liability. The Levin amendment supports the citizens and cities

harmed by this powerful industry. It deserves to be supported by the Senate, and I urge the Senate to approve it.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 4 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, I commend our colleague from Michigan for a very important amendment which I think has one central point. Pass the Levin amendment and we will end the legal gymnastics that gun manufacturers have used to dodge their responsibilities. Pass the Levin amendment and the U.S. Senate sends a clear and simple message to these gun manufacturers that have played games with bankruptcy. Our message is the game is over. There is absolutely no reason to allow fraudulent activity by gun manufacturers to go without sanction. I am very troubled as I read through the history of what my colleagues have talked about—the Senator from Illinois and the Senator from Massachusetts—what it says about the nature of this debate. There are gun manufacturers who are actually bragging that they are taking advantage of the system when they know they cannot win on the merits.

We have a situation where as we debate the bankruptcy law and talk about making sure it is fair to all sides—good people may have fallen on hard times—and at the same time sensitive to the needs of business and others who otherwise wouldn't be able to get the funds they need that are so central in a marketplace kind of system, all of those people, it seems to me, end up without the treatment they deserve. They are, in effect, put in an unfavorable light when, in fact, the gun manufacturers are given a free ride.

Let us make sure that everybody is treated fairly—small businesses that have these claims, and many people we are seeing who have fallen on hard times and need a fresh start. But let us not send the worst possible message, which is that if you engage in the kind of reprehensible conduct my colleagues have documented, in effect, you will get a free ride if you are a gun manufacturer.

It is important to vote for this bankruptcy legislation. I voted for it last year, as did 96 of my colleagues. It is important to ensure that we have fairness for all parties.

Unless the Levin amendment is adopted, it seems to me that we allow a continuation of these legal gymnastics that are being practiced by gun manufacturers. That is wrong.

I urge my colleagues to support the Levin amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume.

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

Mr. GRASSLEY. Mr. President, I had a chance to listen very closely to what

the Senator from Michigan said. As the sponsor of the amendment, he ought to have the attention of those of us who oppose his amendment.

I say that this amendment detracts some from the purpose of the legislation. Maybe it is meant to. To the extent it is, I hope people will vote against it. To the extent that people see this as a legitimate part of what we are debating, then I would offer this point. I am going to offer more than one point very central to the amendment, and then I will stick to my remarks. But the fact is there is a way to handle this problem to make sure that these companies don't get off scot-free.

I am going to refer to a product that Senator Heflin from Alabama—before he retired from the Senate—and I worked very closely on, which was bankruptcy legislation. During the years he and I served together—I think 14 or 16 years—during that period of time when we were in the majority on this side, I chaired the committee and he was the ranking minority member. When his party was in control, he was chairman and I was the ranking minority member. I am going to refer to some legislation we were able to get passed in 1994 when he was chairman of the committee. I think it is a thoughtful and bipartisan way to deal with this.

First of all, I believe this amendment proposed by the Senator from Michigan is unsound as a matter of policy. Congress has previously dealt with difficult questions of what to do about companies facing massive tort liability and then filing for bankruptcy. We dealt with this, as I indicated, in a bipartisan way, and I think in a way that had a great deal of thought behind it.

In 1994, I worked with Chairman Heflin to create a very specific process for asbestos companies that were filing for bankruptcy as a result of a massive number of lawsuits against asbestos manufacturers by those people who had asbestosis. Senator Heflin and I wanted to help these companies continue as an ongoing business concern, but we also wanted to ensure that the victims of asbestos-related illnesses wouldn't be left out in the cold.

In the 1994 bankruptcy bill, we created a process where asbestos companies could be discharged of their tort liabilities but only if they created a trust fund, under the control of a bankruptcy judge, to pay victims. This process has worked well and has received favorable comment by the National Bankruptcy Review Commission.

This amendment from Senator LEVIN, however, doesn't use a similar approach. This amendment merely provides that gunmakers and sellers can't discharge their tort liabilities. As a result, the amendment has no concern for the employees of the makers or retailers of guns. Under this amendment, retailers from giants such as Wal-Mart and Kmart all the way down to the small family-owned stores could face

massive liabilities and be forced to lay off workers.

In the case of the Heflin-Grassley legislation of 1994, as I indicated, we allowed the companies to continue to operate and to continue to have their employment, and in the process victims were not harmed in any way because of the trust fund. It seems to me, unless there is some ulterior motive other than helping victims with this legislation, that we should think about that approach—an approach that protects victims, an approach that makes the person who is guilty of wrongdoing have tort apply to pay that tort. Consequently, if that is not the approach, I think it reveals the real purpose of the amendment. I question that the amendment might be about making sure that tort plaintiffs receive compensation if any of the questionable antigun lawsuits were to succeed because that is not what is going to happen. This amendment is merely an effort to drive all segments of American industry involved with guns out of business, even if thousands of innocent, hard-working American employees have to pay the price.

Consequently, I urge my colleagues to vote against this amendment.

One other thing about the amendment is the presumption is so stated by the Senator from Michigan that this is just one addition—I think he would say that this is the 19th addition—to a long list of exceptions that are non-dischargeable through the bankruptcy court.

I think he is mistaken about how bankruptcy works for corporations and chapter 11 because his amendment applies just to corporations.

Section 1141 of chapter 11 has two separate discharge provisions. It has one section for corporations and it has one for individuals. The discharge provision for corporate debtors discharges all debts. The discharge provision for individuals lists nondischargeable debts.

So the idea this exception to discharge is just one more of a long list of 18 is flatout wrong.

From this standpoint, then, the amendment by the Senator from Michigan is unprecedented, and I will be glad to share the code sections with my colleagues, if they desire. But subsection (a) discharges a debtor from any debt that arose and that applies to the corporations. But subsection (2) says the confirmation of a plan does not discharge an individual debtor. From that standpoint, this is not one of a long list of things that are non-dischargeable.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, will the Senator from Utah yield time to the Senator from Idaho?

Mr. HATCH. I am happy to yield time to the distinguished Senator.

Mr. CRAIG. Mr. President, I thank the Senator from Utah, and let me also thank the Senator from Iowa for bring-

ing what I think is necessary to bring to this debate as it applies to the Levin amendment, and that is common sense. Is, in fact, this amendment the kind of legislation we want to see? If you support the bedrock policy of bankruptcy law, I do not know how you can support the Levin amendment because it undermines basically all of those policies.

The bankruptcy code establishes a structure that ensures everyone who is owed money by the debtor will be treated fairly when the debtor is given, in essence, a fresh start under the law. The main purpose of the bankruptcy reform measures we are working on is to get more debtors to pay back more of the debts they owe to more of their creditors. That is a rather simple principle before this Senate. This issue has been with us. The Senator from Iowa and the Senator from Utah and others have struggled with it mightily for the last good number of years, to bring fairness and equity in it, but also to say to debtors there is a credibility here and a responsibility you owe to your creditors. There needs to be a greater sense of fairness and balance brought. I think the fundamental underlying bill offers that.

The Levin amendment is a carve-out, and I think it flies in the face of those general policies. The supporters of the Levin amendment say they are trying to prevent firearm manufacturers from escaping accountability for bad acts that result in a civil judgment against them. That is rather straightforward.

It is not only manufacturers; it is retailers and it is corporations. So it is a broad brush. While they would like, I am sure, to create the image that there is a manufacturer out there who produces a firearm and somehow it is evil, are Wal-Mart and Kmart and hardware stores that sell legitimately as federally licensed firearms dealers evil? In the eyes of some, they probably are. That is not the debate, nor is that the issue. Let's look at what the amendment does. It is unfair because it picks out a specific industry and it restricts the bankruptcy relief available to that industry.

In other words, if we in the Senate have now decided we are going to pick winners and losers who are politically correct or politically incorrect based on your particular philosophy or point of view, that is what the Levin amendment, the Levin carve-out does. Is this Senate going to start picking winners and losers amongst businesses in our country? We never have. We created certain conditions or certain things that are special within the law but never politically have we said: You are a winner, you are safe under the law; you are a loser, you lose. That is not what we do. We let the marketplace generally do that, and we let consumers generally do that.

Today it is the firearm manufacturers and tomorrow is it an industry that produces alcohol; or a fatty product, and we have decided in our society that

fat consumption is no longer good for the American consumer, even though as free citizens they ought to have a right to choose.

"That sounds silly, Senator CRAIG. You ought not be saying things like that."

When I watched the trial lawyers organize and convince the attorneys general that going after the tobacco companies was good because the tobacco companies had fallen out of favor and it was a politically correct thing to do, I said, "And next will be firearms." There were some who chuckled. Of course, guess what. Next were the firearm manufacturers. That is what is going on out there today. Municipalities that do not enforce the law but, most important, municipalities that arrest people who illegally use firearms do not have a Justice Department that backs them up.

The Clinton administration ran from enforcement for 7 years. Of course, just this year they got a new religion out there because they have seen the polls and they have seen what the American people have said: Enforce the laws, Mr. President.

I wonder how my friends across the aisle would react if I proposed a similar amendment making bankruptcy relief unavailable to former Presidents of the United States? "That would be foolish, LARRY. You should not do something such as that."

That spells the intent of this amendment. I think the Senator from Iowa was a little kinder than I am, suggesting maybe there was an ulterior motive and it was probably more political than it was legally substantive. I think he is right.

It is also unfair because it would have the effect of putting the interests of some creditors ahead of others. The lawsuits we are talking about are not claims for real injuries resulting from somebody's bad acts. Instead, they are treasure hunts. We saw the hundreds of millions of dollars the trial attorneys made, and now States are getting, from the settlements from the tobacco industry. The treasure hunt resulted; the treasures were found. They are looking for multimillion-dollar verdicts or settlements to go to the trial lawyers and municipal governments they represent.

If there are legitimate creditors out there in a bankruptcy settlement, they are no longer protected because we have taken those companies out and they simply fall away. The effect of the Levin amendment would be that lawyers and government bureaucrats get paid first. Remember that: Lawyers and government bureaucrats get paid first. If there is anything left in this kind of bankruptcy of these multimillion-dollar verdicts, then and only then will a creditor get a dime.

The Levin amendment would also hurt the very people it claims to help because it would make it unlikely that more than a fraction of the judgments, if that much, would ever get paid off. This is because it would prevent more

companies from taking a reorganization bankruptcy. Instead, it would simply, in all reality, force them into liquidation, where the creditors get nothing. Is that the intent of the Levin amendment? My guess is, if it is not the intent, it clearly is the result.

What is the practical effect of all of this? It means instead of a company continuing to exist, a company being allowed to stay in business, to reorganize, to keep its employees intact, they close their doors, they lay off their employees, and their creditors go wanting. Not only are the creditors not going to be there to get the benefit of it, the jobs are lost.

It means there will be no business-generating income to continue to pay the debts it created. Whatever you can squeeze out of a business today is all you are going to get. That is the result of this amendment. Maybe that is the intent of the amendment. If it is, why don't we be honest with ourselves? This amendment is not substantively charged, it is politically charged. I think all of us understand that. My guess is that is how the vote breaks out on an issue such as this. In short, the amendment turns bankruptcy policy on its head.

It is designed to destroy legitimate and law-abiding businesses. It injures consumers, and it destroys jobs. The Levin amendment is clear and simply bad policy for this country, and I hope the Senate will choose to defeat it. We should not mix that kind of politics with this kind of constructive policy change that these Senators have worked to bring to the floor. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Chair, and I thank my colleague from Michigan for yielding time and for his leadership on this outstanding amendment.

Before I speak to the substance of the amendment, whenever we talk about gun issues, it seems some who are opposed say that is making it political. I do not quite get that. People on this side have as firmly held beliefs as the people on the other side. Most Americans seem to support what we are for, and if that is political, so be it. That is democracy.

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I will be happy to yield.

Mr. HATCH. I ask the Senator, since he is just starting his remarks, if he will yield to the distinguished Senator from Alaska who has a very short statement.

Mr. SCHUMER. I will be happy to yield as long as the rest of my time is reserved.

Mr. HATCH. We will go right back to the Senator from New York. I thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Alaska.

#### ALASKA AIRLINES FLIGHT 261

Mr. STEVENS. Mr. President, I am here because I am deeply saddened to report to the Senate a very serious loss, as far as the country is concerned and a real sad loss for myself personally. I was saddened last night when my wife and I received a call about the loss of Alaska Airlines Flight 261 on a flight from Puerto Vallarta, Mexico, to San Francisco.

Eighty-eight people were on board that plane, many of them apparently employees or relatives or friends of employees of that airline. While the search continues, we have been told now that no survivors have been found. My thoughts and prayers and I hope all of our thoughts and prayers are with the families of these people who have perished.

Among those on the plane were at least five Alaskans. We think there were more. One was one of my very close and dear friends, Morris Thompson—we called him Morrie—his wife Thelma and their daughter Cheryl.

Morrie Thompson has been a respected leader of the Native community of our State and a businessman. Just last fall, he retired as the chief executive officer of Doyon Limited, which is one of 12 regional corporations for our Alaska Native people. Because of Senate business, I was unable to attend that retirement dinner in Fairbanks, but my granddaughter Sara went as my representative.

Morrie had a tremendous background. He was not only a great leader for the Native people of Alaska, but he was a leader in his own right nationally. He was a member of the University of Alaska's Board of Regents. He served as president of the Alaska Federation of Natives. During the Nixon administration, he was the Commissioner of the Bureau of Indian Affairs for our Nation in Washington, DC, and a special assistant to the Secretary of the Interior for Indian Affairs in the Department of the Interior. He was president of the Fairbanks Chamber of Commerce and in 1997 was named Business Leader of the Year by the University of Alaska.

He is going to be remembered for his work on the Alaska Native Claims Settlement Act, landmark legislation in 1971, which was a tremendous economic boost for our Native people. His greatest legacy will be among the young people of our State who have benefited from Morris Thompson's fellowship program and the Doyon Foundation, which he created to subsidize tuition for Native students in Alaska.

My heart goes out to the Thompsons' surviving daughters, Nicole and Allison, and to all the members of their family. Morrie has not just been a political friend or a business friend. We have joined one another in each other's homes for dinner and raised our children together in a way.



There are many families, I am sure, mourning over this terrible tragedy. Also on that plane was the son of a former State legislator, Margaret Branson. Her son Malcolm and his fiancée Janice Stokes, both of Ketchikan, were returning from a vacation in Mexico.

I have this report for the Senate. I have been in touch with Jim Hall of the National Transportation Safety Board and the Secretary of Transportation, Secretary Slater. It is my intention to go to California on Thursday to meet with NTSB officials in Oxnard and the Coast Guard officials in Port Hueneme, CA, concerning the crash.

I say to the Senate that Alaska Airlines has an exemplary safety record. In my State, their pilots and planes fly in the most challenging terrain and weather of our whole Nation, if not the world. This is a great tragedy for that small airline and for our State.

My thoughts are with those people who are involved in trying to make certain the airline continues and their personal families of that airline who are affected by this tragedy are cared for as well as the relatives of people who have lost their lives.

I thank my colleagues very much for their courtesy in allowing me to make this report to the Senate.

The PRESIDING OFFICER. Under the previous agreement, the Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank the Senator from Alaska for his remarks and say to him that—and I am sure I speak for all the people of my State—we share the grief of the families who have lost loved ones and all those who have been affected by this terrible tragedy. To hear of an outstanding citizen and his wife and daughter losing their lives on that flight reminds us all that there but for the grace of God go each of us.

#### BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. SCHUMER. Mr. President, before I get into the substance of my remarks, every time some of us on this floor bring up gun issues—not to eliminate them, but to make sure those who should not have them do not get them—we hear from those who are opposed to us that we are being political.

I do not understand that remark other than it being a defensive remark. First, I believe my views as strongly, say, as the Senator from Idaho believes his. I do not think I am being any more or any less political than he is by defending that viewpoint. That is what the Senate is all about.

Second, if one wants to argue about politics, a vast majority of Americans support the position I support. That is what democracy is all about, and politics is a good thing if you are representing people's views and trying to do good for your country, your State, and your communities. So I do not quite get the political nature of the comment.

Third, we are not saying that all gun manufacturers are subject to suit or subject to successful suit. I heard the Senator from Idaho mention Wal-Mart. This is not a suit aimed at Wal-Mart. This is a suit aimed at dealers, often a handful of dealers, who are reckless, or worse, in the way they distribute guns.

About 6 months ago, my office issued a report which showed that 1 percent of the dealers issued close to 50 percent of the guns traceable in crimes. These were not the 1 percent who had the greatest volume. These were obviously the 1 percent who, for some reason, were not living up to their responsibilities under the Brady law, which is the law of the land. That kind of fact is what brought these suits about.

The suit, for instance, brought forward by the City of Chicago claims that some manufacturers and some dealers are completely reckless in how they distribute guns. If each dealer were careful, if each dealer and manufacturer did what the law says, the number of people killed with guns by criminals and the number of children who get guns would decline. These lawsuits are a very legitimate part of American life.

I wish we didn't need lawsuits, but since this Senate has stymied every single measure to bring rationality to our laws about guns, not to take people's guns away, as some of the opponents argue in terms of setting up a straw man, but to say that the same responsibilities that someone who drives a car or practices free speech has, because none of those rights is absolute, should be visited upon gun manufacturers, gun dealers and, yes, gun owners. If this Chamber had moved forward in accordance with the will of the American people, we wouldn't have these lawsuits. But that is not the case. One can speculate as to why.

We have a Senate totally deadlocked, a Congress unable to even pass something as minute as closing the gun show loophole. So we have these suits. They are legitimate lawsuits. They are tried by a jury in accordance with American law.

Mr. President, I ask the Senator from Michigan to yield me 3 additional minutes.

Mr. LEVIN. I yield my friend from New York 3 additional minutes.

The PRESIDING OFFICER. We have approached the time for the recess.

Mr. SCHUMER. I thank the Chair for his courtesy.

It is not the major gun dealers who are seeking the shield of bankruptcy; it is the companies, sometimes small, often nasty, that have sought this. Look at the so-called ring of fire, gun manufacturers around the city of Los Angeles that manufacture cheap handguns, who know darn well that those handguns are often ending up in the hands of young people who shouldn't have them. They are the people against whom the Senator from Michigan so wisely is seeking to allow the court process to continue. It would be the

height of special interest folly if we allowed dealers to escape the punishment meted out by a civil court through a bankruptcy loophole that was never intended to allow people to evade justice.

This amendment is about justice, pure and simple. It doesn't preordain what the courts will decide, but it clearly states that if the court should decide a gun manufacturer or a gun dealer was reckless, was negligent, then they can be held accountable. If we don't pass it, it is another in a long line of sops to the gun lobby in which this Chamber has unfortunately participated over the last several years. I hope this body has the courage to stand tall and pass an amendment that we all know is right.

I thank the Chair for his courtesy.

Mr. LIEBERMAN. Mr. President, I rise to express my opposition to Senator LEVIN's amendment, which would deny bankruptcy protection to gun companies, and to explain the reasons for my position. I intend to vote against Senator LEVIN's amendment despite the fact that I have consistently supported gun control legislation.

I know my colleague's intentions are good, but this amendment is not the right way to address the serious problem of gun violence in our nation. It would establish a dangerous new precedent in our Bankruptcy Code, and it would unfairly discriminate against an entire category of companies, regardless of whether a given company is behaving responsibly. In Connecticut, for example, Colt's Manufacturing, which has been at the forefront of developing new technologies to make guns safer, teeters at the edge of bankruptcy because it has been caught up in the tide of lawsuits against gun companies. Would it be fair to deny Colt the normal protections afforded to any company trying to reorganize? My colleague from Michigan refers to the irresponsible practices of a few gun companies, but his amendment could cripple reputable companies such as Colt's.

Senator LEVIN seeks to amend the Bankruptcy Code so that firearm manufacturers filing for reorganization would not be entitled to the ordinary protections from product liability lawsuits. He argues that a loophole in the bankruptcy system allows gun companies to stay lawsuits and discharge their debts. In fact, the stay of lawsuits and discharge of debts to which Senator LEVIN refers is no loophole, but is essential to the proper operation of Chapter 11 of the Bankruptcy Code. On more than one occasion, otherwise healthy companies have been hit with huge numbers of product liability cases simultaneously, and had to file for protection under Chapter 11. One recent example is Dow Corning, which filed for reorganization in response to the thousands of lawsuits over silicone breast implants, and which is now paying out claims in an orderly and expeditious process. If the lawsuits are not stayed by the bankruptcy court, then

resolved in one tribunal, the company would be more likely to fail before all claimants can litigate their cases. Chapter 11 does not allow a company to evade lawsuits, but rather to pay out claims proportionately and fairly to all claimants, hopefully in a way that keeps the company afloat.

This rationale for Chapter 11 bankruptcy applies to the gun industry as well. I understand why my colleague criticizes the practices of companies such as Lorcin, which churn out the "Saturday Night Specials" favored by criminals. But his amendment to the Bankruptcy Code is not narrowly drafted to target those companies. Many municipalities and gun control groups have adopted a strategy of filing multiple, simultaneous product liability lawsuits, in which all gun companies are named as defendants irrespective of their particular practices. The lawsuits have not succeeded on the merits thus far, but the costs of litigation are threatening the financial viability of many of the smaller companies.

Colt's Manufacturing, which is among the most progressive firearms manufacturers in the country, has been drawn into the same lawsuits. Seventy percent of Colt's sales are to law enforcement and defense agencies, and the company does not produce "Saturday Night Specials." Although Colt's has limited assets, it has been working to develop "smart gun" technology and other innovations that will reduce handgun violence. Nevertheless, Colt's has been named as a defendant in all 29 lawsuits filed so far. Despite the fact that Colt's has won four decisions and lost no final judgments, insurance companies are pulling their coverage and investors have been reluctant to provide new capital. In one year, the company has gone from 1200 to 400 employees. Colt's reports that it is in financial jeopardy as a result of the lawsuits, and may soon have to file for reorganization under Chapter 11, as it did several years ago. The amendment we are considering today would be devastating to Colt's. Rather than being given a chance to reorganize, the company would slowly be bled dry. Along with lost jobs in my state, the nation would lose a responsible company with a history of great craftsmanship which has been looking for solutions to the epidemic of handgun violence.

No industry has ever been singled out in the Bankruptcy Code for this sort of discriminatory treatment. The case has not been made for why Chapter 11 should not apply equally to all sectors of the economy. There are many possible legislative approaches for addressing the appalling rates of gun violence in the United States, but this is not one of them. I urge my colleagues to oppose the amendment.

Mr. ASHCROFT addressed the Chair. The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I ask unanimous consent to speak as in morning business for up to 10 minutes, at the con-

clusion of which time I will propound a unanimous consent request regarding Senate Resolution 250 related to the Super Bowl champions, the St. Louis Rams.

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

The Senator from Missouri.

#### SUPER BOWL CHAMPIONS ST. LOUIS RAMS

Mr. ASHCROFT. Mr. President, I appreciate this opportunity to make a comment on an event which is very important to the State of Missouri, very important to the city of St. Louis, very important to this Senator.

It happens that over the weekend, the St. Louis Rams encountered a very energetic and talented team, the Tennessee Titans, in Atlanta to settle the issue of who would be the Super Bowl NFL champions this year. In a very hard fought game that represented the highest of effort by both teams, the Rams prevailed. There are those who from time to time ask me if I was nervous at any time. I think they were hoping I would say I was never nervous. Well, I got pretty nervous toward the end of the game. But I was very pleased with the result because there is no team more worthy of having won this game than the St. Louis Rams.

I will just say a few things about the St. Louis Rams, about that marvelous effort of a crew we call the "go to work," "gotta go to work" crew in St. Louis. Different football teams are understood and known for different things. The St. Louis Rams have a slogan: Gotta go to work. I don't think there is a better slogan anywhere for a sports team than a sports team that elevates the idea of work. It is work that brings us to any goal, to the achievements we enjoy. It is work that gives us successful families. It is work that allows America to compete successfully around the world. It is that work ethic, expressed by the St. Louis Rams, that made them world champions.

For me to have the opportunity to stand today and say a few words about the St. Louis Rams, the fact that they had the work ethic necessary to prevail in the Super Bowl over an excellent team from Tennessee, is something for which we are all grateful.

I will talk a little bit about the kind of statistical year the Rams had. We had Kurt Warner, who is one of the great Horatio Alger stories of America. People talk about rags to riches. I don't know if he has gotten to riches yet. He was at the minimum wage in the National Football League before they decided to give him a bonus this year, and I don't know that he was in rags, but 5 years ago he was bagging groceries in Iowa because he hadn't quite gotten the opportunity to demonstrate his skills in football. Maybe this would be called from rags to riches.

The truth is, it is a heroic story of an individual who has not only great foot-

ball skills but whose inspirational life is the kind of leadership we need more of in this country. When asked about his own inspiration, he said he gets inspiration from his family and the handicapped member of the family who every day, when falling down, gets back up. For the most valuable player in the Super Bowl, the most valuable player in the National Football League, to understand that we can all learn from each other and we can learn from even those in their heroic efforts who have not the talents that we do but have the courage to get back up, that is a tremendous thing.

It is with that in mind that I will talk a bit about the St. Louis Rams today, the Ram team, including Kurt Warner, and then Marshall Faulk, who set the all-time record for combined yardage this year. I thrill to the fact that there are youngsters in my State and across America who are saying: I want to be like Marshall Faulk; I want to be like Kurt Warner and this team of individuals who are such outstanding individuals; Isaac Bruce, who has been so productive as a football player and such an exemplary leader in our community.

There are statistics about this team. They won the West divisional title with a 13 and 3 record. They posted an undefeated record at home. That is something special to me because that was in the TWA Dome. When I was Governor of the State of Missouri, it was my responsibility to be involved in the construction of that dome and to see to it that it came in under budget and on time and was a great facility. But no facility ever achieves greatness unless there are great things done there—to have the team come and be undefeated there this year and, of course, have other great things there. The Pope visited St. Louis and was at the TWA Dome, and Billy Graham came to St. Louis this year and was at the TWA Dome. There are some people who think it is important to invite the Pope and Billy Graham back next year so we can go undefeated another time. We would be pleased to have them come back because they bring the kind of presence to St. Louis that all of us cherish and want.

To watch our quarterback, Kurt Warner, who enjoyed one of the best seasons ever by an NFL quarterback, becoming only the second player in history to throw more than 40 touchdown passes and to realize that he wasn't discovered as a starting quarterback until this year's circumstances thrust him into the position, it was an amazing thing: completing 66 percent of his passes; 10 300-yard games in the season; setting a new Super Bowl record for 414 yards in passing. The offense of the Rams team: 526 points, the third highest single-season record ever.

Of course, Kurt Warner was named the NFL player of the year. He took his \$30,000 award and gave it to Camp Barnabus, which is a camp for young people in southern Missouri. This

wasn't a \$30,000 donation by someone who is making the big salaries; this was a \$30,000 donation by someone who is earning the minimum wage in the NFL. I could go on. The resolution that I will propound not only talks about Kurt Warner but extols the greatness of Marshall Faulk. These individuals are as great, or greater, off the field than they are on the field. That is what is so inspiring—their commitment to community.

Isaac Bruce caught 77 passes for 1,165 yards and 12 touchdowns in the regular season and led the Rams to a Super Bowl victory with 6 receptions for 162 yards, including a game-winning 73-yard touchdown reception that, frankly, required him to make a very big effort to come back and get the ball and go get the score. What a tremendous inspiration it was.

On defense, Todd Lyght led the Rams with a regular season career high of six interceptions, including a touchdown. He started in 97 straight games. Now, there is durability. Talk about having to go to work. That is the longest current streak with the team.

Rams' linebacker Mike Jones ended the very spectacular and heroic effort of the Tennessee Titans on the 2-yard line with the game-winning tackle as the time ran out in the Super Bowl.

I could also talk about wide receiver Terry Holt and about Coach Dick Vermeil, named NFL coach of the year, the oldest coach ever to win a Super Bowl. He, of course, retired from coaching, but he came back because he still had a burning capacity within him to motivate and help young people, and the football team reached the maximum of its potential.

It is with that in mind I wanted to propound a resolution to congratulate not only the team, the St. Louis Rams, but, frankly, the fans of St. Louis. No group of fans that I know of is more intelligent, understanding of the game, and more supportive of a team than the fans in St. Louis. The fans came together with the team over and over again. They stuck with the team in previous years when we were the worst in the league and helped carry the team when we were first in the league. That is very important.

I was at a tremendous celebration in St. Louis, and the individual who announces the team onto the field in each game, who is also a disc jockey at KSD FM, Smash, Asher Benrubi, was leading this rally. It became very apparent to me that the biggest contribution of the St. Louis Rams is the contribution of community, because the community has come together around this team in a special way that unites us all. Unity is the most important characteristic of any organization. When you can be unified and work together, that is something to behold.

It struck me at the time that the last five letters of the word "community" are the word "unity." Those things, those challenges in our lives, and those opportunities in our lives, those vic-

tories and, yes, even defeats bring us together and are valuable to us. It is with that in mind I thank Smash for his great leadership as the MC of that rally. I thank the fans of St. Louis.

#### RECOGNIZING THE ACHIEVEMENT OF THE ST. LOUIS RAMS IN WINNING SUPER BOWL XXXIV

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 250, submitted earlier by me, Senator ASHCROFT, along with Senator KIT BOND and Senator PETER FITZGERALD, and Senator DURBIN of Illinois.

