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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 29, 2000, at 12:30 p.m.

Senate

THURSDAY, FEBRUARY 24, 2000

The Senate met at 11:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Rev. Allen Fisher, Presbyterian Church, Fredericksburg, VA. We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Allen Fisher, offered the following prayer:

We rejoice to thank and praise You this day, O God our Maker, Creator of the ends of the universe. You are the source of every good and perfect gift, the Fount of every blessing, the Heart of every noble thought, every kind deed, or merciful act.

We thank You today for all those whom we rarely notice, people who share Your care, who reflect Your faithfulness. We thank You for the people who bus our tables, who haul our trash, who clean our offices, who drive our children, who deliver our mail, with little thought for the great issues of our age but with deep gratitude for the abiding gifts You give. For food and drink, heartbeat and breath, laughter and tears, for covenants kept and promises lived in humility and service to others, we praise You, O God of steadfast love.

Remind us, faithful God, that we who lead may also serve after the example of one who came not to be served but to serve. Use the service of our lives and the work of this body for the building up of the common good in this most blessed Nation. Speed us toward the day when ''all Your works shall give thanks to You, O Lord, and all Your faithful shall bless You.'' In the gracious name of the one, holy, righteous, and eternal God, our Creator, Redeemer, and Sustainer, we pray. Amen.

PLEDGE OF ALLEGIANCE

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

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

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

SCHEDULE

Mr. BROWNBACK. Mr. President, today the Senate will immediately proceed to a rollcall vote on final passage of H.R. 1883, the Iran Nonproliferation Act of 1999. Following the vote, the Senate will resume consideration of S. 1134, the education savings account legislation. It is hoped that an agreement regarding relevant amendments will be made in order to have a substantive debate on that tax legislation.

In addition, the Senate may consider other legislative or executive items available for action; therefore, Senators can expect further votes this afternoon. As previously announced, there will be no votes on Friday. I thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the roll is called, I would like to make a comment.

Representative James Garfield, who later became President of the United States, in trying to get a bill through Congress, said in a letter to an adviser:

When the shadow of the Presidential and Congressional election is lifted, we shall, I hope, be in a better temper to legislate.

I hope that we would all keep that in mind. We have congressional elections and we have a Presidential election upcoming. I hope we can work our way through to get to some of the issues we need to be talking about. I hope that the majority would allow us, if we are going to talk about education, to go to an education bill and offer amendments and work our way through the process. The fact that we are in the midst of Presidential primaries and congressional elections coming should not prevent us from going to the things we need to be doing. Education is certainly one of them. I hope we could do that in a full and fair debate on education.

RESERVATION OF LEADER TIME

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

IRAN NONPROLIFERATION ACT OF 1999—Resumed

Mr. BROWNBACK. Mr. President, I ask for the yeas and nays on the passage of H.R. 1883.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there

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

a sufficient second? There appears to be.

The yeas and nays were ordered.

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

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

Mr. GORTON. Mr. President, I want to express my ardent support for passage of the Iran Nonproliferation Act. It is very likely that this legislation will pass the Senate by a margin matching or nearing the unanimous 419 to 0 vote in the House of Representatives last September.

The importance of this legislation should not be lost amid the widespread acclamation with which it will be sent to the President. This bill is aimed at controlling the transfer or sale of technology and expertise to Iran, especially from Russia, that will assist in its development of weapons of mass destruction and missiles designed to deliver these weapons.

This is a very real, very well-documented and very serious security concern for the United States and Israel, our nation's most-trusted ally in the Middle East. The Central Intelligence Agency has reported Iran has the capability to launch a missile that will reach Israel, and it is well known that Iran is pursuing development of nuclear, chemical and biological weaponry.

The Iran Nonproliferation Act provides for biannual reports on who around the world is transferring prohibited technology or information to Iran, and allows the President to take action against persons or entities found to be engaged in such activity. This bill also includes new steps to ensure the Russian Space Agency, which is a partner with NASA in the International Space Station project, is complying with Russia's official Iran antiproliferation policy.

Media reports on the Iran election, held only days ago, show an encouraging shift in the attitudes of the Iranian people, a trend that we should applaud and encourage. Unfortunately, the structure of the Iranian government and its police services may well frustrate the will of the Iranian people, and the quest of its armed forces for weapon and missile technology proceeds apace. I look forward to the day on which Iran will be a good and peaceful neighbor. That day may be closer, but it has not yet arrived.

This bill is a necessary step towards our goal of nonproliferation and certainly merits a high level of bipartisan support, as well as the signature of President Clinton.

Ms. MIKULSKI. Mr. President, I rise to support the Iran Nonproliferation Act.

We are faced with an historic opportunity to send a strong message to nations around the world—we will not sit by idle as goods, services or technology are transferred to Iran that contribute significantly to its ability to develop nuclear, chemical or biological weapons or ballistic or cruise missiles.

This legislation provides the Administration with useful tools to combat the spread of dangerous weapons technology and to discourage nuclear proliferation. It also enhances U.S. efforts to monitor Iranian proliferation.

This legislation demonstrates our commitment to prevent the proliferation of dangerous nuclear weapons to countries that threaten our national security as well as the security of allies—such as Israel and Europe. The Middle East is of vital strategic importance to the U.S.—and our interests and Israel's security are threatened by the continuing build-up of advanced conventional weapons by 'rogue regimes' in the region. For this reason, U.S. support for Israel must go beyond economic and military aid to Israel—it must meet the very real challenges that will face Israel and the United States in this new century, such as limiting the threats of weapons of mass destruction. It is well documented that technology provided to Iran increases its ability to develop its own intermediate range ballistic missile that is capable of reaching Israel as well as our European allies. By limiting Iran's access to such technology we can better protect these countries as well as our own troops in the Middle East and Europe.

The people of Iran demonstrated in their recent elections an overriding desire to move away from the extremism of the previous government toward reform and moderation in the future—but it is too early to tell what this change will mean in practice. I hope that it is a sign that Iran will end its missile program and its support for international terrorism. But despite this positive step, the Iran Nonproliferation Act is still vital to combat the spread of dangerous weapons technology and, in particular, to monitor nuclear weapons proliferation to Iran.

This legislation also sends a strong message to Russia that U.S. aid and scientific collaboration will be limited if Russia doesn't stop missile proliferation to Iran. U.S. funding will be substantially limited unless the President certifies that the Russian Space Agency is not transferring technology to Iran.

As the ranking member of the VA–HUD subcommittee that funds the space program, I have been a strong supporter of the International Space Station. I supported Russia's participation in the space program for three reasons:

One, their technical expertise;

Two, to build stronger links between the United States and Russia; and

Three, to ensure that Russian scientists and engineers had civilian work—so they would not sell their skills to rogue governments.

Russia has failed to live up to its promises on the space station. I have no question of Russia's technical competence. But I have strong concerns about its failure to meet its end of the bargain. Russia has not adequately funded its share of the space station, resulting in delays and a cloud of uncertainty that hovers over the entire program.

Even more troubling is Russia's role in the proliferation of weapons of mass destruction. Russia has exported technology, material and expertise to help Iran develop ballistic missiles. These missiles could carry chemical, nuclear or biological weapons—which could reach any target within about 800 miles of Iran.

Russia's former Prime Minister Chernomyrdin promised to end this assistance. We need to make sure the new Russian government fulfills this promise. I recognize that Acting Russian President Vladmir Putin has been receptive to restricting companies that sell missile technology and equipment to Iran. I hope his intentions are translated into action. Otherwise, our cooperation with Russia—both in space and elsewhere—may end.

We live in a dangerous world—where terrorists and rogue nations are developing the most repugnant weapons of mass destruction. Our action today will send a clear message to our allies and to our adversaries. By coming together to support this bipartisan legislation, we will demonstrate our unified commitment to limit nuclear proliferation and to create a safer more stable world.

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on passage of H.R. 1883.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—98

Abraham	Craig	Helms
Akaka	Crapo	Hollings
Allard	Daschle	Hutchinson
Ashcroft	DeWine	Hutchison
Bayh	Dodd	Inhofe
Bennett	Domenici	Inouye
Biden	Dorgan	Jeffords
Bingaman	Durbin	Johnson
Bond	Edwards	Kennedy
Boxer	Enzi	Kerrey
Breaux	Feingold	Kerry
Brownback	Feinstein	Kohl
Bryan	Fitzgerald	Kyl
Bunning	Frist	Landrieu
Burns	Gorton	Lautenberg
Byrd	Graham	Leahy
Campbell	Gramm	Levin
Chafee, L.	Grams	Lieberman
Cleland	Grassley	Lincoln
Cochran	Gregg	Lott
Collins	Hagel	Lugar
Conrad	Harkin	Mack
Coverdell	Hatch	McConnell

Mikulski	Roth	Stevens
Moynihan	Santorum	Thomas
Murkowski	Sarbanes	Thompson
Murray	Schumer	Thurmond
Nickles	Sessions	Torricelli
Reed	Shelby	Voinovich
Reid	Smith (NH)	Warner
Robb	Smith (OR)	Wellstone
Roberts	Snowe	Wyden
Rockefeller	Specter	

NOT VOTING—2

Baucus	McCain

The bill (H.R. 1883), as amended, was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 407, Kermit Bye to be a United States Circuit Judge, and further, that a vote occur on the nomination, immediately to be followed by a vote on Calendar No. 409, George Daniels to be a United States District Judge, and following those back-to-back votes, 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.

Mr. LOTT. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays en bloc on these confirmations.

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

Mr. LOTT. Mr. President, I know there are a number of Senators who wish to speak in morning business. After we have this en bloc vote, we will put in a time for morning business. I see Senator SPECTER, and Senator STEVENS wants to speak, and probably Senators on the other side do. We will put in probably an hour, from 12:30 until approximately 1:30, so Senators can speak on a number of subjects.

Mr. LEAHY. Mr. President, if the majority leader will yield, after the votes on the judges, may it be in order that Chairman HATCH and I be recognized for a couple minutes on the nominations that had been voted on?

Mr. LOTT. Is Senator HATCH here?

Mr. LEAHY. I was asking for myself, but I thought as a matter of courtesy I should include the chairman.

Mr. LOTT. I think that is a reasonable request. We need to have the vote as soon as we can. Senators are prepared to vote.

Mr. President, I amend my request and ask unanimous consent that we have 2 minutes for the chairman and 2 minutes for the ranking member following votes. I note that Senator INHOFE will probably have some comments on these nominations, and he indicated he would make those after the vote.

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

Mr. REID. Mr. President, if the leader will yield, is the leader agreeable to extending morning business until 2 o'clock?

Mr. LOTT. Absolutely. I have no problem with that.

Mr. REID. I thank the majority leader.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

NOMINATION OF KERMIT BYE, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Kermit Bye, of North Dakota, to be a United States Circuit Judge for the Eighth Circuit.

Mr. CONRAD. Mr. President, I rise today to recommend the confirmation of Kermit Bye for the Eighth Circuit Court of Appeals, and I ask my colleagues to join me and Senator DORGAN in supporting his nomination.

Kermit Bye is a native North Dakotan. He was born in the middle of a North Dakota blizzard, in a railroad section house in Hatton, North Dakota. He has distinguished himself in his career, and is widely recognized as one of the best trial lawyers in our state. Kermit Bye will be an excellent addition to the federal judiciary, and he has my strong support.

Kermit Bye would bring a wide range of experiences to the bench. Before receiving his law degree from the University of North Dakota in 1962, he worked as a milk truck driver, a radio advertising salesman, and in catalog sales at Montgomery Wards.

Soon after completing law school, Mr. Bye worked as North Dakota Deputy Securities Commissioner, and later served as Assistant United States Attorney for the District of North Dakota.

Since 1968, Mr. Bye has worked for the Vogel Law Firm and was named President of the firm in 1981. Mr. Bye has over 30 years of experience in Federal and state trial and appellate litigation. His long and distinguished career includes representing individual and corporate clients. He has tried more than 100 cases, representing both plaintiffs and defendants. He has also argued numerous appeals, including more than 20 before the Eighth Circuit. Mr. Bye has served on the Board of Governors and as the President of the State Bar Association of North Dakota.

Through his broad experience and success he has earned an excellent reputation. As an experienced litigator, Mr. Bye also has a full understanding of the appropriate role of the judiciary.

My colleague, Senator DORGAN, and I have heard from individuals across our home state, from both sides of the aisle and from all sections of the legal community, recommending Mr. Bye for this position. According to his colleagues and fellow bar members, Mr. Bye is a man of great character and qualifications.

One of his supporters is Judge Frank Magill, who Mr. Bye has been nominated to succeed on the Eighth Circuit. Judge Magill has been on senior status since April 1, 1997, and was appointed to the Eighth Circuit by President Reagan in 1986. He states in a letter to Senator HATCH: ''I have had a longtime professional association with Kermit Bye. His professional competence and integrity are of the highest order. He has several decades of trial experience. I know from personal experiences that he will be an easy fit for your criterion of judicial temperament.''

Mr. President, I am confident that Mr. Bye will be an outstanding addition to the federal bench. I support his confirmation and yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Kermit Bye, of North Dakota, to be a United States Circuit Judge for the Eighth Circuit? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

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

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—98

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

Snowe	Thompson	Warner
Specter	Thurmond	Wellstone
Stevens	Torricelli	Wyden
Thomas	Voinovich	

NOT VOTING—2

Baucus	McCain

The nomination was confirmed.

NOMINATION OF GEORGE B. DANIELS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will now report the second nomination.

The legislative clerk read the nomination of George B. Daniels, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of George B. Daniels, of New York, to be United States District Judge for the Southern District of New York? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), is necessarily absent.

The result was announced, yeas 98, nays 0, as follows:

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 14 Ex.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden
Enzi	Lott	

NOT VOTING—2

Baucus	McCain

The nomination was confirmed.

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the Senator from Vermont is recognized for 2 minutes.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I ask unanimous consent to speak for 20 seconds in advance of the Senator from Vermont.

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

Mr. MOYNIHAN. Mr. President, I rise to express great appreciation on my part to my revered friend and colleague, Senator SCHUMER, and to Senator LEAHY, Chairman HATCH, Senator LOTT, Senator DASCHLE, and all Senators for their vote confirming the nomination of Judge Daniels unanimously. It is much appreciated. I assure you, he will perform a service to the Republic for many years ahead.

I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask unanimous consent to address the body for 30 seconds.

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

Mr. SCHUMER. Mr. President, I join in the thanks given by my esteemed, wise, senior colleague, Senator MOYNIHAN, to Senators LOTT, HATCH, and LEAHY. This is an outstanding jurist who will make us all proud. I thank the Senate for confirming him.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. If the Senator from Vermont will withhold briefly, I would like to go ahead and make this request. I believe we have a leadership Senator here.

I would like to first ask, what is the pending question?

The PRESIDING OFFICER. We are in morning business until 2 o'clock.

AFFORDABLE EDUCATION ACT OF 1999—Resumed

Mr. LOTT. Mr. President, I believe we did not actually get morning business put in place. But I ask unanimous consent the clerk report the bill on education savings loans.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Mr. LOTT. Mr. President, before I put forward this request, we have been working to develop an agreement as to how to proceed on this legislation. I think we are close to getting that done, but we may still need a little more time to work on it. In that effort, I ask unanimous consent that all amendments be relevant to the subject matter of education and/or education-related taxes.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I say to the leader, we appreciated very much the minority having the opportunity yesterday to speak about education. We believe this is a time we should be talking about education; it is that important to the American people. But this is the first amendable vehicle we have had this session. I respectfully suggest to the majority, on behalf of the minority let's have the opportunity to have a vehicle we can amend.

We hope that very shortly the majority will understand we are trying to move education along. We have no great plan in mind to move off education into some other area. But we would like to do that. If the leader believes that cannot be done, we are willing to continue working to see if we can come up with some reasonable effort to move forward on this legislation.

Mr. LOTT. Mr. President, I understand there will be an objection.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. We will continue to work to get an agreement developed. Certainly amendments on education or education-related taxes would be something we would want to have and with which we would have no problem. We were hoping it would not run far afield to all kinds of unrelated issues that would delay a bill that has overwhelming support.

The support for this idea of being able to save a little for your own children's education—up to $2,000 per year per child, kindergarten through the 12th grade—has a lot of support, especially when you realize we can do it for our children's college education but not for our children's needs in the 4th grade. I hope we can work it out. I think maybe we can. We will keep working on that.

I now ask unanimous consent, after Senator LEAHY has spoken, the Senate proceed to a period of morning business, with the first 8 minutes under the control of Senator THURMOND, the succeeding 30 minutes under the control of Senators TORRICELLI and SPECTER, the succeeding 10 minutes under the control of Senator CAMPBELL, the following hour under the control of Senators CLELAND and ROBERTS, and following that time the Senate resume consideration of the pending legislation and I be immediately recognized.

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

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

NOMINATIONS

Mr. LEAHY. Mr. President, I am very pleased the Senate voted 98–0 on Kermit Bye to be United States Circuit Court Judge for the Eighth Circuit and Justice George Daniels to be United States District Court Judge for the Southern District of New York.

Kermit Bye is an outstanding attorney from North Dakota. I will put his full record in the RECORD later. Justice Daniels is a distinguished New Yorker, with the strong support of the two distinguished Senators from New York—Senators MOYNIHAN and SCHUMER—in the same way Kermit Bye had the strong support of the two distinguished Senators from North Dakota—Senators CONRAD and DORGAN.

I wish to thank both the Republican leader and the Democratic leader for helping us get these nominations up. They had been reported last year. For some inexplicable reason, they were held up. We see that the Senate, in voting on them, has voted 98–0. I mention this because many times we have judges, who are judicial nominations, where it takes a long time to get their nominations to the floor, and then they are passed by overwhelming margins. Out of a sense of justice towards the people we are putting on our Federal courts, we, the Senate, should do a better job.

Many wait too long. The most prominent current examples of that treatment are Judge Richard Paez and Marsha Berzon. We have waited too long to vote on them. I understand, finally, after 4 years, we are going to vote on Judge Paez, who has one of the most distinguished records anybody has ever had who has come before the Senate. He is strongly supported by law enforcement, strongly supported by the bar, strongly supported by the Hispanic community. He is certainly proud of his Hispanic background, as well he should be. He has accomplished more than most people accomplish of any background. I hope that after 4 years he will be voted on.

Finally, I had hoped we would reach a vote on Timothy Dyk today. He was first nominated to a vacancy in the Federal Circuit in April of 1998. For anybody who is keeping track, that was well in the last century. After having a hearing and being reported favorably by the Judiciary Committee to the Senate in September of 1998, his nomination was left on the Senate calendar without action and then returned to the President 2 years ago as the 105th Congress adjourned. He was renominated in January 1999 and reported favorably in October 1999.

So he has been waiting for all these years. He has clerked for three Supreme Court Justices, including the Chief Justice. He has a remarkably distinguished career. He has represented people across the spectrum, including the U.S. Chamber of Commerce, which strongly backs him. I hope we can get him confirmed this week or next. They need him on the Federal Circuit Court of Appeals. He is one of the most qualified people we have ever seen. We should do it.