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 resolution (S. Res. 250) recognizing the outstanding achievement of the St. Louis Rams in winning Super Bowl XXXIV.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 250) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 250

Whereas, in 1995 the Los Angeles Rams relocated to St. Louis, Missouri and became the St. Louis Rams;

Whereas, the arrival of the St. Louis Rams ushered in a new era of unity in the St. Louis community fortified by the enthusiasm and energy of the St. Louis Rams' fans and the spirit and drive of the St. Louis Rams organization;

Whereas, the St. Louis Rams' fans have incorporated the unifying spirit of the Rams into the community, making the St. Louis area an even better place to live and work;

Whereas, the members of the St. Louis Rams' team, including Kurt Warner, Marshall Faulk, and Isaac Bruce, exemplify the character, sportsmanship, and integrity—both on and off the field—to which all Americans can aspire;

Whereas, the St. Louis Rams' rallying cry, "Gotta Go To Work," embodies the great American work ethic, and symbolizes the perseverance, dedication, talent and motivation of the St. Louis Rams football team and the St. Louis community;

Whereas, in the 1999-2000 season, the St. Louis Rams committed themselves to the motto, "Gotta Go To Work," and achieved record accomplishments;

The Rams won the NFC West divisional title with a 13-3 record;

The Rams posted an undefeated record at home, winning all ten games in the Trans World Dome, the longest home winning streak for the Rams since 1978;

Rams' quarterback Kurt Warner enjoyed one of the best seasons by a quarterback in NFL history, becoming only the second player to throw 40 or more touchdown passes in a season (41), recording the fifth-best passer

rating in league history, completing a league-best 65 percent of his passes, modeling consistency with ten 300-yard games, and setting a new Super Bowl record of 414 passing yards;

The Rams' offense produced 526 points, the third-highest single regular season total;

Rams' quarterback Kurt Warner was named the Miller Lite NFL Player of the Year, donating the \$30,000 award to Camp Barnabas, a Missouri-based Christian summer camp for disabled children, and became only the sixth player to capture both the National Football League's Most Valuable Player and the Super Bowl Most Valuable Player in the same season;

Rams' running back Marshall Faulk, in the regular season, set an all-time record for yards from scrimmage with 2,429, became the second player in NFL history with 1,000 yards rushing and receiving in the same season, had the highest average yards per rush in the league and caught 87 passes, the fourth highest in the NFC;

Rams' wide receiver Isaac Bruce caught 77 passes for 1,165 yards and 12 touchdowns in the regular season and led the Rams in Super Bowl XXXIV with six receptions for 162 yards, including the winning 73-yard touchdown in the fourth quarter;

Rams' left corner back Todd Lyght led the Rams with a regular season career-high six interceptions, including one touchdown, and has started in 97 straight games, the longest current streak with the team;

Rams' linebacker Mike Jones had four interceptions in the regular season, two of which he returned for touchdowns, and had the game winning tackle on the last play of Super Bowl XXXIV; Rams' wide receiver Torry Holt set a Super Bowl rookie record with seven catches for 109 yards in Super Bowl XXXIV, including a nine-yard touchdown pass in the third quarter.

Whereas, the St. Louis Rams Head Coach Dick Vermeil was named NFL's coach of the year, and is the oldest coach to win a Super Bowl;

Whereas, the St. Louis Rams lead the league with 6 players chosen to start in the 2000 Pro Bowl; and,

Whereas, the St. Louis Rams won Super Bowl XXXIV, defeating the valiant Tennessee Titans 23-16 in the most exciting finish in Super Bowl history. Now, therefore, be it

#### Resolved, That the Senate

(1) commends the unity, loyalty, community spirit, and enthusiasm of the St. Louis Rams fans;

(2) applauds the St. Louis Rams for their commitment to high standards of character, perseverance, professionalism, excellence, sportsmanship and teamwork;

(3) praises the St. Louis Rams' players and organization for their commitment to the Greater St. Louis, MO community through their many charitable activities;

(4) congratulates both the St. Louis Rams and Tennessee Titans for providing football fans with a thrilling Super Bowl played in a sportsmanlike manner;

(5) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the St. Louis Rams win Super Bowl XXXIV;

(6) commends the St. Louis Rams for their victory in Super Bowl XXXIV on January 30 2000; and

(7) directs the Secretary of the Senate to make available enrolled copies of this resolution to the St. Louis Rams' owners, Georgia Frontiere and Stan Kroenke, and to the St. Louis Rams' Head Coach, Dick Vermeil.

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

## RECESS

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

Thereupon, the Senate, at 12:46 p.m., recessed; whereupon, at 2:15 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

## BANKRUPTCY REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Wellstone amendment No. 2537 to S. 625. Under the previous agreement, there will be 5 minutes equally divided.

Who yields time?

Mr. WELLSTONE. Mr. President, I wonder whether I could ask unanimous consent that the vote be first on the payday amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. I thank my colleagues. I thank Senator GRASSLEY from Iowa.

## AMENDMENT NO. 2538

The PRESIDING OFFICER. If the Senator will yield for a moment, the question is on agreeing to the motion to table amendment No. 2538 by Senator WELLSTONE.

Mr. WELLSTONE. I thank the Chair.

Mr. President and colleagues, I was on the floor earlier talking about this whole problem of payday amendments, payday loans, and car title pawns. To make a long story short, it is a very unscrupulous practice. You have targets of low-income, you have targets of women, you have targets of seniors who basically get a loan because of something that happened in the family—medical emergency, you name it, for \$100, \$200. It is rolled over and over again. They can end up being charged 300, 400, or 500 percent a year—or a lien can be put on their car. The car can be repossessed and sold. There isn't a requirement in many States that these families at least get back what they no longer owe to these creditors. I don't know why, when it comes to bankruptcy, those lenders who in good faith have provided loan money to people should be crowded out.

This amendment simply says if you are charging over 100 percent in annual interest on a loan and the borrower goes bankrupt, you cannot make a claim on that loan or the fees from that loan.

This is all about whether we are on the side of a lot of vulnerable citizens—on the side of single parents, families, women, on the side of moderate-income citizens—or on the side of these loan sharks.

This amendment, I believe, should get a huge vote. Every consumer organization is for this amendment, and many other organizations representing

women and labor and low- and moderate-income people are for this amendment. I certainly hope the Senate will vote for this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Minnesota is asking the Senate to put these provisions in law in the bankruptcy code for loans that are legal under State law.

He would have this done in two ways: No. 1, he would say that the State judges could not enforce these debt collections; and, No. 2, he would say that in bankruptcy it could not be recovered in bankruptcy.

First of all, these are legal contractual relations. They are legal under State law. So it ought to be questioned whether or not the Senate of the United States or the legislatures of Minnesota and Iowa ought to be making these determinations. It is my judgment that we should not use the bankruptcy code to upset the legal bankruptcy laws of the respective States.

I ask my colleagues to vote this amendment down.

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

The PRESIDING OFFICER. The Senator has 18 seconds remaining.

Mr. WELLSTONE. Mr. President, I want to point out to my colleagues that a lot of these unscrupulous credit companies get around State regulations and protections through Federal law. A lot of them are chartered by Federal law.

So it is certainly appropriate to take this action if we want to protect consumers and not be on the side of these loan sharks.

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

Mr. GRASSLEY. I yield my time.

The PRESIDING OFFICER. All time is yielded. The vote will now occur on the tabling motion.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 2538. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

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

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—53

Abraham	Bennett	Bunning
Allard	Bond	Burns
Ashcroft	Brownback	Campbell

Chafee	Hatch	Roth
Cochran	Helms	Santorum
Collins	Hutchinson	Sessions
Coverdell	Hutchison	Shelby
Craig	Inhofe	Smith (NH)
Crapo	Johnson	Smith (OR)
DeWine	Kyl	Snowe
Domenici	Lincoln	Specter
Enzi	Lott	Stevens
Frist	Lugar	Thomas
Gorton	Mack	Thompson
Gramm	McConnell	Thurmond
Grams	Murkowski	Voinovich
Grassley	Nickles	Warner
Hagel	Roberts	

## NAYS—44

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

## ANSWERED "PRESENT"—1

Fitzgerald

## NOT VOTING—2

Gregg McCain

The motion was agreed to.

## AMENDMENT NO. 2537, WITHDRAWN

Mr. WELLSTONE. Mr. President, I ask unanimous consent to withdraw amendment No. 2537.

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

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

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

## AMENDMENT NO. 2667

(Purpose: To encourage the democratically elected government of Indonesia and the armed forces of Indonesia to take such additional steps as are necessary to create a peaceful environment in which the results of the August 30, 1999, vote on East Timor's political status can be implemented)

Mr. FEINGOLD. Mr. President, I call up amendment No. 2667.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2667.

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

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

The amendment is as follows:

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

## TITLE —EAST TIMOR SELF-DETERMINATION ACT OF 1999

## SEC. 01. SHORT TITLE.

This title may be cited as the "East Timor Self-Determination Act of 1999".

## SEC. 02. FINDINGS; PURPOSE; SENSE OF SENATE.

(a) CONGRESSIONAL FINDINGS.—

(1) On August 30, 1999, in accordance with the May 5, 1999, agreement between Indonesia and Portugal brokered by the United Nations, and subsequent agreements between the United Nations and the governments of Indonesia and Portugal, a popular consultation took place, in which 78.5 percent of East Timorese rejected integration with Indonesia, setting the stage for a transition to independence pursuant to the terms of the May 5, 1999, agreement.

(2) On October 19, 1999, the Indonesian People's Consultative Assembly agreed to ratify the August 30, 1999, vote results, leading the United Nations Security Council, on October 25, 1999, to authorize a United Nations Transitional Administration in East Timor (UNTAET), which was to include deployment of an international police and military force with up to 1,640 officers and 8,950 troops.

(3) The United Nations Commission on Human Rights, in a special session meeting on September 27, 1999, called on the United Nations Secretary General to establish an international commission of inquiry to investigate violations of human rights in East Timor, and urged the cooperation of the Indonesian government and military.

(4) The Secretary General subsequently directed Mary Robinson, the United Nations High Commissioner on Human Rights, to appoint a United Nations commission on October 15, 1999, which is due to report its conclusion to the Secretary General by December 31, 1999.

(5) The Indonesian People's Consultative Assembly on October 20, 1999, chose Abdurrahman Wahid as President of the Republic of Indonesia and the next day also chose as Vice President, Megawati Soekarnoputri.

(6) President Wahid has invited Xanana Gusmao to meet and has written to the United Nations Secretary General officially informing him of the decision to end Indonesia's administration of East Timor, and of East Timor's independence, and expressing his hope "that East Timor will become an independent state".

(7) As of late October 1999, according to United Nations officials and other independent observers, more than 200,000 East Timorese remain displaced in camps in West Timor and elsewhere in Indonesia, under constant threat by civilian militia and in some cases denied access to assistance by the United Nations humanitarian agencies.

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

(1) the United States should congratulate the people of Indonesia on its democratic transition and welcome the efforts of the new Indonesian government to bring a peaceful end to the crisis in East and West Timor;

(2) the results of the August 30, 1999, vote on East Timor's political status, which expressed the will of a majority of the Timorese people, should be fully implemented;

(3) economic recovery in Indonesia is essential to political and economic stability in the region; and

(4) the President, the Secretary of State, the Secretary of the Treasury, and Congress should work with the people of Indonesia to restore Indonesia's economic vitality.

(c) PURPOSE.—The purpose of this Act is to encourage the government of Indonesia and the armed forces of Indonesia to take such additional steps as are necessary to create a peaceful environment in which the United Nations Assistance Mission to East Timor (UNAMET), the International Force for East Timor (INTERFET), and the United Nations Transitional Administration in East Timor (UNTAET) can fulfill their mandates and implement the results of the August 30, 1999, vote on East Timor's political status.

## SEC. 3. SUSPENSION OF SECURITY ASSISTANCE.

### (a) SUSPENSION AND SUPPORT.—

(1) ASSISTANCE.—None of the funds appropriated or otherwise made available under the following provisions of law (including unexpended balances of prior year appropriations) may be available for Indonesia:

(A) The Foreign Military Financing Program under section 23 of the Arms Export Control Act.

(B) Chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance).

(C) Chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training assistance).

(D) Section 2011 of title 10, United States Code.

(2) LICENSING.—None of the funds appropriated or otherwise made available under any provision of law (including unexpended balances of prior year appropriations) may be available for licensing exports of defense articles or defense services to Indonesia under section 38 of the Arms Export Control Act.

(3) EXPORTATION.—No defense article or defense service may be exported or delivered to Indonesia or East Timor by any United States person (as defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415)) or any other person subject to the jurisdiction of the United States except as may be necessary to support the operations of an international peacekeeping force in East Timor or in connection with the provision of humanitarian assistance.

(4) PROHIBITION ON PARTICIPATION IN ASIA-PACIFIC CENTER FOR SECURITY STUDIES.—Programs of the Asia-Pacific Center for Security Studies may not include participants who are members of the armed forces of Indonesia or any representatives of the armed forces of Indonesia.

(5) PROHIBITION ON ASSISTANCE THROUGH MILITARY-TO-MILITARY CONTACTS.—The authority for military-to-military contacts and comparable activities under section 168 of title 10, United States Code, may not be exercised in a manner that provides any assistance to the government or armed forces of Indonesia.

(b) INAPPLICABILITY TO CERTAIN ITEMS AND SERVICES ON THE UNITED STATES MUNITIONS LIST.—Paragraphs (2) and (3) of subsection (a) do not apply to the export, delivery, or servicing of any item or service that, while on the Commerce Control List of dual-use items in the Export Administration Regulations, was licensed by the Department of Commerce for export to Indonesia but is in a category of items or services that, within two years before the date of the enactment of this Act, was transferred by law to the United States Munitions List for control under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(c) CONDITIONS FOR TERMINATION.—Subject to subsection (b), the measures described in subsection (a) shall apply with respect to the government and armed forces of Indonesia until the President determines and certifies to the appropriate congressional committees that the Indonesian government and the Indonesian armed forces are—

(1) taking effective measures to bring to justice members of the Indonesian armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian armed forces and militia groups responsible for human rights violations in Indonesia and East Timor;

(3) taking effective measures to bring to justice members of the Indonesian armed forces against whom there is credible evidence of aiding or abetting militia groups;

(4) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(5) not impeding the activities of the International Force in East Timor (INTERFET) or its successor, the United Nations Transitional Administration in East Timor (UNTAET);

(6) ensuring freedom of movement in West Timor, including by humanitarian organizations; and

(7) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor.

## SEC. 4. MULTILATERAL EFFORTS.

The President should continue to coordinate with other countries, particularly member states of the Asia-Pacific Economic Cooperation (APEC) Forum, to develop a comprehensive, multilateral strategy to further the purposes of this Act, including urging other countries to take measures similar to those described in this title.

## SEC. 5. REPORT.

Not later than 30 days after the date of enactment of this Act, and every 6 months thereafter until the end of the UNTAET mandate, the Secretary of State shall submit a report to the appropriate congressional committees on the progress of the Indonesian government toward the meeting the conditions contained in paragraphs (1) through (7) of section 3(c) and on the progress of East Timor toward becoming an independent nation.

## SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

Mr. FEINGOLD. Mr. President, as I understand it, I have 30 minutes under my control for purposes of this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. I thank the Chair. I intend to withdraw this amendment after I and other Senators interested in the amendment have had a chance to talk within the 30-minute period.

As I said late last year, this amendment is considerably different from my original bill, S. 1568, the East Timor Self-Determination Act. I made significant alterations to it in order to respond to changing events and the concerns of other Senators and the administration.

My amendment would have suspended all military and security assistance to Indonesia until clear steps had been taken to stop the harassment of East Timorese refugees, to end the collusion between violent militia groups and the Indonesian military, and to hold those responsible for recent atrocities accountable for their actions.

My amendment would have put this body on the record in recognition of the need to use United States military and security assistance responsibly in Indonesia.

My original bill, which passed the Foreign Relations Committee on September 27 by an overwhelming vote of 17-1, was introduced in the wake of the violence that erupted after the results of East Timor's historic referendum were announced on September 4. It was cosponsored by the chairman of the Foreign Relations Committee, the distinguished Senator from North Carolina, as well as many other Members of the Senate.

I took that action, in cooperation with my colleagues, because events in East and West Timor demanded it.

While I am very pleased to have the opportunity to finally call up my legislation on the Senate floor, it is unfortunate that this is being squeezed in to a debate on the bankruptcy bill rather than standing alone. It is unfortunate that we are here debating this amendment more than 4 months after the events in East Timor that gave rise to it. It is unfortunate and it is inappropriate, because the events in East Timor that originally cried out for this legislation are deadly serious. And the encouraging events that justified changes in the legislation are critically important. Both deserved thoughtful consideration from the Senate.

On August 30, well over 99 percent of registered voters in East Timor courageously came to the polls to express their will regarding the political status of that territory.

More than 78 percent of those voters marked their ballot in favor of independence.

But weeks of violence dampened the jubilation that immediately followed the vote, as the Indonesian military—a military that the United States has long supported—colluded with militia groups in waging a scorched earth campaign throughout the territory.

Thousands of people were forced to leave, and many were killed.

But for the East Timorese run out of their homes in the fray, the nightmare did not end there.

Just days ago, the Independent newspapers of London reported on the horrible conditions in the remaining refugee camps in West Timor. In one part of West Timor, UNICEF has found that 25 percent of refugee children are malnourished.

To this day, militia members harass and intimidate East Timorese in West Timor's refugee camps. According to the United Nations High Commissioner for Refugees, between 100,000 and 150,000 refugees remain, in many cases against their will, in the refugee camps.

But some will say that we should remain silent on these matters, and continue to let events in Timor and Indonesia unfold without comment. Some will say that the time for action has passed. They will point to the recent democratic elections in Indonesia, and to the Indonesian government's stated willingness to accept the results of the August 30 ballot. They will note the many encouraging steps that President

Wahid has taken in the direction of reform. And they will point to President Wahid's most recent, public commitment to holding military officers accountable for their actions—actions now described in both Indonesian and U.N. investigations.

They are right to emphasize the positive signals coming from the new government, and they are right to point out that the situation in Indonesia has changed significantly in the past four months. I recognize those changes, and I have tried to respond to them as my legislation has wended its way through this body.

Make no mistake—the Indonesians were aware of the original legislation. And over the last few months they have undoubtedly taken note of the changes that were made in this amendment—changes that sent a clear signal that the United States recognizes that the government of Indonesia is moving toward democracy and accountability, and we are very interested in partnership with that kind of Indonesia.

While I support the notion that now is an important time to reach out toward the new government in Jakarta, I reject the idea that we should no longer maintain intense pressure on the Indonesian military.

Whether or not the Indonesian military is committed to serving under the new, promising, democratically-elected regime remains to be seen. Recently, rumors of coup plots and a possible military takeover of this fledgling democracy circulated in Jakarta and abroad. In recent months, ethnic and religious violence erupted in Aceh, the Spice Islands, and elsewhere in Indonesia. Many reports indicate that elements of the Indonesian military continue to stand by and do nothing to help the people they are supposed to protect.

So as we extend a welcome to Indonesia's new government, we must send a strong message about the kind of behavior that we do not welcome, and about the kinds of abuses that we will not ignore. It remains as crucially important today as it ever was to pressure violent elements in Indonesia to do the right thing. And I serve notice to my colleagues and to the administration—I stand ready to do just that. If U.S. policy fails to send a strong message in favor of reform and accountability, I will seize any legislative opportunity necessary to fight for a responsible policy—one that serves United States and Indonesian interests in stability and justice.

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

The PRESIDING OFFICER (Mr. DEWINE). The Senator has used 6 minutes and 40 seconds.

Mr. FEINGOLD. I yield such time as he wishes to the distinguished Senator from Rhode Island, who has truly been a great leader on this issue, making not only an effort on the Senate floor but a personal effort to visit and see exactly what is happening in East

Timor itself. I yield the Senator from Rhode Island such time as he needs.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first, let me commend the Senator from Wisconsin for his efforts. He has spoken out forcefully and clearly and correctly for so many months about our obligation to see that the people of East Timor have a chance to chart their own course, to reach their own destiny, to rule themselves. I thank him for his efforts.

Today this amendment is being withdrawn, but this withdrawal should not be a signal that we are turning away from East Timor. Indeed, it is once again an opportunity to speak out and demand that we do, in fact, attend to the needs of this emerging country.

As the Senator from Wisconsin pointed out, I traveled to East Timor twice last year. The first time was a week before the referendum. I traveled with Senator HARKIN and our colleague from the other body, Congressman JIM MCGOVERN of Massachusetts. We were there a few days before the election. What struck us was the incredible courage of the people of East Timor. It was an ominous and foreboding atmosphere. Armed militias were roaming the countryside threatening people and making it clear that their goal was to intimidate all of the East Timorese either not to vote or to vote for continued association with Jakarta, with Indonesia. Despite this, we saw countless East Timorese who were willing to risk their lives, declaring to us that they would vote, they would risk their lives.

I had occasion in Suai to be speaking at a church where there were thousands of displaced persons gathered around this church in the protection of three priests. I told them that the vote is more powerful than the army. Not only did they believe that, but they risked their lives to prove it. Sadly, with the conclusion of the referendum, the militias went wild, conducting a rampage throughout East Timor. In fact, the three priests in Suai who were leading their congregations were slaughtered by the militias because they chose to talk about democracy and independence and self-determination.

I returned back to East Timor in the first week of December. Since the election had taken place, the United Nations had authorized the intervention of international forces, and we owe a great deal to the armed forces and the Government and the people of Australia because they launched thousands of Australian soldiers to enter that country, to stabilize that country, and literally to give a chance to the people of East Timor to build a democratic society.

The United States also contributed roughly 200 troops. The troops were led by our U.S. Marine Corps. The bulk of the troops were U.S. Army forces. These troops, once again, displayed magnificently the ability of American



forces to respond to a crisis and to bring to bear not only our technology, but our values, as they supported that struggling democracy, struggling to emerge in East Timor. Now, the Indonesian Government has formally renounced the claims of East Timor. It is being administered in the interim by the United Nations.

We had the chance in our last visit at the end of November, beginning of December, to meet with the leadership of the United Nations. They are led by a very accomplished diplomat, Sergio DeMello. But I have to say that their efforts to date are quite feeble when it comes to the difficult challenges they face. So I think the whole international community has to step up and assist this effort of reconstruction because one thing was painfully obvious to us as we traveled through East Timor—the country was deliberately, cynically destroyed. Every building that was worth habitation was burned. Ironically and interestingly—because I think the Indonesian military was calling all the shots—they didn't touch the churches because they knew that would probably make CNN. But a few feet away from every church, rows and rows of buildings were destroyed. We met the people of East Timor, people who are struggling for the basic subsistence now after all the mayhem and destruction. Once again, I commend the military forces—particularly ours—that are there today helping out.

We have a great deal to do to ensure that our words about independence, our words about the value of democracy, and our words about self-determination are transferred into palpable progress for the people of East Timor. We have an opportunity, I say an obligation, to give them resources to get the job done. I believe we should start with an appropriation of \$25 million for humanitarian assistance so they can reconstruct their schools and infrastructure. Literally, the militias and Indonesian Army destroyed all records—postal records, all identification records, all land records. This country has been totally devastated, deliberately and cynically destroyed. We have an obligation to help them rebuild. They are a people who want to rebuild, who want to make progress and go forward.

I also had the chance while I was in East Timor to travel to West Timor, which is still part of Indonesia. I went to these camps where there are thousands of East Timorese, many of whom were taken against their will from their homes and brought into these camps. These camps are not a place where a person can stay indefinitely. It is a transitory shelter. Many people are there because they are intimidated by the militias still lurking in the camps. Others are fearful and afraid of going home because they might run into retribution by those who stayed behind, the proliferation democracy forces. But in any case, they are creating a huge problem of assimilation and a huge drain on the resources of the villages of West Timor.

I had a chance to meet with the Catholic Relief Service, which is doing great work there, and representatives of the Catholic Church. We have a real obligation, also, to see that these displaced people in West Timor are allowed to go home safely and to reintegrate into their society, into the new country of East Timor. The work is substantial.

Today's effort by the Senator from Wisconsin, after many days to get this measure to the floor, should, as I say, not be a signal that the problem is solved and that we can withdraw—since no longer is East Timor capturing the front page headlines—it should be rather an opportunity for us to recommit ourselves to do the work of helping these people build a just, decent, and viable society and country.

Let me say a final word because we are all here today talking about an issue that has been on the minds of the world for the last year because of the publicity. But long before East Timor was a well-known word in the United States and around the capitals of the world, there was one Member of this Senate, Claiborne Pell, who strove mightily to point out the injustice and the need for freedom. In 1992, Senator Pell traveled to Indonesia, saw President Suharto, and asked him to hold a plebiscite on self-determination. That was a full 7 years, or more, before this referendum was held. He also wanted to visit East Timor but was denied permission to meet with Xanana Gusmao, then in a Jakarta prison. He held hearings and he kept this issue on the forefront of the consciences of many in the world. In a very particular way, the freedom of East Timor today is a tribute to his quiet, persistent efforts through many years. The fact that today Xanana Gusmao is back home in East Timor, is a leader in that community, a community that will decide its own fate, a free country, emerging in the world, is a tribute again to Senator Pell.

Let me conclude by thanking, once again, Senator FEINGOLD for his great effort, his clear voice, his dedication and commitment to principle. Let us all resolve today that we have just begun to help these people to rebuild their country, their society, and to create a society that will have our values, but will also definitely have their own perspective as East Timorese.

I yield back my time.

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

The PRESIDING OFFICER. There are 13 minutes remaining.

Mr. FEINGOLD. Mr. President, I thank the Senator from Rhode Island for his extremely dedicated work on this issue. It has been a pleasure working with him on it. I wish to reiterate what he said, which is that this is another opportunity for us to tell our colleagues, as well as Indonesia and the rest of the world, that we are watching this on a daily basis and we are prepared to act again. The legislation is

very viable and we are prepared to offer it as an amendment to another bill if the situation becomes difficult.

At this point, 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. FEINGOLD. 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. FEINGOLD. Mr. President, at this time I am delighted to yield the remaining time we have on the amendment to the distinguished Senator from Iowa who, along with the Senator from Rhode Island, has shown not only a tremendous interest and dedication on the issue of East Timor but took the time and risks associated with actually visiting East Timor at a very critical point and came back here to be key to the entire effort to lead the East Timorian independence. Senator HARKIN, Senator REED, I, and others are going to watch this every day to make sure this situation moves in the right direction and we don't go backwards.

I yield whatever time is necessary to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Chair. I thank my colleague and friend from Wisconsin for yielding time to me but, more importantly, for his strong and continued leadership on this issue of East Timor.

As we all know, East Timor is a small, new nation in a faraway place. A lot of times we tend to forget about it and push it off to the side. But we can't. We can't forget about what happened in East Timor. I think it is incumbent upon us, as the leader of the world's democracies and as the nation that holds out to oppressed peoples all over the world the ideals of self-determination and democratic institutions, because we are in that position, that we have to take a leadership position among world communities, focusing and keeping our attention focused on East Timor.

These brave people for almost 25 years have continued their struggle—peacefully, I might add—for their own right to self-determination. When the Portuguese left in 1975, of course, Indonesia annexed East Timor. The East Timorese people had no say in that whatsoever. Yet they continued a worldwide campaign for their right to self-determination.

What didn't they do? What didn't the East Timorese people do? They didn't plant any bombs. They didn't sabotage anything. They didn't blow up airliners. They didn't commit acts of terrorism against the Indonesia Government or the Indonesia people, but forcefully, day after day and year after year, they went to the world community and pricked our conscience. They went to the U.N. They came here. They

went to Europe. There was no accident that Bishop Belo and Jose Ramos-Horta both won the Nobel Peace Prize for their activities because they pursued their right to self-determination as Gandhi or Dr. Martin Luther King, Jr., would have done, in a peaceful, nonterrorist way. When they finally had this vote late last summer, they voted overwhelmingly for separation, to have their own nation.

Senator REED and I, along with Congressman McGOVERN from Massachusetts, were there right before the vote about a week before. We traveled extensively around the country. You could already see the militias and what they were trying to do and the intimidation. It was after that trip that the three of us had conversations with our Secretary of State, with Kofi Annan, the Secretary General of the United Nations, Secretary Cohen, our Secretary of Defense, and people at the White House. We talked to everyone, saying: Look. We need to have things in place there. There is going to be a blood bath. We hope there isn't. But our sense is that everything we had ever seen before in our lives, in our history—you could almost smell it. You could almost sense what was going to happen in East Timor. A powder keg was ready to go.

We met with General Anwar. We went back to Indonesia, and we told President Habibie at the time: If your orders are right, there should be a peaceful transition and a peaceful election. This General Anwar is not carrying out your orders. He is either not carrying out your orders or you are not giving the right orders. But something is not adding up here. The same with General Wiranto, the head of the armed services.

I ask unanimous consent that an article and an editorial from the Washington Post be printed in the RECORD.

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

[From the Washington Post, Feb. 1, 2000]

E. TIMOR PANEL BLAMES ARMY FOR ATROCITIES

(By Keith B. Richburg)

JAKARTA, INDONESIA, JAN. 31.—A government commission charged today that the Indonesian military and its militia surrogates carried out an orchestrated campaign of mass killing, torture, forced deportation, rape and sexual slavery in East Timor. It named six top generals—including Gen. Wiranto, the former army chief—for possible criminal prosecution.

The findings of the government commission of inquiry were more sweeping and harder-hitting than had been expected, coming on top of a recommendation from a U.N. inquiry that the United Nations set up a special tribunal to try those accused of atrocities in East Timor. They brought to a head a confrontation between Indonesia's new democratic government, which has made human rights and accountability a major priority, and the powerful military establishment that has seen its traditional role undercut and its past abusive practices put under intense public scrutiny.

President Abdurrahman Wahid, who is in Davos, Switzerland, for the World Economic

Forum, said after the findings were made known that he will fire Wiranto from the cabinet. "I will ask him, to use a polite word, ask him to resign," Wahid told a television interviewer.

Wiranto stepped aside as armed forces commander in October, after the violence against East Timorese that broke out last September over their decision to secede from Indonesia. But he still wields considerable influence in the military as cabinet coordinating minister for political affairs and security.

The East Timorese resistance leader and Nobel laureate, Jose Ramos-Horta, said in Singapore that Wiranto should be tried and not just removed from the cabinet. "In this day and age, you cannot kill hundreds of people, destroy a whole country, and then just get fired," he said.

Among its findings, the commission also said the military actively tried to cover up evidence of its "crimes against humanity," including moving victims' bodies to remote locations.

"The mass killings claimed the lives mostly of civilians," said the commission chairman, Albert Hasibuan. "They were conducted in a systematic and cruel way. Many were committed in churches and police headquarters."

Australian-led peacekeeping troops in East Timor have unearthed hundreds of bodies in scattered grave sites, many in the East Timorese exclave of Oe-Cussi near the border with Indonesia. Villagers have said bodies were moved there before foreign troops arrived, but today's report provided the first confirmation of an effort to conceal the extent of the killings.

The commission forwarded to Attorney General Marzuki Darusman the names of 33 people, including Wiranto, who it said should be investigated for prosecution, and Marzuki promised to begin his own probe. Among those named are Maj. Gen. Adam Damiri, the regional commander in charge of East Timor in the months leading up to the Aug. 30 U.N.-backed independence referendum; Zacky Anwar Makarim, the army intelligence chief in East Timor; and Tono Suratman and Noer Muis, the two commanders based in Dili, the East Timorese capital.

Also named were the commanders of various militia groups, including Joao Tavares, who called himself the commander in chief of all the militias, and the flamboyant Eurico Guterres, head of the feared Aitarak, or "Thorn," militia, who in the days before the referendum vowed to turn Dili into a "sea of fire" if voters supported independence.

The bloodbath unleashed in East Timor sparked international outrage and turned Indonesia into something of a pariah state, criticized by friends and slapped with economic sanctions. Hundreds of thousands were forcibly deported to Indonesian-controlled western Timor, homes and buildings in Dili were looted and set ablaze and the few foreigners left in the capital huddled inside the U.N. compound, along with frightened Timorese, with little food or water.

The killing and destruction continued until former president B.J. Habibie bowed to international pressure and allowed in foreign troops to restore order. At the time, Wiranto conceded some Indonesian army troops, from two indigenous East Timorese battalions, were involved in the violence. But he repeatedly insisted the outbreak was spontaneous, that there was no evidence of widespread killings and that he was trying his best to bring the situation under control.

The report today found Wiranto "fully acknowledged and realized" the extent of the violence and destruction in East Timor but failed to take action. "Therefore, General

Wiranto, as the TNI [Indonesian army] commander, should be the one to take responsibility," the report reads.

While the Indonesian attorney general deals with this report, U.N. Secretary General Kofi Annan must decide whether to accept the recommendation of the separate U.N. investigation and ask for a human rights tribunal for East Timor. Indonesia vehemently objects to any U.N. tribunal, saying the country is capable of punishing those responsible. Analysts have said a credible report from the Indonesian commission was a crucial first step in dissuading the United Nations from setting up a tribunal.

[From the Washington Post, Feb. 1, 2000]

JUSTICE FOR TIMOR

Not long ago, the armed forces pretty much ran the show in Indonesia; now they are under investigation. A human rights commission formed by that nation's new democratic government yesterday issued a stinging indictment of the military, including its former leader and five other generals, for orchestrating, condoning and taking part in the destruction of East Timor last summer. The report, with its call for criminal prosecution, is an important step. Now comes the hard part for President Abdurrahman Wahid; he deserves the support and encouragement of other nations as he moves forward.

East Timor, a small half-island at the remote eastern end of Indonesia's archipelago, voted for independence from Indonesia in a United Nations-sponsored referendum Aug. 30. Indonesia's Gen. Wiranto promised security for the voters; they instead were subjected to a spasm of murder, rape, looting and other violence. At the time, Gen. Wiranto and Indonesia's government blamed the violence on rogue anti-independence militias. But the government's unflinching report, based on many interviews and on-site investigation, rejects that excuse and sees unquestioned official complicity.

President Wahid is under pressure from the military not to treat its generals too roughly. Ethnic violence is breaking out in many places; without unified armed forces, some say, Mr. Wahid cannot hold the country together. There have been rumors of a coup. But as much as it needs a strong military, Indonesia needs one subservient to new civilian powers; without progress in that direction, many restive regions will find it intolerable to remain inside the country. So Mr. Wahid is right to dismiss Mr. Wiranto from his cabinet and allow criminal prosecution of those named in the human rights report.

A United Nations inquiry released yesterday came to many similar conclusions about the violence in East Timor. Some U.N. officials now favor an international tribunal. Since the United Nations sponsored East Timor's referendum, the organization has a continuing role to play in seeking justice for the Timorese. Its investigation should continue.

But before a Bosnia-style tribunal is created, Indonesia should be given a chance to judge its own. Its new democratic government well understands the importance of that process.

Mr. HARKIN. I give the Indonesians credit.

The article says that this new government commission "... named six top generals—including Gen. Wiranto ... and General Anwar for possible criminal prosecution" and that the "militia" with their "surrogates carried out an orchestrated campaign of mass killing, torture, forced deportation, rape and sexual slavery in East Timor."

The East Timorese resistance leader and Nobel laureate, Jose Ramos-Horta, said in Singapore that Wiranto should be tried and not just removed from the cabinet. "In this day and age, you cannot kill hundreds of people, destroy a whole country, and then just get fired."

These are crimes against humanity.

I wholeheartedly commend the present Government of Indonesia and its human rights commission for their bravery in doing this investigation and coming up with this finding. I think it moves the democratic forces far ahead in Indonesia because they were able to come out with this finding.

I am very supportive of the sense-of-the-Senate resolution that is offered by the Senator from Wisconsin. We have to make some statements about East Timor. We have to be in the lead on this, and the fact that the human rights commission of the present Government in Indonesia made these findings ought to give us comfort that we are not undermining the Government of Indonesia in helping the East Timorese.

I was not privileged to go back with Senator REED when he went there in December. I talked to him. Senator REED said:

You would not believe the places we were, that we saw with our own eyes. They were leveled. Buildings were burnt. Some of the church houses were burned down and people just disappeared, all driven across the border. We were up in this one town on the border. He said it was like a ghost town. All of these people were forcefully deported into West Timor, and even yet today they are not letting these people come home.

I think the focus of world opinion and public opinion and attention has to be again on East Timor. What the Indonesian military did there is unconscionable. I don't blame the Indonesian people. I talked to too many Indonesians who were opposed to what their military was doing in East Timor, who thought it was a right of the East Timorese, because of their history and their past, to have self-determination.

I in no way cast any blame upon the Indonesian people themselves. But I do single out General Wiranto, General Anwar, and the people at the human rights commission who were in charge of aiding, abetting, and fostering the militia that did these terrible things to East Timor—as Senator REED said—vindictively burning down things, destroying telephone lines, destroying bridges, just crazy things such as that, just to leave the country in total waste.

Again, I thank the Senator from Wisconsin and the Senator from Rhode Island for their strong support of the brave people of East Timor.

I hope we in the Senate, if not today, at some point shortly can express our support on this sense-of-the-Senate resolution so the brave people of East Timor and the democratic forces in Indonesia know we will support this and we will do everything we can to help them rebuild this country again as a signal to the rest of the world that we

will support peaceful self-determination and the right of people to have their own democratic governments. This is as good a place as any to start.

Again, I thank the Senator from Wisconsin for his strong, continued leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield time to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished manager of the bill.

I rise today because I feel very strongly about what we are considering. Today we in the Congress are being asked to consider our first statement on Indonesia since the country's elections last fall. Everyone is familiar with it. Everyone has watched CNN and watched the bloodshed and horror that occurred in East Timor and other places in Indonesia. That was prior to the Indonesian elections, and it had taken place under a severely weakened and ineffective leader.

Last fall, the Parliament completed the first election cycle that was truly free in the country's history by electing a new President, President Abdurrahman Wahid. I just returned from Indonesia, where I not only met with President Wahid but the Vice President, the Foreign Minister, the Speaker, and the Head of Parliament. I met with Indonesian citizens, Americans living over there, and most important of all, I met with our very astute and very able Ambassador, Bob Gelbard, and the staff we have in Indonesia to help us formulate policy with respect to that country.

Unfortunately, our press, which gave us a lot of information about East Timor, has not paid much attention to the free elections. It has paid little attention to the work of the new Government and its efforts to lead a transition to democracy. This is truly a time of rapid change in Indonesia, and it is a time of great challenge for Indonesian leadership and others in the world who support democracy, freedom, human rights, civilian control of the military, and religious tolerance for all people.

Regretfully, some Members of this body seem determined to stay in the past. Things are moving in the right direction, and it is time, in my view, for the United States to support the new Government, to work to make sure that this Government succeeds, and that the noble objectives we support are carried out.

President Wahid's job in this situation could not be more difficult. He has to bring democracy and a better standard of living to people who were living under a totalitarian government in a situation that bordered on chaos. He has to bring under control the ethnic and religious conflicts that are breaking out all over the country. Perhaps

most difficult of all, he has to overcome the well-entrenched and powerful interests that want him to fail, that would be delighted to bring the country straight back into chaos.

From everything I saw, and from what our distinguished Ambassador and his staff tell us, President Wahid has not disappointed. He wakes up every day and makes bold and courageous decisions and he doesn't bother to take polls on what people want. He is simply concerned about moving his country in the right direction.

I hope we will have the opportunity to welcome President Wahid to Washington, DC, and to give him an opportunity to address the Congress to talk about the challenges he faces and his commitment to the American ideals of democracy, freedom, human rights, and cleaning up corruption in all areas of government and private sector activity.

In a very short time, the changes in Indonesia have been marked and profound. On the issues the sponsors of this amendment are concerned about, President Wahid has agreed to work with the U.N. Security Council to track down and bring to justice those who were responsible for the bloodshed in East Timor. The Indonesian Government, as has been noted already, has impeded their own commission to investigate what took place in East Timor and bring those to justice. The panel has identified six high-ranking military officers. The President has indicated they will all be removed from the military and has given every indication they will be brought to justice.

When the spokesman for the military said the military should not be subject to the control of the civilian-elected Government, the President moved and cut him off. We in Congress cannot continue to put our heads in the sand with these monumental changes going forward. Even the European Union recognizes the tremendous progress President Wahid and his Government are making. The E.U. has lifted the ban on certain arms sales. They pledged to begin military training.

I regret to tell you the situation in Indonesia and East Timor is not as simple as some of my colleagues would have you believe. Secretary Cohen traveled there and laid out what we expect of the new Government. The Government has complied, but in the interim we have cut off our ability to have any positive influence by ending military to military contact. I say let's listen to our former colleague, now Defense Secretary Bill Cohen, who is well informed about what is going on in that area. I suggest we listen to the people in our State Department—a State Department run by the party of my colleagues who have introduced this resolution—and ask them what we can do to help move the Government, move the cause of democracy and freedom, in the right direction. At a time such as this, we should be sending to the people of Indonesia a loud message,

and a clear message, that we support their efforts to achieve democracy and we will support the new Government in its efforts to bring democracy to its 210 million people.

The resolution, as I have just seen it, as I quickly calculate, dedicates 14 lines to congratulating the people of Indonesia and encouraging the Government of this country to work with the struggling democracy and then dedicates several pages to those things we as a government should be denying the Indonesian Government. Here is a country emerging from all the problems of the past. They need a hand up, not another bucket of water dumped on their heads.

Secretary Cohen delivered a clear message during his trip to the country that it was time for military reform. The Indonesian people responded. Today, the Indonesian military is under civilian control. In a clear move to curb the power of the army, the position of commander in chief has been given to an admiral in the Indonesian Navy, considered to be the most progressive and professional of the military branches. Under pressure from Secretary Cohen, the military vacated East Timor. There have been positive reports coming in that the military has been cooperating with the international community. Some members are working actively to frustrate the efforts of pro-Jakarta militias to conduct any further raids on refugees or East Timor towns.

On the human rights front, a new attorney general has been selected. Our State Department has great confidence in his commitment to the rule of law and protection of human rights. The Indonesian Government has also created a new position within the Government, the State Commission on Human Rights, a position that has been filled by a former political prisoner from Aceh.

These are not insignificant steps. In fact, they are enormous steps that show the tremendous effort on the part of the new Government and the people of Indonesia.

The outcome of the election could have been very different. It was not. There was no mass violence in the streets, and there was no military coup. The result was democracy in action.

The bottom line is the Indonesians have been doing everything we asked them to do. Now, with this proposed resolution, we are being urged not to offer congratulations, not to extend a helping hand but, rather, to poke a sharp stick in their eye.

This resolution endorses a cutoff of military-to-military contact, education, and military assistance. But the administration promptly cut off assistance and contact after the violence broke out. The Department of Defense and our Department of State can be a very positive force for reform, but this amendment would propose to limit their ability to do so. The violence hap-

pened under a different government with a weak president.

Make no mistake about it, this resolution will be looked upon by the Indonesian people as a repudiation of the direction they have chosen and of the work of their democratically elected President and Vice President. It will be taken as a clear sign that the United States is not interested in being a positive force for change.

I urge—I beg my colleagues to stay involved and to pay attention because this is a vitally important part of the world. When I was in Southeast Asia 9 months ago, when I asked in one country or another how things were going, everybody would say: We are doing well, but we are worried about Indonesia.

We ought to be worried about Indonesia because they are the fourth largest country in the world. They have an opportunity to join the list of countries that are democracies, that are committed to human rights and freedom. They deserve to be part of the enlightened leadership of the world.

It is time we provided support to that effort. It is vital the United States continue to support the development of democracy and of civilian control of the military. We need to begin the process of engagement, to provide their military with the assistance and training they need to ensure that the functions of security are carried out effectively and properly. Our government has pressured the Indonesian government to restrain the military and make reforms. Now the situation is getting out of control. The military has lost its ability to respond to regional outbreaks of violence. Rather than being an impediment to progress, we ought to be in there helping them to reestablish the rule of law and order and peace and security for all people and all religious groups in Indonesia.

We have a tough battle ahead. There have been atrocities that are mind boggling. I join with the sponsors of the resolution who understand how terrible these depredations were. But times are changing. We need to be a positive force, to encourage those changes, to keep them on the right track, and not punish a government that is trying to move in the direction we laid out for them.

Mr. President, I am sure we will visit this issue again. In the meantime, I urge all my colleagues to seek counsel from our own State Department, our own Department of Defense. This Democratic administration has excellent people who are well aware of what is going on there. Let's find out from them what is happening and what we can do to be a positive force.

I hope my colleagues on both sides of the aisle will listen to them so we can be positive in our efforts and in our results.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent for an additional 5 minutes on this issue.

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

Mr. FEINGOLD. Mr. President, we would like an opportunity to briefly respond to the comments of the Senator from Missouri. I could have sworn the Senator had not heard my remarks earlier because his remarks suggest an analysis that has something to do with their original legislation. I took great pains throughout my comments to indicate exactly what the Senator from Missouri was indicating, that there are some very positive developments in Indonesia, and in particular that Government there, the democratically elected Government, is struggling to keep that nation strong, to keep that nation together, and to get control over the military.

So I find it very ironic that the Senator would come down here and say we need to be fair to that Government when you look at the comments in the last 48 hours. What has happened in the last 48 hours? President Wahid of Indonesia said, I say to the Senator from Missouri, that it may be necessary for Mr. Wiranto to resign. That is what the democratically elected President of Indonesia said when he heard about the investigations and reports of the United Nations.

What did Mr. Wiranto say with regard to that suggestion of the President of Indonesia? He said he was going to brush aside calls to resign from government and stand trial for his alleged role in human rights abuses in East Timor last year. "Like a good soldier, I am going to continue to fight for the truth."

In other words, the Senator from Missouri asks us to support the President and the nation of Indonesia. But instead what he is really doing is giving support and sanction to the attitude of Mr. Wiranto, the person who many believe had a great deal to do with the atrocities in East Timor.

I did not come today to actually seek a vote on this amendment. I did indicate I would withdraw the amendment from this bankruptcy bill. We wanted to serve notice that we will continue to monitor this situation, and we are doing it in a balanced way that indicates our support for the positive developments in Indonesia.

The Senator from Missouri complains that our resolution is mostly negative with regard to things that happened in East Timor and with regard to Indonesia. This resolution is not about Indonesia in general. If the Senator wants to promote a resolution praising Indonesia and the positive things that have happened in Indonesia in the last couple of months, I may well join him. But this is about what happened in East Timor.

The Senator apparently took a trip recently to Indonesia, but the people who were on the floor to talk today—Senator REED and Senator HARKIN—

have actually been to East Timor. You can add to that a key person of the Clinton administration he kept mentioning, our distinguished Ambassador to the United Nations, Richard Holbrooke, who also went to East Timor in late November and came back and told me and others that the conditions and circumstances with regard to the refugees in West Timor, many of whom want to get home to East Timor, are not good. He has a long and distinguished record of seeing these kinds of situations throughout the world in the over 30 or 40 years he has been in diplomacy. He was deeply troubled by the fact the job was not done.

The people of East Timor and the people of East Timor who are in West Timor and want to come home have not had their rights fully protected. That is why we are trying to put pressure on the military in Indonesia. That is not an unfriendly act to the Government of Indonesia. That is a friendly act because that is the toughest challenge the President of Indonesia has right now—making sure the military accepts democratic rule of that country. We are in an effort to support democracy in Indonesia, and it cannot go forward as the kind of democracy we support unless this situation in East Timor is properly resolved. That is the spirit of our amendment, and that is the spirit of our bill. I appreciate the additional time.

Let me add, Senator LEAHY is another who has done an enormous amount on this issue of East Timor and can certainly tell you the job is not done with regard to using our leverage and our ability to persuade and make sure the people of East Timor have full independence and that the people who want to return to East Timor have the opportunity to do that.

AMENDMENT NO. 2667, WITHDRAWN

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I commend Senator FEINGOLD, Senator REED of Rhode Island, and Senator HARKIN for the leadership they have shown on the East Timor issue. They have all been to East Timor and have consistently spoken out in support of independence for East Timor and human rights for its people.

Senator FEINGOLD's resolution would end all U.S. military cooperation with Indonesia on account of the Indonesian military's appalling abuses in East Timor. This would send an unequivocal

message, not only there but throughout the world, that the United States will not resume any relationship with the Indonesian military until it is thoroughly reformed, and not only reformed, but the members who are responsible for the abuses are punished.

Some of these abuses, well documented by independent news media and eyewitness accounts, are so horrible they are reminiscent of the Dark Ages.

I understand the resolution is going to be withdrawn on account of the progress being made by the Indonesian Government in asserting control of the military. However, Senator FEINGOLD's determination to keep the Senate's attention on this important issue is well worthwhile.

Last September we watched in horror as a systematic campaign of terror and destruction waged in East Timor: Hundreds of innocent people were killed, hundreds of thousands more were forcibly uprooted from their homes, villages and towns were ransacked and family members were killed in front of other family members. Even today, U.N. investigators are unearthing what we are seeing too often in modern times: bodies in mass graves.

In the past two days, an Indonesian Government commission and a United Nations commission independently concluded that the Indonesian military bears ultimate responsibility for the bloodbath, and must be held accountable for its abuses in East Timor. This is an extremely important and encouraging step.

Under tremendous pressure—tremendous pressure to turn a blind eye to what happened in East Timor—and at great personal risk, Indonesian investigators have done a commendable job in determining the extent of the violence and identifying the individuals responsible, including not only those who gave the orders but those who had the power to stop the mayhem and instead simply stood by and let it happen.

There are sins of commission and there are sins of omission. If you are a military officer with the power to stop something from happening—an atrocity, a murder—and you stand by and allow it to go on, in my mind you are as equally guilty as those who commit the act.

As the leader of Indonesia's new democratic government, President Wahid has courageously voiced his willingness to confront the powerful Indonesian military establishment. He has called for the prosecutions of army leaders, including General Wiranto, former commander of the Armed Forces, who, until recently, was lauded by officials of our own Pentagon.

The United Nations commission called for the establishment of an independent national tribunal to bring those responsible for the violence in East Timor to justice. It is a proposal which the Indonesian Government has rejected, insisting it is capable of punishing the perpetrators itself.

While it is too early to say whether an Indonesian tribunal would have sufficient resources or authority to conduct what are likely to be long and expensive trials of military leaders, one thing is clear: now is not the time for the United States to follow the European Union's recent example of renewed military assistance or sales of military equipment to Indonesia. With all due respect to our European friends, sometimes I think they have a terribly short memory.

Indonesia is at a critical juncture in its transition to democracy. The commission's findings will heighten the already tense relationship between the Indonesian Government and the Indonesian military. As pressure on the military increases, it is likely that rumors of a coup will become louder and more threatening. I believe the United States has to continue to show strong support for President Wahid and for an end to the long history of impunity and immunity enjoyed by members of the Indonesian military.

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

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

#### NORTHERN IRELAND

Mr. LEAHY. Mr. President, I don't pretend to know all the history or intricacies of the effort to bring about peace in Northern Ireland, notwithstanding the number of visits I have made there, notwithstanding the historic ties to that island that I have through my father's family, or even with the work I have done with our distinguished former colleague, George Mitchell, a man who deserves the highest credit for his tireless efforts towards peace in Northern Ireland. But I have met with those who are key figures in Ireland: David Trimble from the loyalists side; Seamus Mallon, Gerry Adams, and another key figure, John Hume. Mr. Trimble and Mr. Hume shared the Nobel Peace Prize for the work they did, and deservedly so.

I was one of those in the Senate who urged, near the beginning of President Clinton's term in office, to give a visa to Gerry Adams, the head of Sinn Féin and the one most visibly connected in this country with the IRA. I recall the State Department and the Justice Department being opposed to that visa, and the President courageously saying we are going to give him a visa. I think most people now accept the fact that because the President overrode the qualms of his own State Department and Justice Department in giving that visa, that we moved forward on peace for the first time.

For people who have always looked at each other through distrust and hatred—many times because of killings on both sides, killings of Catholics by Protestants and Protestants by Catholics, apparently all in the name of the greater good—they have come far and put together a government in Northern Ireland, which can start to govern itself. Men and women of good will on both sides of this issue—men and women who a few years ago would never speak to each other—have come together.

This was recently disturbed by articles in the press indicated that the IRA still refuses to turn over any of their weapons. Ironically enough, this is at a time when the Republic of Ireland and authorities in Northern Ireland continue to find and destroy caches of weapons belonging to the IRA. I don't know what kind of stubborn humility or holding of ancient grudges would not allow the IRA to make this move. I brook no favor for those on either side who have been involved in atrocities because whether it is from the Ulster side or from the IRA side, there are atrocities aplenty—innocent people killed because of their religion, because of their allegiance.

In many ways, I want to say a pox on both your houses. But that only means that generations from now the fighting will continue over things that gain nothing for anybody, feuds of hundreds of years, and memories sometimes of just a few years. It is time, in a new century, to stop the killings, to finally allow Northern Ireland, this beautiful land, to move forward and join the rest of the island in the new economic prosperity—but in peace.

As a group of mothers, Catholic and Protestant, told me once—together—they agreed with my speech of the night before in which I had said in Belfast—or just outside of Belfast—that I condemn violence from either side. They said how much they agreed, and what they wanted was for their children to be able to go to school and be educated, to live in peace, to walk down the street without worrying about being shot. What mother would want otherwise?

Frankly, those in Sinn Fein who have called on their friends here in the Congress to help them with visas, to help them move forward, best help themselves because it would be tragedy compounded on tragedy if after all these years of seeking peace, after all the work of people such as John Hume and George Mitchell, David Trimble, and Gerry Adams—people who might not want their names put in the same sentence—after all their work, what a tragedy it would be if one party, one piece of this puzzle opted out by not at least doing the first necessary steps to build confidence; that is, give over their weapons.

(Mr. GORTON assumed the Chair.)

#### THE GROWING CRISIS IN THE ADMINISTRATION OF CAPITAL PUNISHMENT

Mr. LEAHY. Mr. President, I wish to call attention to a growing national crisis in the administration of capital punishment. People of good conscience can and will disagree on the morality of the death penalty. But I am confident that we should all be able to agree that a system that may sentence one innocent person to death for every seven it executes has no place in a civilized society, much less in 21st century America. But that is what the American system of capital punishment has done for the last 24 years.

A total of 610 people have been executed since the reinstatement of capital punishment in 1976. During the same time, according to the Death Penalty Information Center, 85 people have been found innocent and were released from death row. These are not reversals of sentences, or even convictions on technical legal grounds; these are people whose convictions have been overturned after years of confinement on death row because it was discovered they were not guilty. Even though in some instances they came within hours of being executed, it was eventually determined that, whoops, we made a mistake; we have the wrong person.

What does this mean? It means that for every seven executions, one person has been wrongly convicted. It means that we could have more than three innocent people sentenced to death each year. The phenomenon is not confined to just a few States; the many exonerations since 1976 span more than 20 different States. And of those who are found innocent—not released because of a technicality, but actually found innocent—what is the average time they spent on death row, knowing they could be executed at any time? What is the average time they spent on death row before somebody said, we have the wrong person? Seven and a half years.

This would be disturbing enough if the eventual exonerations of these death row inmates were the product of reliable and consistent checks in our legal system, if we could say as Americans, all right, you may spend 7½ years on death row, but at least you have the comfort of knowing that we are going to find out you are innocent before we execute you. It might be comprehensible, though not acceptable, if we as a society lacked effective and relatively inexpensive means to make capital punishment more reliable. But many of the exonerated owe their lives to fortuity and private heroism, having been denied commonsense procedural rights and inexpensive modern scientific testing opportunities—leaving open the very real possibility that there have been a number of innocent people executed over the last few decades who were not so fortunate.

Let me give you a case. Randall Dale Adams. Here is a man who might have been routinely executed had his case not attracted the attention of a

filmmaker, Earl Morris. His movie, "The Thin Blue Line," shredded the prosecution's case and cast a national spotlight on Adams' innocence.

Consider the case of Anthony Porter. Porter spent 16 years on death row. That is more years than most Members of the Senate have served. He spent 16 years on death row. He came within 48 hours of being executed in 1998, but he was cleared the following year. Was he cleared by the State? No. He was cleared by a class of undergraduate journalism students at Northwestern University, who took on his case as a class project. That got him out. Then the State acknowledged that it had the wrong person, that Porter had been innocent all along. He came within 48 hours of being executed, and he would have been executed had not this journalism class decided to investigate his case instead of doing something else. Now consider the cases of the unknown and the unlucky, about whom we may never hear.

Last year, former Florida Supreme Court Justice Gerald Kogan said he had "no question" that "we certainly have, in the past, executed . . . people who either didn't fit the criteria for execution in the State of Florida, or who, in fact, were, factually, not guilty of the crime for which they have been executed." This is not some pie-in-the-sky theory. Justice Kogan was a homicide detective and a prosecutor before eventually rising to Chief Justice.

This crisis has led the American Bar Association and a growing number of State legislators to call for a moratorium on executions until the death penalty can be administered with less risk to the innocent. This week, the Republican Governor of Illinois, George Ryan, announced he plans to block executions in that State until an inquiry has been conducted into why more death row inmates have been exonerated than executed since 1977 when Illinois reinstated capital punishment. Think of that. More death row inmates exonerated than executed.

Governor Ryan is someone who supports the death penalty. But I agree with him in bringing this halt. He said: "There is a flaw in the system, without question, and it needs to be studied." The Governor is absolutely right. I rise to bring to this body the debate over how we as a nation can begin to reduce the risk of killing the innocent.

I hope that nobody of good faith—whether they are for or against the death penalty—will deny the existence of a serious crisis. Sentencing innocent women and men to death anywhere in our country shatters America's image in the international community. At the very least, it undermines our leadership in the struggle for human rights. But, more importantly, the individual and collective conscience of decent Americans is deeply offended and the faith in the working of our criminal justice system is severely damaged. So the question we should debate is, What should be done?



Some will be tempted to rely on the States. The U.S. Supreme Court often defers to "the laboratory of the States" to figure out how to protect criminal defendants. After 24 years, let's take a look at that lab report.

As I already mentioned, Illinois has now had more inmates released from death row than executed since the death penalty was reinstated. There have been 12 executions, and 13 times they have said: Whoops, sorry. Don't pull the switch. We have the wrong person. This has happened four times in the last year alone.

In Texas, the State that leads the Nation in executions, courts have upheld death sentences in at least three cases in which the defense lawyers slept through substantial portions of the trial. The Texas courts said that the defendants in these cases had adequate counsel. Adequate counsel? Would any one of us if we were in a taxicab say we had an adequate driver who was asleep at the wheel? What we are saying is with a person's life at stake the defense lawyer slept through the trial, and the Texas courts say that is pretty adequate.

Meanwhile, in the past few years, the States have followed the Federal lead in expanding their defective capital punishment systems, curtailing appeal and habeas corpus rights, and slashing funding for indigent defense services. The crisis can only get worse.

The States have had decades to fix their capital punishment systems, yet the best they have managed is a system fraught with arbitrariness and error—a system where innocent people are sentenced to death on a regular basis, and it is left not to the courts, not to the States, not to the Federal Government, but to filmmakers and college undergraduates to correct the mistakes. History shows that we cannot rely on local politics to implement our national conscience on such fundamental points as the execution of the innocent.

What about the Supreme Court? In a 1993 case, it could not even make up its mind whether the execution of an innocent person would be unconstitutional. Do a referendum on that one throughout the Nation. Ask people in this Nation of a quarter billion people whether they think executing an innocent person should be considered constitutional or unconstitutional. Most in this country have no doubt that it would be unconstitutional, but that really does not matter: executing an innocent person is abhorrent—it is morally wrong. Whether you support the death penalty or not, executing an innocent person is wrong, and we in this body have the moral duty to express and implement America's conscience. We should be the Nation's conscience. The buck should stop in this Chamber where it always stops in times of national crisis.

How do we begin to stem the crisis? I have been posing this question to experts across the country for nearly a year. There is a lot of consensus over

what must be done. In the next few weeks, I will introduce legislation that will address some of the most urgent problems in the administration of capital punishment.

Two problems in particular require our immediate attention. First, we need to ensure that defendants in capital cases receive competent legal representation at every stage in their case. Second, we have to guarantee an effective forum for death row inmates who may be able to prove their innocence.

In our adversarial system of justice, effective assistance of counsel is essential to the fair administration of justice. It is the principal bulwark against wrongful conviction.

I know this from my own experience as a prosecutor. It is the best way to reduce the risk that a trial will be infected by constitutional error, resulting in reversal, retrial, cost, delay, and repeated ordeals for the victim's family. Most prosecutors will tell you they would much prefer to have good counsel on the other side because there is less apt to be mistakes, there is less apt to be reversible error, and there is far more of a chance that you end up with the right decision.

Most defendants who face capital charges are represented by court-appointed lawyers. Unfortunately, the manner in which defense lawyers are selected and compensated in death penalty cases frequently fails to protect the defendant's rights. Some States relegate these cases to grossly unqualified lawyers willing to settle for meager fees. While the Federal Government pays defense counsel \$125 an hour for death penalty work, the hourly rate in many States is \$50 or less, and some States place an arbitrary and usually unrealistically low cap on the total amount a court-appointed attorney can bill.

New York recently slashed pay for counsel in capital cases by as much as 50 percent. They might say they are getting their money's worth if they cut out all the money for defense counsel. The conviction rate is probably going to shoot up. Let me tell you what else will go up—the number of innocent people who will be put to death.

Congress has done its part to make a bad situation worse. In 1996, Congress defunded the death penalty resource centers. This has sharply increased the chances that innocent persons will be executed.

You get what you pay for. Those who are on death row have found their lives placed in the hands of lawyers who are drunk during the trial—in some instances, lawyers who never bothered to meet their client before the trial; lawyers who never bothered to read the State death penalty statute; lawyers who were just out of law school and never handled a criminal case; and lawyers who were literally asleep on the job.

Even some of our best lawyers, diligent, experienced litigators, can do lit-

tle when they lack funds for investigators, experts, or scientific testing that could establish their client's innocence. Attorneys appointed to represent capital defendants often cannot recoup even their out-of-pocket expenses. They are effectively required to work at minimum wage or below while funding their client's defense out of their own pockets.

Although the States are required to provide criminal defendants with qualified legal counsel, those who have been saved from death row and found innocent were often convicted because of attorney error. They might not have had postconviction review because their lawyer failed to meet a filing deadline. An attorney misses a deadline by even 1 day, and his death row client may pay the price with his life.