Mr. Dyk has distinguished himself with a long career of private practice in the District of Columbia. From 1964 to 1990, he worked with Wilmer, Cutler & Pickering as an associate and then as a partner. Since 1990, he has been with Jones Day Reavis & Pogue as a partner and Chair of its Issues and Appeals Section.

Mr. Dyk received his undergraduate degree in 1958 from Harvard College, and his law degree from Harvard Law School in 1961. Following law school, he clerked for U.S. Supreme Court Justices Reed, Burton, and Chief Justice Warren. Mr. Dyk was also a Special Assistant to the Assistant Attorney General in the Tax Division. His has been a distinguished career in which he has represented a wide array of clients, including the United States Chamber of Commerce. I look forward to the confirmation vote on this highly-qualified nominee.

Kermit Bye is an outstanding attorney from North Dakota. From 1962 to 1966, Mr. Bye was the Deputy Securities Commissioner and Special Assistant Attorney General for the State of North Dakota. And from 1966 to 1968, he was an Assistant U.S. Attorney in the District of North Dakota. Since 1968, he has been a member and partner with the Fargo law firm of Votel, Kelly, Knutson, Weir, Bye & Hunke, Ltd. Mr. Bye received his undergraduate degree in 1959 from the University of North Dakota, and his law degree from the University of North Dakota Law School in 1962.

Mr. Bye's nomination is another of those that was favorably reported last year by the Judiciary Committee but which was not acted upon by the Senate. He is strongly supported by Senator DORGAN and Senator CONRAD, who are to be commended for their efforts on his behalf and on behalf of the people of North Dakota that has finally brought us to this day.

Justice George Daniels is a distinguished New Yorker. He has distinguished himself with a long career of service in the New York federal and state court systems. He was an Assistant U.S. Attorney in the Eastern District of New York from 1983 to 1989. From 1989 to 1990, and again from 1993 to 1995, he was a Judge in the Criminal Court of the City of New York. And from 1990 to 1993, he was a counsel to the Mayor of the City of New York. Since 1995, Mr. Daniels has been a Justice of the Supreme Court of the State of New York.

Justice Daniels received his undergraduate degree in 1975 from Yale University, and his law degree from the University of California at Berkeley, Boalt Hall School of Law in 1978.

He has the strong support of Senator MOYNIHAN and Senator SCHUMER and the ABA has given him its highest rating. Although he was reported favorably by the Judiciary Committee last year, his was one of the nominations not acted upon by the Senate. I congratulate the Senators from New York and Justice Daniels and his family on his consideration today.

I thank the majority leader and commend the Democratic leader for scheduling the consideration of these judicial nominations. The debate on judicial nominations over the last couple of years has included too much delay with respect to too many nominations.

The most prominent current examples of that treatment are Judge Richard Paez and Marsha Berzon. With respect to these nominations, the Senate has for too long refused to do its constitutional duty and vote. I am grateful that the majority leader agreed last year to bring each of those nominations to a Senate vote before March 15. Nominees deserve to be treated with dignity and dispatch—not delayed for two or three or four years. The nomination of Judge Paez has now been pending for over four years. He has the strong support of his home State Senators and of local law enforcement.

His has been a distinguished career in which he has served as a state and federal judge for what is now approaching 19 years. His story is a wonderful American story of hard work, fairness and public service. He and his family have much of which to be proud. Hispanic organizations from California and around the country have urged the Senate to act favorably on his nomination without further delay.

Within the next two weeks the Senate will be called upon to vote on this outstanding nomination, and I trust that we will do the right thing. I recall when Judge Sonia Sotomayor, another outstanding District Court Judge, was nominated to the Second Circuit and her nomination was delayed. Reportedly, she was so well qualified that some feared her quick confirmation might have led her to be considered as a possible Supreme Court nomination and that was why Senate consideration of her nomination was delayed through secret holds. Ultimately, she was confirmed to the Second Circuit.

After all the delay in that case, I was struck that not a single Senator who voted against her confirmation and not a single Senator who had acted to delay its consideration uttered a single word to justify such opposition.

Of course it is every Senator's right to vote as he or she sees fit on all matters. But I would hope that in the case of Judge Richard Paez, where his nomination has been delayed for over four years, for the longest period in the history of the Senate, those who have opposed him will show him the courtesy of using this time to discuss with us any concerns that may have and to explain the basis for any negative vote against a person so well qualified for the position to which he has been nominated by the President.

Mr. DORGAN. Will the Senator yield?

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

Mr. DORGAN. Mr. President, I ask unanimous consent the Senator be recognized for an additional 30 seconds.

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

Mr. LEAHY. I yield to the Senator.

Mr. DORGAN. Mr. President, I am so pleased that the Senate has confirmed Kermit Bye's nomination to the Eighth Circuit Court of Appeals.

Kermit Bye is one of North Dakota's most distinguished and respected attorneys, and a senior partner in one of the top law firms in the Midwest. He has nearly 40 years of trial and appellate experience, he was President of the North Dakota Bar Association, and he's received the North Dakota State Bar Association's Distinguished Service Award.

I won't name every civic and community organization that Kermit Bye has chaired and served on, because the list is too long. Instead, I will say Kermit Bye cares deeply about the law and about the people our laws protect.

He is a man of impeccable integrity and sound judgment, possessing a formidable intellect and a healthy dose of North Dakota common sense. Kermit is temperamentally very well-suited for the bench, and can be counted on as a fair-minded jurist who understands the importance of the rule of law to society, and the judiciary's proper role within our constitutional system.

As many will recall, this seat on the Eighth Circuit Court of Appeals was first vacated in April 1997, and my fellow North Dakotan John Kelly was nominated and confirmed to this seat last summer. Tragically, just a few weeks after taking his oath, Judge Kelly took ill and passed away.

I am pleased today that Kermit Bye has been confirmed to fill this vacancy so that our Federal judiciary can benefit from his wisdom and judgment.

Mr. HATCH. Mr. President, I rise to commend the majority leader, Senator LOTT, for proceeding today with votes for these judicial nominees. As I have stated, we will continue to process the confirmations of nominees who are qualified to be federal judges. In that respect, the Senate Judiciary Committee held its first nominations hearing of this Session on Tuesday, February 22, and I expect to see more judicial nominees moving through the process in the coming months. There is a perception held by some that the confirmation of judges stops in election years. This perception is inaccurate, and I intend to move qualified nominees through the process during this session of Congress.

That said, in moving forward with the confirmations of judicial nominees, we must be mindful of problems we have with certain courts, particularly the Ninth Circuit. It was reported yesterday that the Ninth Circuit has a record of 0–6 this supreme court term. In addition, the President must be mindful of the problems he creates when he nominates individuals who do not have the support of their home-State Senators. In this regard, I must say that it appears at times as if the President is seeking a confrontation with the Senate on this issue, instead of working with the Senate to see that his nominees are confirmed.

During this Congress, despite partisan rhetoric, the Judiciary Committee has reported 42 judicial nominees, and the full Senate has confirmed 36 of these—a number comparable to the average of 39 confirmations for the first sessions of the past five Congresses when vacancy rates were generally much higher. In total, the Senate has confirmed 340 of President Clinton's judicial nominees since he took office in 1993.

I am disturbed by some of the allegations that have been made that the Senate's treatment of certain nominees differed based on their race or gender. Such allegations are entirely without merit. For noncontroversial nominees who were confirmed in 1997 and 1998, there is little if any difference between the timing of confirmation for minority nominees and non-minority nominees. Only when the President appoints a controversial female or minority nominee does a disparity arise. Moreover, last session, over 50% of the nominees that the Judiciary Committee reported to the full Senate were women and minorities. Even the former Democratic chairman of the Judiciary Committee, Senator JOE BIDEN, stated publicly that the process by which the committee, under my chairmanship, examines and approves judicial nominees ''has not a single thing to do with gender or race.'' That is from the transcript of a Judiciary Committee hearing on judicial nominations on November 10, 1999.

The Senate has conducted the confirmations process in a fair and principled manner, and the process has worked well. The Federal Judiciary is sufficiently staffed to perform its function under article III of the Constitution. Senator LOTT, and the Senate as a whole, are to be commended.

MORNING BUSINESS

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

Under the previous order, the Senate will now proceed to a period of morning business. The Senator from South Carolina is recognized.

VOLUNTARY CONFESSIONS LAW

Mr. THURMOND. Mr. President, I rise to discuss my concern regarding recent developments in the Dickerson case concerning voluntary confessions. Opponents are using some extreme tactics to encourage the Supreme Court to strike down this law.

For years, members of the Senate Judiciary Committee, including myself, encouraged the Clinton Justice Department to enforce 18 U.S.C. 3501, the law on voluntary confessions. In the Dickerson case, the Department refused to permit career federal prosecutors to rely on the law in their efforts to make sure a serial bank robber did not get away.

When the Supreme Court was deciding whether to hear the case, the Department had the opportunity to defend the statute, as many of us encouraged it to do. While making its decision, the Department consulted with certain federal law enforcement agencies. The Drug Enforcement Administration explained that Miranda in its current form is problematic in some circumstances and encouraged the Department to defend the law.

The Department later wrote in its brief about the views of federal law enforcement in this matter, but that support for the statute and reservation about Miranda is nowhere to be found. Instead, the brief states ''federal law enforcement agencies have concluded that the Miranda decision itself generally does not hinder their investigations and the issuance of Miranda warnings at the outset of custodial interrogation is in the best interests of law enforcement as well as the suspect.'' The brief should recognize that there is disagreement among federal law enforcement agencies about the impact of the Miranda warnings in investigations and the need for reform of the Miranda requirements. The Department should not generalize in a brief before the Supreme Court to the point of misrepresentation. Senator HATCH and I sent a letter to Attorney General Reno and Solicitor General Waxman last week asking for an explanation in this matter, and I look forward to their response.

One of the amicus briefs, which was filed by the House Democratic leadership, takes a very novel approach toward the statute. It seems to suggest that the voluntary confessions law is not really a law after all. It states that the ''Congress enacted section 3501 largely for symbolic purposes, to make an election year statement in 1968 about law and order, not to mount a challenge to Miranda.''

This statement is not only inaccurate. It is completely inappropriate.

I was in the Senate when the voluntary confessions law was debated and passed over 30 years ago. A bipartisan majority of the Congress supported this law, and Democrats were in the majority at the time.

We did not enact the law to make some vague statement about crime. We passed the voluntary confessions law because we were extremely concerned about the excesses of the Miranda decision allowing an unknown number of defendants who voluntarily confessed their crimes to go free on a technicality. We passed it to be enforced.

For the House Democratic leadership brief to state that the Congress did not intend for a law that it passed to be enforced trivializes the legislative branch at the expense of the executive. It is a dangerous mistake for the legislative branch to defer to the executive regarding what laws to enforce.

The executive branch has a constitutional duty to enforce the laws, unless they are clearly unconstitutional. Contrary to what is happening today, the executive branch is not free to ignore acts of Congress simply because it does not support them, and the legislative branch should not support this approach.

In this matter, the Justice Department has refused to abide by its duty to faithfully execute the laws, and has instead chosen to side with criminals and defense attorneys over prosecutors and law enforcement. It is unfortunate that, in this case, the Department will be making arguments on behalf of criminals before the Supreme Court. No arguments about the law will change this sad fact.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER and Mr. TORRICELLI pertaining to the introduction of S. 2089 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent I be allowed to speak for 8 minutes as in morning business for the introduction of a bill.

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

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 2090 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Georgia.

U.S. FOREIGN POLICY

Mr. CLELAND. Mr. President, it is an honor to be here today with my distinguished colleague from Kansas, Senator PAT ROBERTS. We want to institute a process by which this body can increasingly come to grips with some of the challenges that persist in our foreign policy and continue to be, in terms of our defense, a challenge to us and to the young men and women of America.

It is an opportunity for us to continue our dialog which we started in the Armed Services Committee over the last 3 years as we have encountered difficulties in the Middle East, southwest Asia, and as we see problems around the world. He and I have more and more come to an understanding that we have more in common than we do in disagreement.

One of the things we have in common is that we asked some very important pertinent questions about our foreign policy and our defense as we go into the 21st century. We are delighted today to kick off, not so much a debate on American foreign policy but a dialog which we hope will develop a consensus of some basic first principles by which we ought to engage the world.

We have the post-cold-war world, as it is called. I was with Madeleine Albright today, our distinguished Secretary of State, and she said it is probably not the post anything; it is just a new era. We have gone through the cold war and the terrors of that period, but we are certainly in a new era, and it does not even really have a name.

We hope to provide for our colleagues in the Senate—and we hope they will join us—over the course of this year, an understanding of key national security issues and begin building the building blocks of a bipartisan consensus on the most appropriate priorities and approaches for our country in today's international environment.

In launching this endeavor, I am very mindful of both the enormity of the undertaking and of my own limitations in addressing such a subject. Having been only 3 years, beginning my fourth year in the Senate, I certainly do not claim to have a solution to these problems about which we are going to talk, but I hope to ask some pertinent questions.

American foreign policy is challenged because of the end of the cold war, and Senator ROBERTS and I approach these questions on the road to the future with great humility and certainly with far more questions of our own than answers. Yet I believe this dialog is one the Senate must have. We owe it to the other nations of the world, including those that look to America for leadership, as well as those that make themselves our competitors, and certainly we owe it to those that make us their adversaries. Even more, we owe it to those who serve our country in the Armed Forces and in the Foreign Service, whose careers and sometimes very lives can be at stake. Perhaps most of all, we owe it to our children and our grandchildren.

I was with Senator Nunn last night at the State Department. He was being honored by the State Department. I always learn something from him whenever I am with him. We were talking about a particular country, a particular challenge in American foreign policy. He said: Yes, what happens there will affect our children and our grandchildren.

It is astounding that the consequences of the decisions we make today will, indeed, affect future generations, so we must make these decisions wisely.

Uncertainty, disunity, partisanship, and overstatesmanship will not serve this country well. We need to seriously consider what our global role in the 21st century is and what it should be. That decision will affect future generations more than we can possibly understand.

One more point: I do believe a meaningful, bipartisan dialog on the U.S. role, which many believe is vital to our national interest, is also imminently doable even in this election year. While the subject matter is very important to our country and our future, it is not an issue of great use on the campaign trail. This great body is the place to discuss these great and momentous issues where we can lay it all out and talk about it in a way that does not impinge on anybody's particular partisan views. Simply put, neither the Presidential race nor the elections for the Congress will be determined by who has the partisan upper hand on foreign policy.

Over the course of the year, Senator ROBERTS and I—and we hope a number of other Senators—will be engaging in a series of floor dialogs relating to the general direction of U.S. foreign policy and national security policy in the 21st century.

We have actually chosen to sit together. We are on different sides of the aisle, but we chose to come from our back-bench positions to show that we stand actually shoulder to shoulder in this regard. We are all Americans, and we hope we can do something good for our country.

Our current game plan is to begin today by considering frameworks for the U.S. global role with respect to priorities and approaches. In the weeks to come, this will be followed by sessions on U.S. national interests. Of course, the first question about American engagement in the world should be: Is it in our vital strategic national interest? That is question No. 1. The next session will be on U.S. national interests, what are they.

Another phase of our discussion will be the use of our military forces. Quite frankly, this should be question No. 2 because if we do not have a military objective following America's strategic vital interests, why commit the military?

Next is we want to engage the question of our relationship with multilateral organizations. We realize the United States is the world's foremost military and economic power, but that does not necessarily mean we can go it on our own everywhere. The issue of multilateral organizations and our relationship to them is an important one.

After multilateral organizations is the foreign policy roles of the executive and legislative branches. One of the first things that came to my attention when I came to the Senate 3 years ago was something called the U.S. Constitution. Senator BYRD was kind enough to give me an autographed copy of the U.S. Constitution and the Declaration of Independence, which I proudly carry with me. Quite frankly, if you read the Constitution carefully, it gives the Congress the power to declare war, to raise and support armies, and to provide and maintain a navy. That is a responsibility we have, along with a unique role in the Senate of advising and consenting, particularly on treaties into which the executive branch may enter.

The executive and legislative branches have to work together for foreign policy and defense policy in this country to actually work.

Next is economics and trade. One can hardly separate economics from defense issues anymore. Economics and

trade are absolutely mixed up with our foreign policy and defense issues. Arms control is certainly an issue we need to confront.

Then there will be a final wrapup at the end of the year, probably in September.

However, this is just a preliminary outline, and we want these discussions to be flexible enough to go wherever the dialog takes us—that is the beauty of the Senate—and to include a wide array of viewpoints and illustrative subjects.

We encourage all our colleagues, of whatever mind on the topics under consideration, to join in so we can have a real debate in this Chamber, one in which we, indeed, ask each other hard questions, not in order to score partisan points and not in a particularly prearranged set of choreographed responses between like-minded individuals but to seek a better understanding of each other's thoughts.

That is exactly what we are after. We have determined that we will not tie this dialog, this debate, to any particular administration, any particular issue, any particular commitment, any particular budget item, any particular legislative proposal. We hope for a free-wheeling dialog that we think can benefit the country.

What we are hoping for is not to find final answers, for surely that would probably be too ambitious an objective, but, rather, to bring this body, which has a key constitutional role in the conduct of American foreign and national security policy, to the same kind of serious examination of our foreign policy goals and assumptions as is now underway among many of our leading foreign policy experts.

I was thinking about this dialog today. I was thinking, how does this dialog differ from what might be termed, shall we say, an ''academic undertaking''? There are many seminars. There are thousands of courses on American foreign policy. There are numerous reviews of our defense strategy going on in this country and around the world.

What makes this different? I think what makes this dialog different is that we are the ones who ultimately have to make the decision. This is not an academic exercise. I can remember voting for NATO expansion. It was an incredible experience for me to know that by the raising of my hand I could extend the security of NATO to three nations on the face of the globe that did not have that security before. That was an incredible experience for me.

So we do not participate just in some academic exercise here. We are the leaders. We are the ones who have to ultimately bite the bullet and make the decisions. Therefore, we need to think these things through. That is the point.

One of my favorite lines from Clausewitz, the great German theoretician on war, is: The leader must know the last step he is going to take before he takes the first step. That is the spirit of these discussions. At some point, and in some fashion, a bipartisan consensus on America's global role must emerge because our national interest demands it. It may not be as pure as in World War II when Senator Vandenberg said: Politics stops at the water's edge, but certainly at some point statecraft should overtake politics.

If these dialogs can assist that effort, in even a small way, they will be time well spent. We hope our discussions will not be tinged with particularly partisan or highly personalized considerations because the subject matter clearly transcends the policies and views of any one individual or certainly any one administration. The challenges will be the same, no matter which party controls the White House next year or which party controls the Congress.

With that, I yield to my good and distinguished friend and colleague, the Senator from Kansas. Let me say, in the time I have been in the Senate, I have found him to be a great source of reason and thoughtful pronouncements on national security matters. He has a marvelous sense of humor, which will come out whether we want it to or not in the dialogs. It is my pleasure to turn the discussion over to my distinguished friend and colleague, the great Senator from Kansas, Mr. PAT ROBERTS.