Let me be clear what I am talking about. I am not suggesting that there is a universal right to Johnnie Cochran's services. The O.J. Simpson case has absolutely nothing to do with the typical capital case, in which one or possibly two underfunded and underprepared lawyers try to cobble together a defense with little or no scientific or expert evidence and the whole process takes less than a week. These are two extremes. You go from the Simpson case, where the judge let the whole thing get out of control and we had a year-long spectacle, to the typical death penalty case which is rushed through without preparation in a matter of days. Somewhere there must be a middle ground.

Let me give three examples of some of the worst things that have happened—but not untypical.

Ronald Keith Williamson. In 1997, a Federal appeals court overturned Williamson's conviction on the basis of ineffectiveness of counsel. The court noted that the lawyer, who had been paid a total of \$3,200 for the defense, had failed to investigate and present a fact to the jury. What was that fact? Somebody else confessed to the crime. If I were the defense attorney, I think one of the things that I would want to bring to the jury is the fact that somebody else confessed to the crime; Williamson's lawyer did not bother. Then, two years after the appeals court decision, DNA testing ruled out Williamson as the killer and implicated another man—a convicted kidnapper who had testified against Williamson at trial. Of course, he did. He is the one who committed the crime.

Let's next consider George McFarland. According to the Texas Court of Criminal Appeals, McFarland's lawyer slept through much of his 1992 trial. He objected to hardly anything the prosecution did. Here is how the Houston Chronicle described what happened as McFarland stood on trial for his life. This is not for shoplifting. He is on trial for his life.

Let me quote from the Houston Chronicle:

Seated beside his client . . . defense attorney John Benn spent much of Thursday

afternoon's trial in apparent deep sleep. His mouth kept falling open and his head lolled back on his shoulders, and then he awakened just long enough to catch himself and sit upright. Then it happened again. And again. And again.

Every time he opened his eyes, a different prosecution witness was on the stand describing another aspect of the Nov. 19, 1991, arrest of George McFarland in the robbery-killing of grocer Kenneth Kwan.

When state District Judge Doug Shaver finally called a recess, Benn was asked if he truly had fallen asleep during a capital murder trial. "It's boring," the 72-year-old longtime Houston lawyer explained. . . . Court observers said Benn seems to have slept his way through virtually the entire trial.

Unfortunately for McFarland, Texas' highest criminal court, several of whose members were coming up for reelection, concluded that this constituted effective criminal representation.

I guess they felt because the lawyer was in the courtroom, even though sound asleep, that would be effective representation. If you read the decision they probably would have ruled the same way if he had been at home sound asleep, so long as he had been appointed at some time.

McFarland is still on death row for a murder he insists he did not commit, on the basis of evidence widely reported by independent observers to be weak.

Then we have Reginald Powell, a borderline mentally retarded man who was 18 at the time of the crime. Mr. Powell was eventually executed. Why? Because he accepted his lawyer's advice to reject a plea bargain that would have saved his life.

There were a number of attorney errors at the trial. The advice he received seems to be very bad advice. Some may feel this advice, the advice given to this 18-year-old mentally retarded man, was affected by the flagrantly unprofessional conduct of the attorney, a woman twice Powell's age, who conducted a secret jailhouse sexual relationship with him during the trial. Despite this obvious attorney conflict of interest, Powell's execution went ahead in Missouri a year ago.

I ask each Member of the Senate when you go home tonight, or when you talk to your constituents, and when you consider the bill I will be introducing, to remember these cases and consult your conscience to ask whether these examples represent the best of 21st century American justice.

The judge who presided over McFarland's trial summed up the Texas court's view of the law quite accurately when he reasoned that, while the Constitution requires a defendant to be represented by a lawyer, it "doesn't say the lawyer has to be awake." If your conscience says otherwise, maybe we ought to do something.

My proposal rests on a simple premise: States that choose to impose capital punishment must be prepared to foot the bill. They should not be permitted to tip the scales of justice by denying capital defendants competent

legal services. We have to do everything we can to ensure the States are meeting their constitutional obligations with respect to capital representation.

Can miscarriages of justice happen when defendants receive adequate representation? Yes, they can still happen. So I think it is critical to ensure that death row inmates have a meaningful opportunity—not a fanciful opportunity—but a meaningful opportunity—to raise claims of innocence based on newly discovered evidence, especially if it is evidence that is derived from scientific tests not available at the time of the trial.

Perhaps more than any other development, improvements in DNA testing have exposed the fallibility of the legal system. In the last decades, scores of wrongfully convicted people have been released from prison—including many from death row—after DNA testing proved they could not have committed the crimes for which they were convicted. In some cases the same DNA testing that vindicated the innocent helped catch the guilty.

Most recently, DNA testing exonerated Ronald Jones. He spent close to 8 years on death row for a 1985 rape and murder that he did not commit. Illinois prosecutors dropped the charges against Jones on May 18, 1999, after DNA evidence from the crime scene excluded him as a possible suspect.

It was also DNA testing that eventually saved Ronald Keith Williamson's life, as I discussed earlier. He spent 12 years as an innocent man on Oklahoma's death row.

Can you imagine how any one of us would feel, day after day for 12 years, never knowing if we were just a few hours or a few days from execution, locked up on death row for a crime we did not commit?

Some of the major hurdles to postconviction DNA testing are laws prohibiting introduction of new evidence—laws that have tightened as death penalty supporters have tried to speed executions by limiting appeals. Only two States, New York and Illinois, require the opportunity for inmates to require DNA testing where it could result in new evidence of innocence. Elsewhere, inmates may try to get DNA evidence for years, only to be shut out by courts and prosecutors.

What possible reason could there be to deny inmates the opportunity to prove their innocence—and perhaps even help identify the real culprits—through new technologies? DNA testing is relatively inexpensive. But no matter what it costs, it is a tiny price to pay to make sure you have the right person.

The National Commission on the Future of DNA Evidence, a Federal panel established by the Justice Department and comprised of law enforcement, judicial, and scientific experts, issued a report last year urging prosecutors to consent to postconviction DNA testing, or retesting, in appropriate cases, espe-

cially if the results could exonerate the defendant.

In 1994, we set up a funding program to improve the quality and availability of DNA analysis for law enforcement identification purposes. The Justice Department has handed out tens of millions of dollars to States under this program. Last year alone, we appropriated another \$30 million for DNA-related grants to States. That is an appropriate use of Federal funds. But we should not pass up the promise of truth and justice for both sides of our adversarial system that DNA evidence holds out. We at least ought to require that both sides have it available.

By reexamining capital punishment in light of recent exonerations, we can reduce the risk that people will be executed for crimes they did not commit and increase the probability that the guilty will be brought to justice. We can also help to make sure the death penalty is not imposed out of ignorance or prejudice.

I learned, first as a defense attorney and then as a prosecutor, that the pursuit of justice obliges us not only to convict the guilty, but also to exonerate the wrongly accused and convicted. That obligation is all the more urgent when the death penalty is involved.

Let's not have the situation where, today in America, it is better to be rich and guilty than poor and innocent. That is not equal justice. That is not what our country stands for.

I was proud to be a defense attorney. I was very proud to be a prosecutor. I have often said it was probably the best job I ever had. But there was one thought I always had every day that I was a prosecutor. I would look at the evidence over and over again and I would ask myself, not can I get a conviction on this charge, but will I be convicting the right person. I had cases where I knew I could get a conviction, but I believed we had the wrong person, and I would not bring the charge. I think most prosecutors feel that way. But sometimes in the passion of a highly publicized, horrendous murder, we can move too fast.

I urge Senators on both sides of the aisle, both those who support the death penalty and those who oppose it, to join in seeking ways to reduce the risk of mistaken executions.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. SMITH of New Hampshire. Mr. President, I would like to speak briefly

about two amendments that are before the Senate—the Schumer amendment on abortion and the Levin amendment dealing with the so-called gun carve-out.

When I took my oath of office on the floor of the Senate, I swore to support and defend the Constitution of the United States. I am amazed sometimes at the type of things we face in the Senate with amendments and bills that I find to be unconstitutional, at least the way I read it.

These two amendments I am referring to essentially harass Americans who are defending three of our most important constitutional rights—the right to life, which is guaranteed by the 5th and the 14th amendments, the right to free political speech, as guaranteed by the 1st amendment, and the right to keep and bear arms, as guaranteed by the 2nd amendment.

It is interesting, as one listens to the debate on these respective amendments, some take the position that it is OK to support the 2nd but not the 1st; it is OK to support the 1st but not the 2nd; some say it is OK to support the 1st and the 2nd but not the 5th and the 14th. But they are all part of the Constitution. Unless you are going to remove an amendment, as we did once with the 21st amendment repealing the 18th, then I do not think we have the right to stand here and say one thing is constitutional and something else is not.

The Schumer amendment tries to exempt abortion protesters from claiming bankruptcy. This is an amendment that unfairly targets a legitimate form of civil disobedience. I believe there are some acts for which people should not be allowed to file for bankruptcy—such willful acts that might lead to a personal injury or the destruction of property. That is not what we are talking about here. I believe most student loans, taxes, child support, and alimony payments also should not be dischargeable.

This amendment adding abortion protesters to the nondischargeable list under bankruptcy laws—let's call it what it is. It is nothing more than another attempt to financially bankrupt and silence free speech of those who peacefully—peacefully—want to speak out against something they believe in so strongly or oppose so strongly, and that is abortion, those who want to defend the constitutionally guaranteed right to life.

On a talk show yesterday, this issue came up, this supposedly *Roe v. Wade* rule that abortion is legal under the Constitution. If someone can find the word "abortion" in the Constitution, where it says abortion is legal, I will be happy to change my position. If somebody will come down to the floor and point out to me where the word "abortion" and the right to an abortion appears in the Constitution—of course, it does not, and if it is not in there, then any power not specifically outlined in the Constitution belong to the States and the people.

There is no right to an abortion under the Constitution. *Roe v. Wade* was a bad decision; it is an unconstitutional decision. Judges are fallible, they make mistakes, and they made a mistake when they passed that awful decision which has taken the lives of 40 million children—40 million children since *Roe v. Wade* passed in 1973, 40 million children who will never have the opportunity to live their dreams, never have the opportunity to be a Senator, to be a President, to be a doctor, to be a mom, a dad. Gone. We took them away, almost one-sixth of the entire U.S. population, under that decision, and it is an unconstitutional decision because a young child inside the womb or outside has a constitutional right to life.

Let's talk about what this amendment does.

Antiabortion protests, no matter how you feel about abortion, is political speech, I say to my colleagues. This is political speech. They have a right to speak. I am not talking about protesters who commit violent acts or commit bodily harm to others. I am not in favor of that, nor should we tolerate that. I am talking about people standing outside a clinic holding a sign, praying, protesting peacefully. That is what this amendment is going after. People who do that are now going to be subjected to this provision on bankruptcy, an unfair provision.

It is political speech for somebody to peacefully protest abortion just as much as it is political speech for union organizers or urging other workers not to cross a picket line. What is the difference? Why don't we single them out? But we are not.

My colleague Senator SCHUMER singles out one type of protest, a protest on an issue with which he disagrees. It is not constitutional, and it is not fair. It is political speech just as much as when the NAACP enforced its boycott of southern businesses. The Supreme Court in *NAACP v. Claiborne Hardware* said so. We already have enough laws on the books harassing abortion protesters, including the Freedom to Access Clinic Entrances, so-called FACE, and the Racketeer-Influenced and Corrupt Organizations Act, known as RICO. The financial penalties under these laws are harsh, unusually harsh for one specific type of protest or protester—a peaceful protester.

This amendment proposes to give these protesters absolutely no way to deal with the treble damages against them under RICO. A recent RICO case against protesters who carried posters of aborted children resulted in \$109 million against the pro-lifers; \$109 million for peacefully protesting without harming anyone's person or property. It is outrageous. That ought to be enough to chill anyone's free speech. What is next? Free speech under the Constitution is protected.

Another one of the RICO cases currently pending involves a Catholic bishop and religious brother praying

the rosary in their car in the driveway of an abortion clinic peacefully.

A pro-life gentleman in another case was standing on a walkway near an unused locked door of a clinic and was not blocking access to that clinic.

How much are they going to have to pay for standing up for what they believe in, such as the marchers did during the civil rights movement when they sat at the lunch counters and marched in the streets? \$200 million? \$1 billion? Where is it going to stop?

Can you imagine RICO, which was originally drafted to fight mobsters and organized crime, now being used against civil rights demonstrators or antiwar protesters, or abolitionists protesting slavery? What will we say then? We know what we would say. We would say it is wrong, and it is wrong to protest those who respectfully, quietly, peacefully protest what they believe in, which is the right to life.

It is a violation of the first amendment. This is a patently unfair discriminatory amendment, and it does not deserve even the dignity of being offered because it is so flagrantly unconstitutional.

I urge my colleagues, when the vote comes tomorrow, to vote no on the Schumer amendment. Get it off the floor of the Senate because it does not belong here. We should not be talking about unconstitutional bills on the floor of the Senate.

Another amendment which will be offered tomorrow is called the gun carve-out amendment, again, a discriminatory amendment against one group. The Levin amendment proposes to exempt gun manufacturers from bankruptcy laws. In other words, if you are a gun manufacturer, you cannot claim bankruptcy, you cannot be treated like everybody else.

Why? Because the author of the amendment doesn't like gun manufacturers. I guess he believes they shouldn't be allowed to manufacture guns. Under current law, businesses and corporations can discharge their debts through bankruptcy unless the debt is incurred through negligence or intentional misconduct. I agree businesses should be held accountable if they are so irresponsible or malicious to knowingly sell harmful products, but are we really at the point in America when we are going to say if we produce a gun, manufacture a gun, legitimately, as a manufacturer, and then if somebody gets ahold of that gun and commits a crime, that now the manufacturer is responsible? Is this where we have come in our society now, no personal accountability, no personal responsibility?

Why don't we do it with automobiles? Why not? You drive your 1999 Chevy down the road, you hit somebody and kill them, it must be the automobile manufacturer's fault, not you. You are behind the wheel. You can't have any accountability or responsibility. Name another product—a hamburger. There are people who say meat is bad for you.

Maybe we should hold all of the cattle growers responsible for producing hamburger. Maybe we should hold the people who work in the meat packing plants accountable. Where is the individual personal responsibility and accountability?

This is a discriminatory piece of legislation. Again, I regret it is here. The gun industry is selling a legitimate and lawful product. If it is banned, at least that is an honest amendment. I wouldn't agree with it, but at least it would be more honest than it is to say what we are saying, that we are going to exempt you from bankruptcy laws. It is, in fact, a product that is constitutionally protected and specifically mentioned in the second amendment. Everybody knows what it says. There is no secret. It is No. 2 on the amendment list, the Bill of Rights. The right of the people to keep and bear arms shall not be infringed, period. No qualifiers in there. It doesn't say what kind of gun; doesn't say how many guns; doesn't say manufacturer, no exceptions. It just simply says the right of the people—we are people—to keep and bear arms shall not be infringed. That is all it says. And if you have that right under the Constitution to have that weapon to protect yourself, as many do, then you ought to have the right to manufacture it.

This amendment encourages litigation against gun manufacturers and should be called the legislation through litigation amendment. This amendment will have the effect, as follows: If someone sues a gun manufacturer, the manufacturer's bankruptcy will not stop the lawsuit. Outrageous. Gunmakers are already being forced out of business by frivolous, illegitimate, and unconstitutional government-sponsored lawsuits against them. How much more do they have to take? This is a constitutional amendment that specifically says you have the right to keep and bear arms and that right would not be infringed. There is no gray area. It is not as if there is something we have to interpret. There is nothing to interpret. It is right there. When the founders put the ten amendments, the Bill of Rights, onto the Constitution, they made it No. 2.

This amendment singles out a legal industry for unfavorable treatment in bankruptcy proceedings. If successful, it is only going to hasten the demise of the gun industry. That is the purpose of it. That is what is behind this. It is the Bill Clinton agenda. It is being carried out in the Senate. Shut down gun shows. Shut down gun manufacturers. Stop the production of guns in America. Blame the gun manufacturers. Blame everybody except the person behind the gun who commits the crime. For goodness' sake, we wouldn't want to punish that person. Somebody else has to bear the blame. Maybe he had a bad childhood. It must be his father's fault, his mother's fault, the gun manufacturer's fault, the gun seller's fault—everybody but the fault of the person who uses the weapon.

This is what we have come to in America. It is not going to stop here. If legislation such as this slips through, it will be a whole lot of things—hamburger, cars, cigarettes. How about a desk, a chair? You could hurt somebody with that chair if you hit them with it. Well, maybe we ought to sue the manufacturer of the chair. That is what it is coming to. That is how ridiculous it is. Right here in the Senate, we allow it to happen. We debate it day after day trying to stop this stuff as it comes at us in waves, unconstitutional laws. Somebody has to stand up—and some of us do—to stop it because it is outrageous.

Gun controllers cannot win legislatively so they litigate. That is the way to do it. They can't get the American people on their side so they get a few unelected judges on their side. There are many industries that can be considered dangerous, as I said: Carmakers, alcohol, tobacco, fast food, whatever—legal businesses. Are they being singled out in this bankruptcy bill? No, not this one, but maybe next year or next week. Who knows? Just wait. It is going to happen sooner or later. These government-sponsored lawsuits against gun manufacturers and tobacco companies are just the beginning because we have now opened the Pandora's box. We have said defendants should be held liable for damage caused by others even if the damage was totally beyond the defendant's control.

It goes against common sense, and that is what has served our Nation so well, common sense and individual responsibility. That is what America is about. It is not about this kind of nonsensical legislation that puts the blame and the burden on people who shouldn't have the blame and the burden.

I had a shotgun next to my bed as a young man, probably 7 or 8 years old. I used it. I shot it frequently. I didn't shoot at anybody. I didn't take it to school and kill anybody, nor did any of my friends who also had shotguns. Why is that? Why is it that suddenly now all this is a big issue? Because we are trying to pass the burden of responsibility on to somebody else other than ourselves.

We have a cultural problem in this country of the highest magnitude. It isn't about exempting the gun industry from bankruptcy laws. That is not going to get it right. Believe me, what is going to get it right is when we start exercising responsibility in this country again.

The Founding Fathers would turn over in their graves if they could hear this stuff. I can't imagine what Daniel Webster, who wasn't a founder, but he was sitting at the desk that I sit at right over there about 150 years ago, I can't imagine what he would think to be on this floor and debating, blaming the gun manufacturer for somebody else's crime, exempting them from bankruptcy laws. I can't imagine what he would think or Washington or Jefferson or Adams or Madison or Ham-

ilton or any of the great founders who wrote that Constitution, what they would think. In many ways, I am glad they are not here to see it.

In October of 1999, an Ohio court dismissed a suit against the gun industry stating that the suit "is an improper attempt to have this court substitute its judgment for that of the legislature, something which this court is neither inclined nor empowered to do." That was the City of Cincinnati versus Beretta USA Corporation.

In addition, court decisions in Connecticut and Florida this past December ruled that State lawsuits against gun manufacturers have no legal basis whatsoever. Yet here we are on the floor of the Senate trying to do it. The judges in those cases saw that the actions of criminals cannot be controlled by any industry. They were right. So why are we here? Because people are trying to make something happen that they know the American people don't support. So we try to do it this way.

I am heartened by recent polls which show that an overwhelming majority of Americans believe that gun manufacturers should not be blamed for crimes committed with guns. Even if you think there are too many guns, even if you believe that, you better think very carefully before you vote on this as to what might be next. Should we be responsible for the actions of our adult children if they commit a crime? Where is it going to stop?

If there is even one single successful judgment against the gun industry, those who seek to destroy it, and along with it the second amendment, will have a ready means to do so. That is what will happen. So we have two amendments that propose to violate the constitutional rights of the American people, two politically motivated proposals that target politically incorrect targets for unfair treatment; dump on them while they are down. Let me again remind my colleagues of the oath we all took right there at the desk to defend and support the Constitution and abide by American standards of fairness and democracy that have served our Nation so well. Vote no on these two amendments. No matter how you feel about the two issues in question, vote no on these two amendments.

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, on the case of Elian Gonzalez, the young Cuban boy who is now in Miami, I support Senator MACK's private relief bill to give Elian Gonzalez U.S. citizenship. This is something I believe should be done. It is not necessarily going to stop him from being sent back to Cuba, but it is the right thing to do.

I met Elian Gonzalez personally and the great uncle in Little Havana in Miami on January 8. I took the time to go meet Elian. I wanted to talk with him myself. I wanted to look him in

the eye and find out how he felt about the ordeal he went through. Unfortunately, the Attorney General didn't take the time to do that. Elian wasn't important enough for the Attorney General or any of the Attorney General's representatives to meet with him.

On January 6, Attorney General Reno said:

If there is any information that we are not privy to—I never say I won't reverse myself. I try to be as open minded as I can. But based on all the information we have to date, I see no basis for reversing it.

"It" being the decision to send Elian back to Cuba.

On January 8, after meeting with Elian Gonzalez, I wrote Attorney General Reno to request a meeting to discuss new information I obtained regarding Elian Gonzalez.

In that meeting on January 8, at the request of the Gonzalez family, I sat with Lazaro Gonzalez, Elian's great-uncle, in a relaxed, informal, non-stressful setting. I spent 2 hours speaking with Elian and members of his family there at the home. Based on those discussions, I have concluded that there are four areas that are critical to this case I would like to briefly share with my colleagues before this vote.

One, and most important, Elian does not want to go back to Cuba. He does not want to go back to Cuba. You might say he is 6 years old and he doesn't know what he wants. If his mother had lived, we would not be talking about this case. He would have his right to be here. She died. She can't speak for him. But he spoke. He made it very clear to me. On several occasions, I looked Elian right in the eye and asked him directly, "Do you want to go back to Cuba?" He repeatedly and emotionally said, "No, no, no." In Spanish, he said, "Ayudame, por favor," meaning: Help me, please; I don't want to go back to Cuba.

The second point is very important. Ms. Reno was not interested in hearing it because she never responded to my request. She totally ignored a U.S. Senator's request for a phone conversation, even though I know for a fact she didn't have the information I had to share with her. Elian's father was aware of his son's planned departure from Cuba. Listen carefully to what I am saying. Elian's father is being held in Cuba today against his will. They are not reporting that frequently, but he is. He was aware of his son's departure. Elian's paternal grandfather, who lives in the same household with Elian's father, notified relatives in America that Elian and his mother departed Cuba and to be on the lookout for them.

Third, there is reason to believe that Elian's father intended to defect at a later date with his current wife and child. I was told by Elian's great-uncle that two cousins of Elian's father, now in America, were told directly by Elian's father 5 or 6 months ago that he intended to leave Cuba with his new wife and child.

Fourth, there is reason to believe that intimidation tactics are being used by the Castro government on Elian's father, Juan Gonzalez. Reports from family members say Juan has been removed from his home and is not speaking of his own free will and may even be under psychiatric care.

Let me just say that this is a close-knit family. I am not a family member or a personal friend of the family, but I took the time to sit down and talk with them. I didn't talk with the grandmothers. But the grandmothers, Juan Gonzalez, the uncle, and family members are a family. People say, "Why are you politicians getting into this?" Because the mistake was made by this administration by not insisting that the family come here from Cuba and sit down and talk about this as a family. They can't do it because Fidel Castro won't let Juan Gonzalez out. They won't let him out. Even the appointed nun, the go-between, arbitrator, the impartial person who was sent to set up the meeting between the grandmothers and Elian—she is a friend of Janet Reno's—she said the same thing: They are under pressure and Elian should not go back.

So the integrity of American immigration policy rests on due process and fairness. I was shocked to learn that INS Commissioner Doris Meissner never requested a meeting with Elian and never heard his voice.

Now, maybe some of you sitting out there who are going to vote on this and maybe some of my friends out in America across the land can be callous enough to say you don't care what that little boy thinks, he is 6 years old, what does he know. Let me tell you what he knows and what he has experienced. He sat in an inner tube. You know what that is; it is a small tube that is big enough to fit inside of a tire of an automobile. That is an inner tube. He floated around in that inner tube for 2 and a half days in the open sea—sometimes 30-foot seas—and bounced around out there, and he survived. He was picked up by a fisherman. He lived, but he watched his mother die. The last words his mother said to the two other survivors were, "Get Elian to America." That is what he went through.

As an adult, how would you like to go through that—to sit on a tube in 30- or 40-foot seas for 2 and a half days, floating from the north of Cuba to Fort Lauderdale, FL, and go through that when your mother tried to get you here for freedom, and you would send him back without so much as even giving him the opportunity to talk. If we do that, then what has this country come to?

The fisherman who picked him up out of the water gave an emotional comment about it. He said, "I am an American. I was born here. I plucked this kid out of the ocean. If you send him back, you are doing the wrong thing and I don't know what happened to my country." The equivalent would

be, during the Cold War a mother with a child in her arms races to the Berlin Wall, shots are fired, and she tosses her child over the Berlin Wall to freedom. Would we send him back? Apparently so, under this administration.

This isn't about father and son separation; this is about bringing the father and the grandparents and the rest of them here to America where they can decide without the pressure of Fidel Castro. Let's find out what they can say and do without Fidel Castro there. Had Elian's mother lived, right now Elian would be enjoying due process under the Cuban Adjustment Act. Elian Gonzalez, my colleagues, is being punished because his mother died. I don't want to punish Elian Gonzalez for his mother's death. I can't believe any of my colleagues would want to do it either.

This case is about one thing: the best interest of a little boy who sought freedom from Communist Cuba with his family. Sending Elian back to Cuba without due process and allowing Castro to exploit this brave, courageous kid who drifted helplessly at sea for 2 days on an inner tube in a desperate search for survival and freedom would not only be an outrage, it would be the grossest miscarriage of justice I can think of in my lifetime. Yet we have people in this very body who say we should do just that.

I met with the other two survivors, a young married couple. When the boat sank, Nivaldo Fernandez and Arriane Horta were with Elizabet when she was on the boat that made the trip to the Florida coast. She told them, "Please make sure that my son makes America. Save my son. Please see that he gets to the United States." Nivaldo showed me his leg, which was scarred because he was bitten by fish while floating off the coast of Florida. You can still see the effect this had on him, and he is an adult.

Yet this little boy who was so brave—can you imagine, after enduring all of that, when people would come to his house—when I came, and I am a pretty big guy, he wanted to know: "Hombre malo" or "hombre bueno"? Good man or bad man. He wanted to know whether I was a good guy who was going to be nice to him or bad guy coming to take him away.

Can you imagine this poor little boy sitting in that home, when somebody comes to the door, thinking the INS is going to take him out of his home in the dark of night and take him back to Cuba? That is what he is living through now after enduring 2 and a half days in the open sea. This is a child, and he doesn't have any rights? Baloney. Yes, he does have rights. We should be protecting them.

As I said, I met another brave individual, Donato Dalrymple, the fisherman. He was very touched. He asked me personally to help Elian because he told him the same thing: "I don't want to go back to Cuba."

Based on this new information that Elian's father was planning to come,

and some other information, I asked the Attorney General to meet with me or take a phone call. She refused either. Not only did she refuse to do that, she put on an artificial deadline that caused the family more consternation and the Cuban American community more concern by having this arbitrary deadline that says: OK, on January 14 you go back. Then they rolled that back. That is fine. It is very nice to say, OK, we have a deadline; but how would you like to be little Elian, knowing that and wondering what happens on midnight of January 14? Where is the concern for this brave little kid?

I support this private relief bill which grants Elian immediate U.S. citizenship, and I further support allowing the courts to make this decision with the family, without the pressure of Fidel Castro, and I hope the Senate will support me on that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Kansas is recognized.

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

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

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 2021 are located in today's RECORD under "Statements on introduced Bills and Joint Resolutions.")

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

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

#### MORRIE THOMPSON

Mr. MURKOWSKI. Mr. President, I rise to pay tribute to a very dear friend of mine who was in the Alaska Airlines plane that had the tragic accident yesterday afternoon off the coast of California near Los Angeles.

Morrie Thompson and I go back a long way, all the way to Fairbanks, AK, when I first became involved in banking activities in that community. He was a young Native leader. The paths that we took after that time in the early 1970s resulted in numerous meetings and conversations. His temperament and sensitivity to the advancement of the Native people of Alaska are almost as though he came on the scene to be a man of his time. I speak about that in reference to the significant portion of our aboriginal community, our Alaskan Natives, people who were in a transition from a subsistence, nomadic lifestyle into contemporary competition for education, competition for jobs, competition for development.

Morrie and his companion, Thelma, not only were good friends, but the

contribution they made to the community of Alaska as a whole, Native and non-Native alike, was a powerful one. What they leave is a legacy that we can all share with pride and a sense of a job well done by Morrie and Thelma, because what they have left in the formation of the Alaska Native community is a structure where our Native people have an ownership, not only in the village corporations, but the regional corporations from which their traditional geographic association springs and their well being can be secured.

As a consequence of that, if you look at the Native American on the reservation systems throughout the United States and see the comparison with the advancement of the settlement in Alaska, the results speak for themselves—due, in no small measure, to the guidance of Morrie Thompson.

He and I served together when I was running a financial institution in Alaska. We had a large number of branches in smaller communities: Barrow, Tok, Nenana, Koyukuk, Nome. As president of that organization, I found the advice and counsel of Morrie Thompson most valuable as we addressed our responsibility in meeting the needs of Alaska's developing Native community.

A few months ago, Morrie Thompson announced he intended to step down as chairman and chief executive officer of the Doyon Corporation, the regional Native corporation. There was a retirement party for Morrie. There was a great tribute paid to him by the men and women who knew him, loved him, and worked with him. A very substantial fund was established in his name for the benefit of young Native Alaskans.

I think that area, young Native Alaskans, is where the real tribute to Morrie Thompson belongs because he encouraged involvement and education to maintain the attributes of our Native people allowing them to be competitive in job markets and educational opportunities.

As a consequence of the terrible tragedy that took his life and that of his wife and daughter—he leaves two other daughters and he leaves grandchildren—he leaves a legacy for all of us to reflect on: a legacy of leadership, a legacy of inspiration, a legacy of genuine trust.

He was probably one of the nicest and most decent men I have ever met. As we note the passing of Morrie Thompson, I say to his family and friends, he will be deeply missed, but his legacy and contribution will live in Alaska.

#### THE HIGH PRICE OF OIL

Mr. MURKOWSKI. Mr. President, I would like to reflect a little bit on what is happening in our Nation. We got a little snow outside. Snow is not unknown to me or the State I represent. It is part of our livelihood. We live with the cold weather. We know how to handle it.

But there is suddenly a great concern among a number of my colleagues and their constituents about the high price of heating and transportation fuels in the country, particularly in the northeastern part of the Nation. This morning in New Hampshire they said it was cold and clear. People were out to vote, but they were worried about the price of heating oil. I would like to discuss for a moment why some of these price increases are occurring, as well as appropriate and perhaps inappropriate ways we could respond.

In mid-January, spot prices for heating oil spiked by about 50 cents. At one point, they closed at \$1.36 per gallon. Gulf coast prices spiked, but they were pulled up, to a large degree, by the spike in New York State. One of the first places where consumers felt the impact was in home heating oil prices where, on January 21, they were up anywhere from 35 cents to 60 cents per gallon in the Northeast over the prior week. This was also felt in diesel prices, which have also risen dramatically. This is causing our trucking industry to seriously consider steep price increases, or even parking some of their trucks for a while.

If you have not bought an airplane ticket this month, you should try it because you will find there is a \$20 surcharge added to your ticket. This is to offset the increased costs of fuel oil. You cannot run these aircraft on hot air. You run them on kerosene.

What is the cause of this price increase? For the most part, there are short-term causes that have so dramatically impacted the price in the Northeast, but there are also long-term issues that have impacted and will continue to impact the Nation.

If we are looking at a quick fix, we can do that or we can look at the long run and figure out how we are going to take care of this problem.

The short term problems include the combination of relatively low stocks of inventory, forecasts for colder than normal weather through early February, some barges being delayed because of storms, and some unexpected refinery problems.

Additionally, we have refineries that were in transition. We have not built any new refineries in this country for a couple of decades for a very good reason: Nobody wants to invest in them because of the concern over the environmental consequences, the Superfund exposure, and so forth.

Here we are, on the one hand, with an increasing demand for petroleum products, but because of the laws that were made by Congress which are so draconian, the investment community is reluctant to put in new, efficient refineries.

As a consequence of the low stocks, the existing refiners are scurrying to locate immediate supplies, a number of utilities are chasing the limited supply, and we have a peaking cold weather demand. As you walk home tonight you will feel it. In short, it was a basic



problem of too much demand chasing too little supply.

There is some relief in that the New York spot distillate problem appears to be easing because the current refinery capacity currently is adequate to meet the needs, but there is going to be some delay in getting the supply delivered. Additionally, The good news about the high prices is that it usually speeds the arrival of product from someplace else. Indeed, it has been reported that at least a dozen tankers full of heating oil are on their way from Europe heading to the East Coast right now. There is an indication that as a result of this the price has dropped in the last few days.

Unfortunately, even when this immediate problem is resolved, it is possible recurrences will happen as stocks are likely to stay low for the remainder of the winter.

According to the Energy Information Agency, the EIA, "the low-stock situation is worldwide and is not necessarily limited to distillate. It stems directly from what is happening in the crude oil markets." That is what we have to look toward. A continuing crude oil supply shortage is driving crude prices up, causing refiners worldwide to draw down stocks as the higher crude price squeeze margins.

What is happening in those crude markets? If one looks at the worldwide crude market, it is evident there has been more petroleum demand than supply, requiring the use of stocks to meet petroleum demands.

Following the extremely low prices at the beginning of 1999, OPEC, the Organization of Petroleum Exporting Countries, as well as Mexico, agreed to remove about 6 percent of the world's production from the market in order to work off excess inventories. And what else? To bring prices back. And they have been successful.

Remarkably, the producing countries have shown strong discipline in adhering to these quotas. This has caused worldwide stocks, including those in the U.S., to be drawn down at very low levels. In particular, refiners drew stocks down in the fall rather than build them up for the winter.

We are now in the middle of that winter, the usual high point of world demand, and we have low stocks. On top of this, OPEC members have been indicating that they will maintain their production cutbacks at least through March and possibly June, so there is no panacea here. The news, along with the cold weather, increased demand in Asia due to a faster than expected recovery of the Asian economy is behind the current crude surge which pushed west Texas intermediate crude past \$30 a barrel briefly in January.

There is a response to this. One I think is inappropriate and the other is appropriate. Let's look at the first one: How should we react.

A number of my colleagues and some senior members of the administration have made suggestions about how we

should react to this. The first suggestion made by some of my colleagues is let's release the oil from the Strategic Petroleum Reserve, or SPR, to combat the high price of crude. This is the reserve we have in the salt caverns in the southern part of Louisiana and other areas. That oil is there for the national and energy security of the country in case there is an emergency.

I believe such a decision to sell that oil would be disastrous from the standpoint of both national and security policy. Our Government has never tapped SPR to manipulate crude prices, and I do not think they should do so now. It is fair to say the administration tapped SPR to meet some of their budget requirements, but to manipulate crude prices is totally inappropriate.

SPR was set up as a way to protect us from a severe supply disruption. By tapping SPR to manipulate price, we make ourselves even more vulnerable to the supply disruption. We need to recognize that price volatility has been a fundamental feature of crude oil markets for three decades and is common in the commodity markets.

We also need to recognize we have made some classic policy blunders in attempting to reduce this volatility. Invariably, these measures, such as price controls in the seventies, clearly aggravated and perpetuated what would otherwise have been a much shorter lived problem.

The second problem with this approach is it would only represent a partial plan. We cannot move forward with an energy strategy of "sell oil when prices are high" and not have a companion strategy of "buy oil when prices are low." We have to mix the price structure in SPR. At one time, the administration proposed to buy and was buying at \$40. The next minute, they wanted to sell at \$27. There is a mentality up there that we somehow can make up the difference in volume. That does not work. What would be the purpose of depleting a reserve if we do not have a concrete plan to fill it?

The second suggestion is to encourage other countries to ramp up their production levels so the United States can import more of their oil. Think about that. We are encouraging other nations to increase their production so we can get more of their oil so that we can be even more vulnerable to that particular supply. Even some of my friends on Pennsylvania Avenue have advocated this as a resolve.

The Secretary of Energy has been quoted as saying: I am going to meet with the oil ministries of Venezuela, of Norway, Saudi Arabia, and others. This is a strategy to encourage the Venezuelans and Saudis to produce more oil and for the United States to become more dependent on those sources.

Their strategy is to spend millions of dollars supporting development of oil fields in other nations. Here is the kicker: They have even supported policies that have allowed the Iraqis to produce more oil. That is our good

friend, Saddam Hussein. Are the people of Iraq benefiting or are his Republican Guards? I do not have to tell you, Mr. President, because you know as well as I do.

Their answers lead to nothing more than the export of American jobs and increased imports of foreign oil. Their answers make us more susceptible to price volatility in the future, not less.

Finally, the third suggestion is that Congress appropriate more money next year to subsidize the Low-Income Housing Energy Assistance Program. I do not oppose this. However, throwing more money toward that program will not solve the underlying problem, and the underlying problem is very simple: We are not producing enough oil and gas in the United States. This is not to imply nothing can be done to protect ourselves from vulnerability to aggressive price policy by OPEC, there is a solution, and it begins at home.

The old adage, charity begins at home, is a far better approach to reducing our vulnerability to OPEC pricing, and that should begin by addressing the problems of our domestic U.S. oil and gas industry. We can do that very easily. We do not have the luxury in the United States of manipulating stocks and influencing price. The reason we do not is because we are 56-percent dependent on imported oil. We are currently not that big, in terms of oil production, to manipulate world prices. We have to make our strategic decisions through drilling strategies, and when we look at what has happened to drilling in the United States, we ought to be gravely concerned about the future volatility of heating and transportation fuel prices in the U.S.

In 1998, there was a decline of almost 60 percent in rigs drilling for oil in the United States. This was followed by a decline in the number of new and producing oil wells which was followed by a drop in our reserves. In 1998, only 24 percent of our domestic oil production was replaced by proven oil reserves.

The bare results of 1998 was that thousands of oil industry workers were laid off, drilling contractors were cut to the bone, our stripper wells went dry, and marginal wells were shut in.

This did not just happen. The administration knew what was going on. What did it do? It continued to thwart access by our domestic oil and gas industry to Federal lands where there was a promising likelihood of discovery.

It continues to try to force an unfair rule change for calculating oil royalties down the throats of our domestic producers. This is a not-so-subtle message to our domestic producers—you are not wanted here. The only effect these policies will have is to ensure that we continue to be susceptible to being taken hostage by aggressive OPEC pricing strategies and that we continue to encourage an outflow of U.S. capital, ingenuity, and investment to foreign shores to produce foreign oil so we can become more dependent on those sources.

Common sense tells us that if we are to become less dependent on OPEC pricing, if we want to be better able to respond to future price fluctuations, we must reinforce our domestic petroleum industry.

I understand my Northeast colleagues' concern about their constituents paying too high a price for heating and transportation oil. Frankly, we pay a higher price in Alaska. But I am not here to debate that issue at this time. I am also puzzled that many of those same Members of this body have continued to support efforts that would increase our susceptibility to this price volatility. You can't have it both ways. We are dependent on foreign stocks for 56 percent of our supplies. The only way we are ever going to break this cycle of dependence on foreign oil and our vulnerability to price is by boosting our own production here at home.

I can suggest that a good place to start is on the west coast. A good place to start is in my State of Alaska, where we have been supplying this Nation with 20 percent of its domestic oil for the last 20 years. Recently the U.S. Geologic Survey estimated that an area set aside by Congress for an evaluation of its oil and gas potential could have up to 16 billion barrels of recoverable oil. The 1998 estimate is the highest estimate ever published regarding the 1002 area. This body voted in 1995 to support environmentally sound exploration in this area. The Senate voted on this bill, but the Clinton administration vetoed the bill. They vetoed the ANWR bill. It has become a cry for environmentalism all over the country. If you initiate oil exploration in ANWR, you are going to violate this area, this pristine area.

How many people have taken the time to understand the significance of ANWR? There are 19 million acres in ANWR. It is an area about the size of the State of South Carolina. What have we done to try to maintain protection in these areas? We have taken 8 million acres of the 19 million acres and put it in wilderness in perpetuity. We have taken another 9.5 million acres and protected it as a refuge in perpetuity. But we set aside 1.5 million acres in the coastal plain, the so-called 1002 area, under the jurisdiction of the Congress to make a determination whether that portion and that portion only could be opened up for exploration.

Some of my colleagues talk about charity beginning at home, and suggest we ought to open up SPR. These are temporary measures that are basically impractical, that cut to the crux, if you will, of our national security interests, and don't resolve a long-term solution. What we should do is continue to advance science and technology, and develop domestic petroleum reserves.

The conclusion is obvious: If you don't support the industry's expertise and capability through advanced technology to continue to explore whether it be onshore or offshore, then you better be prepared for higher prices and

the Northeast corridor better be prepared for price hikes as a consequence of cold weather, because we are looking right down the double barrels of the guns of control. Those guns of control come from the Mideast countries.

I think Secretary of Energy Bill Richardson has been quite correct in his response. He has agreed that the Strategic Petroleum Reserve is to be used only for emergencies associated with our national energy security interests and not for price manipulation. He has also postponed delivery on 5 million barrels of oil that the SPR would take at this time, an action which I think is responsible because it is intended to put more oil into the market and ease prices. It is going to help, but it is not going to help enough.

The President has released 44 million in emergency heating fuel funds. While I support these efforts, they alone are not enough. These are stopgap measures. They don't address the real problem of our continuing reliance on foreign oil and the resulting fact that we are going to be dancing to the tune of OPEC for the foreseeable future until we have the intestinal fortitude to recognize that we can develop domestic sources of oil and gas in the United States, and we can keep our jobs at home and lessen our dependence on imported oil.

Look at the facts. The fact is, during the tenure of this administration, U.S. demand for oil has increased 14 percent, and our domestic production, strangled by this administration's policies, has decreased 17 percent. You can't have it both ways. I am sympathetic to those Members who represent the Northeast corridor and are feeling the impact of a cold winter and high fuel prices. I would propose the following to address these concerns through the enhancement of a domestic industry policy.

First, give the industry greater access to Federal lands in the United States, both on and offshore, limiting to those States that want OCS activity. Louisiana is a good example; Texas is another. They recognize the contribution. They recognize the capability of the industry to do it safely. For the most part, the industry has done a pretty good job.

We should, second, develop incentive programs to make the U.S. oil and gas market more competitive in the world market. We should open up that tiny area of the Arctic oil reserve to environmentally sound exploration. Let's face it. Alaska produces 20 percent of the crude oil that this country enjoys today. That was authorized by the Senate on a tie vote where the Vice President had to break the tie to authorize the development of that.

There was great speculation that the 800-mile pipeline would somehow stop the caribou, would stop the moose. That has survived earthquakes, dynamite, shootings. It is one of the construction wonders of the world. Where would we have been without it? You

would have had higher prices today, Mr. President.

Third, strengthen the Department of Energy's research and development program. We are going to be using petroleum products for a long, long time. You are not going to fly an airplane on solar or wind. You are going to fly it on fuel. Fourth, once and for all, throw out the MMS's attempts to change the rules on oil valuation.

Finally, let me refer to some who suggest that we don't need to look to the future of oil. We have a lot of gas in this country. It is just a matter of time. Gas is cheap. Let me refer you to a recent report by the National Petroleum and Gas Council. The demand for gas is going to be increasing about one-third in the next 10 years. There are going to be about 14 million new hook-ups for gas. The expenditure for that gas is going to be about \$1.5 trillion. Hearings that we have had in the Energy and Natural Resources Committee show us that we do not have the infrastructure in place and we don't have access domestically to areas that have the potential for producing gas because the administration won't open them up for exploration.

I see my good friend from New York on the floor. I know of his interest in this crisis that is hitting the Northeast corridor. I encourage him and others to look toward a long-term solution. A long-term solution speaks for itself. It suggests through technology, with proper environmental safeguards, we can encourage more oil and gas exploration and development right here in this country, as opposed to increasing our dependence on OPEC where we are going to continue to have this problem, not just this February, but we are going to have it this March. And we are going to have it next November and December and January, only by that time we might be 60 to 65 percent dependent on imported oil, as the Department of Energy suggests. Then you are going to have prices that are going to be coming down around our ears, and inflation will be attributed to a large degree to the price of oil and gas as a consequence to our increased dependence on imports.

Bottom line: Charity begins at home. Mr. SCHUMER. Will the Senator from Alaska yield?

Mr. MURKOWSKI. I am happy to yield for a question.

Mr. SCHUMER. I thank the Senator.

First, I thank him not only for his leadership on this issue but for his very thoughtful remarks, which I will certainly chew over and look at. I saw them on the screen and wanted to do that. I certainly agree with the Senator from Alaska, that what he is talking about deals with the long-term problem which we have to deal with and what myself and the Senator from Maine, Ms. COLLINS, and some of us have been talking about as a short-term problem, which is the oil. For instance, home heating oil is higher in my State than it has ever, ever been,

even though the price of oil itself is not higher than it has ever, ever been.

I would like to ask the Senator a question. On the short-term issue, which I understand the Senator's point, which is you are not going to solve the long-term issue. You will be back with short-term issues time and time again. But given the crisis that we have, the proposal that Senator COLLINS and I have made is to not deplete the oil reserve, the SPR, but rather to at this point sell a small amount of it, let's say 500,000 barrels a day, from now until March 31, that the experts we have talked to have told us that that is likely to crack OPEC's unity, and also not just OPEC, but Mexico and Norway, which in the past had not always marched in lockstep with OPEC. I would be against depleting the reserve. The first question I ask the Senator is: If he was assured that the oil would be bought back at either a higher or lower price—and most experts think it would be considerably lower—would that assuage some of his concerns? I don't want to burden the Senator, but he is an expert, and I would like to get the benefit of his wisdom.

If a program were developed of swaps and were put in automatically so that oil was bought for the SPR when the price was rather low, oil was sold when the price was rather high, but there was a guaranteed commitment that if the oil was sold during a high price, that it would be bought back at a low price, and you could put a time limit on—one of the things mentioned was that you would have to do it in a year regardless—would that not deal with the long-term problem that the Senator is addressing in most of his remarks? But would that assuage some of his concerns about the short-term issue that many of us in the Northeast have such problems with?

I yield to the Senator to answer that question.

Mr. MURKOWSKI. I will respond to that. I recognize the sensitivity of my good friend, and the Senator from Maine, also. There are a couple of factors I think are very important to understand, and that is the ability of the strategic petroleum reserve to be moved out in a relatively short period of time the crude it has accumulated, or any portion of it, and transport it to refineries that aren't already up to the maximum capacity of their refining capability, and then move it to market because this winter isn't going to last forever. But right now, it is significant and very meaningful, as evidenced by the price associated with heating oil.

As I indicated in my floor statement, we have evidence by the Department of Energy that there are a number of ships in transit from Europe bringing heating oil. So there will be price relief soon. As you and I know, the price goes up a lot faster than it comes down. The idea of swaps certainly has merit and has been done before. But, traditionally, the manner in which the Federal

Government in manipulating the sales of SPR has resulted in a situation where we have purchased high and sold low, and there is a mentality that suggests that we will make up the difference, with the taxpayers taking it in the shorts, so to speak—I am not suggesting we would not go back and replace SPR. Indeed, there are some logistic problems with the idea. One, you don't move it out of SPR very fast because it is in the salt caverns and there is only so much pumping capability and you have to move it to the refinery and then you have to refine it. The realization is that the refineries, as I understand it, in proximity to the SPR are pretty much up to their designed capacity. So what we need is an SPR of heating oil for you. That would be my best assessment of the current situation. But I am sensitive to the Senator's concern.

Mr. SCHUMER. I know the Senator is sensitive to that, and I very much appreciate that. The experts with whom I have checked at least have said it would take about 30 days from the time the President were to order selling of the SPR to the time it could be removed and refined appropriately. I think more to the point—or maybe not more to the point but also to the point, many people, certainly the majority I have talked to, believe that even if we were to announce we were going to sell some of the SPR on the open market, the odds are quite high that from that point, the OPEC nations, countries such as Mexico and Norway—that would crack their unity.

My main goal, at least, in offering this solution is not simply to temporarily reduce the price of oil but rather to sort of break OPEC. In the past, what our Government would do would be go to the governments of Mexico and Norway and say, hey, help us out. In the past, they would. When they pumped a little more oil, the unity of the 11 OPEC nations would crack. Well, Mexico and Norway are not fulfilling that role for a variety of reasons, some of which I am aware and some of which I am not. So we would be fulfilling the same role.

I guess my only question to the Senator from Alaska, chairman of the Energy and Natural Resources Committee, is—and maybe my information is wrong—if it would take 30 days, would that change his view? Secondly, does he think that it might have a good chance, if we did even announce this and began to do it, to crack OPEC's unity and that would solve our problem—short-term admittedly and not long-term—right away rather than pumping small amounts of oil ourselves?

Mr. MURKOWSKI. In response to my good friend from New York, I anticipate it would take at least 30-plus days to see any significant movement from the SPR, which is crude oil transported to a refinery in enough time to relieve the crisis of the high price in the Northeast. The problem is, the reserves

of heating oil are down. I have discussed the rationale of why the reserves are low, but the fact is they are low. So as a consequence, we are left with a situation where price follows supply and demand, and we are certainly feeling the price. I think we should converse with our Secretary of Energy, who is attempting to interject with the Saudis, Venezuelans, Norwegians, and other oil-producing countries to try to encourage them to, if you will, increase their OPEC volume, which they have been remarkably solid in their ability to hold together and not do that.

They operate under two theories. One is they would like to have the highest possible price and produce the least amount of oil. But if that cartel cracks, then they still have to have the same volume of dollars to benefit their government, so they will produce more oil to get it. What we have seen as a consequence is the cartel coming together and holding tough. Subject to the ability of the Secretary of Energy to convince them to do otherwise, I would not look for immediate relief from that area. I think there is relief coming, but your constituents are going to be exposed to some high prices. As sympathetic as I am, I don't know the answer.

I just don't think SPR is going to be able to meet the demand in a timely enough manner by the time you get past another 30 days and some of this production in to your constituents. I don't think that is going to do what the market is doing now, which is bringing more heating oil that is already refined in Europe into the United States. I would much rather work ultimately for a long-term solution to our exposures because you have to look at the reality. We are going to be more and more exposed to the whims of OPEC. We have allowed Saddam Hussein and Iraq to come in with another 2 million barrels a day. That helps us and hurts us when you think about it. Who benefits from that? It is a complex problem. I have a hard time accepting that part of the role of SPR is to meet the domestic price manipulations as opposed to the philosophy that went into SPR, which was its design to be a strategic petroleum reserve in the sense of a time when our supplies may be cut off. There has been a great deal of criticism in my committee of the ability of SPR to be able to produce if a demand is there. There are a lot of shortcomings within SPR's makeup.

Mr. SCHUMER. I thank the Senator.

#### MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with each Senator permitted to speak therein for up to 10 minutes each.

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

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, January 31, 2000, the Federal debt stood at \$5,711,285,168,951.46 (Five trillion, seven hundred eleven billion, two hundred eighty-five million, one hundred sixty-eight thousand, nine hundred fifty-one dollars and forty-six cents).

Five years ago, January 31, 1995, the Federal debt stood at \$4,815,827,000,000 (Four trillion, eight hundred fifteen billion, eight hundred twenty-seven million).

Ten years ago, January 31, 1990, the Federal debt stood at \$2,974,584,000,000 (Two trillion, nine hundred seventy-four billion, five hundred eighty-four million).

Fifteen years ago, January 31, 1985, the Federal debt stood at \$1,679,916,000,000 (One trillion, six hundred seventy-nine billion, nine hundred sixteen million).

Twenty-five years ago, January 31, 1975, the Federal debt stood at \$494,140,000,000 (Four hundred ninety-four billion, one hundred forty million) which reflects a debt increase of more than \$5 trillion—\$5,217,145,168,951.46 (Five trillion, two hundred seventeen billion, one hundred forty-five million, one hundred sixty-eight thousand, nine hundred fifty-one dollars and forty-six cents) during the past 25 years.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT TO THE CONGRESS ON THE U.S. ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT—PM 80

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 Governmental Affairs.

*To the Congress of the United States:*

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I transmit herewith the sixth biennial revision (2000–2004) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 1, 2000.

## REPORT TO THE CONGRESS ON PRESIDENTIAL DETERMINATION 99-37 RELATIVE TO THE AIR FORCE'S OPERATING LOCATION NEAR GROOM LAKE, NEVADA—MESSAGE FROM THE PRESIDENT—PM 81

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 Environment and Public Works.

*To the Congress of the United States:*

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 20, 1999, I issued Presidential Determination 99-37 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 99-37 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 31, 2000.

## REPORT TO THE CONGRESS ON THE AGREEMENT BETWEEN THE U.S. AND LATVIA CONCERNING FISHERIES OFF THE COASTS OF THE U.S.—MESSAGE FROM THE PRESIDENT—PM 82

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 Committees on Environment and Public Works; and Foreign Relations.

*To the Congress of the United States:*

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the

United States of America and the Government of the Republic of Latvia extending the Agreement of April 8, 1993, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (the "1993 Agreement"). The present Agreement, which was effected by an exchange of notes at Riga on June 7 and September 27, 1999, extends the 1993 Agreement to December 31, 2002.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 31, 2000.

## MESSAGE FROM THE HOUSE

At 10:20 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1733. An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 244. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 2130) to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the resolution (H. Con. Res. 221) authorizing printing of the brochures entitled "How Our Laws Are Made" and "Our American Government," the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution."

The message further announced that pursuant to section 702(b) of the Intelligence Authorization Act for fiscal year 2000 (50 U.S.C. 401) and the order of the House of Thursday, November 18, 1999, the Speaker on Wednesday, January 12, 2000, appointed the following Member of the House to the National Commission for the Review of the National Reconnaissance Office: Mr. Goss of Florida; and from private life: Mr. Eli S. Jacobs of New York and Mr. Larry D. Cox of Maryland.

The message also announced that pursuant to section 5(a) of the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development Act (42 U.S.C. 1885a) and the order of the House

of Thursday, November 18, 1999, the Speaker on Monday, January 3, 2000, appointed the following individuals on the part of the House to the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development to fill the existing vacancy thereon: Mr. Charles E. Vela of Maryland.

The message further announced that pursuant to section 852(b) of Public Law 105-244 (as amendment by Public Law 106-113), the Chairman of the Committee on Education and the Workforce appointed the following Member to the Web-Based Education Commission: Mr. ISAKSON of Georgia.

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 245. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 764.

#### MEASURE REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 244. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

#### 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-7071. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Acquisition Regulation; Miscellaneous Revisions" (RIN2535-AA25) (FR-4291-F-02), received January 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7072. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Acquisition Regulation; Miscellaneous Revisions" (RIN2535-AA24) (FR-4115-F-03), received January 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7073. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold; Corrections" (RIN2501-AB57) (FR-3482-C-07), received January 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7074. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a

cost comparison being conducted at the Air Force Reserve Personnel Center in Denver, CO; to the Committee on Armed Services.

EC-7075. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Elmendorf Air Force Base, AK; to the Committee on Armed Services.

EC-7076. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Westover Air Reserve Base, MA; to the Committee on Armed Services.

EC-7077. A communication from the Assistant Legal Adviser 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-7078. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California: Decreased Assessment Rate" (Docket Number FV00-932-1 IFR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7079. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 1999-2000 Marketing Year" (Docket Number FV00-932-1 IFR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7080. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas: Decreased Assessment Rate" (Docket Number FV00-959-1 FR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7081. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida: Decreased Assessment Rate" (Docket Number FV99-966-1 FIR), received January 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7082. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC-7083. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule entitled "Additions to the Procurement List", received January 24, 2000; to the Committee on Governmental Affairs.

EC-7084. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-168, "Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Non-service Nonprovider Clarifying and Technical Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7085. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-169, "Advisory Neighborhood Commission Procurement Exclusion Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7086. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-170, "Advisory Neighborhood Commission Vacancy Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7087. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-181, "Office of the Inspector General Powers and Duties Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7088. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-171, "Management Supervisory Service Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7089. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-186, "Retail Service Station Amendment Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-7090. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-205, "Motor Coach Vehicles Tax Exemption Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7091. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-204, "Campaign Finance Reform Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7092. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-196, "Elections Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7093. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-194, "Blanket Order Blitz Increased Opportunity for Local, Small, and Disadvantaged Business Enterprises Temporary Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7094. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-191, "Choice of Driver's License Number Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7095. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-192, "Digital Audio Radio Satellite Service Companies Tax Exemption Act of 1999"; to the Committee on Governmental Affairs.

EC-7096. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-190, "Safe Teenage Driving Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7097. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of 28 rules relative to Regatta Regulations (RIN2115-AE46), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7098. A communication from the Chief, Office of Regulations and Administrative

Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of 254 rules relative to Safety/Security Zone Regulations (RIN2115-AA97), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7099. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Trip Limit Reduction of the Commercial Hook-and-Line Fishery for King Mackerel in the West Coast Subzone", received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7100. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Vessels Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands", received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7101. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the First Half of 2000", received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7102. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Pollock Fisheries off Alaska" (RIN0648-AM32), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7103. A communication from the Secretary of Transportation, transmitting, a report relative to air service between the U.S. and Murtula Mohammed International Airport, Nigeria; to the Committee on Commerce, Science, and Transportation.