Mr. ROBERTS. First, Mr. President, I thank my good friend, the distinguished Senator from Georgia, for the opportunity to join together in what we both hope will be a successful endeavor.

As Senator CLELAND stated, our objective is to try to achieve greater attention, focus, and mutual understanding in this body on America's global role and our vital national security interests and, if possible, begin a process of building a bipartisan consensus on what America's role should be in today's ever-changing, unsafe, and very unpredictable world.

At the outset, I share Senator CLELAND's sense of personal limitation in addressing this topic. As he has said, even the finest minds and most expert American foreign policymakers have had considerable difficulty in defining both what role the United States should play in the so-called ''New World Disorder'' or reaching a consensus on what criteria to use in defining our vital national interests.

Now having said that, I do not know of another Senator better suited to this effort than MAX CLELAND. He brings to this exchange of ideas an outstanding record of public service, of personal sacrifice, and of courage and commitment. On the Senate Armed Services Committee, he has demonstrated expertise and a whole lot of common sense in addressing the quality of life issues so important to our men and women in uniform and, in turn, to our national security.

As members of the Senate Armed Services Committee, we both share a keen interest in foreign policy and national security. In my own case, I was privileged to serve as a member of the 1996 Commission on America's National Interests. It was chaired by Ambassador Robert Ellsworth, Gen. Andrew Goodpaster, and Rita Hauser, and was sponsored by the Center for Science and International Affairs at Harvard, the Nixon Center for Peace and Freedom, and the RAND Corporation. The Commission was composed of 15 members, including Senators JOHN MCCAIN, BOB GRAHAM, and Sam Nunn. In brief, our Commission focused on one core issue: What are U.S. national interests in today's world?

The conclusion in 1996, 4 years ago—and the Senator, I think, will see some real similarities to some of our concerns as of today—in the wake of the cold war, the American public's interest in foreign policy declined sharply, and our political leaders have focused on domestic concerns. America's foreign policy was adrift.

The defining feature of American engagement in the world since the cold war has been confusion, leading to missed opportunities and emerging threats.

The Commission went on to say there must be a regrounding of American foreign policy on the foundation of solid national interests. They went on to conclude that there must be greater clarity regarding the hierarchy of American national interests and, with limited resources, a better understanding of what national interests are and, just as important, are not.

Then the Commission prioritized what we felt represented vital national interests. It is interesting to note that the conflicts such as Bosnia and Kosovo did not make the priority cut at that time. That was 4 years ago.

However, the real genesis for this forum that Senator CLELAND and I have tried to initiate resulted from frustrations over continued and increasing U.S. military involvement and intervention both in the Balkans, the Persian Gulf and all around the world. Absent was what we consider to be clear policy goals, not only from the executive, but also from the Congress.

We found ourselves on the floor of the Senate, and in committee, coming to the same conclusion reached by the esteemed and beloved longtime chairman of the Senate Armed Services Committee, Senator Richard Russell of Georgia, who said this, following the war in Vietnam:

> I shall never again knowingly support a policy of sending American men in uniform overseas to fight in a war where military victory has been ruled out and when they do not have the full support of the American people.

Yet we continue to see our military becoming involved and taking part in peacekeeping missions, and other missions, where incremental escalation has led to wars of gradualism, where our vital national interests are questionable, and where the unintended effects of our involvement have been counterproductive to national security.

We met in Senator CLELAND's office and discussed at length the proper role of the Senate in regard to the use of American troops. We talked about the War Powers Act. We talked about the future of NATO. We talked about our policy in the Persian Gulf. We noted, with considerable frustration, that Senators seemed to be faced with votes, but votes that were already foregone conclusions.

Few were willing to oppose funding for U.S. troops—not many in the Senate or the House will do that—yet many Senators had strong reservations and questions about U.S. policy, our military tactics, and the lack of what some called the end game.

We instructed our staffs to research the War Powers Act and any other possible alternatives that would provide an outlet for future policy decisions.

Senator CLELAND persevered, and along with Senator SNOWE of Maine, authored and won passage of an amendment mandating that the administration report to the Congress on any operation involving 500 or more troops, and that report would include clear and distinct objectives, as well as the end point of the operation.

In my own case, I authored and won approval of an amendment stating no funds could be used for deployment of troops in the Balkans until the President reported to Congress detailing the reasons for the deployment, number of military troops to be used, the mission and objectives of the forces, the schedule and exit strategy, and the estimated costs involved. Again, these amendments were after the fact, but they at least represented a bipartisan effort on the part of Senators who realized then and realize now that we simply must do a better job of working with the executive and searching for greater mutual understanding in the Senate in regard to foreign policy and our national security interests.

In saying this, let me stress that this body and our country are fortunate to have the benefit of Senators with both expertise and experience with regard to foreign relations and national security. That certainly doesn't reside only with the two Senators here involved. When they speak, we listen. But the problem is, they do not speak enough, and when they do, many do not listen.

The unfortunate conclusion I have reached is that too many Americans are not only uninterested in world events but uninformed as well. More and more today in the Congress, it seems to me that foreign policy, trade, and national security issues are driven by ideology, insular and parochial interests, protectionism, and isolationist views. Both the administration and the Congress seem to be lacking a foreign policy focus, purpose, and constructive agenda.

The one notable exception has been the hearings held by the distinguished chairman of the Armed Services Committee, Senator WARNER, who has held extensive hearings on ''Lessons Learned'' with regard to Kosovo. It is a paradox of enormous irony that the vision of knitting a multiethnic society and democracy out of century-old hatreds in Kosovo is in deep trouble. The danger of Kosovo is the fact that it may become another Somalia. These hearings have attracted little more than a blip on the public radar screen and little, if any, commentary or debate in the Senate.

So as Senator CLELAND has pointed out, over the course of the coming year he and I will engage in a series of floor dialogues relating to the general direction of U.S. foreign and national security policy in the 21st century. We begin today by discussing the framework for the U.S. global role. In the following months, as the Senator has said, we will discuss the defining national interests, deployment of U.S. forces, the role of multilateral organizations, the role of the Executive, Congress and the public, and the role of trade, economics, and arms control. As Senator CLELAND has stressed, this is just an outline.

We invite all Senators to engage in this series. The concept is one of a forum, a dialogue, that will and should include a wide variety of viewpoints. For instance, given the flashpoint situation today in Kosovo, with about 5,000 to 6,000 American troops at risk—and we may be calling in the Marines. I believe that topic certainly demands attention and discussion, however, in a different and separate forum. There should be some discussion and consideration in the Senate in that regard.

As Senator CLELAND has pointed out, we all know that foreign policy and national security are legitimate concerns that should be addressed in the Presidential and congressional campaigns; at least I hope they are addressed. But beyond this election year, the Senate will again be faced with our constitutional responsibilities in shaping this Nation's role in global affairs, national security, international stability, and peace. Simply put: Our national interest depends on reaching a bipartisan consensus. My colleague and I both hope this forum will contribute to achieving that goal and, in doing so, also contribute to greater public support and understanding.

I thank the Senator for yielding and understand he has some additional remarks, as I do following his remarks.

Mr. CLELAND. I thank the Senator. We appreciate working with him on this quite challenging and daunting task, but it is worth doing. It is an honor to be with him today and work with him. One of my key staff people, Mr. Bill Johnston, has done a momentous job of research for the speeches, the addresses, the facts, the figures, and the quotes I will be using in this dialog. I want to make sure he gets proper credit at this time.

Mr. President, I will now set the stage for today's discussion by sketching a brief outline of the evolution of the main currents of U.S. foreign policy and, then, by providing a short look at what some leading voices are currently proposing for how America should make its way in the post-cold-war world.

As in any transition period, we are feeling our way for the appropriate strategy and policies with which to maintain and enhance our national security interests in this period of a ''new world disorder.'' As the debates on NATO enlargement, Kosovo and the Comprehensive Test Ban Treaty revealed, those leading voices on American foreign policy currently offer divided counsel on this issue. It is obvious that no clear consensus has yet formed as to America's post-cold-war strategy, and that, or course, is what we are looking to address in these discussions.

Until the 20th century, it would be fair to sum up our general philosophy on foreign policy as an attempt to continue to follow President Washington's recommended approach contained in his Farewell Address of September 17, 1796:

> Observe good faith and justice toward all nations. Cultivate peace and harmony with all. . . . The Nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. . . . Steer clear of permanent alliances, with any portion of the foreign world. . . . There can be no greater error than to expect or calculate upon real flavors from nation to nation.

Then Secretary of State John Quincy Adams further elaborated on this approach when he proclaimed in 1821 that:

> Whenever the standard of freedom and independence has been or shall be unfurled, there will her [America's] heart, her benedictions and her prayers be. But she goes not abroad, in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.

As Henry Kissinger, a modern day commentator, has put it, this policy, augmented by the Monroe Doctrine of 1823 which sought to prevent European interference in the Western Hemisphere, made imminent good sense until early in the 1900s:

> In the early years of the Republic, American foreign policy was in fact a sophisticated reflection of the American national interest, which was, simply, to fortify the new nation's independence. . . . Until the turn of the twentieth century, American foreign policy was basically quite simple: to fulfill the country's manifest destiny, and to remain free of entanglements overseas. America favored democratic governments whenever possible, but abjured action to vindicate its preferences. . . . Until early this century, the isolationist tendency prevailed in American foreign policy. Then two factors projected America into world affairs: its rapidly expanding power and the gradual collapse of the international system centered on Europe.

Woodrow Wilson took this increased American power and the shattered European order, added to it the traditional American view of our exceptional role in the world and developed

what has become the dominant approach of modern American foreign policy-making. As he said in 1915:

We insist upon security in prosecuting our self-chosen lines of national development. We do more than that. We demand it also for others. We do not confine our enthusiasm for individual liberty and free national development to the incidents and movements of affairs which affect only ourselves. We feel it wherever there is a people that tries to walk in these difficult paths of independence and right.

Thus, for the first time in American history, the notion that it was our right and our duty to . . . wherever they might arise was established. While the details have changed from time to time, with some variation in the degree of enthusiasm for foreign interventions, this is still today the foundation in defining our role in the world. It was elaborated somewhat in the famous 1947 Foreign Affairs article penned by ''X''—later disclosed to be George Kennan—which guided our ultimately successful conduct of the cold war by urging, ''a policy of firm containment, designed to confront the Russians with unalterable counterforce at every point where they show signs of encroaching upon the interests of a peaceful and stable world.''

To be sure, there has rarely been a time in American history when all voices have been united behind the dominant approach to the U.S. global role. Many in this body, including myself, participated in one way or another in the national turmoil over the application of the containment policy in Southeast Asia, in a place called Vietnam. But, while there was vigorous debate on the advisability of specific implementations of Wilsonian ''idealism'' there has never been a serious challenge since the Second World War to what might be called an ''internationalist interventionist'' model for the United States in its national security policies.

Yet, as we begin the year 2000, the world has changed in significant ways from the one we have known since World War II. The Soviet Union is no more. The Communists did not, in the end, bury us, but with a few notable exceptions who currently survive in China, Cuba, Vietnam, and North Korea, it is they who have been buried by historical inevitability. Again, to quote, Dr. Kissinger:

The end of the Cold War produced an even greater temptation to recast the international environment in America's image. Wilson had been constrained by isolationism at home, and Truman had come up against Stalinist expansionism. In the post-Cold War world, the United States is the only remaining superpower with the capacity to intervene in every part of the globe. Yet power has become more diffuse and the issues to which military force is relevant have diminished. Victory in the Cold War has propelled America into a world which bears many similarities to the European state system of the eighteenth and nineteenth centuries, and to practices which American statesmen and thinkers have consistently questioned. The absence of both an overriding ideological or strategic threat frees nations to pursue foreign policies based increasingly on their immediate national interest.

Just as the very different international environment facing America at the start of the 20th century—with growing American strength accompanying a collapse of the European order—occasioned the need for a fundamental reassessment of the U.S. place in the world, so the end of the 20th century—with an end to the bipolar cold war and the emergence of multiple, if not yet super at least major, powers—necessitates another thoroughgoing review and evaluation of where we are and where we should be headed.

And if one has been reading the foreign policy journals and white papers during the last few years, one finds a vigorous and thoughtful debate underway on just such questions. I'd like to take just a few minutes to provide the Senate with a small bit of the flavor of this dialog among American foreign policy commentators.

In a 1995 article in Foreign Affairs magazine, Richard Haass of the Brookings Institute provided I think a useful starting point for our consideration by separating the debate on America's global role into two parts: the priorities or ends of American policy, and the approaches or means currently available to achieve those ends. As possible priorities, he lists Wilsonian idealism with its emphasis on promotion of democratic values, economism which—as the name suggests—gives primacy to economic considerations, realism which is often associated with the traditional diplomatic concepts of balance of power and international equilibrium, humanitarianism which focuses more on alleviating the plight of individuals, and minimalism which could be thought of as ''neo-isolationism'' but accepts the need for selected and limited U.S. engagement in global affairs. On the side of means, Haass lists unilateralism which provides the dominant country—the United States—with largely unfettered freedom of action in pursuit of its goals, neo-internationalism or ''assertive multilateralism'' which relies on multilateral organizations and approaches to international problem-solving, and regionalism which he defines as U.S. leadership within alliances and coalitions.

Writing in the Spring 1996 issue of Strategic Review, Naval Postgraduate School Professor of National Security Affairs Edward A. Olsen presented a view which might be termed as minimalism when he advocated a return to our pre-World War II approach which he characterized as one of ''abstention, benign neglect, and noninterventionism within a policy of highly selective engagement.'' Professor Olsen distinguished his proposed policy of disengagement and non-intervention—which would be marked by less military intervention, less foreign aid, and fewer international entanglements—from isolationism because his approach would allow the U.S. ''strategic independence'' to determine for itself, independent of other countries or multilateral organizations, when and how to engage abroad.

In almost direct opposition to the Olsen prescription, with goals akin to Wilsonian idealism and employing a largely unilateralist approach, William Kristol and Robert Kagan used a summer 1996 edition of Foreign Affairs to argue for a U.S. role of benevolent global hegemony in the belief that, ''American principles around the world can be sustained only by the continuing exertion of American influence,'' including foreign aid, diplomacy, and when necessary military intervention.

In his 1994 book, entitled Diplomacy, Henry Kissinger, provides a contemporary, updated version of the realist balance of power view:

America's dominant task is to strike a balance between the twin temptations inherent in its exceptionalism: the notion that America must remedy every wrong and stabilize every dislocation, and the latent instinct to withdraw into itself. . . . A country with America's idealistic tradition cannot base its policy on the balance of power as the sole criterion for a new world order. But is must learn that equilibrium is a fundamental precondition for the pursuit of its historic goals.

A quote that comes to mind for me is when President Kennedy said, ''There is not necessarily an American solution for every problem in the world.''

I think that is the real issue. Former Congressman Stephen Solarz espoused the humaniarianism goal in the Winter 2000 edition of Blueprint Magazine:

Some, of course, will object to humanitarian intervention as a violation of the principle of sovereignty, which precludes military interference in the internal affairs of other nations. . . . Yet it is clear today that the non-interference doctrine no longer trumps all other considerations. This was obvious when the United Nations sanctioned interventions during the 1990s in Northern Iraq, Somalia, and Haiti. Where crimes against humanity or genocide are involved, the doctrine of humanitarian intervention is increasingly accepted as a justification for violating the otherwise inviolable borders of sovereign states.

A particular variant of the regionalism approach is contained within Samuel P. Huntington's 1996 work, The Clash of Civilizations: Remaking of World Order.

I know that is a favorite of the good Senator from Kansas.

In the aftermath of the cold war the United States became consumed with massive debates over the proper course of American foreign policy. In this era, however, the United States can neither dominate nor escape the world. Neither internationalism nor isolationism, neither multilateralism nor unilateralism, will best serve its interests. Those will best be advanced by eschewing these opposing extremes and instead adopting an Atlanticist policy of close cooperation with its European partners to protect and advance the interests and values of the unique civilization they share.

These are just a very few of the many ''think pieces'' which have been coming

out of the American foreign policy community since the end of the cold war. Even this brief glimpse reveals a wide divergence in expert opinions on the preferred priorities and approaches for post-cold-war U.S. global engagement. To further evaluate the current debate among individuals with strongly held views on where we should be headed I asked the outstanding Congressional Research Service to provide me with a ''review of the literature'' on U.S. global role options.

I ask unanimous consent that this CRS document be printed in the RECORD.

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

A REVIEW OF LITERATURE ON U.S. GLOBAL ROLE OPTIONS

1. Abshire, David M. ''U.S. Global Policy: Toward an Agile Strategy.'' Washington Quarterly, v. 19, spring 1996: 41–61.

Since the end of the Cold War, which was marked by the U.S. promotion of a policy of containment, the U.S. and other powers have entered a strategic interregnum (44) in which foreign policy strategies have not been fully defined. Abshire states that the U.S. should strive toward a policy of agility: ''an agile strategy for the use of power and the achievement of peace'' (41) which is characterized by flexibility in action and long-range goals and is guided by vital national interests. This strategy is proactive rather than reactive and aims to ''return to classical formulations of the proper uses of power to influence the behavior of U.S. opponents, and indeed allies'' (46). Realism (49) forms the foundation of a strategy of agility, acknowledging that military conflict and economic competition are features of world affairs. At the same time, this strategy recognizes the importance of idealism (50) and the role U.S. democratic ideals should play in international relations. Specifically, this strategy represents a balance between short-term realism and long-term idealism (48): In the short run, the U.S. should defend its interests from immediate threats; in the long run the U.S. should strive to promote U.S. ideals such as democracy and free trade. This policy is opposed to isolationism (51), but expects U.S. leaders to set clear boundaries in U.S. foreign policy.

2. Albright, Madeleine K. ''The Testing of American Foreign Policy.'' Foreign Affairs, v. 77, Nov.–Dec. 1998: 50–64.

Albright describes a four-part strategy for U.S. foreign policy. The U.S. should encourage continuing relations with other leading nations (51), aid transitional states in playing a larger role in the international system (52), help weaker states that are trying to overcome economic and political problems (52), and ward off threats that affect world security (51–53). This strategy is driven by vision and pragmatism: U.S. foreign policy should incorporate a vision of future policy concerns and should be shaped by pragmatic approaches to foreign policy issues (54–59). The will and resources to carry out policy are essential to implementing this strategy (59–62). In the final analysis, U.S. foreign policy is tested by ''how well our actions measure up to our ideals . . . we want our foreign policy to reflect our status as the globe's leading champion of freedom'' (63).