EC-7104. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Changes in Permissible Stage 2 Airplane Operations; Notice of Statutory Changes [12/17-12/20]" (RIN2120-ZZ23), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7105. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Jet Routes J-78 and J-112; Evansville, IN Docket No. 99-AGL-48 [12/20-12/20]" (RIN2120-AA66) (1999-0402), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7106. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FAA Policy and Final Guidance Regarding Benefit Cost Analysis on Airport Capacity Projects for FAA Decisions on Airport Improvement Program Discretionary Grants and Letters of Intent [12/15-12/16]" (RIN2120-ZZ22), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7107. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Depart-

ment of Transportation, transmitting, pursuant to law, the report of a rule entitled "Various Transport Category Airplanes Equipped With Mode 'C' Transponder(s) With Single Gillham Code Altitude Input; Request for Comments; Docket No. 99-NM-328 [11/12-11/18]" (RIN2120-AA64) (1999-0449), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7108. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Certification Requirements: Aircraft Dispatchers (12/8-12/6)" (RIN2120-AG04), received December 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7109. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights Within the Territory and Airspace of Sudan; Withdrawal" (RIN2120-AG67) (1999-0001), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7110. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 91 Amendment; General Operating and Flight Rules; Technical Amendment; Docket No. 29833; (11/30-12/2)" (RIN2120-ZZ21), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7111. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of VOR Federal Airways; AK Docket No. 98-AAL-14 [11/29-12/2]" (RIN2120-AA66) (1999-0379), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7112. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change in Name of Using Agency For Restricted Area R-5203; Oswego, NY; Docket No. 99-AEA-12 [11/8-11/18]" (RIN2120-AA66) (1999-0365), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7113. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Emission Standards for Turbine Engine Powered Airplanes; Correction" (RIN2120-AG68) (1999-0002), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7114. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules [1/20-1/20]" (RIN2120-AG53), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7115. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Digital Flight Recorder Requirements for Airbus Airplanes; Correction [1/14-1/20]" (RIN2120-AG88) (2000-0001), re-

ceived December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7116. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 1967 [12-30/12-30]" (RIN2120-AA65) (1999-0062), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7117. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (40); Amdt. No. 1966 [1-5/1-6]" (RIN2120-AA65) (2000-0001), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7118. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (76); Amdt. No. 1964 [12-20/12-20]" (RIN2120-AA65) (1999-0061), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7119. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (60); Amdt. No. 1965 [12-20/12-20]" (RIN2120-AA65) (1999-0060), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7120. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (34); Amdt. No. 1961 [11-19/11-22]" (RIN2120-AA65) (1999-0057), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7121. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (60); Amdt. No. 1959 [11-9/11-18]" (RIN2120-AA65) (1999-0055), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7122. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (66); Amdt. No. 1958 [11-9/11-18]" (RIN2120-AA65) (1999-0054), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7123. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (56); Amdt. No. 1963 [12-2/12-2]" (RIN2120-AA65) (1999-0059), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7124. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled



"Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 418 [11-24/12-2]" (RIN2120-AA63) (1999-0004), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7125. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (56); Amdt. No. 1962 [12-2/12-2]" (RIN2120-AA65) (1999-0058), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7126. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (23); Amdt. No. 420 [1-14/1-20]" (RIN2120-AA63) (2000-0001), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7127. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 419 [11-24/12-2]" (RIN2120-AA63) (1999-0005), received December 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7128. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Stigler, OK; Direct Final Rule; Request for Comments; Docket No. 2000-ASW-02 [1-21/1-24]" (RIN2120-AA66) (2000-0013), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7129. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Burlington, VT; Direct Final Rule; Request for Comments; Docket No. 99-ANE-92 [1-26/1-27]" (RIN2120-AA66) (2000-0015), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7130. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Burlington, VT; Direct Final Rule; Request for Comments; Docket No. 99-ANE-91 [12-6/12-13]" (RIN2120-AA66) (1999-0393), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7131. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Okeechobee, FL; Docket No. 99-ASO-21 [12-29/12-30]" (RIN2120-AA66) (1999-0415), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7132. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; St. Michael, AK; Final Rule; Correction; Docket No. 99-AAL-21 [11-19/11-22]" (RIN2120-AA66) (1999-0396), received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7133. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Koliganek, AL; Docket No. 99-AAL-15 [11-22/11-29]" (RIN2120-AA66) (2000-0372), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7134. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Pine River, MN; Docket No. 99-AGL-47 [12-3/12-9]" (RIN2120-AA66) (1999-0391), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7135. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Montague, CA; Docket No. 95-AWP-44 [11-18/11-18]" (RIN2120-AA66) (1999-0367), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7136. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Batesville, IN, CA; Docket No. 99-AGL-44 [11-22/11-29]" (RIN2120-AA66) (1999-0375), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7137. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Leonardtown, MD; Docket No. 99-AEA-13 [1-5/1-6]" (RIN2120-AA66) (2000-0002), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7138. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Camberon, MO; Docket No. 99-ACE-49 [12-29/12-30]" (RIN2120-AA66) (1999-0409), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7139. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fredericktown, MO; Docket No. 99-ACE-47 [12-29/12-30]" (RIN2120-AA66) (1999-0410), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7140. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Glendive, MT; Docket No. 99-ANM-08 [12-22/12-23]" (RIN2120-AA66) (1999-0408), received December 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7141. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Brownsville, PA; Docket No. 99-AEA-16 [1-5/1-6]" (RIN2120-AA66) (2000-0011), received January

24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7142. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Puerto Rico, PR; Docket No. 99-ASO-17 [1-18/1-20]" (RIN2120-AA66) (2000-0008), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7143. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Herington, KS; Docket No. 99-ACE-41 [12-6/12-13]" (RIN2120-AA66) (1999-0392), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7144. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Marshall, MO; Direct Final Rule; Request for Comments; Docket No. 99-ACE-5 [1-31/1-20]" (RIN2120-AA66) (2000-0010), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7145. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Winfield/Arkansas City, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-44 [12-3/12-6]" (RIN2120-AA66) (1999-0380), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7146. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Emmetsburg IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-39 [12-6/12-13]" (RIN2120-AA66) (1999-0397), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7147. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Malden, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-42 [12-6/12-13]" (RIN2120-AA66) (1999-0396), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7148. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Sikeston, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-43 [12-6/12-13]" (RIN2120-AA66) (1999-0395), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7149. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Hutchinson, KS; Direct Final Rule; Request for Comments; Docket No. 99-ACE-48 [12-6/12-13]" (RIN2120-AA66) (1999-0394), received December 13, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7150. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Iowa City, IA; Direct Final Rule; Request for Comments; Docket No. 99-ACE-50 [12-29/12-30]" (RIN2120-AA66) (1999-0414), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7151. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Mountain View, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-46 [12-29/12-30]" (RIN2120-AA66) (1999-0413), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7152. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Marshalltown, IA; Direct Final Rule; Request for Comments; Docket No. 99-ACE-52 [12-29/12-30]" (RIN2120-AA66) (1999-0411), received January 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7153. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Estherville, IA; Direct Final Rule; Request for Comments; Docket No. 99-ACE-54 (1-5/1-6)" (RIN2120-AA66) (2000-0001), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7154. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Lewiston, ID; Establishment of Class E Airspace; Grangeville, ID; Docket No. 99-ANM-01 [11-23/11-29]" (RIN2120-AA66) (1999-0370), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7155. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D and Establishment of Class E Airspace; Fort Rucker, AL; Correction; Docket No. 99-ASO-14 [11-22/11-29]" (RIN2120-AA66) (1999-0371), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7156. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Popint Lay, AK; Docket No. 99-AAL-12 [11-22/11-29]" (RIN2120-AA66) (1999-0370), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7157. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; El Paso, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-26 [1-6/1-10]" (RIN2120-AA66) (2000-0005), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7158. A communication from the Program Analyst, Office of the Chief Counsel,

Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Beaumont, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-25 [1-6/1-10]" (RIN2120-AA66) (2000-0004), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7159. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Mineral Wells, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-20 [12-9/12-9]" (RIN2120-AA66) (1999-0386), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7160. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Corpus Christi, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-22 [12-9/12-9]" (RIN2120-AA66) (1999-0384), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7161. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Alice, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-23 [12-9/12-9]" (RIN2120-AA66) (1999-0387), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7162. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Falfurrias, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-21 [12-9/12-9]" (RIN2120-AA66) (1999-0382), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7163. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Georgetown, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-18 [12-9/12-9]" (RIN2120-AA66) (1999-0385), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7164. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Corsicana, TX; Direct Final Rule; Request for Comments; Docket No. 2000-ASW-0 [1-21/1-24]" (RIN2120-AA66) (2000-0012), received January 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7165. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Artesia, NM; Direct Final Rule; Request for Comments; Docket No. 99-ASW-30 [12-17/12-20]" (RIN2120-AA66) (1999-0406), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7166. A communication from the Program Analyst, Office of the Chief Counsel,

Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Carrizo Springs, TX; Direct Final Rule; Request for Comments; Docket No. 99-ASW-29 [12-17/12-20]" (RIN2120-AA66) (1999-0405), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7167. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Lake Jackson, TX; Direct Final Rule; Request for Comments; Docket No. 99-ASW-27 [12-17/12-20]" (RIN2120-AA66) (1999-0404), received December 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7168. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Georgetown, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-18 [12-9/12-9]" (RIN2120-AA66) (1999-0385), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7169. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Fulton, MS; Docket No. 99-ASO-22 [12-3/12-3]" (RIN2120-AA66) (1999-0388), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7170. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Maple Lake, MN; Docket No. 99-AGL-45 [11-22/11-29]" (RIN2120-AA66) (1999-0374), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7171. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fort Wayne, IN; Docket No. 99-AGL-46 [11-22/11-29]" (RIN2120-AA66) (1999-0376), received November 29, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7172. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Willows-Glen County Airport, CA; Docket No. 99-AWP-22 [11-8/11-18]" (RIN2120-AA66) (1999-0368), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7173. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Caladonia, MN; Docket No. 99-AGL-49 [12-3/12-6]" (RIN2120-AA66) (1999-0381), received December 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7174. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marquette, MI; Revocation of Class E Airspace;

Sawyer, MI, and K.I. Sawyer; Docket No. 99-AGL-42 [12-3/12-9]" (RIN2120-AA66) (1999-0390), received December 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7175. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the San Juan Low Offshore Airspace Area, PR; Docket No. 99-ASO-1 [11-8/11-18]" (RIN2120-AA66) (1999-0366), received November 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7176. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Jacksonville, NAS, FL; Docket No. 99-ASO-10 [1-1/1-10]" (RIN2120-AA66) (2000-0007), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7177. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Jacksonville Whitehouse NOLF, FL; Docket No. 99-ASO-27 [1-10/1-10]" (RIN2120-AA66) (2000-0006), received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7178. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Eastover, SC; Docket No. 99-ASO-18 [12-14/12-16]" (RIN2120-AA66) (1999-0399), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7179. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Elgin AFB, FL; Docket No. 99-ASO-19 [12-14/12-16]" (RIN2120-AA66) (1999-0398), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7180. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Jacksonville, NAS Cecil Field, FL; Docket No. 99-ASO-20 [12-14/12-16]" (RIN2120-AA66) (1999-0007), received December 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-7181. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Jacksonville Whitehouse NOLF, FL; Docket No. 99-ASO-27 [1-26/1-27]" (RIN2120-AA66) (2000-0014), received January 27, 2000; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, and Ms. SNOWE):

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; to the Committee on Finance.

By Mr. KYL:

S. 2019. A bill for the relief of Malia Miller; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2020. A bill to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. LEAHY, Mr. COCHRAN, Mr. JEFFORDS, Mr. HELMS, Mr. DURBIN, Mr. LUGAR, Mr. EDWARDS, Mr. VOINOVICH, Mr. MCCAIN, and Mrs. FEINSTEIN):

S. 2021. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; 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. ASHCROFT (for himself, Mr. BOND, Mr. FITZGERALD, and Mr. DURBIN):

S. Res. 250. A resolution recognizing the outstanding achievement of the St. Louis Rams in winning Super Bowl XXXIV; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, and Ms. SNOWE):

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; to the Committee on Finance.

#### THE AMERICAN HOSPITAL PRESERVATION ACT

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with my distinguished colleague from Michigan, Mr. ABRAHAM, the American Hospital Preservation Act.

This legislation builds upon legislation we introduced last year to preserve the ability of American hospitals to continue to provide the highest level

of health care to be found anywhere in the world. The bill will fully restore scheduled cuts in annual inflation adjustments for in-patient services given to hospitals under the Medicare program.

Mr. President, last year Congress passed legislation restoring almost \$17 billion over five years in scheduled cuts and reductions in increases in provider reimbursement payments for various Medicare services. While some of these cuts were mandated by the 1997 Balanced Budget Act, or "BBA," which laid the historic foundation for the balanced federal budget we enjoy today, many more of the cuts and the dramatic impact of some of the cuts came as a direct result of policies and practices of the Health Care Financing Administration. All told, Medicare providers faced an estimated \$200 billion in reduced payments over the next five years, far in excess of the 1997 estimate of \$116 billion in savings. On top of this, in 1999 the Clinton Administration proposed an additional \$9 billion in cuts from the Medicare program, on top of the BBA savings.

All of this began to spell disaster for American hospitals, the backbone of our nation's health care delivery system and those health care providers most heavily dependent on, and sensitive to, the Medicare system. Last year, I and many of my colleagues in Congress began to hear from hospital administrators, trustees, and health professionals that they were struggling to maintain their quality and variety of health services in the face of mounting budgetary pressures. With the HCFA-imposed cuts they were seeing, many well-reputed and efficiently run hospitals even began for the first time to run deficits and to project closure in the next few years.

For many of these hospitals, particularly those in the rural areas of our nation, to close would mean not only the loss of life-saving medical services to the residents of the area, but also the loss of one of the core components of the local community. Jobs would be lost, businesses would wither, and the sense of community and stability that a local hospital brings would suffer.

The Balanced Budget Refinement Act Congress passed last year made the situation a little brighter for a number of these struggling hospitals. It eases the transition from cost-based reimbursement to prospective payment for hospital outpatient services, it restores some of the cuts to disproportionate share ("DiSh") payments, and it provides targeted relief for teaching hospitals and cancer and rehabilitation hospitals.

I was particularly pleased that the bill contained a portion of the legislation I introduced last year, an expanded version of which I am introducing today. While my bill proposed restoring in-patient inflation adjustments for all hospitals, the final legislative package included such relief only for fiscal year 2000 and only for

designated "sole community provider" hospitals. While this was a step in the right direction, more must be done not only to ensure survival among our nation's hospitals, but also to ensure that they continue to be able to provide the highest level and quality of care that they can to their patients.

Hospitals continue to struggle to meet the continued rise in personnel costs, prescription drugs, and blood supplies, just to name a few areas. And this is coming at a time when hospitals are being doubly squeezed by the pressures of flat or reduced government health care reimbursement rates and the rapid growth of cost-conscious managed care private insurance.

The bill we are introducing today will make sure that hospitals are able to adjust to these changes by ensuring that their Medicare payments for their in-patient services actually keep up with the rate of hospital inflation. It will restore the full 1.1 percent in scheduled reductions from the annual inflation updates for in-patient services called for by the BBA. Moreover, rather than just applying to a small group of hospitals, this legislation would benefit every hospital in America, providing an estimated \$6.9 billion in additional Medicare payments over the next five years.

Mr. President, I realize that this bill will require some budgetary offset, and that the overall goal of maintaining a solvent and strong Medicare system for our nation's seniors is and will remain the overriding goal. I look forward to working with my colleagues on both sides of the aisle to ensure that this bill meets that objective and fits within our overall budget constraints.

But I believe that, as we enter a new millennium and a new era of medical breakthroughs the likes of which we can only now dream about, we simply must continue to invest in the core infrastructure of our nation's health delivery system—our hospitals. Doing so will ensure the future health and longevity of all Americans. This bill will take a significant step in that direction, and I urge my colleagues to co-sponsor and support it.

By Mr. BROWNBACK (for himself, Mr. LEAHY, Mr. COCHRAN, Mr. JEFFORDS, Mr. HELMS, Mr. DURBIN, Mr. LUGAR, Mr. EDWARDS, Mr. VOINOVICH, Mr. MCCAIN, and Mrs. FEINSTEIN):

S. 2021. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; to the Committee on the Judiciary.

#### HIGH SCHOOL AND COLLEGE GAMBLING PROHIBITION ACT

Mr. BROWNBACK. Mr. President, today I introduce a bill along with Senators LEAHY, COCHRAN, JEFFORDS, HELMS, DURBIN, LUGAR, EDWARDS, VOINOVICH, MCCAIN, and FEINSTEIN, which seeks to protect the integrity of high school and college sports and reduce the unseemly influences that gambling has on our student athletes.

I think you can tell by the coalition of people putting in this bill we are introducing today that this is a bipartisan issue that crosses virtually all ideological lines but is deeply concerned about the integrity of intercollegiate athletics and amateur sports. What we are seeking to do by this bill is to make it clear that it is illegal to wager on intercollegiate athletics, to wager on the Olympics.

The High School and College Gambling Prohibition Act is in direct response to recommendations made by the National Gambling Impact Study Commission (NGISC), which last year concluded a 2-year study on the impact of legalized gambling on our country.

The recommendation called for a ban on all legalized gambling on amateur sports and is supported by the National Collegiate Athletic Association (NCAA), which represents more than 1,000 colleges and universities nationwide. This bipartisan bill will prohibit all legalized gambling on high school and college sports, as well as the Summer and Winter Olympic Games.

Gambling on college games and student athletes is not only inappropriate, it can be disastrous. There have been more point-shaving scandals on our colleges and universities in the 1990's than in every other decade before it combined.

There have been 10 such cases in the 1990s. Those are the ones who were caught. How many went on that we don't know about? These scandals are a result of an increasing amount of gambling that is taking place on amateur sports. We now have annually around \$1 billion a year bet legally on amateur athletic games. That may sound like a lot, and it is. It is a lot to influence those games, but for the overall gambling industry it is a small percentage. It is less than a half of 1 percent. So to the industry that is small. To amateur athletics it is big, and it is leading to a burgeoning problem that we are having of point shaving cases amongst college athletics.

The scandal also points to another problem, and this gambling increase actually points to another problem.

A recent Gallup poll found that betting on college sports was twice as prevalent among teenagers (18%) as adults (9%). The American Academy of Pediatrics estimates that there are more than a million compulsive teenage gamblers, whose first experience with gambling is on sports. The National Gambling Impact Study Commission warned that sports gambling "can serve as gateway behavior for adolescent gamblers, and can devastate individuals and careers."

Critics have claimed this is a State issue, not a Federal one. Certainly, I am listening to that debate and am a person who is a strong supporter of States rights and believe strongly in devolution of authority from the Federal Government to the State government. But this argument just doesn't hold water.

Congress already determined that it is a federal issue with the passage of Professional and Amateur Sports Protection Act (PASPA) in 1992. In addition, while Nevada is the only state where legal gambling on collegiate and Olympic sporting events occurs, Nevada's gaming regulations prohibit gambling on any of Nevada's own teams because of the potential to jeopardize the integrity of those sporting events.

Let me give you the truth of the situation. You can go to Nevada and you cannot bet on UNLV in the basketball game. But you can bet on the University of Kansas basketball team and game. The reason the Nevada Legislature, I understand, took issue with betting on Nevada teams is by saying, well, it creates an unseemly situation and the potential for abuse. If the potential is there in Nevada, it is there across the rest of the country. That is what the NCAA is citing, and that is why this is their top legislative issue. They are saying this is important because it is starting to influence more and more sporting events and that we are afraid that may happen in the future.

The NCAA used to be headquartered in Kansas. Until recently, it was headquartered in my State.

We all consider ourselves to be advocates of state's rights, but in our eyes that means a state's authority to determine how best to govern within that state's own boundaries—not the authority to set laws that allow a state to impose its policies on every other state while exempting itself. Gambling on college sports, both legal and illegal, threatens the integrity of the game—and that threat extends beyond any one state's border.

This legislation will have minimal economic impact on the Nevada casino industry. The NCAA has reported that sports betting makes up less than 1% of the total revenue by casinos in Las Vegas. The National Gambling Impact Study Commission Report recognized that sports wagering does not "contribute to local economies or produce many jobs or create other economic sectors."

This is not an economic issue. It is not even a gambling issue. This is about the integrity of amateur athletics. It is about the integrity of the Olympics and whether or not there are going to continue to be more and more of these point-shaving cases involved because of the amount of money involved in the gambling and the ability to impact some of the athletes who are involved.

I want to make one other point too; that is, we are not talking about office pools or "March Madness" and people having an office pool that looks at the NCAA Final Four. Those activities we are not talking about at all. They go on. But we are not addressing that issue in this bill. What we are talking about is the legalized sports betting that takes place in casinos in Nevada

and how those large-scale bets impact on intercollegiate athletics across this country.

Senator LEAHY was on the floor earlier. And I, along with Senator DURBIN and TIM ROEMER from the House of Representatives had a press conference earlier today with the NCAA. At that press conference, we had the gentleman who orchestrated the northwest football point-shaving scheme problem that they had during the decade of the 1990s. He said if it wasn't for the ability to place the \$20,000 legal bet in Nevada, he wouldn't have had the system in place to be able to organize and put the money out there to organize this scheme. He had a powerful statement of his personal contrition and how he feels about having been a part of that. He blames only himself. But he said the system was there—and the temptation clearly is. We are trying to move collegiate athletics into a legal area.

This nation's college and university system is one of our greatest assets. We offer the world the model for post-secondary education. Gambling on the outcome of college sporting events tarnishes the integrity of sports and diminishes respect and regard for our colleges and universities. This bill removes the ambiguity that surrounds gambling on college sports. It sends the clear and unmistakable message that it is illegal. We should not gamble with the integrity of our colleges, or the future of our college athletes. Our young athletes deserve legal protection from the seedy influences of the gambling industry, and fans deserve to know that athletic competitions are honest and fair. This legislation ensures that it will be so. I welcome your support.

I welcome anybody in this body and the House of Representatives to support us in this effort. It is important. I fear if we don't pass something like this, you are going to see more and more of these point-shaving scandals come about, as you see more and more athletes having the pressure they are facing with the potential for dollars occurring.

In the decade of the 1990s—I want to repeat this one fact because I think it is so important—there were 10 illegal point-shaving cases the NCAA caught and prosecuted. Those were the ones caught. During the decade of the 1980s, there were two; in the 1970s, one; and in the prior fifties and forties, one each. So we had won, one, two in the 1980s, and then 10 in the 1990s that we know about. How many more were there? Or worse still, how many more will there be in this decade of 2000 to 2010? Let's stop that. Let's send that clear message, that signal. Let's help our student athletes. Let's protect the integrity of the sport.

I introduce this bill, and I welcome any cosponsors.

Mr. LEAHY. Mr. President, I am pleased to join the senior senator from Kansas today to introduce legislation to ban all betting on college and high school sporting events, the High School

and College Sports Gambling Prohibition Act. The recent report of the National Gambling Impact Study Commission recommended this ban and the National Collegiate Athletic Association (NCAA) strongly supports it to protect the integrity of college sports across the nation. I look forward to working with the Chairman of the Senate Judiciary Committee to pass our bipartisan legislation this year.

Our bipartisan bill would close a loophole in the Professional and Amateur Sports Protection Act of 1992. That law prohibits most sports betting on amateur events but continued to grandfather some sports gambling activity that our bill would now prohibit in light of the recent recommendations of the National Gambling Impact Study Commission.

I believe our legislation is needed to ensure the integrity of college sports across the country. Sports betting puts student athletes in vulnerable positions and threatens their integrity and the integrity of college and Olympic sports. It can devastate individuals and careers. In the past decade, college sports has suffered too many gambling scandals involving student athletes. For example, four football players at Northwestern University pled guilty to perjury charges related to gambling on their own games and, one player admitted to intentionally fumbling near the goal line in a 1994 game against Iowa. Just last year, a California State University at Fullerton student was charged with point shaving after allegedly offering \$1,000 to a player on the school's basketball team to shave points in a game against the University of the Pacific. Other sports gambling scandals have rocked the football programs at Boston College and the University of Maryland, and the basketball programs at Arizona State University and Bryant College, in the 1990s.

Legal college sports betting undermines college sports across the country and encourages gamblers to tempt college students into gambling problems and point-shaving schemes. A national ban on college and high school sports betting will send a strong message to students that sports gambling and point shaving schemes will not be tolerated in this country, and it will help prevent these ravages.

In addition, the National Gambling Impact Study Commission found in its June 1999 report that sports wagering has serious social costs. Indeed, the Commission reported: "Sports wagering threatens the integrity of sports, it puts student athletes in a vulnerable position, it can serve as gateway behavior for adolescent gamblers, and it can devastate individuals and careers." A national ban on amateur and college sports betting may help prevent these ravages of sports wagering.

The Commission concluded that legal sports betting spurs illegal gambling, finding "legal sports wagering—especially the publication in the media of

Las Vegas and offshore-generated point spreads—fuels a much larger amount of illegal sports wagering." Many newspapers publish point spreads on college games because wagers can be legally placed on college sporting events given the loophole in current law. Point spreads do not contribute to the popularity of sport; they only contribute to the popularity of sports gambling.

As a result of all of these findings, the Commission recommended that "the betting on collegiate and amateur athletic events that is currently legal be banned altogether." I wholeheartedly agree. Closing this loophole is one of the Commission's clearest recommendations, and it is also a step that can find a clear consensus in Congress.

In addition, our legislation outlaws betting on competitive games at the Summer or Winter Olympics. The Olympic tradition honors sport at its purest level. We, in turn, should honor that proud tradition by cherishing the integrity of the Olympics and prohibiting gambling schemes on the Summer or Winter Games. There have been enough stories about corruption in connection with bidding on venues for Olympic Games. We do not need a scandal having to do with gamblers seeking to influence the outcome of Olympic events. If we act soon, we have the opportunity to put this into place before the next Olympic games.

During my time in the Senate, I have always tried to protect the rights of Vermont state and local legislators to craft their laws free from interference from Washington. As a defender of states' rights, I carefully considered the imposition of a total Federal ban on high school and college sports. After careful thought I have come to the conclusion that this ban is appropriate. Congress has already established a national policy against high school and college sports betting with passage of the Professional and Amateur Sports Protection Act of 1992. Our bill closes a loophole in that law.

I want to make it clear that gambling on professional sports is also a serious matter, worthy of national attention. Congress recognized this fact explicitly when it passed the Professional and Amateur Sports Protection Act of 1992 to arrest the growth of state sponsored sports gambling. By focusing our legislation today on amateur sports gambling, we take a first step toward resolving a fundamental problem. In hearings before the Senate Judiciary Committee, I am confident that the companion subject of gambling on professional sports will be addressed.

Mr. President, our bipartisan bill is supported by a broad coalition of organizations dedicated to excellence in education and athletics.

Mr. President, I urge my colleagues to support the High School and College Sports Gambling Prohibition Act and I urge its swift passage into law.

I ask unanimous consent that a letter endorsing our legislation from more

than 25 of these organizations be printed in the RECORD.

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

FEBRUARY 1, 2000.

Hon. SAM BROWNBACK,  
Hon. PATRICK LEAHY,  
*U.S. Senate,*  
*Washington, DC.*

DEAR SENATORS BROWNBACK AND LEAHY: The undersigned wish to express their full endorsement for the legislation you have introduced to eliminate all exceptions for legalized betting on high-school, college and Olympic sports. We urge the U.S. Senate to pass this bill that will send a clear, no-nonsense message that it is wrong to gamble on college students.

The proposed legislation is especially important to our community because it will:

Eliminate the use of Nevada sports books for gain in point shaving scandals.

Eliminate the legitimacy of publishing point spreads and advertising for sports tout services.

"Re-sensitize" young people and the general public to the illegal nature of gambling on collegiate sports.

Reduce the numbers of people who are in-tendant to sports gambling.

Eliminate conflicting messages as we combat illegal sports wagering that say it is okay to wager on college some places but not in others.

We stand ready to provide support as this bill progresses through the legislative process.

The National Collegiate Athletic Association; The American Council on Education; National Association of Independent Colleges and Universities; American Association of State Colleges and Universities; Conference Commissioners Association; National Association of Collegiate Directors of Athletics; National Association of Collegiate Women Athletics Administrators; American Football Coaches Association; National Association of Basketball Coaches; American Federation of Teachers; U.S. Olympic Committee; National Federation of State High School Associations; American Association of Universities; Divisions I, II and III Student Athlete Advisory Councils; The National Football Foundation and College Hall of Fame.

The Atlanta Tipoff Club Naismith Awards; The American Association of Collegiate Registrars and Admissions Officers; College Golf Foundation; College Gymnastics Association; USA Volleyball; National Field Hockey Coaches Association; USA Track and Field; Team Handball; National Soccer Coaches Association of America; American Volleyball Coaches Association; American Association of Community Colleges; Golf Coaches Association of America.

#### ADDITIONAL COSPONSORS

S. 285

At the request of Mr. MCCAIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. SMITH of Oregon) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in sub-

stantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 344

At the request of Mr. BOND, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of 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.

S. 708

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 708, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

S. 1007

At the request of Mr. JEFFORDS, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for

the alleviation of symptoms relating to ALS.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from Indiana (Mr. LUGAR), the Senator from New York (Mr. MOYNIHAN), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1396

At the request of Mr. FITZGERALD, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1396, a bill to amend section 4532 of title 10, United States Code, to provide for the coverage and treatment of overhead costs of United States factories and arsenals when not making supplies for the Army, and for other purposes.

S. 1413

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1413, a bill to amend the Internal Revenue Code of 1986 to increase the deduction from the estate tax for family-owned business interest.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1619

At the request of Mr. DEWINE, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Mr. GRAMS), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1653

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1653, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1716

At the request of Mr. TORRICELLI, the name of the Senator from Connecticut



(Mr. LIEBERMAN) was added as a cosponsor of S. 1716, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1874

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. EDWARDS), the Senator from Virginia (Mr. ROBB), the Senator from Connecticut (Mr. DODD), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. DODD, the names of the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. SARBANES), the Senator from Illinois (Mr. DURBIN), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States

Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 1984

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 1984, a bill to establish in the Antitrust Division of the Department of Justice a position with responsibility for agricultural antitrust matters.

S. 1995

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1995, a bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program.

S. 2003

At the request of Mr. JOHNSON, the names of the Senator from Kentucky (Mr. BUNNING), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2005

At the request of Mr. BURNS, the names of the Senator from Georgia (Mr. COVERDELL), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S.J. RES. 30

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Virginia (Mr. ROBB), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee

on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

S. RES. 247

At the request of Mr. CAMPBELL, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

#### SENATE RESOLUTION 250—RECOGNIZING THE OUTSTANDING ACHIEVEMENT OF THE ST. LOUIS RAMS IN WINNING SUPER BOWL XXXIV

Mr. ASHCROFT (for himself, Mr. BOND, Mr. FITZGERALD, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 250

Whereas, in 1995 the Los Angeles Rams relocated to St. Louis, Missouri and became the St. Louis Rams;

Whereas, the arrival of the St. Louis Rams ushered in a new era of unity in the St. Louis community fortified by the enthusiasm and energy of the St. Louis Rams' fans and the spirit and drive of the St. Louis Rams organization;

Whereas, the St. Louis Rams' fans have incorporated the unifying spirit of the Rams into the community, making the St. Louis area an even better place to live and work;

Whereas, the members of the St. Louis Rams' team, including Kurt Warner, Marshall Faulk, and Isaac Bruce, exemplify the character, sportsmanship, and integrity—both on and off the field—to which all Americans can aspire;

Whereas, the St. Louis Rams' rallying cry, "Gotta Go To Work," embodies the great American work ethic, and symbolizes the perseverance, dedication, talent and motivation of the St. Louis Rams football team and the St. Louis community;

Whereas, in the 1999-2000 season, the St. Louis Rams committed themselves to the motto, "Gotta Go To Work," and achieved record accomplishments;

The Rams won the NFC West divisional title with a 13-3 record;

The Rams posted an undefeated record at home, winning all ten games in the Trans World Dome, the longest home winning streak for the Rams since 1978;

Rams' quarterback Kurt Warner enjoyed one of the best seasons by a quarterback in NFL history, becoming only the second player to throw 40 or more touchdown passes in a season (41), recording the fifth-best passer rating in league history, completing a league-best 65 percent of his passes, modeling consistency with ten 300-yard games, and setting a new Super Bowl record of 414 passing yards;

The Rams' offense produced 526 points, the third-highest single regular season total;

Rams' quarterback Kurt Warner was named the Miller Lite NFL Player of the Year, donating the \$30,000 award to Camp Barnabas, a Missouri-based Christian summer camp for disabled children, and became only the sixth player to capture both the National Football League's Most Valuable Player and the Super Bowl Most Valuable Player in the same season;

Rams' running back Marshall Faulk, in the regular season, set an all-time record for yards from scrimmage with 2,429, became the second player in NFL history with 1,000 yards rushing and receiving in the same season, had the highest average yards per rush in the league and caught 87 passes, the fourth highest in the NFC;

Rams' wide receiver Isaac Bruce caught 77 passes for 1,165 yards and 12 touchdowns in the regular season and led the Rams in Super Bowl XXXIV with six receptions for 162 yards, including the winning 73-yard touchdown in the fourth quarter;

Rams' left corner back Todd Lyght led the Rams with a regular season career-high six interceptions, including one touchdown, and has started in 97 straight games, the longest current streak with the team;

Rams' linebacker Mike Jones had four interceptions in the regular season, two of which he returned for touchdowns, and had the game winning tackle on the last play of Super Bowl XXXIV;

Rams' wide receiver Torrey Holt set a Super Bowl rookie record with seven catches for 109 yards in Super Bowl XXXIV, including a nine-yard touchdown pass in the third quarter.

Whereas, the St. Louis Rams Head Coach Dick Vermeil was named NFL's coach of the year, and is the oldest coach to win a Super Bowl;

Whereas, the St. Louis Rams lead the league with 6 players chosen to start in the 2000 Pro Bowl; and,

Whereas, the St. Louis Rams won Super Bowl XXXIV, defeating the valiant Tennessee Titans 23-16 in the most exciting finish in Super Bowl history. Now, therefore, be it

*Resolved*, That the Senate

(1) commends the unity, loyalty, community spirit, and enthusiasm of the St. Louis Rams fans;

(2) applauds the St. Louis Rams for their commitment to high standards of character, perseverance, professionalism, excellence, sportsmanship and teamwork;

(3) praises the St. Louis Rams' players and organization for their commitment to the Greater St. Louis, MO community through their many charitable activities;

(4) congratulates both the St. Louis Rams and Tennessee Titans for providing football fans with a thrilling Super Bowl played in a sportsmanlike manner;

(5) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the St. Louis Rams win Super Bowl XXXIV;

(6) commends the St. Louis Rams for their victory in Super Bowl XXXIV on January 30 2000; and

(7) directs the Secretary of the Senate to make available enrolled copies of this resolution to the St. Louis Rams' owners, Georgia Frontiere and Stan Kroenke, and to the St. Louis Rams' Head Coach, Dick Vermeil.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, February 22, 2000 at 3:00 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1722, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State, and for other purposes; and it's companion bill H.R. 3063, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; and S. 1950, a bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on Agriculture, Nutrition, and Forestry be authorized to meet during The session of The Senate on Tuesday, February 1, 2000 at 9:00 a.m., in SR-322, to conduct a full committee hearing to review The authority of The grain inspection, packers and stockyards administration (GIPSA).

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on Banking, Housing, and Urban Affairs be authorized to meet during The session of The Senate on Tuesday, February 1, 2000, to conduct a markup on The renomination of Alan Greenspan to be Chairman of The Board of Governors of The Federal Reserve System, and concurrently a hearing on "Loan Guarantees and Rural Television Service".

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

### COMMITTEE HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Medical Errors: Understanding Adverse Drug Events" during The session of The Senate on Tuesday, February 1, 2000, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered. Subcommittee on Technology, Terrorism and Government Information

Mr. GRASSLEY. Mr. President, I ask unanimous consent that The Committee on The Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Tuesday, February 1, 2000, at 10:00 a.m. in SD226.

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

## PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that intern Livia Vedrasco be allowed privilege of the floor today.

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

## ADDITIONAL STATEMENTS

### RETIREMENT OF ELMER GATES

• Mr. SANTORUM. Mr. President, I rise today to recognize Elmer Gates as he retires from the Fuller Company of Bethlehem, Pennsylvania, where he served as Chairman, President, and CEO. Mr. Gates joined the Fuller Company as President and Chief Operating Officer in 1982 after a thirty-one year career with General Electric. His mission was to restore Fuller Company to sustained profitability, and under his leadership Fuller not only accomplished this goal but became a world leader in the cement industry. During his tenure at Fuller, Elmer Gates combined his spirit of entrepreneurship with the discipline essential for long term business success.

Throughout his distinguished career, Elmer Gates operated under a business philosophy that put a strong emphasis on the customer while maintaining a high level of quality. He firmly believes that community involvement is crucial for businesses, and that a business leader's first responsibility to the community is to run a profitable business so that good jobs are available, which in turn will improve the community.

Mr. Gates' career has been a model for aspiring community servants to follow. He currently serves as Director of PP&L Resources, chairs their Finance Committee, and serves on their Corporate Governance Committee. He also chairs the Boards of the Lehigh Valley Economic Development Corporation and SI Handling Systems, Inc., and was the Founding Director of Ambassador Bank of the Commonwealth. In addition, Mr. Gates was a member of the U.S. Export-Import Bank Advisory Committee, and was appointed by the State legislature and the Governor to the IMPACT Commission and follow-up PRIME Council, to study and make recommendations for ways to reduce the cost of government while improving service levels. These are but a few of the countless contributions Elmer Gates has made, which have served not only his immediate community, but also his State and Country.

Over his remarkable career, Elmer Gates has received numerous awards for his contributions, including the Distinguished Citizen Award from the Minsi Trail Council of Boy Scouts of America, Americanism Awards from B'nai B'rith and the U.S. Marine Corps

League, and the Distinguished Community Leadership Award from the Bethlehem Chamber of Commerce. I would like to join these organizations in recognizing the tremendous contributions of Elmer Gates, and wish him continued success in all of his future endeavors.●

#### IN CELEBRATION OF JACK MCKEON DAY IN SOUTH AMBOY

● Mr. TORRICELLI. Mr. President, I rise today behalf of Jack McKeon, a South Amboy native, who led the Cincinnati Reds to within one game of the 1999 National League Playoffs. It is a pleasure for me to be able to recognize his accomplishments.

During his 50 years in Major League Baseball, Jack McKeon has been honored as both "National League Manager of the Year" and as "Major League Manager of the Year." In his 26 years of major league managing he has won nearly 700 games with the Kansas City Royals, Oakland Athletics, San Diego Padres, and Cincinnati Reds. In addition, Jack McKeon has also served as General Manager, receiving the "General Manager of the Year" award.

Before Jack began his distinguished career, he had already made an impact in New Jersey. As a member of the McKeon Boys Club, Jack played his first organized baseball and went on to become an all-county catcher as a student at St. Mary's High School.

Jack's playing career spanned 10 years in the minor leagues. During that time he discovered his natural ability to lead. His first pro coaching assignment came at the young age of 24, in which he led his club to a 70-67 record. His later success as a rookie manager of the Kansas City Royals in 1973 brought the founding team new respect in the American League with a 2nd place finish. His later managerial and executive positions led to greater renown as he approached the 1999 season. The strong finish of the Cincinnati Reds earned Jack the respect of his peers and the national press which named his Manager or the Year.

So it gives me great pleasure to recognize a leader of great stature in New Jersey. His tremendous accomplishments in baseball, as a player, manager, and executive have made a significant contribution to the national pastime. I am pleased that one of New Jersey's native sons is now being honored, and I hope my colleagues join me in congratulating Jack on his success.●

#### ON PASSING OF GEORGE ORESTIS

● Ms. SNOWE. Mr. President, I rise to pay tribute to a remarkable man and cherished member of the community of Lewiston-Auburn, Maine who sadly passed away in December at the age of 86.

When I learned of the passing of George Orestis, I was stricken by the news. George was quite honestly one of the finest people I have ever had the

privilege to know—a remarkable man and true gentleman who cared deeply about the community he loved, and was a devoted leader of my church, Holy Trinity Greek Orthodox Church of Lewiston, Maine. He was one of those rare individuals who could make you feel a better person just for having met him. Indeed, by always seeing the best in people, he helped others to see the best in themselves—and his compassion for humankind has left an indelible mark on all those whose hearts he touched.

My memories of George go back to my earliest days, and they are fond ones. He was a wonderful and dear friend, whose generous spirit I will feel fortunate to carry with me throughout my days. His loss is especially difficult for all of us in Maine's Greek-American community—his kindness and spirituality formed the heart and soul of our Church, and his devotion was the bedrock upon which Holy Trinity Church was quite literally built.

As the Church's chanter for over two decades, he expressed his faith with soaring eloquence and brought us all closer to God. His words reached out to us in a warm embrace, comforting us in our darkest days. George was always there for us, and today we know that he is now in the company of angels, dwelling forever in the glow of God's eternal love.

George Bernard Shaw once said, "Life is no brief candle to me—it is like a splendid torch which I have hold of for the moment, and I want it to burn as brightly as possible before handing it over to the next generation." For 86 years, George Orestis shined as brightly as any mortal being could, and his is a light that will never be diminished for any of us who knew and loved him. In particular, I know what a special and loving relationship he and his wife Toni shared. My thoughts and prayers continue to be with Toni and her entire family—my love is with them always.

With his values and beliefs—in the way he conducted his life—George was as close to God as one could ever hope to be. We will miss you, George, more than words have the power to convey. We were so very grateful to have you in our lives—now, you belong to God.

Mr. President, I request that the following article from the Lewiston Sun Journal regarding the life of George Orestis be printed in the RECORD.

The article follows:

[From the Lewiston Sun Journal, Dec. 14, 1999]

LEADER OF THE BANK—FRIENDS RECALL  
GEORGE ORESTIS AS 'A BACKBONE'

(By Michael Gordon)

AUBURN—George Orestis had a politician's love for the microphone—but he spoke much better.

William Hathaway acknowledges it. He remembers the night three decades ago that Orestis outshined both him and Sen. Edward "Ted" Kennedy at the dais.

Hathaway had recently been elected to the U.S. House, and he brought the Democratic senator from Massachusetts to Lewiston for

a fund-raiser to pay off some campaign debts. Orestis was Hathaway's campaign treasurer.

All three men addressed the audience, and "George made a better speech than both of us," Hathaway said Monday.

Orestis was a natural in front of an audience, smooth, charming, a skill he'd honed in the 1930s as the leader of Rudy Vallee's band, the Fenton Brothers Orchestra.

He loved to entertain. Just as much, Orestis loved to stand up and tell people's stories, to celebrate their accomplishments, to sing their praises.

"He remembered everything about you," said George Simones, a lifelong friend.

On Monday, it was Simones, Hathaway and others who were doing the talking, the remembering, about a good man and a good friend.

On Sunday, 10 days after his 86th birthday, Orestis died at Central Maine Medical Center in Lewiston. His funeral will be at 11 a.m. Wednesday at the Greek Orthodox Church of the Holy Trinity on Hogan Road in Lewiston; The Most Rev. Metropolitan Methodios of Boston will preside.

A son of Greek immigrants, Orestis took great pride in his heritage and was "a backbone" of the local church, said its priest, Harry Politis. Orestis led the fund drive to build the church, and was its chanter for 27 years.

"He was a great singer, even when he was losing his hearing. He never missed a note," said George Simones, Jr., who sang in the choir Orestis directed.

His service to the Orthodox church had no bounds. He served on the executive councils of both the National Archdiocese and the New England Archdiocese. Twice he was awarded the Cross of St. Andrew.

The poor and handicapped knew his kindness. Orestis established the area's first Good Will store. As a Kiwanian, he led the organization's effort to help the mentally retarded.

"George had a great respect for every human being," Politis said. "He was able to confront every situation. He had a very realistic point of view."

"Whatever life dealt, he would say those are the circumstances," said Orestis' nephew, George. He was named for his uncle.

"That's kind of a Greek expression," he said. "When things are not going so well, you sort of say, 'Well, circumstances,' and get on with it."

"He'd break into song, he'd tell jokes; he was very personable. I think what was responsible for all the affection others had for him was he was so approachable," his nephew said.

Born in Nashua, N.H., Orestis grew up in Lewiston and went to school there.

Simmons remembers him as a leader even then among the boys of the Greek neighborhood.

Orestis attended Bates College, and studied composing, conducting and arranging with Rupert Neily of Portland. In 1929, he landed the job leading the Fenton Brothers Orchestra. It turned into a 12-year gig. At one point, Simones said, the band made the top 10 in the "Lucky Strike Parade."

When America went to war, Orestis joined the U.S. Army. Commissioned as a second lieutenant, he was assigned to the medical corps.

When the fighting was over, he came home, not to the sound of waltzes but of washing machines. He ran the family's laundry business, American Linen, from 1947 to 1961.

When I think of my uncle, I think of the four brothers in the laundry, how a small immigrant family took a business and made it a big success. That's the sort of thing Uncle George would do," his nephew said. He said

the family sold the company in the mid-1960s.

In 1962, Orestis married Antoinette "Toni" Marois. They later became the owners of her family's restaurant on Lisbon Street.

On Monday night, Simmons held a Christmas party there for his own employees. He wanted to reschedule, out of respect for the Orestis family, but he said Toni Orestis insisted it be held.

"She said, 'George would always say, the show must go on.' And she's right," he said.

Now living in McLean, Va., Hathaway was a lawyer in Lewiston when he met Orestis around 1953. Hathaway lived on Webster Avenue and sent his laundry to American Linen. He and Orestis would meet for lunch.

When the lawyer decided to run for Congress, Orestis offered his help.

"I don't think George was too much for politics," Simones recalled. Hathaway agreed. But he capitalized on his friend's skill as an orator. He said Orestis could give a five-minute impromptu speech better than most people who prepared one. Orestis later used that talent in helping his nephew, John, get elected as the mayor of Lewiston.

In 1975, Gov. James Longley, also a Lewiston native, appointed George Orestis as the first director of the Maine State Lottery. He served for four years.

Orestis never liked gambling. Simones noted. Smiling, he said his friend "always wanted the sure thing."

To his many friends, Orestis was a sure thing.

"Anything you wanted, he was there," Simones said. "There isn't enough you could do for George. He's one in a million."•

#### ON THE SERVICE OF RED WOOD TO SULLIVAN'S ISLAND

• Mr. HOLLINGS. Mr. President, I rise today to recognize my friend William J. "Red" Wood who, since 1948, has been making Sullivan's Island, SC a better place to live and work. He came to the island, married, bought a home and raised six children, all the while giving back to a community that he deeply loves.

Red Wood's decades of service to Sullivan's Island make him one of the town's most valuable resources. It is only fitting that the Moultrie News recently recognized his achievements. Red has never hesitated to get involved. He joined the volunteer fire department during his early years on the island and helped to organize the Island Club, which sponsored the local Boy Scout troop. Red also helped start the island's Little League program and served on the township's recreation committee.

He has served on the town council for five terms and, during his first term, held the building inspector's post. In that capacity, he worked on several significant projects including East Cooper Hospital and the first hotel built in Mount Pleasant, SC. He believes his greatest civic achievement, however, is having a hand in incorporating Sullivan's Island.

Red worked for over 30 years in the engineering department of the Charleston Naval Shipyard and has devoted his time to numerous commitments on Sullivan's Island, his wife Monica and their children.

My wife, Peatsy, and I salute all of Red's accomplishments and his continuing service to Sullivan's Island. We wish him many peaceful days of fishing and shrimping. He certainly deserves them.●

#### IN RECOGNITION OF CULLMAN COUNTY

• Mr. SHELBY. Mr. President, I rise today to recognize the work of the Cullman County Commission in Cullman County, Alabama, for its positive work in the community. I specifically want to pay tribute to Mr. George Spear, the Commission Chairman, as an individual who exemplifies the positive impact a public official can have on a community. Through his direct efforts, Mr. Spear has established the Cullman 2000 Committee, a year-long celebration bringing together both young and old in the area to honor the county's unique heritage and shared future.

Founded in 1873 by Col. John G. Cullmann, the county's roots are firmly entrenched in Alabama history. Cullman County is well known for its industry, modern health care, and agriculture production, which ranks at the top of the state. The many events planned throughout the year are designed to celebrate the county's history and successes and to give residents a sense of pride in their community and the common bond they share as members of the county. It will give all residents of Cullman County a sense of their place in county history.

I commend the Cullman County Commission and particularly Mr. Spear for his hard work and sense of civic pride. Without the efforts of the Commission, the Cullman 2000 Committee would not have been possible. As Cullman County looks toward the future, it is reassuring to know that the leaders of the county are keeping in mind the importance of the county's colorful past.●

#### APPOINTMENT OF ENVIRONMENTAL REPRESENTATIVES TO INDUSTRY SECTOR ADVISORY COMMITTEES

• Mr. BAUCUS. Mr. President, I rise today to express my deep disappointment at the administration's decision to appeal the Federal District Court decision that requires the appointment of environmental representatives to the advisory committees, the ISACs, that advise the Commerce Department and USTR on trade policy with respect to forest products.

At the recent WTO meeting in Seattle, President Clinton reminded all of us of the importance of making the trade policy process more open and transparent. I share the view that incorporating environmental and labor concerns into our trade policy is a necessary element in ensuring confidence in the global trading system. The need for openness and transparency is not only for international negotiations and

dispute resolution, but also for the establishment of trade policy here at home. Indeed, the Clinton administration has been the principal advocate of this.

It is, therefore, surprising and disappointing that the administration seems reluctant to bring more openness and transparency into its own trade policy advisory committees. Specifically, in the case of the administration's proposals to reduce or eliminate tariffs on forest products (a goal that I share), environmental groups have raised legitimate issues about the impact on conservation. This should be part of our domestic debate.

I understand that enhancing the role of environmental and other groups in this advisory process raises some concerns at USTR and the Commerce Department. We don't want to make the process inefficient, and we must continue to protect confidential information. But, to my mind, we can increase openness and transparency without compromising efficiency or confidentiality.

I call on the administration to reconsider its policy and take the necessary measures to incorporate fully those who are trying to express legitimate environmental concerns.

Finally, let me be clear. If the decision by the Western District of Washington is overturned on appeal, I will introduce legislation mandating the appointment of representatives of the environmental community to these two advisory committees.

At this critical time when concerns over globalization threaten the consensus for expanding global trade, we must increase public confidence in government. That means more openness and transparency, not less.●

#### RECOGNITION OF JOHN S. BROUSE

• Mr. SANTORUM. Mr. President, I rise today to recognize John S. Brouse, who will receive the American Heritage Award from the Anti-defamation League on Thursday, February 3. Mr. Brouse, President and CEO of Highmark, Inc. will be honored for his professional accomplishments, concern and commitment to his community.

As President and CEO of Highmark, Inc., John Brouse is responsible for the day-to-day business operations of a health insurance corporation that exceeds \$7.5 billion in annual revenues and has more than 18 million customers nationwide. Mr. Brouse was the architect of Highmark's national business strategy for dental and vision programs, and has had a tremendous impact on the success of the corporation. Prior to becoming President of Highmark, Mr. Brouse served as Senior Vice President and Chief Operating Officer for Pennsylvania Blue Shield, where he was responsible for the administration and overall operations of the organization.

In addition to his successful career achievements, John Brouse has always

maintained a commitment to serving his community. Mr. Brouse serves on the Board of Directors of the Blue Cross and Blue Shield Association, and is a member of the Association's Executive Committee. He is also on the Boards of Inter-County Health Plan, Inc. and Inter-County Hospitalization, Inc., and is a member of the Board and Executive Committee of Keystone Central. Mr. Brouse serves on numerous other business, civic and cultural boards including the Greater Pittsburgh Chamber of Commerce, the Western Pennsylvania Caring Foundation for Children, and the Advisory Committee for the Caring Place.

Over his remarkable career, John Brouse has shown in countless ways that he is deserving of the Anti-defamation League's American Heritage Award. His dedication and leadership have had an immeasurable impact on his community, from assuring quality health care coverage for millions of Americans to participating in local community organizations. I would like to join the Anti-defamation League in honoring John S. Brouse, a man who is truly deserving of recognition.●

#### KURT WARNER OF THE ST. LOUIS RAMS

● Mr. HARKIN. Mr. President, I rise to pay tribute to the two Iowans who led the St. Louis Rams to victory in Sunday's Super Bowl. Quarterback Kurt Warner, a native of Cedar Rapids, Iowa and Offensive Lineman Adam Timmerman, a native of Cherokee, Iowa. It is a bittersweet irony that a third Iowa native, injured Quarterback Trent Green, couldn't play this season and so Kurt Warner stepped in to the position.

Nobody—I mean nobody—could have predicted that Kurt Warner would be holding the Super Bowl trophy under the Georgia Dome last Sunday. Not Kurt Warner who was stocking the shelves of the Hy-Vee Market in Cedar Falls, Iowa a few years ago. Not Kurt Warner who was bypassed by the NFL draft out of college and went straight to the Iowa Barnstormers and then the Amsterdam Admirals. And certainly not the Kurt Warner who warmed the bench at the University of Northern Iowa.

This is a true American success story. An Iowa boy comes from the bench to Super Bowl 2000 where he sets a Super Bowl record for passing yards—414 yards in all, topping Joe Montana's 1989 Super Bowl record of 357 yards. It doesn't get much better than that!

And Kurt Warner had help from another Iowa boy, Adam Timmerman, the Rams offensive lineman, a native of Cherokee, Iowa. Timmerman and the Rams offensive line held the Titans to one sack in the entire game, allowing Warner time to complete the passes that won him his Super Bowl record.

You know, I am sure many of you have heard me talk about the ladder of opportunity, about leaving the ladder down so others can climb up. Well, Kurt Warner built his own ladder of op-

portunity, sticking with it at every turn, persevering against odds that would sink a weaker man. It is great to see him at the top.

Iowa is proud of its native sons and daughters. For the past several months, Iowa has been in the public eye because of the caucuses. And now that the Iowa caucuses are behind us, Iowans are proud to share the spotlight with homegrown heroes Kurt Warner and Adam Timmerman. I know we all wish Kurt and Adam good luck in this Sunday's Pro Bowl in Honolulu.●

#### ELIAN GONZALEZ

● Mr. LEVIN. Mr. President, there are few, if any, who haven't been moved by the triumphant story of Elian Gonzalez, a brave young boy found clinging to a raft on Thanksgiving Day. Elian endured a harrowing journey from Cuba to Florida, after his mother was lost at sea.

Now, Elian finds himself in the center of an international tug-of-war. Both sides are entrenched in an emotional debate, that centers more around the Castro regime than it does around the young boy.

No matter how hard it may be, for Elian's sake, politics must be taken out of the equation. The Immigration and Naturalization Service has made its ruling, that Elian father's has the authority to speak for his son. His father, Juan Gonzalez, has asked that applications for admission and asylum for Elian be withdrawn.

Congress should not ignore the bond between father and child, and the responsibility a father has for his son, regardless of where they reside.

People with a legal interest in the matter may test the INS order in Court. Congress should not undermine the Court proceedings, and in the process, possibly trample on the family values we so often claim to honor.

Elian's extended relatives in Miami filed their lawsuit in federal court to block the child's return, and any action by Congress to bypass the Court on this matter is inappropriate. The Court will hopefully analyze the facts and decide Elian's future based on his interests, not heated debate or political rigidity. This is an issue that deserves an appropriate forum, one away from politics, where Elian's future can be based on the rules of law that this country has held out to the world.●

#### BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through January 27, 2000. The estimates of budget authority, outlays,

and revenues are consistent with the technical and economic assumptions of the 2000 Concurrent Resolution on the Budget (H. Con. Res. 68). The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks.

The estimates show that current level spending is above the budget resolution by \$10.3 billion in budget authority and below the budget resolution by \$2.3 billion in outlays. Current level is \$17.8 billion above the revenue floor in 2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$20.6 billion, which is \$5.7 billion below the maximum deficit amount for 2000 of \$26.3 billion.

Since my last report, dated September 28, 1999, the Congress has passed and the President has signed the following acts: Veterans, HUD and Independent Agencies Appropriations Act, 2000 (P.L. 106-74), Agriculture and Rural Development Appropriations Act, 2000 (P.L. 106-78), Defense Appropriations Act, 2000 (P.L. 106-79), Gramm-Leach-Bliley Act (P.L. 106-102), an Act Making Consolidated Appropriations for FY 2000 (P.L. 106-113), Veterans' Millennium Health Care and Benefits Act (P.L. 106-117), an act to convey property in Sisters, Oregon (P.L. 106-144), an act to require the Secretary of the Treasury to mint various commemorative coins (P.L. 106-126), Foster Care Independence Act of 1999 (P.L. 106-169), and Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106-170). These actions have changed the current level of budget authority, outlays, and revenues. This is my first report for the second session of the 106th Congress.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, January 28, 2000.

Hon. PETE V. DOMENICI,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 2000 shows the effects of Congressional action on the 2000 budget and is current through January 27, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000. The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks. These revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last report, dated October 6, 1999, the Congress has passed, and the President has signed the following acts: Veterans, HUD

and Independent Agencies Appropriations Act, 2000 (P.L. 106-74), Agriculture and Rural Development Appropriations Act, 2000 (P.L. 106-78), Defense Appropriations Act, 2000 (P.L. 106-79), Gramm-Leach-Bliley Act (P.L. 106-102), an Act Making Consolidated Appropriations for FY 2000 (P.L. 106-113), Veterans' Millennium Health Care and Benefits Act (P.L. 106-117), an act to convey property in Sisters, Oregon (P.L. 106-144), an act to require the Secretary of the Treasury to mint various commemorative coins (P.L. 106-126), Foster Care Independence Act of 1999 (P.L. 106-169), and Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106-170). These actions have changed the current levels of budget authority, outlays, and revenues. This is my first report for the second session of the 106th Congress.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JANUARY 27, 2000

[In billions of dollars]			
	Budget resolution	Current level <sup>1</sup>	Current level over/under resolution
<b>ON-BUDGET</b>			
Budget Authority .....	1,455.0	1,465.2	10.3
Outlays .....	1,434.4	1,432.2	-2.3
Revenues:			
2000 .....	1,393.7	1,411.5	17.8
2000-2009 .....	16,139.1	16,914.0	774.9
Deficit <sup>2</sup> .....	26.3	20.6	-5.7
Debt Subject to Limit .....	5,628.4	5,686.9	58.5
<b>OFF-BUDGET</b>			
Social Security Outlays:			
2000 .....	327.3	327.2	3
2000-2009 .....	3,866.9	3,866.6	-0.3
Social Security Revenues:			
2000 .....	468.0	467.8	-0.2
2000-2009 .....	5,681.9	5,681.8	-0.1

<sup>1</sup> Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

<sup>2</sup> Section 314 of the Congressional Budget Act of 1974, as amended, requires the deficit in the budget resolution to be changed to reflect increases in outlays as the result of funding for specific actions (emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks). Sec. 211 of the Concurrent Resolution on the Budget for Fiscal Year 2000 (H. Con. Res. 68) allows for a decrease in revenues by an amount equal to the on-budget surplus on July 1, 1999, as estimated by CBO, but does not allow an equal adjustment to the deficit. Therefore, the deficit number for the budget resolution shown above reflects only the outlay increases made to the budget resolution between May 19, 1999, and November 1, 1999.

<sup>3</sup> Less than \$50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JANUARY 27, 2000

[In millions of dollars]			
	Budget authority	Outlays	Revenues
<b>Enacted in previous sessions:</b>			
Revenues .....			1,408,082
Permanent and other spending legislation .....		874,007	
Appropriation legislation .....		247,166	
Offsetting receipts .....	-295,703	-295,703	
Total, enacted in previous sessions .....	616,573	825,470	1,408,082
<b>Enacted this session:</b>			
<b>Signed into law:</b>			
1999 Education Flexibility Partnership Act (P.L. 106-25) .....		32	
1999 Miscellaneous Trade and Technical Corrections Act (P.L. 106-36) .....		-2	-19
Water Resources Development Act (P.L. 106-53) .....	-19	-19	
National Defense Authorization Act, 2000 (P.L. 106-65) .....	-97	-97	
Gramm-Leach-Bliley Act (P.L. 106-102) .....	-35	-31	1
Veterans' Millennium Health Care and Benefits Act (P.L. 106-117) .....	61	-4	
An act to require the Secretary of the Treasury to mint various coins (P.L. 106-126) .....	-1	-1	
An act to convey property in Sisters, Oregon (P.L. 106-144) .....	1	1	
Foster Care Independence Act of 1999 (P.L. 106-169) .....	39	-22	
Emergency Supplemental Appropriations Act, 1999 (P.L. 103-31) .....	1,955	7,360	
Emergency Steel Loan and Emergency Oil and Gas Guaranteed Loan Act (P.L. 106-51) .....	68,641	48,539	
Agriculture and Rural Development Appropriations Act, 2000 (P.L. 106-78) .....	265,366	176,618	13
Defense Appropriations Act, 2000 (P.L. 106-79) .....	8,374	2,459	
Military Construction Appropriations Act, 2000 (P.L. 106-52) .....	2,457	2,111	
Legislative Branch Appropriations Act, 2000 (P.L. 106-57) .....	27,929	24,970	
Treasury and General Government Appropriations Act, 2000 (P.L. 106-58) .....	21,280	13,297	
Energy and Water Appropriations Act, 2000 (P.L. 106-60) .....	14,369	17,883	
Transportation Appropriations Act, 2000 (P.L. 106-69) .....	95,850	55,861	
Veterans, HUD and Independent Agencies Appropriations Act, 2000 (P.L. 106-74) .....	334,111	251,109	3,330
An Act Making Consolidated Appropriations for FY 2000 (P.L. 106-113) <sup>1</sup> .....	18	18	116
Ticket to Work and Work Incentives Improvement Act (P.L. 106-170) .....			
Total, enacted this session .....	840,299	600,101	3,441
<b>Entitlements and mandates:</b>			
Adjustments to appropriated mandates to reflect baseline estimates .....	8,362	6,580	
Total Current Level .....	1,465,234	1,432,151	1,411,523
Total Budget Resolution .....	1,454,952	1,434,420	1,393,684
Current Level Over Budget Resolution .....	10,282		17,839
Current Level Under Budget Resolution .....		2,269	
<b>Memorandum:</b>			
Emergency designations .....	31,309	27,279	

<sup>1</sup> Public Law 106-113 provides funding for five regular appropriation bills: District of Columbia; Commerce, Justice, State; Foreign Operations; Interior; and Labor, HHS, Education. This act also incorporates by reference a miscellaneous appropriations bill and two bills that affect direct spending.

Source: Congressional Budget Office.

P.L. = public law; HHS = Health and Human Services; HUD = Housing and Urban Development.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-18

Mr. MURKOWSKI. 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 February 1, 2000, by the President of the United States:

Treaty with the Hellenic Republic on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 106-18).

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 Treaty Between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 26, 1999.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, in-

cluding terrorism and drug-trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes taking testimony or statements of persons; providing documents, records, and other items; locating and identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings relating to immobilization and forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.



I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 1, 2000.

# UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that immediately following the completion of the bankruptcy bill and notwithstanding rule XXII, the Senate proceed to executive session and the consideration of the nomination of Alan Greenspan. I further ask unanimous consent that there then be the following debate time, to be divided as follows:

Senator LEAHY, 20 minutes; Senator DORGAN, 30 minutes; Senator HARKIN, 60 minutes; Senator WELLSTONE, 60 minutes; Senator REID, 30 minutes; the chairman and ranking member, 90 minutes equally divided.

I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination at a time to be determined by the two leaders. I finally ask unanimous consent that following the vote, the President be notified of the Senate's action, and the Senate then resume legislative session.

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

## ORDERS FOR WEDNESDAY, FEBRUARY 2, 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, February 2. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 625, the bankruptcy reform bill, and Senator SCHUMER be recognized to call up his two remaining amendments.

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

## PROGRAM

Mr. MURKOWSKI. Mr. President, for the information of all Senators, the Senate will resume consideration of the bankruptcy reform bill at 9:30 a.m. tomorrow. There are several amendments remaining, and these amendments will be debated throughout the morning. All votes, including final passage of the bankruptcy legislation, will be stacked and are expected to occur at approximately 12 noon. After disposition of the bankruptcy bill, the Senate is expected to begin consideration of

the nomination of Alan Greenspan to continue as chairman of the Federal Reserve.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:14 p.m., adjourned until Wednesday, February 2, 2000, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate February 1, 2000:

### DEPARTMENT OF STATE

ROSS L. WILSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATHAN O. HATCH, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006. VICE JOHN HAUGHTON D'ARMS, RESIGNED.