3. Arbatov, Georgi. ''Eurasia Letter: A New Cold War?'' Foreign Policy, no. 95, summer 1994: 90–103.

The institutions of the West have supported Russian plans for reform despite the plans' shortcomings and disastrous results. Russia has not made progress toward building democracy, and the West is partly responsible for Russia's current woes. The West's role in supporting economic policies unsuitable for Russia has spurred new distrust of the West and notions of a Western conspiracy to introduce policies that will harm the Russian economy (91–96). The West should take part in stopping human rights violations against ethnic Russians living in former Soviet republics (98). The U.S. must recognize that Russia should play an important role in international affairs (102). Both countries are responsible for Russia's future and should seek cooperation (103).

4. Blumenthal, Sidney. ''The Return of the Repressed Anti-Internationalism and the American Right.'' World Policy Journal, v. 12, fall 1995: 1–13.

Isolationism has been revived in a new form as an ''inchoate anti-internationalism'' (2) on the part of the Republican Right. This new anti-internationalism is marked by vigorous opposition to the role of the United Nations and is closely related to growing anti-government and xenophobic sentiments. Although isolationist views were espoused by members of both the Right and the Left in pre-World War II America, by the end of the war, isolationism had become strictly a cause of the Right and was combined with its anticommunist movement (4–5). Advocates of this policy viewed containment as a poor compromise and advocated a unilateral military approach to Cold War threats. Unilateralism (6) remained an important cornerstone of this policy up to Reagan's terms in office, although Reagan eventually disillusioned supporters with his policy of engagement with Gorbachev. George Bush was criticized for his emphasis on foreign affairs. As Clinton's first term in office progressed, he paid more heed to anti-internationlism and initiated policies to limit the U.S. role in multilateral peacekeeping (9). The Republican platform, Contract with America, advanced several anti-international principles, and ''[f]or the first time since the inception of the Cold War, tenets of anti-internationalism have become official dogma of the Republican Party'' (10). Republicans who oppose anti-internationalism have not challenged this position within their party. Idealist and realist approaches (11) to foreign policy will be affected by this anti-internationalism if it continues to flourish. Blumenthal identifies several versions of realism. Augmented realism, or realism plus, (11) sees conviction as a driving force in obtaining a leadership role. Washington realism (11) focuses on international affairs at the expense of domestic ones. Republican realism fails ''to explain how internationalism can coexist with a social policy that radically widens class, racial, and gender divisions . . .'' (11).

5. Calleo, David P. ''A New Era of Overstretch? American Policy in Europe and Asia.'' World Policy Journal, v. 15, spring 1998: 11–29.

Clinton downplayed foreign policy when elected in 1992 and in his first term ''quietly'' took on ''a sort of devolutionist foreign policy'' (12–13). Clinton encouraged the Europeanization of NATO and seemed to promote a foreign policy in which the U.S. would serve as a balancing power in a multipolar arena and would not aspire to Bush's vision of the U.S. as the only superpower in a unipolar world (13). Muted elements of Wilsonianism could be detected in some Clinton policies to ''[prod] the world toward universal democracy'' (13). Clinton began to take a more active role in foreign policy in his second term and initiated efforts to reassert American hegemony in NATO (14). U.S. interests in NATO expansion suggest that the U.S. is adopting a maximalist stance (16) and is ready to take a hegemonic role in Europe. The U.S. has continued its long-standing role as a strong presence in Asia. Calleo describes three proposed models for a future security structure in Asia—''China the regional hegemon, America the region's hegemonic balancer, and a multipolar regional balance made up of China, India, Japan, Russia, and the United States'' (19).

6. DeSantis, Hugh. ''Mutualism: An American Strategy for the Next Century.'' World Policy Journal, v. 15, winter 1998–99: 41–52.

DeSantis describes the views of various foreign affairs professionals: Liberal-internationalists, or neo-Wilsonians, expect the value systems of various countries to move toward each other; realists promote persuading other powers to support U.S. policies; American nationalists, or neo-Reaganites, promote a unilateral policy in which the U.S. strives to promote an ''enlightened empire;'' neo-isolationsists, including America Firsters, libertarians, and pacifists, oppose U.S. involvement abroad (41). DeSantis says that these seemingly different views are all versions of American exceptionalism, the myth that the U.S. is the natural model for other countries and should be the leader of an unpredictable world (41–42). He promotes as an alternative a ''non-American centered framework'' called mutualism: ''an interest-based rather than value-driven concept of international relations'' (44) that avoids hegemony. Economies will be interdependent and national and regional communities will be emphasized in order to curb violent frustrations of peoples ''marginalized by the process of globalization'' (47). A cornerstone of mutualism is cultural tolerance and the recognition that the American way is not the only way to a free and harmonious society (48). Security operations must be shared in order to avoid dependence on the U.S., and Americans must ''abandon their triumphalism'' and recognize the need for cooperation with other peoples (51).

7. Diamond, Larry. ''Why the United States Must Remain Engaged: Beyond the Unipolar Movement.'' Orbis, v. 40, summer 1996: 405–413.

The end of the Cold War has forced the U.S. to reexamine its role in the world, and a new trend in favor of isolationism has emerged. This neo-isolationism takes many forms. Some of its supporters advocate free trade and foreign aid while others reject any type of foreign involvement. Other neo-isolationists want the U.S. to become ''a normal nation in normal times'' (406). Despite variations on this theme, all neo-isolationists call for the end of America's role as a superpower. Scholar Eric Nordlinger, in his book Isolationism Reconfigured: American Foreign Policy for a New Century (Princeton: Princeton University Press, 1995) has articulated a new type of neo-isolationism that calls for varying degrees of U.S. involvement in foreign affairs and recognizes the usefulness of multilateral cooperation. Nordlinger's ''liberal isolationism'' provides a thoughtful approach to foreign policy but is problematic. He mistakenly believes that the U.S. is insulated from outside threats; that U.S. allies could compensate militarily for the loss of a U.S. military presence abroad; that it is better to deal with conflicts as they arise rather than try to predict future conflicts; and that the U.S. would be able to defend itself in the unlikely scenario of a threat to U.S. interests. In fact, spillover from faraway conflicts prevents true insulation; our allies would have difficulties meeting military challenges without U.S. aid and might be forced into bad compromises due to lack of power; the benefits of predicting and deterring conflict can exceed the cost; and, were the U.S. to become as isolationist as Nordlinger proposes, it is unlikely it would be prepared to meet true

threats to security (407–411). The best strategy for the next century is liberal internationalism (413).

8. Gilman, Benjamin A. ''A Pacific Charter: A Blueprint for U.S. policy in the Pacific in the 21st Century.'' Washington Heritage Foundation, 1997 (Heritage Lecture no. 579).

Asia will be the most important region to the U.S. in the future, and the U.S. has the greatest power to influence Asian affairs. As in the past, U.S. interests in Asia are: ''regional stability; access to markets; and freedom of the seas,'' (3) and, more specifically, ''the promotion of democracy and the rule of law; human and religious rights; market economies; and regional security for all'' (11). Although the U.S. is ''responsible for the peace and much of the prosperity'' (3) of post-WWII Asia, the U.S. role in Asia is being challenged. The Clinton administration, through base closings, has sent an ambiguous message to Asia, and most Asian nations, which desire a strong U.S. presence in the region, fear the U.S. will retreat to isolationism. The U.S. must maintain a strong role in Asia and thwart the emergence of a regional hegemon that could threaten Asian security. The Clinton administration does not have a good policy to meet these needs. Gilman proposes a ''Pacific Charter'' (7) to outline the U.S. role in Asia. The U.S. must maintain strong relations with Japan, increase relations with India, and curb threats from China.

9. Haass, Richard N. ''Paradigm Lost.'' Foreign Affairs, v. 74, Jan.–Feb. 1995: 43–58.

The post-Cold War world is in a period of ''international deregulation,'' marked by ''new players, new capabilities, and new alignments'' but lacking ''new rules'' (43). Clinton has advocated a new foreign policy centered around international reregulation (44) and characterized by the expansion of market democracies, but this strategy serves more as an ideal than as pragmatic policy. In fact, no one doctrine can encompass every aspect of foreign policy, but the U.S. should strive toward a foreign policy ''that is clear about ends—America's purposes and priorities—as well as about means—America's relationship with and approach to the world'' (45). Haass critiques five approaches to foreign policy that are evident in the current administration. Wilsonian promotion of democratic values is a ''luxury'' that should not take precedence over other interests, such as promoting security in the Middle East, even with non-democratic allies (46). Economism places undue emphasis on the primacy of economics and can be similar to neomercantilism (47). Realism correctly acknowledges threats to the U.S. but neglects the ''internal evolution of societies'' (48). Humanitarianism, which is almost ''post-ideological'' downplays immediate concerns and threats (49). Minimalism ignores factors that affect U.S. security and could lead to long-term problems that greatly threaten U.S. interests (49). Haass describes three types of means to U.S. foreign policy. Unilateralism allows the dominant country freedom of action, but can be imitated and abused by other powers and can break down international order (50). Neo-internationalism, also known as ''assertive multilateralism,'' distributes power and responsibility, but this power may clash with U.S. foreign policy interests (51). U.S. leadership would position the U.S. as the leader of alliances and coalitions, but could lead to problematic compromises (52). Clinton has incorporated each mean and end in some form, resulting in an inconsistent foreign policy. Haass promotes ''augmented realism,'' or ''realism plus,'' which would concentrate on threats to security but would be broader than traditional realism. Haass states that U.S. leadership is the most viable means to meet this form of realism (55–56).

10. Haass, Richard N. ''What to do with American Primacy.'' Foreign Affairs, v. 78, Sept.–Oct. 1999: 37–49.

U.S. foreign policy should promote multipolarity, ''characterized by cooperation and concert rather than competition and conflict'' (38). Post-Cold War society will have four cornerstones: ''using less military force to resolve disputes between states, reducing the number of weapons of mass destruction and the number of states and other groups possessing such weapons, accepting a limited doctrine of humanitarian intervention based on a recognition that people—and not just states—enjoy rights, and economic openness'' (39). The U.S. should maintain its role as the only superpower and should model itself after nineteenth-century Great Britain (41). The U.S. should persuade other powers through consultations rather than negotiations (42–43). Regionalism, which involves regional cooperation, would serve as a good balance between the extremes of perfect internationalism and unilateralism (44), but is problematic because many regions do not agree on the definition of regional order. An American world system involves external influences, but the U.S. must play an active and discriminating role in deciding when humanitarian intervention is necessary. Finally, America must overcome its indifference to foreign affairs (49).

11. Hillen, John. ''Superpowers Don't Do Windows.'' Orbis, v. 41, spring 1997: 241–257.

The U.S. should encourage a new security system which recognizes the differing interests and military capabilities of different countries and is founded on the principle that the U.S., as the superpower, does not do the little jobs that distract it from its larger role. Because U.S. resources are limited, the U.S. should concentrate on broad security issues and leave regional problems to its allies who will serve the roles of ''local doctor and cop'' (243). The downsizing of the U.S. military places strains on the U.S. military when it acts in regional disputes, such as the Bosnia conflict, and few post-Cold War conflicts have truly required heavy U.S. involvement. The U.S. role in Europe, East Asia, the Middle East, the Persian Gulf, and South America is one of collective defense, which focuses on cooperative efforts to ''defend against threats to the balance of power in a region,'' rather than one of collective security, which responds to a broad range of issues not limited to immediate threats (251). In alliances with European countries, the U.S. must preserve its role as a leader and needs to readjust the division of labor in organizations such as NATO. The U.S. should, however, be cautious in increasing Japan's responsibilities in Asia. Within the Middle East, ''de facto alliances'' serve the U.S. better than ''de jure alliances'' that exist with European countries (255). No other regions demand a U.S. presence.

12. Huntington, Samuel P. ''The Erosion of American National Interests.'' Foreign Affairs, v. 76, Sept.–Oct. 1997: 28–49.

American identity has been defined by culture and creed, ideals such as liberty, constitutionalism, limited government, and private enterprise. This identity has been constructed vis-a-vis a foreign ''other,'' which for much of this century has been communism. The end of the Cold War will affect American identity and has led the U.S. ''not to find the power to serve American purposes but rather to find purposes for the use of American power'' (35). Ethnic and commercial interests now overshadow national interests in shaping foreign policy. ''Commercial diplomacy'' (37) has become a cornerstone of Clinton's foreign policy. Ethnic groups now play a major role in shaping U.S. international involvement; the drive for multiculturalism and an increase in new immigrant groups who have resisted assimilation have influenced the actions of the U.S. government toward immigrants' native countries. The combined influence of commercial and ethnic interests has led to a ''domesticization of foreign policy'' (40). America's strength is reflected in military, economic, ideological, technological and cultural spheres, but America is ineffective in influencing other countries (42–43). This paradox is partly the result of a gap between American resources and governmental power. The nature of American power has changed. Immediately after WW II America directly expanded its influence to other parts of the world. From the 1970s, U.S. power has shifted to ''the power to attract'' (44), as illustrated by the power of the U.S. to raise money from other countries for the Persian Gulf War and a shift toward widescale lobbying by foreign governments. U.S foreign policy, with its attention to special interests, is turning into a policy of particularism. A policy of restraint (48), which would limit attention to special interests, would better position the U.S. to ''[assume] a more positive role in the future . . . and to pursue national purposes'' supported by the American population (49).

13. Hutchings, Robert L. ''Rediscovering 'The National Interest' in American Foreign Policy.'' Washington, Woodrow Wilson International Center for Scholars, 1996.

The end of the Cold War has left the U.S. struggling to redefine its global role. Encompassing principles like ''democratic enlargement'' and ''new world order'' fail to fully address U.S. foreign policy needs; ''new world order,'' for example, has been ambiguous on the relationship between principles and interests and has been constantly redefined and reformulated (2). Foreign policy should not pit principles against interests. Principles alone fail to solve foreign policy problems. Interest-based policies should be tied to U.S. capabilities (2–3). The U.S. placed top priority on Eastern Europe in relations with Moscow and thus helped contribute to ''an international environment conducive to'' the success of Eastern European democracy movements (4). The U.S. recognized the importance of German affairs to European security. In other parts of Europe, the U.S. ''continued to cling instinctively to a dominant role that [it was] no longer ready to play and so found it difficult to cede leadership gracefully to the Europeans'' (5). These approaches to Western and Eastern Europe together helped bring about the end of the Cold War, but the U.S. failed to develop suitable policies to support post-Communist countries. The Cold War should teach the U.S. that a stable Europe, more than a stable Asia, is vital to U.S. security, and U.S. leadership is necessary for European unity (6–7). A stable Eastern Europe is most vital for a stable Europe. The U.S. should not assume responsibility for Russian reform; the task should fall into Russian hands (8). The U.S. should ''invite'' Russia into the international arena and encourage Russia to pursue peace (9).

14. Joffe, Josef. ''How America Does It.'' Foreign Affairs, v. 76, Sept.–Oct. 1997: 13–27.

No alliance in history has persisted long past victory, and yet the U.S. continues to build its alliance system even after the end of the Cold War. Organizations like the EU could challenge U.S. power, and Russia, China, and France have paid lip service to ending U.S. hegemony, but allies of the U.S. have yet to truly turn against America. The reason for ''America's unchallenged primacy'' lies in the uniqueness of America (16). The U.S. ''irks and domineers, but it does not conquer'' (16). During WWI and WWII, the U.S., like Imperial Britain, maintained a strategy of checking hegemonies. More recently, U.S. policy has come to resemble the

policies of Bismarck's Germany; the U.S. has built a ''hub and spoke'' relationship with other countries in which ''association with the hub [Washington] is more important to them than are their ties to one another'' (21). As a result, other countries cannot form old-style alliances against the U.S. (24). The U.S. bears a great deal of responsibility in upholding security for other countries, but this benefits and provides for America's own security (27).

15. Kagan, Robert. ''The Benevolent Empire.'' Foreign Policy, no. 111, summer 1998: 24–34.

Although foreign countries complain about U.S. global leadership, many countries nonetheless have grown to rely on American dominance. Although European and other nations call for ''multipolarity,'' U.S. dominance in fact provides the best option for global affairs (26). U.S. hegemony is a benevolent hegemony (26). The U.S. has risked its own safety for the safety of other countries, and Americans have believed since WWII that ''their own well-being depends fundamentally on the well-being of others'' (28). It is in the best interest of the nations that benefit from this benevolent hegemony to support rather than criticize U.S. power. Advocates of multipolarity, and the similar balance-of-power theory of global parliamentarianism, or world federalism (30), fail to recognize that no other country would be willing to truly take on the responsibilities and sacrifices multipolarity entails. Countries like France and Russia have not adopted measures that would enable them to shoulder the burdens of multipolarity; what these countries truly want is an ''honorary multipolarity'' (32): ''the pretense of equal partnership in a multipolar world without the price or responsibility that equal partnership requires'' (32). The growth of neo-isolationism in the U.S. satisfies European calls for less U.S. involvement in international affairs, but the U.S. must continue to recognize the ultimate importance of its dominance (34).

16. Kennan, George F. ''On American Principles.'' Foreign Affairs, v. 74, Mar.–Apr. 1995: 116–126.

Kennan defines a principle as a ''general rule of conduct by which a given country chooses to abide in the conduct of its relations with other countries'' (118). This principle should provide a framework for policy and, with special exceptions, should be ''automatically applied'' (119). A principle should be set forth by a political leader who can reflect the views of the population he represents. Despite wide differences among Americans, most Americans agree on certain ideals. In choosing when to intervene in other countries' affairs, the U.S. should respond only to events that truly threaten U.S. interests (124). U.S. policy must embody John Adams' principle of foreign policy that the best way to help other countries is through ''the benign sympathy of our example'' (125) rather than through direct intervention.

17. Kennedy, Paul. ''The Next American Century?'' World Policy Journal, v. 16, spring 1999: 52–58.

For much of the early twentieth century, America looked inward in its foreign policy. By the end of WWII, however, America's role as the world's leader was clear; the twentieth century had become the American century. Later, the Cold War suggested that world affairs were dominated by a bipolar system of Russian and American power, and anti-Americanism abroad and domestic crises at home lent further doubts to the primacy of America. The appearance of an ''America in relative decline,'' however, was not fully accurate (55). The U.S. held many advantages over a Soviet Union constantly plagued with problems, and despite domestic difficulties, the U.S. demonstrated its ability to renew its economic power in the 1980s. The U.S. is influential in its ''soft power'' (American culture) and ''hard power'' (military resources) (56), and is a leader in finance and technology. These advantages place America ''in a relatively more favorable position in the world than at any time since the 1940s'' (56). It is uncertain, however, whether the U.S. will sustain its number-one position throughout the 21st century. The spread of American influence could lead to a backlash against the U.S., and other nations have the potential to develop into superpowers.

18. Khalilzad, Zalmay. ''Losing the Moment? The United States and the World After the Cold War.'' Washington Quarterly, v. 18, spring 1995: 87–107.

The U.S. must develop a foreign policy for the post-Cold War world in order to maintain its strength. Secretary of Defense Dick Cheney's ''Regional Defense Strategy,'' (88) which focused on strengthening alliances, preventing the rise of regional hegemons, and eliminating sources of instability, never took root under the Bush administration. Clinton Administration foreign policy, outlined in National Security Strategy of Engagement and Enlargement, (88) stresses similar points but also emphasizes peacekeeping efforts, economic issues, and the expansion of democracy. But the Clinton strategy fails to prioritize foreign policy issues, and Clinton's handling of foreign affairs has been controversial. Possible alternatives for foreign policy are neo-isolationism (89–91), a return to multipolarity (91–94), and global leadership (94–106). Although neo-isolationism offers short-term benefits, in the long term it is likely to lead to power struggles and proliferation of weapons of mass destruction. A return to multipolarity and balance of power would allow the U.S. to reduce defense spending and concentrate on economic concerns, but depends on other major powers ''[behaving] as they should under the logic of a balance of power framework'' (93). Global leadership, in which the U.S. would maintain its position and prevent the rise of rival powers, provides the best option. For this policy to work, it must ''maintain and strengthen the 'zone of peace' and incrementally extend it; preclude hostile hegemony over critical regions; hedge against reimperialization by Russia and expansion by China while promoting cooperation with both countries; preserve U.S. military preeminence; maintain U.S. economic strength and an open international economic system; be judicious in the use of force, avoid overextension, and develop ways of sharing the burden with allies; and obtain and maintain domestic support for U.S. global leadership and these principles'' (95).

19. Kristol, William and Robert Kagan. ''Toward a Neo-Reaganite Foreign Policy.'' Foreign Affairs, v. 75, July/August 1996: 18–32.

Kristol and Kagan advocate a conservative, ''neo-Reaganite'' foreign policy, in which American exceptionalism is celebrated and in which America ''cheerfully'' takes on the international responsibilities that come with its role as the benevolent global hegemon (32). They assert that ''American principles around the world can be sustained only by the continuing exertion of American influence'' by such means as providing foreign aid and playing a role in conflict control or resolution in its diplomatic and/or military capacity when appropriate; they further assert that ''most of the world's major powers welcome U.S. global involvement'' (20–28). Neo-Reaganite foreign policy differs from the neoisolationism of the ''America First'' variety in that it is a policy of engagement for the purposes of maintaining peace and international order, as well as national benefit (21–23). In addition, unlike the pragmatist foreign policy under the Bush administration, neo-Reaganite foreign policy justifies its engagement not only with practical or material interests (such as jobs), but also with the goal of upholding and ''actively promoting American principles of governance abroad—democracy, free markets, respect for liberty'' (27–8). America ought to reassume that sense of responsibility for global ''moral and political leadership'' which underlay the ''overarching Reaganite vision that had sustained a globally active foreign policy through the last decade of the Cold War'' (28).

20. Layne, Christopher. ''Rethinking American Grand Strategy: Hegemony or Balance of Power in the Twenty-First Century?'' World Policy Journal, v. 15, summer 1998: 8–28.

Layne favors the balance of power strategy over the strategy of preponderance (synonymous with hegemony) that has prevailed in U.S. foreign policymaking circles since after World War II. The ''essence'' of the strategy of preponderance is the creation of ''a U.S.-led world order based on preeminent U.S. political, military, and economic power, and on American values'' (9). Preponderance is unsustainable for several reasons: one, hegemonic power instigates its own demise—states that feel threatened will endeavor to emerge as new great powers to balance against the hegemon, thus destroying the unipolar situation(13); second, the U.S. is at risk of strategic overextension when it must defend its extensive interests throughout the world in order to maintain its hegemonic status (17); and third, preponderance as a strategy will be obsolete in the emerging multipolar world, China, Japan, Germany and Russia being the potential new great powers. The balance of power alternative to preponderance is ''offshore balancing''(20). The premise of the offshore balancing strategy ''is that it will become increasingly more difficult, dangerous, and costly for the United States to maintain order in, and control over, the international system'' (21). As an insular great power geostrategically shielded from most foreign threats, the U.S. is in position to disengage itself from many of its military commitments and global leadership role, thus avoiding overextension. Offshore balancing lets the U.S. stand to the side and achieve relative gains while other, less insulated powers quarrel amongst themselves; it also lessens the U.S. risk of war by allowing the U.S. to act last, when the situation is clear (20–22). Geostrategic concerns are paramount in offshore balancing; other issues such as ''market and global economic welfare imperatives'' are to be subordinate (24). U.S. power and strategic choice are maximized through offshore balancing (24).

21. Mastanduno, Michael. ''Preserving the Unipolar Moment: Realist Theories and U.S. Grand Strategy after the Cold War.'' International Security, v. 21, no. 4, spring 1997: 49–88.

Mastanduno offers a discussion of realism and its two major variants, the balance of power theory and the balance of threat theory, and how these theories apply to different aspects of U.S. foreign policy. Realism is not itself a theory, but instead a ''research program that contains a core set of assumptions from which a variety of theories and explanations can be developed'' (50). Realist assumptions include an anarchic international system and that states are ''like units'' (52). Balance of Power theory states that a hegemonic state will ''stimulate the rise of new great powers'' or the formation of coalitions that will balance against its preponderance (54). The rational course of action under this theory is to accept the ''inevitability of multipolarity'' and make the most of it, by adopting the position of offshore balancer (see Layne)(56). Balance of

Threat theory assert that states are not threatened by power (aggregate resources) alone; the presence of other considerations such as ''geographic proximity, offensive capability, and aggressive intentions'' is necessary to constitute a threat (59). The rational strategy under this theory would be to ''pursue policies that signal restraint and reassurance''—be nonthreatening, in other words (59). Balance of power guides U.S. foreign economic policy while balance of threat informs U.S. security policy, and the two theories thus applied has worked together in the scheme to preserve U.S. global primacy (51). To ''dissuade'' and delay challenges to U.S. hegemony, the U.S. must not allow economic conflicts to undermine security relations; the U.S. must be willing to shoulder the costs of a ''global engagement strategy'', and the U.S. must consult and get the cooperation of its allies (a multilateral approach) and refrain from preaching and imposing U.S. values (87–8).

22. Maynes, Charles William. ''America's Fading Commitments.'' World Policy Journal, v. 16, summer 1999: 11–22.

Maynes traces the American attitude toward multilateralism since the Second World War. Multilateralism and international institutions like the UN have fallen out of favor among the U.S. political elite since the 1980s, due to the restrictions multilateralism places on America's freedom of action. To maintain that freedom, America has moved toward unilateralism (''American isolationism in another form'') by acting alone or through dominating its alliances (17). Maynes argues that the multilateral experiment cannot be abandoned (21). Globalization brings new transnational problems that must be dealt with multilaterally, and the balance-of-power approach to foreign policy is too prone to catastrophic failure to be completely relied upon (20–21). America's unilateral approach also creates resentment among other states (22). Despite appropriate concerns about the erosion of sovereignty and the erosion of democratic control, America must revive the Wilsonian commitment to international organizations and international law (also liberal internationalism), for ''the hope for a more orderly and peaceful world lies in the commitment to progressive multilateralism . . . [a hope which] will never be fulfilled unless the most powerful country in the world does its share'' (22).

23. Maynes, Charles William. '''Principled' Hegemony.'' World Policy Journal, v. 14, fall 1997: 31–36.

America has the ability to deter attacks against itself, but often lacks the will and resources to compel other states to act in accordance with its wishes (35). Maynes suggests limiting the obligations of principled hegemony (specifically in the human rights area) by restricting the U.S. role to providing logistical and political assistance and acting as an example, instead of taking over other states' responsibilities, acting as global or regional policeman, or imposing American views (35–6)

24. Maynes, Charles William. ''The New Pessimism.'' Foreign Policy, no. 100, fall 1995: 33–49.

Influential authors informed by Hobbesian realist assumptions express an unwarranted mood of pessimism for America's future, Mayne asserts. The state of the world is better than it has been for decades and there is much America can do for a better future. The international system is ''structurally sound'' because no great power is seeking the hegemonic position (a goal repudiated by the Bush administration)(44). Wars and conflicts are now more numerous but on a much smaller scale—war doesn't pay like it used to; there is also no ideology fueling a drive for world supremacy (43). The U.S. should use this ''moment of unusual structural stability in world affairs'' to ''found a structure of peace for the future''(44), by devising a European structure that would involve both Germany and Russia and to fully integrate China into the international system (45–6). The American goal must not be to counter the power of these emerging great powers, but ''to channel it in directions that are more benign and that respect the rights of [their] neighbors'' (46).

25. Maynes, Charles William. ''The Perils of (and for) an Imperial America.'' Foreign Policy, no. 111, summer 1998: 36–48.

America leads the world economically, militarily, and politically (37). It already carries the burden of ''a totally disproportionate share of the expense of maintaining the common defense'' as well as being the ''world economic stabilizer'' (37). Yet America should NOT go further and attempt to pursue a policy of world hegemony, for four reasons: ''domestic costs, impact on the American character, international backlash, and lost opportunities'' (39). Since there is ''no clear geographical limit to the obligations'' imposed on an aspiring hegemon, America, should it elect to pursue world hegemony, must be prepared for huge increases in military and non-military spending, in dollars and in bloodshed (40). Hegemony can be attempted ''only by using the volunteer army,'' which would exacerbate the social fragmentation between those who reap benefits from globalization, and those who have to pay the price (42). Dangerous too is the arrogance supreme power brings, and from which America already suffers. Unilateral actions such as economic sanctions and dictates to the U.N. and other countries provoke alienation and resistance, making other countries less cooperative (44). A policy of hegemony ''will guarantee that in time America will become outnumbered and overpowered'' (46). America should not waste this post-Cold War moment on pursuing hegemony, but use the opportunity to try to forge a new relationship among great powers.

26. ''Old Challenges in a New Era: Addressing America's Cold War Legacy, Defense, Economic & International Security Concerns.'' Washington, Institute for Foreign Policy Analysis, 1995.

During the Cold War, ideology was the dominant factor governing international relations. But economic considerations have taken the place of ideology with the collapse of the Soviet Union and following globalization. Unlike during the Cold War era, the transfers of arms and defense technologies to other states are being made largely on the basis of economic considerations, not ideology. A laissez-faire approach to arms transfers might have negative impacts on regional stability and detrimental effects on future international commercial relations and overall political stability in the long term (Chapter 1).

Even though the U.S. was the leader of the globalization of the international economic system, it failed to adopt internal policies to maintain its competitiveness in the world market. In reality, however, the United States considerably depends on importation. Consequently, it is demanded that the United States continues to improve its economic competitiveness in international markets if it is to reverse the trend of dependency. (Chapter 2)

The increasing competition incurred from internationalization and interdependence of trade transformed the structure of the U.S. economy. For example, wages of U.S. workers were adjusted to the equilibrium of global wage levels. This structural transfiguration of the U.S. economy from industrial era to information age resulted in U.S. defense downsizing. The U.S. defense drawdown appears prima facie to have negative impacts on the national job market. The impact upon the U.S. job market as a whole is, however, minimal in the context and also can be ameliorated with continued economic growth. (Chapter 3)

Today's defense industrial base was formed during World War II, and evolved during the quasi-warlike period of the Soviet Union threat. The strategy of the U.S. military against Soviet quantitative military advantages was technological innovation with qualitatively superior weapon systems. This also demanded large-scale industrial production of products and a massive modernization of industry. But with the collapse of the Soviet Union, the primary role of defense industry disappeared and left dichotomous problems; ''how to reduce the size of the US defense industrial establishment without losing the capability to support the armed forces in the near-term surge by major powers such as Russia and China, or to respond to provocations from major regional states and to concurrently facilitate futuristic armaments production needed for long-term security needs.'' (Chapter 4)

Regarding the direction of U.S. military industry, ''the key objective of U.S. defense industrial policy must be the preservation of critical design, engineering, and production skills in the United States economy.'' Moreover, ''long-term U.S. defense production is rooted in maintaining a robust manufacturing base within the United States. Failure to preserve a diverse manufacturing base will eventually result in increased U.S. vulnerability to foreign veto over U.S. security-related decisions.'' (Chapter 5)

U.S. foreign dependency on military production will naturally increase as the United States moves toward a unified commercial/defense industrial base and prime manufacturers continue to reorganize their supplier networks. Within this framework, long lead-time products such as aircraft, submarines, aircraft carriers, and tanks are not vulnerable to foreign suppliers who might prove reluctant to provide parts for U.S. defense production if tensions develops in selected international relationships. The United States currently has the technology to reestablish industries if required but at a cost. The United States is more vulnerable to stoppage of critical parts and components for electric equipment and combat consumables needed for quick-response intervention operations. In the long-term, U.S. vulnerability will depend on the scope and diversity of the United States industrial base.'' (Chapter 7)

Preserving international stability is of great importance to the U.S. political, economic and military capabilities. After the collapse of the Soviet Union, the security condition of the world has been transformed, triggering a dispute about how much military capability should be retained under the new uncertain world order. The Clinton Administration's Bottom-Up Review (BUR) postulated the United States must be able to fight two nearly simultaneous major regional conflicts (MRCs). But the U.S. force structure planning has been complicated along with the continuous change of the World and the diversity of potential missions unlike during the Cold War. ''As a result of the changes in global stability and Allied force levels, three questions need to be reexamined. 1) what are the critical international interests of the United States, 2) what are the emerging threats to international stability, and 3) what military capability does the United States need to defend those interests.'' (Chapter 8)

''The twin goals of maintaining a viable U.S. defense industrial base and promoting international stability are not mutually exclusive. As long as discretion is exercised,

transfers of U.S. arms to non-aggressive states is more desirable than the alternatives of allowing other arms-exporting states to dominate the trade, or cutting off international arms supplies and encouraging the development of indigenous arms industries.'' (Chapter 9)

27. Olsen, Edward A. ''In Defense of International Abstention.'' Strategic Review, v. 24, spring 1996: 58–63.

Olsen advocates the return of American foreign policy to its pre-Second World War program of ''abstention, benign neglect, and non-interventionism within a framework of highly selective engagement'' (58). The U.S. was pulled into a collective approach to security by the special circumstances of the Second World War and the Cold War, and even now retains this ''anachronistic'' pursuit of world leadership with little concern for national self-interest (58–9). Now that the Cold War is over, the U.S. should return to a more ''normal'' role in world affairs by disengaging itself from the ''permanent allies'' and ''entangling alliances'' frowned upon by the Founding Fathers (59–61). A policy of disengagement and non-intervention is not isolationism; non-intervention merely provides the kind of ''strategic independence'' that allows America to get involved ''when Americans—not other countries or international organizations'' decide it is wise (59). Less intervention overseas, less foreign aid, and fewer entanglements will let the U.S. shed burdens its allies can and should carry on their own, and ''maximize U.S. geo-economic influence through a demilitarization of U.S. involvement overseas,'' as well as grant the U.S. a ''more benign and unprovocative image'', facilitate ''trade and investment, and permit a wholesale reduction in obligations without calling into question American prestige and credibility'' (63).

28. Pfaff, William. ''The Coming Clash of Europe with America.'' World Policy Journal, v. 15, winter 1998/99: 1–9.

The Atlanticist dream of an American-European political, economic, and security union is unlikely to be realized due to the oncoming Western European versus American clash over economic and industrial competition (1). The euro (EU common currency), if successful, will draw investments away from U.S. securities as well as become a ''powerful rival for denominating international trade products'' (3). Europe is also expected to resist the globalization trend of mergers in strategic industries such as aerospace and other high-technology sectors to achieve and maintain the ''industrial and economic guarantees of sovereignty'' (5). European economic and industrial interests serve to make European countries more economically and politically integrated as a union, as EU institutions and policies develop to maintain these interests; further, these same interests will become a ''new and fundamental factor of U.S.-EU rivalry and competition,'' forming an obstacle to transatlantic integration (3). Europe does not wish conflict with the U.S., but these vital interests render conflict almost inevitable (1). On a slightly different note, Pfaff argues against an American claim on hegemony, because hegemony is an ''inherently unstable'' position that provokes resistance, because most of the world does not accept the idea of American exceptionalism, and because American public opinion does not support the kind of expenditure necessary for hegemonic pursuit. (6–7).

29. Rielly, John E. ''Americans and the World: A Survey at Century's End.'' Foreign Policy, no. 114, spring 1999: 97–113.

The latest quadrennial foreign policy opinion survey of the American public and leadership, sponsored by the Chicago Council on Foreign Relations, finds three major trends (1). First, the American public prefers a multilateral approach in U.S. response to crises abroad, while the leadership is more willing to take unilateral action (112,100). Second, although the public recognizes many vital American interests around the world, it is disinclined to send troops or money overseas except to defend national self-interests—a position Rielly calls ''guarded engagement'' (105). Altruistic internationalist causes (such as promoting human rights and democracy and defending allies' security) are low priority. Guarded engagement ''could prove problematic if global leadership requires the United States to make tougher choices in the next century'' as the ''world's only superpower'' (113). Third, there is a marked contrast between public pessimism (major concern being international violence) and leadership optimism for the 21st century world (112). The survey also finds that both the public and leadership groups are upbeat about globalization (105), and that both are viewing ''economic rather than military power as the most significant measure of global strength'' (97).

30. Rosati, Jerel A. ''United States Leadership into the Next Millennium: A Question of Politics.'' International Journal, v. 52, spring 1997: 297–315.

The ''constraints and political uncertainty faced by [American] presidents in today's domestic political environment does not bode well for a strong proactive foreign policy in the future'' (310). No longer do presidents have the ''automatic or long-lasting'' support behind their foreign policy like they did in the Cold War era (307); now they must deal with a contentious public (307) and a more assertive Congress which increasingly involves itself in foreign policy (308). In addition, presidential policies are constrained by what bureaucracies, usually more oriented to the past than the present, are ''able and willing to implement'' (309). Finally, the personal qualities of the president also determine the success of presidential foreign policy—whether the president has the persuasive power, professional reputation, public prestige, and ability to make good choices (311). The result of these combined factors is that U.S. foreign policy ''has tended to become increasingly reactive—as opposed to proactive—and, hence, incoherent and inconsistent over time,'' rendering the exercise of the much-advocated sustained U.S. global leadership very difficult (306).

31. Rosenthal, Joel H. ''Henry Stimson's Clue: Is Progressive Internationalism on the Wane?'' World Policy Journal, v. 14, fall 1997: 53–62.

Rosenthal explicates and distinguishes the philosophies of conservative and progressive internationalism, and concludes that ''a realist foreign policy and a 'progressive' social agenda did not have to be mutually exclusive'' (61). Conservative internationalism is ''conservative in that it sought modest, incremental change in international relations'' and maintains the state-centered model in which nations have sovereign control over their own territories and domestic policies (56). Conservatives are concerned with promoting American geopolitical and mercantilist interests, not radical world reformation (56). Progressive internationalism takes its cue from the American Progressive movement and ''sought to extend the ideals and achievements of the Progressive movement'' to the world, as reflected in its emphasis on political democracy, and social and economic justice worldwide (55–7). Progressives also envision a ''One World'' international structure. Rosenthal then writes that ''the story of American internationalism is a history of how 'national interests' grow out of and are defined by domestic considerations'' (54). Citing Morgenthau's idea that ''international power depended on domestic power and that a key factor in determining domestic power was the presence or absence of moral principles,'' Rosenthal observes that even realists, of whom Morgenthau is a prime representative, accept that power rests not only on military and economic might, but also has a moral basis—legitimacy (54). Working for and achieving social progress at home is ''a prerequisite'' in the extension of American power and interests abroad (61). Thus although conservative internationalism is the more mainstream policy, ''progressive aspirations cannot and should not be jettisoned,'' for these aspirations of equality in freedom and opportunity constitute the ''purpose of American politics . . . [and] for various historical, geographic, cultural and technological reasons, 'the area within which the United States must defend and promote its purpose [had] become world-wide'' (61). It is the American purpose and ethical obligation to deliver on the progressive philosophy, domestically and globally (the latter by example), in its role as the ''indispensable nation'' (62). In short, moral principles cannot be ignored in foreign policy.