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

#### To be vice admiral

REAR ADM. ERNEST R. RIUTTA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

#### To be vice admiral

VICE ADM. THOMAS H. COLLINS, 0000

### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be brigadier general

COL. WILLIAM N. SEARCY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(B):

#### To be colonel

MARK K. WELLS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (\*) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

#### To be colonel

WILLIAM P. ABRAHAM, 0000	MALCOLM M. DEJNOZKA, 0000
MICHAEL J. AINSCOUGH, 0000	ROBERT L. DITCH, 0000
CARL M. ALLEY, 0000	DANIEL J. DONOVAN, 0000
KATHRYN M. AMACHER, 0000	*JOHN R. DOWNS, 0000
DOUGLAS J. AMMON, 0000	LOUIS D. ELDRIDGE, 0000
DAVID P. ARMSTRONG, 0000	*JOHN E. EVERETT, 0000
JEFFERY W. ARMSTRONG, 0000	BRYAN J. FUNKE, 0000
ANTHONY H. ARNOLD, 0000	DENNIS C. FURRY, 0000
WENDALL C. BAUMAN, 0000	GARY L. GEORGE, 0000
MARCUS B. BEYERLE, 0000	WILLIAM J. GRAY, 0000
DAVID L. BROWN, 0000	*TIMOTHY K. GUTHRIE, 0000
*JOHN B. BUDINGER, 0000	*JAMES C. HAAK, 0000
STEPHEN M. BURNS, 0000	FRED M. HANNAN, 0000
JAMES L. BYERS, 0000	KAREN L. HARTER, 0000
*BYRON C. CALHOUN, 0000	BETH HASELHORST, 0000
STEVEN L. CARDENAS, 0000	ARNE HASSELQUIST, 0000
ROBERT E. CARROLL, 0000	WILFRID J. HILL, 0000
*STEPHEN F. W. CAVANAUGH, 0000	GLORIA J. HOBAN, 0000
PETER J. CHENAILLE, 0000	SUSAN L. HUFFSMITH, 0000
MATTHEW COATSWORTH, 0000	JAMES S. ICE, 0000
KORY G. CORNUM, 0000	WALTER J. JAMES, 0000
STEVE R. CURTIS, 0000	KAREN E. JONES, 0000
DAVID E. DEAS, 0000	ROBERT P. KADLEC, 0000
	DAVID N. KENAGY, 0000
	*JAMES E. KING, 0000
	*KID KUSS, 0000

JOHN R. LAKE, 0000  
HOBSON E. LEBLANC, 0000  
JAMES R. LITTLE, 0000  
\*JUDITH A. LOMBEIDA, 0000  
DAVID J. LOUIS, 0000  
PETER B. MAPES, 0000  
ABUBAKR A. MARZOUK, 0000  
MARGARET B. MATARESE, 0000  
MARK F. MATHEWS, 0000  
PATRICK A. MATTIE, 0000  
JOHN C. MCCAFFERTY, 0000  
\*GREGORY P. MELCHER, 0000  
BENNY C. MERKEL, 0000  
JEFFREY L. MIKUTIS, 0000  
WILLIAM J. MITCHELL, 0000  
ANDREW R. MONTEIRO, 0000  
MARYANN MORREALE, 0000  
SEAN L. MURPHY, 0000  
RONALD G. NELSON, 0000  
KAY L. NESS, 0000  
JAY C. NEUBAUER, 0000  
DANNY W. NICHOLLS, 0000  
FRANCESCO R. OLIVITO, 0000  
PAUL A. ONNINK, 0000  
KEVIN P. N. OSHEA, 0000  
CARROLL A. PALMORE, 0000  
LEE E. PAYNE, 0000  
ALAN L. PEET, 0000  
ROBERT PERSONS, 0000  
JAMES PETTEY, 0000

KEVIN A. POLLARD, 0000  
MARK A. PRESSON, 0000  
ROBERT G. QUINN, 0000  
KENNETH G. REINERT, 0000  
ROLLAND C. REYNOLDS, 0000  
\*JOSE E. RODRIGUEZVAZQUEZ, 0000  
ROBERT M. SAAD, 0000  
VICTOR P. SALAMANCA, 0000  
FREDERICK L. SCHAEFER, 0000  
JAMES W. SCHUMACHER, 0000  
JOE D. SPARKS, 0000  
MICHAEL W. SPATZ, 0000  
DAVID A. STANCZYK, 0000  
WILLIAM C. STENTZ, 0000  
DONALD E. TAYLOR, 0000  
\*JEFFREY M. THOMPSON, 0000  
ROBERT F. TODARO, 0000  
RUSSELL A. TURNER, 0000  
SCOTT W. VANVALKENBURG, 0000  
ANN M. VRTIS, 0000  
NANCY A. WAITE, 0000  
DOUGLAS J. WASSON, 0000  
STEVEN J. WHITNEY, 0000  
ROBERT A. WILLIAMSON, 0000  
DAVID E. WOMACK, 0000

### To be lieutenant colonel

*ROBERT M. ABBOTT, 0000	*TIMOTHY J. LACY, 0000
RONALD A. ABBOTT, 0000	*KI HYEOK LEE, 0000
*JOHN L. ANDRESHAK, 0000	JOHN G. LEVASSEUR, 0000
*KATHLEEN M. ANKERS, 0000	VIKI T. LIN, 0000
DAVID A. ARRIGHI, 0000	*STEVEN J. LIPScomb, 0000
*STEPHEN S. BAKER, 0000	*DAVID S. LOUDER, 0000
*WOODY C. BAKER, 0000	MICHAEL D. MANN, 0000
THOMAS S. BINGHAM, 0000	*THOMAS O. MARKEL, 0000
DAVID P. BLAKE, 0000	*MICHAEL J. MAYERCHAK, 0000
*RICHARD E. BRANDSDORF, 0000	*KENNETH P. McDONNELL, 0000
*THOMAS M. BROWN, 0000	KRISTA L. MCFARREN, 0000
*LESLIE R. BRYANT, 0000	*ROBERTA M. MELTON, 0000
*DANIEL G. BURNETT, 0000	*ROBYN R. MILLER, 0000
MARK S. CAMPBELL, 0000	*RONALD J. MORRELL, 0000
*CRAIG Y. CASTILLO, 0000	MICHAEL R. MURCHLAND, 0000
RICHARD D. CESPEDES, 0000	*KEVIN J. MURPHY, 0000
*ROBERT G. CHANDLER, 0000	*DIANE C. NAPOLI, 0000
WILBERT E. CHARLES, 0000	*JARED W. NELSON, 0000
*DAVID B. CHIESA, 0000	*SCOTT B. NORRIS, 0000
*CHARLES R. CLINCH, 0000	*JOSEPH E. NOVAK, 0000
*JOHN M. COCUZZI, 0000	*SANDRA S. OSSWALD, 0000
*LEONARD G. COINER, 0000	RANDALL A. OW, 0000
*JULIE M. COLLINS, 0000	CRAIG S. PACKARD, 0000
JAN C. COLTON, 0000	*RONALD W. PAULDINE, 0000
JOHN J. DEGOES, 0000	*DE TAGLE SUSAN M. PEREZ, 0000
*ROBERT I. DELO, 0000	*GERALD E. PETERS, 0000
*PAUL D. DEVEAU, 0000	GORDON C. PETERS, 0000
ROBERT J. DIGERONIMO, 0000	*DAVID H. PFOTENHAUER, 0000
PAUL S. DOAN, 0000	*MICHAEL S. PHILLIPS, 0000
*GINA R. DORLAC, 0000	*KRISTINA H. PHILPOTT, 0000
WARREN C. DORLAC, 0000	*GARY M. PIORKOWSKI, 0000
*MARY D. DVORAK, 0000	*THOMAS W. POLLARD, 0000
KATHLEEN B. ELMER, 0000	*DAVID B. POWERS, 0000
*DREW W. FALLIS, 0000	DAVID W. RIRIE, 0000
*MICHAEL FERGUSON, 0000	EUGENIO RIVERA, 0000
*PAUL M. FORTUNATO, 0000	TIMOTHY D. ROBINETTE, 0000
DAIN N. FRANKS, 0000	*JEFFREY S. SCHACK, 0000
SPENCER J. FRINK, 0000	CHRISTINE M. SCHAFER, 0000
EMILY M. GARSADDEN, 0000	*MARTHA P. SCHATZ, 0000
*JAMES W. GASQUE, 0000	*MICHAEL D. SIGNORELLI, 0000
*MARC V. GOLDBACH, 0000	GALE J. SKOUSEN, 0000
*SCOTT L. GOLDSTEIN, 0000	*DAVID M. SMITH, 0000
TERESA D. GOODPASTER, 0000	*ROY E. SMITH, 0000
*DWIGHT E. GURLEY, 0000	*JOHN B. STEA, 0000
*DANIEL HABERMAN, 0000	ERIC B. STONE, 0000
*JENNIFER A. HARTE, 0000	*JOHN A. SUNDELL, 0000
*TERRY L. HASKE, 0000	*JEFFREY S. THOMPSON, 0000
*PAUL H. HAYASHI, 0000	*WILLIAM E. VENANZI, 0000
*BRIAN P. HAYES, 0000	JOSE VILLALOBOS, 0000
*DAVID J. HEICHEL, 0000	*RODNEY M. WAITE, 0000
*JAMES H. HENICK, 0000	*LISA J. WAZENEGGER, 0000
LINWOOD J. HENRY, 0000	*JAMES F. WALROTH, 0000
STEPHEN W. HIGGINS, 0000	*KAREN L. WATSONRAMIREZ, 0000
*DONALD R. HOAGLIN, 0000	MARK E. WERNER, 0000
*HARRY HOLIDAY, 0000	*DEAN H. WHITMAN, 0000
*HELEN M. HOOTSMANS, 0000	*GERALD V. WIEST, 0000
*BRYAN N. HOUSE, 0000	*JOHN M. WIGHTMAN, 0000
DARRYL C. HUNTER, 0000	*DAVID A. WILLIAMS, 0000
*TIMOTHY A. HURSH, 0000	*ROBERT B. WORTHINGTON, 0000
*MARK D. IAFRAZI, 0000	*ERIC G. YOUNG, 0000
*KENNETH K. KNIGHT, 0000	
MARK A. KOENIGER, 0000	
EDWARD R. KOST, 0000	
*JOSEPH S. KROBOCK, 0000	
ANTHONY J. ABENE, 0000	ROBERT J. ANDERSON, 0000
JAVIER A. ABREU, 0000	THOMAS T. ANDREW, 0000
MICHAEL J. ACHINGER, 0000	SCOTT K. ANDREWS, 0000
PATRICK J. AHRENS, 0000	LLOYD H. ANSETH, 0000
BRADLEY W. ANDERSON, 0000	LENA M. ARVIDSON, 0000
	BONNIE C. ARZE, 0000

### To Be Major

GARTH A. ASHBECK, 0000  
ERIC J. ASHMAN, 0000  
JEFFREY E. ASKEW, 0000  
DAVID E. BACHOFER, 0000  
JOSEPH C. BAER, 0000  
MATT A. BAPTISTA, 0000  
PHILIP R. BARONE, 0000  
DEBORAH L.  
BARUCHBIENEN, 0000  
KIMBERLY C. BAY, 0000  
BRADY N. BENHAM, 0000  
JEFFREY S. BENNETT, 0000  
ERIC B. BENZ, 0000  
JOSEPH R. BERGER, 0000  
ANDREW T. BERGGREN, 0000  
TODD M. BERTOCH, 0000  
NINA LUCAS BETETA, 0000  
DAVID W. BIDDLE, 0000  
MARK R. BIEDRZYCKI, 0000  
VLJAY K. BINDINGNAVELE, 0000  
TODD E. BLATTMAN, 0000  
TIMOTHY D. BODE, 0000  
WILLIAM F. BODENHEIMER, 0000  
ROBERT M. BOLDY, 0000  
DONATO J. BORRILLO, 0000  
RYAN G. BOSCH, 0000  
LARS O. BOUMA, 0000  
ANDREW N. BOWSER, 0000  
DALE J. BRADLEY, 0000  
JENNINE M. BRANDT, 0000  
JOHN G. BRAWLEY, 0000  
CHRISTINE E. BRICCEITTI, 0000  
KEITH R. BRILL, 0000  
TRACY L. BROBYN, 0000  
LAURA A. BRODHAG, 0000  
ELISA L. BROWN, 0000  
JOSEPH M. BRUNO, 0000  
HANS C. BRUNTMYER, 0000  
JAMES E. BRYANT, 0000  
JOHN E. BUCK, 0000  
MARK A. BUONO, 0000  
DAVID M. BUSH, 0000  
AMY E. BUTLER, 0000  
THATCHER R. CARDON, 0000  
STEVE J. CASEY, 0000  
ERIC L. CATHEY, 0000  
MARY E. CHAPPELL, 0000  
MICHAEL A. CHEEK, 0000  
MARTIN S. CHIN, 0000  
YUN C. CHONG, 0000  
DANIELLE B. CLAIR, 0000  
STEVEN L. CLARK, 0000  
CHRISTINE S. CLARKE, 0000  
GEORGE A. CLARKE, 0000  
DAVID S. COCKRUM, 0000  
KIMBERLY A. COLLINS, 0000  
MARK R. COMNICK, 0000  
GREGORY A. COMPTON, 0000  
GISELLE M. CONLIN, 0000  
KEVIN P. CONNOLLY, 0000  
THOMAS J. CONNOLLY, 0000  
MARK O. COVINGTON, 0000  
RONALD L. COX, 0000  
GLYNDA G. CRABTREE, 0000  
HARRY S. CRAWFORD, 0000  
DANA K. CRESSLER, 0000  
JOHN W. CROMMETT, 0000  
JIM D. CROWLEY, 0000  
JEFFREY R. CUMMINGS, 0000  
TIMOTHY M. CURLEY, 0000  
JOSEPH J. CZARNECKI, 0000  
SMITH MARY F. DAILEY, 0000  
CHEVAUGHN V. DANIEL, 0000  
ERIC C. DAUB, 0000  
PATRICK G. DAUS, 0000  
ELIZABETH E. DAVIES, 0000  
JOSEPH Y. DEJESUS, 0000  
CHRIS T. DERK, 0000  
PETER K. DERUSSY, 0000  
GREGORY A. DEYE, 0000  
JAMES D. DIXON, 0000  
SARA A. DIXON, 0000  
KEVIN M. DRECHSEL, 0000  
ERIC J. DUDENHOEFER, 0000  
JOSIAH W. DUKE, 0000  
JAMES S. DUNN, 0000  
STEVEN J. DURNING, 0000  
MARK A. EASTERDAY, 0000  
RICHARD J. ECKERT, 0000  
ROBIN M. EICKHOFF, 0000  
MARK L. ELDORE, 0000  
STEPHEN C. ELIASON, 0000  
MARK A. ENGLEMAN, 0000  
TONTA L. FANCHER, 0000  
RAYMOND FANG, 0000  
SUSAN C. FARRISH, 0000  
JILL C. FEIG, 0000  
JAMES E. FEISTE, 0000  
STEVEN L. FINEBERG, 0000  
PATRICK J. FITZSIMMONS, 0000  
DEANNE L. FOSNOCHT, 0000  
ANGELA G. FOWLER, 0000  
CHRISTOPHER M. FOWLER, 0000  
FARON J. FOX, 0000

DENISE WRIGHT FRANCOIS, 0000  
LAUREN B. FRANKLIN, 0000  
JEFFREY J. FREELAND, 0000  
CARL A. FREEMAN, 0000  
DOUGLAS J. FREEMAN, 0000  
KRISTEN A. FULTSGANEY, 0000  
THOMAS J. GAL, 0000  
STEPHEN M. GALVIN, 0000  
FANG YUN GAN, 0000  
MERRI A. GANDHI, 0000  
RICHARD F. GARRI, 0000  
JUAN GARZA, 0000  
TINA C. GAUNT, 0000  
MARTIN F. GIACOBBI, 0000  
MICHAEL W. GISH, 0000  
ROBERT A. GOINS, 0000  
KAREN M. GOLD, 0000  
TRACY A. GOLDEN, 0000  
RUSSELL S. GORNICHEC, 0000  
STEVEN M. GRAY, 0000  
BARRY J. GREER, 0000  
MICHAEL S. GRIMLEY, 0000  
KEVIN A. HACHMEISTER, 0000  
JOHN D. HALLGREN, 0000  
WILLIAM HALLIER, 0000  
DEREK B. HAMBLIN, 0000  
BRIAN R. HAMLIN, 0000  
CHRISTINE D. HAMRICK, 0000  
VERN A. HARCHENKO, 0000  
DONALD S. HARPER, 0000  
SCOTT A. HARTWICH, 0000  
GRANT E. HASSON, 0000  
BOBBI J. HAWK, 0000  
DEREK G. HEBERT, 0000  
RICHARD A. HEINER, 0000  
CHRISTINA L.  
HELTERBRAND, 0000  
DAVID L. HEMPHILL, 0000  
ANDRE A. HENRIQUES, 0000  
GEORGE E. HERRIOTT, 0000  
SUSAN L. HILL, 0000  
JEANNEMARIE D. HINKLE, 0000  
MARK A. HINTON, 0000  
JACQUELINE HO, 0000  
ERRIN J. HOFFMAN, 0000  
GREGORY D. HOMER, 0000  
DREW M. HORLBECK, 0000  
MARK T. HORROCKS, 0000  
KAI YUN HSU, 0000  
JEFFREY M. HUFFMAN, 0000  
DUSTAN T. HUGHES, 0000  
JOHN W. HULTQUIST, 0000  
CELESTA M. HUNSIKER, 0000  
TIMOTHY J. HUSCHKE, 0000  
BRENDON B. HUTCHINSON, 0000  
CHRISTOPHER S. HYDO, 0000  
ANTHONY M. INAE, 0000  
ALAN J. IVERSON, 0000  
DARIN R. JACOBY, 0000  
KELSEY G. JAMES, 0000  
MICHAEL J. JENKS, 0000  
MONICA L. JOHNSON, 0000  
KATHLEEN M. JONES, 0000  
RAYMOND C. JONES, 0000  
WAYNE P. JUSTICE, 0000  
BENJAMIN C. KAM, 0000  
MICHELLE Y. KARNEY, 0000  
JAY D. KERECMAN, 0000  
DAVID B. KIESER, 0000  
KIKU E. KIM, 0000  
KYUWON KIM, 0000  
BRIAN D. KIMBALL, 0000  
HENRY J. KISER, 0000  
SVEN KLAUSS, 0000  
TAMMY M. KNAPP, 0000  
COLIN G. KNIGHT, 0000  
MARK W. KOLASA, 0000  
THOMAS E. KOLKEBECK, 0000  
AARON B. KOONCE, 0000  
MICHAEL R. KOTELLES, 0000  
JANE P. KRAMAR, 0000  
KYLE R. KREINBRING, 0000  
ROY E. KUHL, 0000  
JOHN I. KUNG, 0000  
SHARI J. KUSHWAHA, 0000  
DAE T. KWAK, 0000  
JERRY D. LABSON, 0000  
ROBERT E. LACLAIR, 0000  
JOHN C. LACUNZA, 0000  
DAVID M. LAMBERT, 0000  
DANIEL R. LANCE, 0000  
JENNIFER L. LAPOINTE, 0000  
JEFFRY J. LARSON, 0000  
JAMES LEE, 0000  
JACK B. LEWIS, 0000  
KENNETH M. LIGHTHEART, 0000  
RODNEY D. LINDSAY, 0000  
ROBERT F. LINN, 0000  
PAUL M. LITTLE, 0000  
KAMALA H. LITTLETON, 0000  
BRADLEY A. LLOYD, 0000

DEBORAH S. LOMAKOSKI, 0000  
LARRY K. LONG, 0000  
ANN LOPES, 0000  
JAMES D. LOWE, 0000  
DERON J. LUDWIG, 0000  
ANDREA L. LUNDELL, 0000  
JAMES J. LYONS, 0000  
KAI WOOD MA, 0000  
DANIEL M. MACALPINE, 0000  
JUSTYN H. MACFARLAND, 0000  
MARK E. MANLEY, 0000  
CHERIE R. MANY, 0000  
DAVID L. MAPES, 0000  
JEFFREY E. MAPLE, 0000  
JORGE A. MARQUIS, 0000  
MICHAEL R. MARTIN, 0000  
DAWN L. MARTINHERRING, 0000  
MARK A. MASSEY, 0000  
MARK A. MATHURIN, 0000  
DAVID B. MAYBEE, 0000  
PATRICIA M. MAYER, 0000  
SUMNER T. MCALLISTER, 0000  
CARL L. MCGLOSTER, 0000  
RHETT P. MC LAREN, 0000  
CYNTHIA G. MCNALLY, 0000  
BRIAN R. MC VANEY, 0000  
MICHAEL R. MEASE, 0000  
JOSEPH B. MENDOZA, 0000  
KURT D. MENTZER, 0000  
CHRISTINA L. MERSKI, 0000  
MICHELLE F. METZGER, 0000  
MICHAEL T. MEYER, 0000  
SCOTT R. MEYER, 0000  
GIOVANNI G. MILLARE, 0000  
DAVID P. MILLER, 0000  
GARY K. MILLER, 0000  
PATRICK J. MILLER, 0000  
WILLIAM H. MILLER, 0000  
JESSICA T. MITCHELL, 0000  
PATRICK B. MONAHAN, 0000  
ROBERT M. MONBERG, 0000  
LISA A. MONKMAN, 0000  
RICHARD L. MOONEY, 0000  
BRADLEY B. MOORE, 0000  
SUSAN O. MORAN, 0000  
ROBERT F. MORELAND, 0000  
DARIN K. MORGAN, 0000  
WILLIAM P. MUELLER, 0000  
CHRISTOPHER C.  
MUENCHEN, 0000  
JOSEPH A. MUHLBAUER, 0000  
MICHAEL J. MULLEN, 0000  
HOLLY C. MUSGROVE, 0000  
BASEEMAH S.  
NAJEEULLAH, 0000  
MICHAEL T.  
NAPIERKOWSKI, 0000  
RAJ I. NARAYANI, 0000  
PAIGE L. NEIFERT, 0000  
PETER E. NEIFERT, 0000  
DANA L. NELSON, 0000  
MARY E. NEWMAN, 0000  
KHAI N. NGUYEN, 0000  
NGHIA H. NGUYEN, 0000  
TAN LOC P. NGUYEN, 0000  
GRACE S. NIEVES, 0000  
JENNIFER M. NIXON, 0000  
TERRI J. NUTT, 0000  
MICHAEL P. O'BRIEN, 0000  
CAREY L. O'BRYAN, 0000  
WENDELL C. OCASIO, 0000  
ANTHONY B. OCHOA, 0000  
KELLY A. OFFUTT, 0000  
RICHARD M. OLEY, 0000  
KENNETH D. OSORIO, 0000  
ALBERT L. OUELLETTE, 0000  
MARK D. PACKER, 0000  
ANTS PALMILEIS, 0000  
MYUNG S. PARK, 0000  
GERALD L. PARKER, 0000  
PAUL C. PARRISH, 0000  
JOSEPH R. PARSONS, 0000  
ERIC P. PECK, 0000  
STEVEN J. PECKHAM, 0000  
BRETT A. PENNEY, 0000  
DAWN E. PEREDO, 0000  
LEONLOUDES DAPH  
PEREZROMAN, 0000  
FREEDOM F. PERKINS, 0000  
PAUL C. PETERSON, 0000  
JAMES A. PHALEN, 0000  
CHRISTOPHER P. PILLER, 0000  
LAURA L. PLACE, 0000  
SHAWN G. PLATT, 0000  
PAUL W. PLOCKE, 0000  
RAY L. PLUMLEY, 0000  
MATTHEW C. POLING, 0000  
BRENT A. PORTER, 0000  
HARRIS R. PRAGER, 0000  
SUSAN J. QUICK, 0000  
JOHN C. RABINE, 0000  
KEVIN J. RAINSFORD, 0000  
MICHAEL RAJNIK, 0000

STEVEN E. RASMUSSEN, 0000  
JON D. RAWLING, 0000  
LINDA M. REICHLER, 0000  
CHARLES D. REILLY, 0000  
XIAO LI REN, 0000  
BRIAN S. RETHERFORD, 0000  
MARK S. REYNOLDS, 0000  
SCOTT A. RISE, 0000  
STUART O. RIMES, 0000  
MATTHEW J. RIVARD, 0000  
ERIC D. ROBERSON, 0000  
KENNETH E. ROBINSON, 0000  
JAMES A. ROCHESTER, 0000  
MICHAEL D. ROLLER, 0000  
HENRY M. ROQUE, 0000  
KAREN J. ROSE, 0000  
JOSHUA S. ROTENBERG, 0000  
MILDRED A. ROTTZOLL, 0000  
RYLLIS A. ROUSSEAU, 0000  
JAMES L. RUBLE, 0000  
TIMOTHY P. RYDELL, 0000  
RUBEN S. SAGUN, 0000  
JAMES L. SANDERSON, 0000  
JEFFREY R. SANTI, 0000  
DANIEL A. SAVETT, 0000  
KATHRYN M. SCHAT, 0000  
LARRY R. SCHATZ, 0000  
MARK D. SCHENKMAN, 0000  
JEFFERSON A. SCHOTT, 0000  
REBEKAH R. SCHROEDER, 0000  
DARLENE P. SCHULTZ, 0000  
SARAH A. SCHWEN, 0000  
DIETLINDE D. SCOTT, 0000  
JEFFREY H. SEDGEWICK, 0000  
DALE M. SELBY, 0000  
ROBERT S. SHEPHERD, 0000  
JON R. SHERECK, 0000  
STEVEN D. SHOTTS, 0000  
BILLY G. SHUMATE, 0000  
JOHN U. SIEGRIST, 0000  
DANA L. SIMPSON, 0000  
PAUL A. SKLUZACEK, 0000  
DANIEL T. SMITH, 0000  
JAMES D. SMITH, 0000  
MENSAN WILLIAM H.  
SMITH, 0000  
RANDALL D. SMITH, 0000  
TONY D. SMITH, 0000  
JOHN A. SNYDER, 0000  
DEBORAH M. SONG, 0000  
ROSSANNE M. SOSA, 0000  
VERONICA M. STASA, 0000  
JOHN J. STEELE, 0000  
JOHN P. STEINLAGE, 0000  
MICHAEL D. STEVENS, 0000  
JAMES A. STITH, 0000  
DONALD F. STOREY, 0000  
TONI C. STRONG, 0000  
ERIKA J. STRUBLE, 0000  
ERICA A. SUESCON, 0000  
JAY W. SWETT, 0000  
WADE R. TALLEY, 0000  
ERIC S. TAUSCHER, 0000  
GERALD N. TAYLOR, 0000  
ANTHONY A. TERRERI, 0000  
TODD A. THAMES, 0000  
CHRISTINE THOMAS, 0000  
LYNNE D. THOMAS, 0000  
MARK J. THOMPSON, 0000  
VALERIE V. F. TIGNO, 0000  
DAVID A. TILLES, 0000  
JOSIAH B. TILTON, 0000  
HERBERT J. TOMASO, 0000  
BRADLEY J. TOUCHET, 0000  
GEOFFREY D. TOWERS, 0000  
JAMES B. TRUMBLE, 0000  
BLAINE A. TUFT, 0000  
CHARLES A. TUJO, 0000  
TERRANCE C. TUOMINEN, 0000  
BRIAN K. TWEDT, 0000  
DONALD TYLER, 0000  
LALITHA  
VADLAMANISIMMERS, 0000  
SCOTT A. VANDEHOEF, 0000  
RANDALL E. VILLALOVAS, 0000  
TERRI L. VITAL, 0000  
BRIAN A. VROON, 0000  
TIFFANY L. VROON, 0000  
RICHARD A. WACHS, 0000  
LINCOLN R. WALLACE, 0000  
MICHAEL C. WALLERS, 0000  
DAI YUAN WANG, 0000  
JAMES M. WARD, 0000  
HARRISON F. WARNER, 0000  
NATHAN P. WATKINS, 0000  
CHARLES N. WEBB, 0000  
MARK A. WEISKIRCHER, 0000  
KYLE S. WENDFELDT, 0000  
CHRISTINA G. WESTON, 0000  
JACQUE R. WETTLAUFER, 0000  
DANIEL W. WHINNEN, 0000  
DARLA D. WHITFIELD, 0000  
JEFF T. WILKINS, 0000  
DAVID B. WILSON, 0000  
JENNIFER M. WILSON, 0000

ANITA JO ANNE WINKLER, 0000  
JERALD L. WINTER, 0000  
LINDY W. WINTER, 0000  
MARY H. WITT, 0000  
STEPHEN D. WITZKE, 0000  
RANDY W. WOBSER, 0000  
LAURA ANN WOLFF, 0000  
MATTHEW P. WONNACOTT, 0000  
DAVID A. WOOD, 0000  
DAVID A. WOOD, 0000

MICHAEL J. WOOD, 0000  
RAWSON L. WOOD, 0000  
SAMUEL K. WOOD, 0000  
TIMOTHY G. WOODS, 0000  
DARWIN B. WOOTEN, 0000  
KEITH R. WORKMAN, 0000  
DAE YOUNG YANG, 0000  
SCOTT TZU CHING YANG, 0000  
JEFFREY L. YEE, 0000  
KIMSEY P. YOUNG, 0000  
KENNETH C. Y. YU, 0000

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be brigadier general

COL. BRUCE H. BARLOW 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

COL. ROBERT E. GAYLORD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To Be major general, medical corps

BRIG. GEN. KEVIN C. KILEY, 0000

BRIG. GEN. DARREL R. PORR, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be major general

BRIG. GEN. ROBERT L. HALVERSON, 0000

#### To be brigadier general

COL. EDMUND T. BECKETTE, 0000  
COL. JAMES J. BISSON, 0000  
COL. RAYMOND C. BYRNE, JR., 0000  
COL. DANIEL D. DENSFORD, 0000  
COL. JEFFREY L. GIDLEY, 0000  
COL. DANNY H. HICKMAN, 0000  
COL. JAMES D. JOHNSON, 0000  
COL. DENNIS M. KENNEALLY, 0000  
COL. DION P. LAWRENCE, 0000  
COL. ROBERT G. MASKIBELL, 0000  
COL. DARYL K. MCCALL, 0000  
COL. TERRELL T. REDDICK, 0000  
COL. RONALD D. TAYLOR, 0000  
COL. JOHN T. VON TROTT, 0000  
COL. WILLIAM H. WEIR, 0000  
COL. DEAN A. YOUNGMAN, 0000  
COL. WALTER E. ZINK II, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

#### To be colonel

ANDRE H. SAYLES, 0000

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be major general

BRIG. GEN. JACK A. DAVIS, 0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be vice admiral

REAR ADM. GORDON S. HOLDER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be rear admiral

REAR ADM. (LH) JOHN G. COTTON, 0000  
REAR ADM. (LH) STEPHEN S. ISRAEL, 0000  
REAR ADM. (LH) HENRY F. WHITE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

#### To be rear admiral

CAPT. MICHAEL F. LOHR, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5148:

#### To be judge advocate general of the United States Navy

REAR ADM. DONALD J. GUTER, 0000