32. Rubinstein, Alvin Z. ''The New Moralists on a Road to Hell.'' Orbis, v. 80, spring 1996: 277–295.

American policy on aid to needy nations and especially on military intervention against political injustices (like ethnic violence) has come under the negative influence of a group Rubinstein calls the ''new moralists'' (277). The new moralists are a ''disparate group of influential notables in the media, academy, and think tanks,'' who want to use U.S. military power to ''spread democracy, protect the victimized, and promote economic development,'' even where the U.S. has no strategic stake (277). New moralists assume that the U.S., as the sole world superpower, must shoulder global leadership; that the international community is willing to follow its lead; that civil and ethnic conflicts must be stopped before ''they lead to great-power wars'' and that the U.S. has a ''moral responsibility'' to promote democracy and defend the downtrodden (278). They view national interest through a moral, not strategic, framework (278). Rubinstein criticizes the new moralists for misusing historical evidence and for wrongly claiming international support (286–7). Foreign policy ''must be affordable, supportable, and demonstrably in the best interests of the country at large,'' and based on ''sober calculations of fundamental U.S. strategic, economic and political interests'' (293). ''Except in cases of direct threats to the survival or vital interests of the United States, the determination of which moral goal(s) to emphasize is a matter of choice'' (294). Further, the moral dimensions of foreign policy must be carefully handled with the proper perspective and sound priorities, in order to prevent trivialization, indifference, and self-righteousness (292).

33. Rubinstein, Alvin Z. ''NATO Enlargement vs. American Interests.'' Orbis, v. 42, winter 1998: 37–48.

NATO enlargement is not in the U.S. interest. The decision to admit Poland, Hungary and the Czech Republic into NATO was based on Clinton's bid for votes from voters with strong ties to Central and Eastern Europe, and not on a cost-benefit policy analysis (37). NATO enlargement will cost the U.S. money, add to NATO's security burden, and force the new members to divert money from economic and social development in order to upgrade their defense system to NATO standards (38–40). Given the new challenges and uncertainties facing the U.S. in East Asia, it is unwise for the U.S. to take on ''unnecessary responsibilities'' in Europe, where the situation is stable (43). Introducing new elements into NATO will disrupt its ''secure

strategic environment'' by affecting power structures and member cohesion, possibly resulting detrimental consequences (44). The key concern here is Germany. Admitting the Central and Eastern European members will once again put Germany in the center of Europe, with the potential for rekindling adversarial Franco-German and Russo-German relationships, as well as undermining European integration as France and Britain assess Germany's new, more important status (45). The addition of new members, all ''heavily dependent on Germany,'' may affect intra-NATO politics (45). Finally, ''any geopolitical development . . . that transforms Germany from an ordinary nation-state into a strategic hub . . . will pose problems for America's presently unchallenged dominance''; in an enlarged NATO where Germany has NATO members as a buffer against Russia (thus reducing its security reliance on the U.S.), America may well lose its leverage in NATO to Germany (45).

34. Ruggie, John Gerard. ''The Past as a Prologue?'' International Security, v. 21, Spring 1997: 89–125.

Ruggie uses three past reconstruction periods in international policy, 1919, 1945, and post-1947 to predict future trends (109). He contends that in all three instances American leaders advocated ''multilateral organizing principles . . . to animate the support of the American public'' (117). He states that these principles are embedded in American nationalism and by their nature appeal to the public. ''Multilateral organizing principles are singularly compatible with America's own form of nationalism, on which its sense of political community is based'' (109). However the author is hesitant to define these acts as ''mere rhetoric'' or idealism (117). He asserts that various factors must be taken into account depending on the complexity of each situation, with special focus on ''strategic interests and collective identity'' (124). Ruggie argues that the outlook for American foreign policy should be not simply defined by historical instances or past successes but in terms of the existing situation and political climate.

35. Schild, George. ''America's Foreign Policy Pragmatism.'' Aussenpolitik, v. 46, 1st Quarter 1995: 32–40.

Schild discusses American foreign policy transition from isolationism (33) to internationalism (34). The author states that isolationism ''does not mean the complete decoupling of the United States from Europe and from the world'' but rather ''refusal to enter into lasting political commitments'' (33). The change in U.S. foreign policy from isolationism to internationalism was a result of four factors. The era of isolationism between the two world wars caused a belief in the American population that it left the country unprepared for attack, as in the case of Pearl Harbor. The policy failed to provide economic growth and the development of new weapons expanded defense borders beyond American coastlines. Finally, the Cold War created an adversary in which the general public accepted the Soviet Union as an enemy (34). The combination of these factors led to the emergence of internationalism, defined as universal or transnational interests (34). However, Schild declares that since the end of the Cold War the trend toward isolationism has re-emerged, a trend he calls ''pragmatic foreign policy'' (33).

36. Schwabe, William. ''Future Worlds and Roles: A Template to Help Planners Consider Assumptions About the Future Security Environment.'' Rand Corporation, 1995.

Schwabe discusses nine possible future roles for the U.S. concerning international security. He explains the origin of his roles by distinguishing between possible future worlds and possible U.S. roles. Possible future worlds include ''new era'' denoting improvements in economic and political structures, ''baseline'' referring to status quo levels which continue in the same fashion as it has since World War Two and ''Malthusian'' meaning deterioration in which the international system is failing and all countries struggle (2). Potential roles for the U.S. encompass leadership, co-equal, and second tier (3). The leadership function maintains that the U.S. will continue the role it has assumed for the past half century, dominating in many aspects of international relations and security. The co-equal option posits that the U.S. will maintain its comparative advantage in some aspects but recognize equivalent or superior ability of other first tier countries. In this respect the U.S. will ''abandon the modern version of manifest destiny and comes to see greater value and security in not having to lead'' (6). The second tier role presumes that the U.S. will decline in status, falling below other leading industrialized nations. Schwabe does not hypothesize on which of these possibilities will occur.

37. Schwenninger, Sherle R. ''Clinton's World Order: U.S. Foreign Policy is Hastening—by accident—Arrival of the post-American Century.'' Nation, v. 266, Feb. 1998: 17–20.

Since President Clinton has taken office a ''new global order'' has taken shape (17). Schwenninger states that Clinton's policy of ''political isolation and economic strangulation have hardened into an ideological commitment'' (18). The author explains his theory through examples of U.S. economic trade agreements and various attempts at sanctions. He notes that American sanction policies especially have done more to strain U.S.-European relations than they have altered behavior of condemned countries. Schwenninger continues by saying, ''It (the Clinton Administration) has mismanaged this period of U.S. dominance in world affairs by pushing ideologically driven initiatives (like NATO expansion), which will bring little if any lasting benefit to U.S. interests or the larger cause of a stable world order'' (20). The author promotes U.S. foreign policy that includes labor and environmental protections, more extensive domestic measures to insure the majority of Americans benefit, and when needed international regulatory structures needed to oversee international capital flows (19–20).

38. Shain, Yossi. ''Multicultural Foreign Policy.'' Foreign Policy, no. 100, Fall 1995: 69–87.

In the past century America's population has expanded considerably. Ethnic groups living in America have altered the shape and function of U.S. foreign policy. Those involved in U.S. foreign political affairs have recognized this wave of influence and have acknowledged the resurgence of Wilsonianism (70). However, this presents a foreign policy conundrum: foreign policymakers must take into account the demands of citizens but avoid undermining national cohesiveness due to ethnic strains. With increasingly powerful ethnic influences such as diasporic lobbies, ''one should expect to see strong ramifications in U.S. foreign affairs, including a redefinition of U.S. national interest''. (73) Shain states two ideologies that ethnic communities encounter when compelled by ethnic and U.S. interests. Isolationists consider their culture superior to American culture and reject cultural assimilation in the U.S. (75). Integrationists endorse a vision of pluralist democracy that includes cultural and political recognition from main stream institutions (78). American policymakers will have to carefully consider these factors when creating and implementing foreign policy.

39. Sloan, Stanley, R. ''The U.S. Role in the Twenty-first Century World: Toward a New Consensus?'' Foreign Policy Association, 1998: 64 p.

Sloan contends that U.S. foreign policy in the post-Cold War era must be directed by executive leadership with the acknowledgment of scholars, analysts, and Congress. A crucial element in comprehending America's new role is to understand world interdependency. Sloan proposes U.S. interests can be ''affected by developments in any region of the globe'' (5). Sloan suggests that the U.S. has been experiencing an ''escapist'' period in foreign policy (36). He contends that escapism is a result of America's uncertain international role in the future and a misunderstanding of U.S. foreign objectives. He recommends the current Administration explicitly defining America's foreign policy agenda based on common values, goals, and interests (59). The author reveals that this endeavor would ''reflect post-cold-war realities and would restore flexibility to U.S. policymaking'' (59).

40. Travers, Russell, E. ''A new Millennium and a Strategic Breathing Space.'' Washington Quarterly, v. 20, Spring 1997: 97–114.

In a reevaluation of threats against U.S. security Travers suggests eight general policy prescriptions to succeed during the post Cold War period. Included in his recommendations are rejection of isolationist and instant gratification policies which he depicts as being two major mistakes in U.S. history (110–111). He promotes the use of newly defined sovereignty combined with neo-Wilsonian ideals ''because it is in the U.S. national interest to help build such a world'' (112). The author also suggests minimizing future threats by addressing potential vulnerabilities including possible domestic problems. He states that this can be accomplished by creating a exceptional intelligence community with early warning systems to thwart domestic and international threats. Military preparedness should include readiness in low intensity conflicts with small force packages of highest-end U.S. technology integrated with 1980s- and 1990s-vintage weapons (112). Essentially, Travers concludes that the U.S. maintains a favorable strategic position in the post Cold War era.

41. United States Senate, Committee on Foreign Relations. ''U.S. National Goals and Objectives in International Relations in the Year 2000 and Beyond.'' Hearing, 104th Congress, 1st Session, July 13, 1995. Prepared Statement by Henry Kissinger, 12–22.

Kissinger states that every major nation finds itself in a transitional stage. ''The current world contains six or seven major global players whose ability to affect nonmilitary decisions is essentially comparable'' (13). For this reason Kissinger believes that there are two stable options for U.S. policy makers: hegemony or equilibrium. Hegemony would allow the U.S. to dominate in the international sphere but has been recently rejected by the American public (13). The equilibrium or ''balance of power'' approach has also been dismissed by U.S. society due to endless tension that many feel it causes (13). However, Kissinger maintains that ''the reality is that the emerging world order will have to be based on some concept of equilibrium . . . among its various regions'' (13). He also argues that the U.S. will be forced to impose a variety of foreign policy initiatives, based on U.S. relations and each nation's political agenda. Concerning countries with which we share common values and principles, Kissinger suggests emphasis on democratic principles to usher in the new world order (17). In the case of nontraditional U.S. allies he asserts that we must avoid containment policies of a generation ago. Containment may allow or possibly promote unified defiance. (21). Kissinger stresses

the need for a well developed and supported international policy, blind to partisanship. ''The national interest of the United States does not change every four years; foreign leaders judge our country by its insight and its constancy'' (22).

42. Van Heuven, Marten. ''Europe in 2006: A Speculative Sketch.'' Rand, 1997: 16 p.

U.S. foreign policy with respect to Europe in the next decade should be founded on ''the fact that a secure, stable, and prosperous Europe is vital to American security and well-being'' (13). Europe and America have had a long record of cooperation as a result of similar interest and values. For this reason political, financial, and social stability in Europe is essential to prosperity in America. Van Heuven stresses that because of our historical partnership bipartisanship should not muddle U.S. foreign policy objective in the region (15). Emphasis on pragmatic policies such as those concerning the EU and open markets should continue to be the American objective (15). In closing the author states that there is a need for greater public discussion about what the U.S. role should be concerning Europe.

43. Weston, Charles. ''Key U.S. Foreign Policy Interests.'' Aussenpolitik, v. 48, no. 1, 1997: 49–57.

Since the end of the Cold War the U.S. has remained the only influence capable of international influence. Changes in America politically and domestically have influenced U.S. foreign policy decisions. Weston states that the current Administration's policy combines ''idealism with pragmatism and emphasizes democracy and human rights'', a reflection of public sentiment (52). Despite international engagements such as Bosnia, ''Washington is not at all keen about the idea of an offensive and worldwide interventionism'' (52). The author concludes that to overcome international challenges faced in the 21st century the U.S. must lead alliances with examples of coordination and cooperation (57).

Mr. CLELAND. Mr. President, James Lindsay of the Brookings Institution, I think, well summed up where we in Congress are today in this great debate on America's proper role in the world in the Winter 2000 Brookings Review, where he wrote:

Much like friends who agree to dine but can't agree on a restaurant, foreign policy elites agree that the United States should do something, just not what. Congress naturally reflects this dissensus, which makes it difficult for the institution to function. Divided by chamber, party, ideology, region, committee, and generation, Congress lists toward paralysis whenever a modicum of agreement and a sense of proportion are absent.

In a nutshell, attempting to overcome this ''dissensus'' and ''paralysis'' is what Senator ROBERTS and I are trying to do in these dialogs. I'd like at this point to yield to the distinguished Senator from Kansas for his comments.

Mr. ROBERTS. Mr. President, I thank the Senator for yielding.

Mr. President, Senator CLELAND has very effectively outlined the evolution of our nation's foreign policy, from Washington and Adams (chary of foreign involvement and alliances) to the Monroe Doctrine to Wilson's idealism and all of the so called ''ism's''—economism, realism, humanitarianism, minimalism, unilateralism, regionalism, isolationism with intervention and non intervention tossed in. Now, that is quite a foreign policy tossed salad.

But, the point is, discussion and definition must preface clarity, purpose and consensus and Senator CLELAND has done just that along with a Clelandism, a new concept he will define in his closing remarks, ''Realistic Restraint.''

In setting the framework for discussion on the global role our nation will play in the 21st century, the benchmark used by virtually all observers is the post-cold-war period.

Ashton Carter, professor of science and international affairs at the John F. Kennedy School of Government at Harvard and an Assistant Secretary of Defense for International Security Policy in the first Clinton administration, put it very well when he recently wrote:

The kindest thing that might be said of American behavior ten years into the post-Cold War world is that it is A-STRATEGIC, responding dutifully to the (crisis du jour) with little sense of priority or consistency.

A less charitable characterization would be that the United States has its priorities but they are backwards, too often placing immediate intervention in minor conflicts over a ''preventive-defense strategy focused on basic, long term threats to security.

This formula has become awkward, even embarrassing, as the years go by. It is an admission that we do not know where we are going strategically, only whence we have come. It is time to declare an end to the end.

In his recent article, ''Adapting U.S. Defense to Future Needs,'' Professor Carter has recommended identifying an ''A-list'' of security priorities to fill the current strategic vacuum. I was struck by the similarity between Professor Carter's A, B, and C lists determining threats to our national security and the recommendations by the Commission on America's National Interests four years previous that I mentioned in my opening remarks.

And, Professor Carter did us another favor in his article by quoting George Marshall at the time of America's previous great strategic transition following the Second World War. In 1947 at Princeton University, General Marshall said:

Now that an immediate peril is not plainly visible, there is a natural tendency to relax and to return to business as usual. But, I feel that we are seriously failing in our attitude toward the international problems whose solution will largely determine our future.

The report by the Commission on America's National Interests in 1996 expressed a similar view:

The confusion, crosscurrents, and cacophony about America's role in the world today is strikingly reminiscent of two earlier experiences in this century: the years after 1918 and those after 1945. We are experiencing today the third post-war transition of the twentieth century. In the twenty years after 1918, American isolationists forced withdrawal from the world. America's withdrawal undermined the World War I peace settlement in Europe and contributed mightily to the Great Depression, the rise of fascism in Germany and Italy, and the resumption of war in Europe after what proved to be but a two-decade intermission. After 1945, American leaders were determined to learn and apply those lessons of the interwar period. Individuals who are known now as the ''wise men,'' including Presidents Harry Truman and Dwight Eisenhower, Secretaries of State George Marshall and Dean Acheson, and Senator Arthur Vandenberg, fashioned a strategy of thoughtful, deep American engagement in the world in ways they judged vital to America's well-being. As a result, two generations of Americans have enjoyed five decades without world war, in which America experienced the most rapid economic growth in history, and won a great victory in the Cold War.

To address this historical challenge and responsibility, what did the Commission recommend? We recommended the following:

Challenges to American national interests in the decade ahead. Developments around the world pose threats to U.S. interests and present opportunities for advancing Americans' well-being. Because America's resources are limited, U.S. foreign policy must be selective in choosing which issues to address. The proper basis for making such judgments is a lean, hierarchical conception of what U.S. national interests are and are not. Media attention to foreign affairs tends to fixate on issues according to the vividness of a threat, without pausing to ask whether the U.S. interest threatened is really important. Thus second- and third-order issues like Bosnia or Haiti become a consuming focus of U.S. foreign policy to the neglect of issues of higher priority, like China's international role or the unprecedented risks of nuclear proliferation.

Based on its assessment of specific threats to and opportunities for U.S. national interests in the final years of the century, the Commission has identified five cardinal challenges for the next U.S. president: To cope with China's entry onto the world stage; to prevent loss of control of nuclear weapons and nuclear weapons-usable materials, and to contain biological and chemical weapons proliferation; to maintain sound strategic partnerships with Japan and the European allies; to avoid Russia's collapse into civil war or reversion to authoritarianism; and to maintain singular U.S. leadership, military capabilities, and international credibility.

Note the similarity in agreement in regard to Professor Carter's recent article in which he says, 4 years later:

The public imagination, reflected in the press, abhors the post-Cold War's conceptual vacuum. Under CNN's relentless gaze, and in the absence of any widely accepted strategic principles, the accumulation of a decade's worth of telegenic events has begun to furnish the public with a conception of strategic priorities that differs from an A-list as defined here. Citizens watching the news (and even those few who still read it) can be forgiven if they have begun to get the impression that the security challenges of the new era (the post-Post-Cold War era) arise in such places as Kosovo, Bosnia, East Timor, Haiti, Rwanda and Somalia. These are the issues that have dominated the security headlines in the 1990s. Indeed, there is even talk of the post-Cold War's first presidential doctrine, the so-called ''Clinton Doctrine'', dealing with precisely this issue. According to President Bill Clinton: ''Whether you live in Africa or Central Europe or any other place, if somebody comes after innocent civilians and tries to kill them en masse because of their race, their ethnic background or their religion, and it is within our power to stop it, we will stop it.''

The Kosovos and their ilk are undoubtedly important problems: they represent not only atrocities that offend the human conscience,

but if allowed to fester can undermine the foundations of regional and international stability. However, it is also true that such problems, while serious, do not threaten America's vital security interests.

Carter went on to say there are four dangers that he puts on the A list, the top priority concerns in regard to vital national security interests: No. 1, the danger that Russia might descend into chaos, isolation and aggression as Germany did after the First World War; No. 2, the danger that Russia and other Soviet successor States might lose control of the nuclear and chemical and biological weapons legacy of the former Soviet Union; No. 3, the danger that, as China emerges, it could spawn hostility rather than becoming engaged in the international system; the danger that the weapons of mass destruction will proliferate and present a direct military threat to U.S. forces and territory; and finally, the danger that catastrophic terrorism of unprecedented scope and intensity might occur on U.S. territory.

Professor Carter indicated these A-list problems do not take the form of traditional military threats and they have not, as a general rule, made headlines or driven our defense programs during the decade-old post-cold-war era. While neither imminent nor certain, the A-list problems will, to quote Marshall again, ''largely determine our future.''

Both Professor Carter and the commission report go on to stress many additional policy recommendations. I commend both the report and the article to my colleagues.

In trying to better prioritize our national security obligations, I think we are faced with two clear policy alternatives: The first I call the so-called Powell doctrine, named after retired Joint Chiefs Chairman, General Colin Powell, who focused on the dangers of military engagement and recommended limiting commitments that put America's men and women in uniform in harm's way to absolutely vital national interests; the second being the so-called Clinton doctrine, which emphasizes more of a global policing role for the United States.

This debate does recall others. It was 40 years ago that President Eisenhower's emphasis on strategic deterrence was challenged by President John Kennedy's advocacy of something called ''flexible response.'' However, the difference is that once in office, the Kennedy administration increased defense spending, while in the last 10 years after engagement and sending more American service men and women overseas than any other President took place in tandem with cutting our military by one-third.

Our current Chairman of the Joint Chiefs of Staff, Gen. Henry Shelton summed up the situation very well when he told the John F. Kennedy School of Government recently:

> The military makes a great hammer in America's foreign policy tool box, but not every problem we face is a nail.

He went on to say:

> As a world superpower, can we dare to admit that force cannot solve every problem we face. I think that the decision to use force is probably the most important decision our nation's leaders can make. The fundamental purpose of our military forces is to fight and win the nation's wars.

General Shelton went on to echo what both the commission on America's interests and Professor Carter have said: Military intervention should be used for vital national interests, important national interests, and they have been used for humanitarian efforts. But the general cautioned that such efforts should be limited in duration and clearly defined.

The general referred to the Dover test, named after Dover Air Force Base, the point of entry of the bodies of service members that are killed in action overseas. The general said: The question is, Is the American public prepared for the sight of our most precious resources coming home in flagged-draped caskets into Dover?

He said this should be among the first things raised by Washington decisionmakers. Both Senator CLELAND and I agree very strongly.

The historical analogies aside, there is one clear difference in today's global world and what faced our political and military leaders of yesterday. That is what I call the information age of the CNN effect. Joseph S. Nye, former Assistant Secretary of Defense for International Security Affairs, said in a recent article:

> Today the free flow of information and shortened news cycles have a huge impact on public opinion, placing some items at the top of the public agenda that might otherwise warrant a lower priority. Our political leaders are finding it harder than ever to maintain a coherent set of priorities on foreign policy issues that determine what is in the national interest.
>
> The so-called ''CNN effect'' makes it harder to keep some items off the top of the public agenda that might otherwise warrant a lower priority. Now, with the added interactivity of activist groups on the Internet, it will be harder than ever for leaders in democracies to maintain a consistent agenda of priorities.

In closing, let me say that while this forum is intended to focus on debate and discussion, events of the day have a way of forcing the agenda.

I paraphrase from the distinguished admiral who heads up the Defense Intelligence Agency when he said before a recent hearing: We must pay attention to uncertainties in regard to Russia, China, Europe, the Middle East, and Korea. They must be addressed. We must deal with rogue states and individuals who do not share our vision of the future and are willing to engage in violence. Rapid technology development and the proliferation in information technology, biotechnology, and communications, tactical weapons, weapons of mass destruction, pose a significant threat. A 50-percent reduction in global defense spending means both our adversaries and allies have not kept pace with the United States, but as we see after the war in Kosovo, it will result in asymmetric threats from our adversaries and reduced help from our allies. Demographic developments will stress the infrastructure and leadership in Africa, Asia, and Latin America. Disparities in global weather and resource distribution will get worse. The reaction to the United States and western dominance will spur anti-U.S. sentiments now more pronounced since Kosovo, the law of unintended effects. International drug cultivation and production and transport and use will remain a major source of crime and instability. And lastly, ethnic and religious and cultural divisions will remain a prime motivation for conflict.

To be sure, the Senate of the United States cannot solve all the problems, but these problems do indeed comprise current and emerging threats to our national security, international stability, and to peace. The question is, Can we reach consensus in this body to address them in a rational fashion as the leader in the free world?

I think my colleague has some closing remarks, as I do.

Mr. CLELAND. Mr. President, may I say my colleague from Kansas, as he so often does, put his finger right on it. The question is one of priorities. I appreciate him pointing out the CNN effect. The extent to which this country can respond to each and every problem in the world is limited. We have to recognize that; therefore, we must insist on dealing with our top priorities.

I deeply appreciate the wonderful quote of General Shelton which I first heard at an Armed Services Committee hearing, that we have, in effect, a great hammer, but not every problem in the world is a nail. What a great way to phrase that particular point of view.

I appreciate Senator ROBERTS' mentioning General Powell, one of my personal heroes. I once had the pleasure of visiting him in the Pentagon when he was Chairman of the Joint Chiefs of Staff. We spoke about the purpose of the American military. He said: My purpose is to give the President of the United States the best advice I can on how to use the American military to stay out of war; but if we get in war, win and win quickly.

That is still probably the finest definition of the mission statement of our military forces I have ever heard.

So I thank the Senator from Kansas for his insight and for his timely remarks.

I will now conclude my prepared remarks today by offering some preliminary thoughts as we begin this dialogue on the U.S. global role. As I said at the outset, I certainly do not have any final judgments or answers to this critical question. In my view, no one has, or can have, all of the answers right now because so many of the elements of the post-cold-war world—including its geopolitical alignments,

''rules of the game'' in dispute resolution and trade, and the role of non-national actors, including non-governmental organizations, the news media and unfortunately transnational terrorists—are in flux. But we cannot let this lack of certainty and finality deter our efforts to find the best set of policies we can now develop, not when challenges or potential challenges to our national interests continue to arise, not when the people of America are asked to sustain whatever policy we here espouse.

I might say, as a Vietnam veteran who almost came back in a body bag, the Dover test, the Dover, DE test, or the ability of this country to measure the rightness of our actions based on the price we are willing to pay, is a powerful one.

When our sons and daughters in the military are asked to put their family life on hold and their lives on the line in support of whatever the civilian authorities determine, they have a right to ask us if those policies are worth it.

I have been deeply disturbed by the tenor of our recent debates in the Congress and with the administration on a host of important national security issues. Most recently, the Senate failed to ratify the Comprehensive Test Ban Treaty after little meaningful debate and no Senate hearings. This was one of the most consequential treaties of the decade, and it was sadly reduced to sound-bite politics and partisan rancor.

In addition to the CTBT, the Senate has made monumental decisions on our policies in the Balkans and the Persian Gulf, funding for the Wye River Accords and the future of NATO and the United Nations, all without a comprehensive set of American goals and policies. Simply put, I do not believe we can afford to continue on a path of partisanship and division of purpose without serious damage to our national interests.

In addition, as the ranking member of the Senate Armed Services Personnel Subcommittee, I have been heavily involved in trying to improve the quality of life for our servicemen and women through such steps as increasing pay and enhancing health and education benefits. It is my deeply held view that not only do we need to take such action to address some disturbing trends in armed forces recruitment and retention, but we owe these individuals nothing less in recognition of their service.

However, as important as these other factors are, the ultimate quality of life issues center on decisions made by national security decisionmakers here in Washington relating to the deployment of our forces abroad. It is these deployments which separate families, disrupt lives, and in those cases which involve hostilities, endanger the service member's life itself. This is not to say that I believe our soldiers, sailors, airmen, and marines are not fully prepared to do whatever we ask of them. But we on this end owe them nothing less than a full and thorough consideration each and every time we put them into harm's way.

There are thirteen military installations in Georgia, and I visit the troops whenever I can. When I go to these bases, I see weary and beleaguered families who are doing their best to make it through the weeks and months without their husbands or wives. They are, indeed, on the point of the spear of this Nation's military force. They are paying a heavy toll for our military engagements around the world. It is a price they are ready to pay, but one I want the Senate to understand and appreciate as we continue in our commitment of troops aboard.

For what it is worth, based on what I have seen and heard to date, I believe we in positions of foreign policy making responsibility in the United States need to be much more mindful of such traditional realist diplomatic precepts as ''balance of power'' and ''equilibrium.'' This is not to say that I believe our distinctly American approach to foreign policy, dominated throughout by idealist considerations and in most of the 20th century by what is often called Wilsonian internationalism has been wrong-headed or unfounded. Clearly, for the most part, it has served us well in advancing our vital national interests, whether those were securing our national independence, promoting the spread of self-determination and democracy, or defeating Soviet communism.

But the post-cold-war period is a new day for America as well as the world. In my view, we need not, and certainly will not, renounce our ideals, but in this new era, those ideals must be grounded in a policy which realistically gauges what price Americans can or should pay in support of our global role.

We have to ask the Dover, DE test: How many body bags do we want to see coming home? We have to ask what price we are going to pay for our military. We cannot continue to downsize our American military by a third and increase our commitments abroad by 300 percent, whether or not our commitments abroad are actually sustainable over a period of time.

Last, I am struck by the words of the conservative editor of the National Interest, Owen Harries:

> I advocate restraint because every dominant power in the last four centuries that has not practiced it—that has been excessively intrusive and demanding—has ultimately been confronted by a hostile coalition of other powers. Americans may believe that their country, being exceptional, need have no worries in this respect. I do not agree. It is not what Americans think of the United States but what others think of it that will decide the matter.

Mr. President, I appreciate the indulgence of the Senate for our discussion here, and I thank my colleague for his tremendous insight and his marvelous research into the challenges we face in America's global role today. I look forward to continuing this discussion and this dialog in the coming weeks.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Kansas.

Mr. ROBERTS. Mr. President, in closing, I again thank my colleague for undertaking this effort. As usual, his remarks have been on point. They have provided focus. They have been very thought provoking.

I would like to recount a personal experience. Last spring, Senator STEVENS led a Senate delegation to the Balkans, to Macedonia. Obviously, we didn't go into Kosovo at that particular time. Along with other Senators, we visited the Albanian refugees and the various refugee camps. This one was Brazda.

Standing in the cold and in the mud amidst a circle of refugees, there came an old man with a stocking cap. It was pulled over his head. He was recounting, through his interpreter, his tale of human misery. He had refused to join his wife and family in fleeing their home. He didn't want to leave home. He urged them to leave the home because of his worry about their safety.

Two sons had fled to the mountains. He did not know, since he fled at the last moment, where his family was. He was wearing the shoes of a long-time friend who was killed in the violence. His home was burned. His savings and life's wherewithal were destroyed. And with tears in his eyes he grabbed me by the lapels and he said: ''I believe in God, I believe in America, and I believe in you.'' That face will always be with me.

Yet today, we see the continuing ethnic violence so prevalent in that part of the world. The Senator from Georgia mentioned Samuel P. Huntington's book, ''The Clash of Civilizations: The Remaking of the World Order.'' The central theme of that book is that culture and cultural identities, which we see so prevalent in the Balkans and in other places around the globe, which at the broadest level are civilization identities, are shaping the patterns of cohesion, disintegration, and conflicts in the post-cold-war world.

We should focus on that. I recommend his book to every Senator. It should be required reading. He has five corollaries to his main point which will help us shape our future foreign and defense policy:

One, in the post-cold war world, for the first time in history, global politics has become multipolar, multicivilizational; Westernization is not producing a universal civilization—a shock, perhaps, to many who call themselves decisionmakers in regard to Western civilization.

Two, the balance of power among civilizations is shifting. The West is declining in relative influence. Asian civilizations are expanding their economic, military, and political strength. The Nations of Islam are exploding demographically, with destabilizing consequences for Muslim countries and their neighbors, and nonwestern civilizations generally are reaffirming the value of their own cultures.

Three, a civilization-based world order is emerging. Societies sharing

cultural affinities tend to really cooperate with each other. Efforts to shift societies from one civilization to another are unsuccessful. And countries group themselves around the lead or core states of their civilization. The West's universalist pretensions increasingly bring it into conflict with other civilizations.

Finally, the survival of the West depends on Americans reaffirming their Western identity and westerners accepting their civilization as unique but not universal, and uniting to renew and preserve it against challenges from nonwestern societies. Avoidance of global war of civilizations depends on world leaders accepting and cooperating to maintain the multicivilizational character of global politics.

Simply put, Samuel Huntington says, leaders in Western nations, Members of the Senate, the President of the United States and his Cabinet, maybe we ought to concentrate on strengthening and preserving our values where they are cherished, they have been nourished, and they work well, instead of trying to impose them on countries where they are not welcome. If we do that, we will take a giant step in trying to set appropriate priorities in regard to our vital national security interests.

I thank the Senator from Georgia. We have concluded our remarks. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

AFFORDABLE EDUCATION ACT OF 1999—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will continue with the consideration of S. 1134.

Mr. LOTT. Mr. President, as I indicated earlier today, I will attempt again now to see if we can work out an agreement as to how to proceed on the education savings account issue. I am prepared to continue working to try to work something out. I think it is perfectly legitimate—in fact, essential—that Senators be able to express themselves on education matters as a whole and specifically as it relates to this bill.

I think education amendments or education-related tax amendments that relate to this bill are very much in order. I support that all the way. But if it goes beyond that, then you get off into all kinds of other issues, and we will have an opportunity for that before this year is over. We have a long way to go. But I hope we can get serious consideration, good debate and amendments, on this education savings account bill and then move forward to other issues.

I am continuing to be hopeful that we can get an agreement to proceed on the Export Administration Act which does have bipartisan support. But we are working with the key members of the Armed Services Committee, the Governmental Affairs Committee, and the Intelligence Committee to make sure legitimate concerns are addressed about national security, intelligence, and how the concurrence process works between Commerce and State and Defense. We still are hopeful we can get an agreement worked out for that.

For now, I renew my request and ask unanimous consent that all amendments be relevant to the subject matter of education or related to education taxes on the education savings account bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we have been able to consider every piece of legislation so far this year in this session of Congress under unanimous consent agreements.

This is the first amendable vehicle that Members have had to try to amend this year. There is no attempt by the minority to filibuster, to delay this bill in any manner. Members on our side simply want the bill considered in the regular order, open to amendment.

Like the majority leader, I had the good fortune of serving in the House of Representatives. I loved my job in the House of Representatives, but there we worked under different rules. We had a Rules Committee. Before any bill came to the House floor—in fact, the majority leader served on the Rules Committee—there had to be a rule on that bill as to how long the debate would take, how many amendments would be offered, and how long for each amendment. Those are not the rules that have governed the Senate for 200-plus years, and they should not be the rules that govern the Senate today.

We have clearly heard what the majority leader said today, that other things we may want to bring up will be scheduled at a later time. But we are not part of that scheduling process. There are issues we believe are necessary now in this country to be the subject of legislation. The only way we can do that is through the amendment process. We believe the minority should be entitled to offer amendments of their choosing. There is no germaneness requirement, nor is there any necessity that there be a rules committee such as in the House of Representatives. Just because a Member's amendment may not be relevant does not mean it is not important and it is not something about which we should be able to talk.

I say to the majority leader, we object. I would hope he would reconsider and allow this matter to proceed in the regular order so amendments can be offered.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I do truly regret this objection. But as I have indicated before, we will keep working to see if we can find a way to get an agreement to proceed.

I say to my colleagues, and to the American people, what is a more important issue than education? In most polls, the people indicate the issue they really are concerned about the most—or certainly in the top three—is education. Also, the indications across the board have been that people support the idea of having an opportunity to save for their children's education, not only for higher education but in some respects even more importantly K through the 12th grade. This would allow parents to set aside up to $2,000 per year per child of their own money for their own children's education needs.

I emphasize, what we are trying to work out does not restrict amendments on education, or education tax issues. Senators who have ideas about education—local control of education, or other ways we can help the children's education—boy, I can think of a lot of amendments that would be applicable here.

What I do not think we should do in an education debate is get into a whole raft of other important issues—maybe foreign trade issues, maybe just foreign policy issues, maybe trade amendments, maybe defense amendments, gun amendments—a whole myriad of amendments that Senators could come up with that they would want to put on this bill, perhaps because it is the first bill.

Under Senate rules, Senators will have the opportunity to offer whatever amendments they may be working on as we go through the year. It is just that I think sometimes we get into a position where we start offering the same amendments over and over again. What I am trying to do is get a process to get us to focus on education, have a good debate, have amendments, and when that is over, pass this legislation that, again, has bipartisan support.

There is broad support for the education savings account idea. But I will continue to work with Senators on both sides of the aisle. I think I am offering a reasonable request. I hope we can get something worked out between now and next Tuesday as to how to proceed.

CLOTURE MOTION

Mr. LOTT. However, in order to be prepared to try to get an indication of where Senators are—are Senators for savings education accounts or not?—I do send a cloture motion to the desk.

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

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 124, S. 1134, The Affordable Education Act of 1999:

Trent Lott, William V. Roth, Jr., Paul Coverdell, Slade Gorton, Kay Bailey Hutchison, Rod Grams, Pete Domenici, Gordon Smith, Conrad R. Burns, Don Nickles, Mike Crapo, Sam Brownback, Frank H. Murkowski, Rick Santorum, Judd Gregg, Tim Hutchinson.

Mr. LOTT. Mr. President, this cloture vote then will occur on Tuesday, unless we get something worked out where we could vitiate that agreement, as we did 3 weeks ago on the bankruptcy reform legislation. We had a cloture motion, we saw good faith on both sides, we got an agreement worked out, and we vitiated that vote.

In the meantime, I ask unanimous consent the mandatory quorum under rule XXII be waived and the cloture vote occur at 2:15 on Tuesday.

Mr. REID. Mr. President, would the leader consider having that vote at 2:30 instead of at 2:15? We have a request for that.

Mr. LOTT. I amend my request to put it at 2:30 on Tuesday.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Reserving the right to object, I say sincerely to the majority leader and to the majority that we should be given the opportunity to go forward on this bill. We are very anxious to move forward. We believe there is a lot to be done in education. We certainly want to do that, but we want to proceed under the regular rules of the Senate. That does not seem to be asking too much. We are not going to object to the waiver of the quorum and those kinds of things, but I will say, if we are not able to work something out before Tuesday at 2:30, I will recommend to all Democratic Senators, all the minority, that we vote against invoking cloture on this issue. That would be too bad.

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

Mr. LOTT. Mr. President, in light of the agreement, there will be no further votes today. We do have a number of Senators who have requested time during morning business, and I will have a unanimous consent on that momentarily.

The Senate will be in session on Monday debating this very important issue, education, and education for our children at the 4th-grade level, the 8th-grade level, and the 10th-grade level, and the merits of being able to save a little of your own money for your own children's education. I find it hard to believe that every Democrat is going to walk down and vote against going forward on education savings accounts—I think that is going to be hard to explain—because they want to offer an unrelated, nongermane amendment. But if the Democrats are prepared to do that, then we will just have to deal with that. The next rollcall vote, however, will occur then at 2:30 on Tuesday.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent the period for morning business be extended until 5 p.m. with Senators permitted to speak for up to 10 minutes each, with the following exceptions in the following order: Senator GRASSLEY for 20 minutes; Senator WELLSTONE for 20 minutes; Senator MACK for 15 minutes; Senator DOMENICI for 15 minutes; Senator MURKOWSKI for 10 minutes; Senator GORTON for 5 minutes; Senator WYDEN for 10 minutes; and Senator KERREY for 20 minutes.

I further ask unanimous consent that following these times, the majority leader be recognized as under the provisions of the earlier agreement.

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

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

DECISION IN THE FSC CASE

Mr. GRASSLEY. Mr. President, as chairman of the International Trade Subcommittee, I rise to express extreme disappointment about a very adverse decision to the United States handed down in Geneva today by the World Trade Organization appellate body in the Foreign Sales Corporation case, sometimes called the FSC case.

I suppose I should not be standing here on the floor crying about the United States losing a case before the World Trade Organization because we win most of these cases. The reason I am so disappointed in this one is that I think there is a fundamental misunderstanding of the purpose of our Foreign Sales Corporation tax law. From that standpoint, when we rely so much on income taxes and the European Community relies so much on value-added taxes, this sales corporation tax law is to equalize the playing field between Europe and the United States on a lot of key manufactured products.

The appellate body decision essentially means the Foreign Sales Corporation rules in our Tax Code violate the WTO rules. As I indicated, the appellate body fundamentally misunderstood the nature and the intent of the Foreign Sales Corporation plan. The FSC plan was designed to address the competitive disadvantage faced by United States businesses that compete with foreign firms in European countries that have value-added tax regimes. When products from countries with a value-added tax regime are exported, they typically get rebates. However, in the United States, because we rely upon the corporate income tax and not on a value-added tax, our exporting firms don't enjoy this type of tax benefit. This obviously makes our exports less competitive in world markets. The FSC rules were designed, then, to create a level playing field with these European tax systems.

The appellate body decision is a very serious development because it comes at a time when the World Trade Organization itself is under attack. In my view, these attacks are unwarranted and unjustified, but politically we have to deal with them. It will probably be the case, in one or the other body of this Congress, that we will even be voting this year on the issue of whether or not the United States ought to stay as a member of the World Trade Organization. I think they should, but this case could impact that decision.

Of course, we must not allow this setback to undermine either the World Trade Organization or our support for this vital institution. I will do everything I can to make sure this does not happen. In the meantime, I strongly urge President Clinton to attempt to negotiate a settlement with the European Union that modifies or overturns this appellate body's decision. This should be President Clinton's No. 1 priority at the G–8 summit in Okinawa later this year.

I also call upon the European Union not to take any retaliatory action against the United States until we, through our President, have the opportunity to personally discuss this case in Okinawa at the summit there.

We must make sure we observe the rule of law in this case and in every case involving international trade disputes. We expect no less from our trading partners, and we must do the same. And since we win the vast majority of these cases, we find ourselves not in a bad position by taking this moral stand.

But I hope when we address this case, we bear in mind that while the outcome of the case itself is very important, there is something else at stake; that is, the integrity of our international trading system. We must remember that the WTO benefits every farmer and every business that sells its goods and services in foreign markets. If we did not have a WTO and, more importantly, the discipline in the rule of law in international trade that goes with it, we would have only the rule of the jungle. Those who would suffer the most would be the small exporters.

In the United States, two-thirds of all businesses that export have 20 or fewer employees. It is, then, the WTO that prevents these small firms from being dominated by their larger competitors in the international marketplace.

Let's make sure we get an appropriate and fair resolution of this case, and let's make sure we maintain our strong support for the World Trade Organization.

Mr. ROTH. Mr. President, I am extremely disappointed by the WTO appellate body's decision on the FSC. The panelists completely ignored economic reality. The FSC is not an export subsidy. It is a remedy for the competitive disadvantage our firms face in the marketplace due to the tax practices of other WTO members, particularly the members of the European Union.

That said, the real problem here is not the appellate body's decision, but the underlying WTO rules. That, and the perverse decision by the European Commission, over the objection of many of its own firms and member countries, to reopen this trade dispute 20 years after we had reached a satisfactory settlement of these issues.

Other WTO members, particularly in the European Union, employ a territorial-based tax system that does not tax foreign source income, including income from exports. That system affords a competitive advantage to firms operating in those jurisdictions that the U.S. tax system, based on worldwide reporting of income, does not. The WTO rules currently permit the use of territorial based tax systems, despite the competitive benefits they confer on products exported from those countries. That is what the FSC and the DISC before it were designed to offset.

I want to be absolutely clear about my view on this. While I fully expect we will live up to our obligations, no resolution of this issue can leave our firms, our farmers, and the American worker at a permanent competitive disadvantage in the marketplace.

Indeed, I thought we had put this issue to rest with our European counterparts 20 years ago. But, they saw fit to abrogate the agreement we had reached to resolve our prior dispute over the trade effects of their tax system and our attempts to redress those effects. That agreement included the understanding that, in the future, we would take our differences over tax policy to fora that were specifically designed for that purpose, and not the GATT or the WTO.

The reason for that understanding was simple. The GATT and the WTO are essentially agreements to reduce trade barriers and avoid other discriminatory trade practices. Nothing in those rules was intended to force a member country to choose between competing tax systems. Yet, that is the net effect of the current ruling.

The Europeans' action raises a far broader point about the conduct of their trade policy. The decision to abrogate our 20-year-old agreement and bring the FSC case, by all accounts, was not made at the behest of the EU member countries. Nor was it made at the insistence of EU firms complaining that the FSC somehow put them at a commercial disadvantage. That is because European firms understand that they already benefit from the territorial-based tax systems and the FSC was simply a way of providing equivalent treatment under our system of taxation. In fact, a number of those European-based firms have U.S. subsidiaries that take advantage of the FSC as well.

The decision to bring the FSC case was made at the European Commission without consideration either for its political impact here or for its impact on the trading system. In that sense, the decision to bring the FSC case fits with the Commission's attitude on our disputes on bananas and beef and on other WTO disputes. The Commission seems to have forgotten that the European Union member countries are, along with the United States, among the principal beneficiaries of the WTO system and that the Commission bears the responsibility to shore the system up, rather than engaging in tactics designed to weaken it.

Both the Commission's decision to flout the WTO rules in the beef and bananas disputes and the reckless decision to bring the FSC case are deeply inconsistent with that responsibility. This case was brought, not for any European constituency, but for the Commission's own petty political interest in balancing its losses before the WTO with a few wins, regardless of the larger consequences for the trading system.

This issue must be made a top priority in discussions at the upcoming G–8 summit. President Clinton must make the political point to his European counterparts that they, not the Commission, are responsible for setting the course of the European Union's trade policy and that this issue needs to be resolved in terms that ensure a level-playing field for American workers, farmers, and firms. As chairman of the Finance Committee, I am committed to making that happen.

STABILIZING CRUDE OIL PRICES

Mr. GRASSLEY. Mr. President, I rise to speak about the gouging of the American consumer, particularly high energy users and, probably most importantly, working Americans who are paying such high gasoline prices because of OPEC. I do this in the context of supporting a resolution Senator ASHCROFT is offering the Senate. I do this not only because he is my good friend but because he knows the impact on working Americans and on agriculture.

This is a sense-of-the-Senate resolution to communicate to the leaders of the OPEC nations and even non-OPEC cartel producers, prior to the next meeting of the OPEC nations in March, the importance of stabilizing crude oil prices.

I appreciate the importance of the message by my good friend from Missouri. He realizes the significance of this issue because he is from a State with vital interests in the health and well-being of the agricultural economy and the transportation industry. The soaring prices of diesel fuel and of gasoline have had an especially detrimental effect upon farmers and truckers whose livelihood is tied closely to the input costs.

We in the Senate should not stand idly by while a foreign monopoly dictates our States' economic stability.

Remember, if oil company CEOs were doing this sort of OPEC price fixing, they would be in prison for violating the antitrust laws. We obviously can't apply our law to foreign countries in the sense that their leaders are violating them. But it is antithetical to the principles of free trade and markets, even to the WTO. Saudi Arabia wants to get into the WTO. We should not be supporting their entry into the WTO if they are using their economic power in a way that is antithetical to the very organization they want to join.

Just in the past month, gasoline prices in my State have taken their biggest jump in 10 years. We now pay an average of $1.38 a gallon for gas, an average of 17 cents higher than last month and 48 cents higher than in February a year ago. Diesel prices in my State are averaging $1.45, which is 12 cents more than last month and 43 cents higher than a year ago.

When considering the family farmers' plight, OPEC's action creates a harsh duty that is applied to every bushel of corn, soybeans, and any other agricultural product produced in the United States. Anyone who is farming can tell you that fuel expenditures are always one of the most costly inputs on the farm.

The agricultural industry has not fared as well in recent years. Just last year, prices for all kinds of livestock and grain commodities were at their lowest since the 1970s. The outlook for the next year is, at best, mixed. At a time when margins on farm products are already tight, OPEC has consciously increased the price of petroleum products and expenditures within our agricultural community. It is not the free forces of the marketplace that are doing this. These are political decisions that we ought to stand firmly against.

But this isn't just about family farmers and truckers. Sometimes we forget that trucking impacts almost every industry. While farmers and truckers might feel the most immediate impact from this action in my home State of Iowa, it is really true that all consumers will eventually feel the far-reaching effects of OPEC's marketplace shenanigans. In Iowa alone, trucks transport freight for 4,438 manufacturing companies, supply goods to 19,500 retail stores, and stock almost 9,000 wholesale trade companies.

Trucks supply goods to 2,359 agricultural businesses and deliver the produce and products to market. Annually, trucks transport approximately 160 million tons in and out of Iowa. Eighty-three percent of all manufactured freight transported in Iowa is carried by trucks, and over 75 percent of all communities in Iowa depend entirely on trucks for the delivery of the

products my constituents use every day.

OPEC's action has and will continue to drive up costs for transportation, and the bottom line is that the consumer will eventually be forced to bear the burden of the cost. As anyone can see, this situation has the ability to have a substantial detrimental impact on the economies of Iowa and the entire Nation.

For this reason, I have tried to address this problem from every angle available to me. I recently wrote to Energy Secretary Bill Richardson and asked him to encourage the President to use the Strategic Petroleum Reserve to stabilize the price of petroleum products. As he is well aware, the President has the power to use the reserve when a very sharp increase in petroleum prices threatens the Nation's economic stability. In my opinion, the current situation meets this test. At the very least, the option should be heavily weighed.

I also sent a letter to Mr. Stanley Fisher, First Deputy Managing Director of the International Monetary Fund, to ask that the market-distorting behavior of the 11 members of OPEC be weighed when these nations apply for loans. Twenty percent of the IMF money comes from the American taxpayers. We should not be using U.S. taxpayers' money to further the causes of an economy that is anticompetitive and is strangling the economy of the very taxpayers who support the IMF.

IMF is an international organization of 182 member nations. Each member of the Organization of Petroleum Exporting Countries also belongs to the International Monetary Fund.

Due to the fact that the IMF's purpose is to promote monetary cooperation and economic growth, I find it disheartening that the member nations of OPEC have chosen a course of action which adversely affects economic growth and stability in the United States. It is for this reason I ask the IMF to consider developing criteria to judge market-distorting behavior which would be weighed when nations exhibiting monopolistic behavior apply for loans through the IMF.

I also spoke out against Saudi Arabia previously in my remarks and about their joining the World Trade Organization. I have made this a formal request of U.S. Trade Representative Charlene Barshefsky.

As we all know, we have become far too dependent upon foreign oil. For a very long time, I have been a leading advocate for the development and expanded use of renewable sources of energy, especially corn-based ethanol as well as wind energy and biomass. I have been successful in getting tax credits applied to these alternative forms of energy. I thank my colleagues for their support of that.

You have all heard me say that not only is clean-burning ethanol good for the rural economy and the environment, it helps to reduce America's dangerous and expensive dependence on foreign sources of energy. I am disappointed it took a crisis to make some people aware of this unhealthy addiction, but now we should all see how our dependence on foreign crude can impact our economy and why we should seek to develop domestically-based renewable fuel sources.

This is a very important issue, and I applaud the resolution offered by the Senator from Missouri. I thank him for bringing the resolution to the floor and for helping to bring this issue to the attention of the Clinton-Gore administration, which needs to finally get on top of this growing problem.

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

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. GRASSLEY. I will reserve that for use at a later time.

Mr. REID. Mr. President, I ask unanimous consent to proceed under the leader's time.

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

SENATE PROCEDURE

Mr. REID. Mr. President, I want to carry on a little bit regarding the colloquy we have had on the floor during the day about the need for us to proceed as the Senate has always worked in the 200-plus years of this Republic. I asked staff during this intermission time to pull for me at random a bill we worked on when we were in the majority. They chose a bill that doesn't have a really sexy title but which is very important; it is called the Enterprise Zone Tax Incentives Act. On that piece of legislation, there were 109 amendments filed. This bill was taken up on September 25, 1992.

We completed this bill 3 or 4 days later and it was passed. The Enterprise Zone Tax Incentive Act dealt with scholarship tax, dental schools, tractors—many things that really weren't relevant or germane to this particular piece of legislation. But we dealt with it. We allowed the minority to offer whatever amendments they wanted, and we proceeded with the legislation. That is what we need to do. That is what the Senate is all about. I hope everybody will understand we are not asking to break some new territory, new ground, or do something that was never done before. We simply want to say that once in a while we need a piece of legislation to which we can offer amendments.

Now, we are very happy to be discussing education. I believe it is the most important issue facing the country today, and my pet project on which I have worked for a number of years with the Senator from New Mexico, Mr. BINGAMAN, is high school dropouts. Three-thousand kids a day—500,000 children each year—drop out of school in America.

That is something we need to work on. That is only one aspect of education that is important. We know about school construction. We know about smaller class sizes. There are lots of things we need to do in education. There are other important things we need to work on. I think we should have a debate about Social Security. I think we have to do something right away about Medicare and the attachment of prescription drug benefits. Which is very important to our seniors.

In the 35 years since Medicare came into being, we now have people's lives being saved as a result of people being able to get prescription drugs. Senior citizens have an average of 18 different prescriptions filled during a period of a year. That is the average. Some have more than that. We need to do something about prescription drug benefits.

Certainly we need to do something to have reasonable gun control. All we are asking is that you are not able to buy weapons at gun shows without a background check. With pawnshops, the same should apply, as it applies every place else where you buy a gun in stores.

We think we should do something updating the minimum wage. We think there are so many issues that deserve our attention, notwithstanding the terrible health care delivery system we have in this country. Over 40 million people have no health insurance. Every year it is going up 1.5 million.

We need to pass a comprehensive Patients' Bill of Rights. The lucky people are those with insurance, but even they aren't being treated fairly.

Referring again to the Enterprise Zone Tax Incentive Act, H.R. 11, in September of 1992, we spent less than 4 days on this piece of legislation. We dealt with 109 amendments and passed a bill.

If we had gone to work on this education bill on Monday, the bill would have been completed today. But the way things are happening, we are not working the will of the Senate, and we are not working the will of the people of this country. I think we need to do that as quickly as possible.

Mr. WELLSTONE. Mr. President, will the Senator from Nevada yield for a quick question?

Mr. REID. Yes.

Mr. WELLSTONE. He can answer them in a relatively brief fashion, I think.

First of all, is it not true that when his party was the majority party in the Senate the minority party would come out with many amendments to a piece of legislation and sometimes we would have 100 amendments?

I want to get to the definition of what ''relevant'' means so people following this will know what that definition is.

Is it not true that we would have many amendments and we would basically debate these amendments and then after several days of hard work, even if we had to work 14 hours a day, we would go forward and pass that legislation? That is one of the ways you

represent people back home. If there is a compelling issue, you offer an amendment to a piece of legislation and you hope to pass it.

I remember the amendment on mental health parity that I offered with Senator DOMENICI. It was an amendment on housing on the veterans appropriations bill.

Will the Senator from Nevada not agree with me that is the way the Senate has always conducted its business?

Mr. REID. The answer is yes. They have the right to offer amendments. Sometimes they offer an amendment and debate it.

I see my friend, who I came to Congress with in 1982, from Florida, the senior Senator from Florida. I have been talking about this H.R. 11. On that particular piece of legislation, the Senator from Florida offered five amendments.

The Senator from Florida had some good reasons to offer every one of these amendments. For example, you would ask: Why did he offer an amendment dealing with tractors to the Enterprise Zone Tax Incentive Act? I don't know. I am sure he had a good reason for doing so. They had a right to offer the amendments, and they offered them.

Mr. WELLSTONE. Mr. President, on this particular piece of legislation that Senator COVERDELL introduced, which we have been debating, will the Senator from Nevada not agree with me that the kind of amendment, for example, I wanted to offer to this legislation dealing with the hunger of children, dealing with the poverty of children, dealing with how to deal with the violence in children's lives in their homes would not be considered to be by the definition of ''relevant'' relevant? Yet it affects education and children's lives. There have been hardly any opportunities over the whole last year to come out on the floor with amendments to different pieces of legislation. Is that not true? So it gets to the point where you can't even represent people back in the State as a Senator.

Mr. REID. Mr. President, I believe there are times when we should enter into unanimous consent agreements to move legislation. We have been willing to do that. We have done that time after time in an effort to complete things that are important.

As I said earlier, I say to my friend from Minnesota, we need opportunities. It should be all the time, but I will settle for opportunities once in awhile to have a bill on which we can offer amendments. We might want to offer an amendment dealing with tractors. I should be able to do that.

CAPITOL HILL SECURITY

Mr. WELLSTONE. Mr. President, I come to the floor to raise a question which I can't believe I have to keep raising over and over again.

Many of us attended the services for Officer Chestnut and Agent Gibson. They were part of the Capitol Hill police force. They were here every day not only protecting Senators and Representatives but the public. I started speaking about this before. We had the 1-week break. I want to come back to this again. This is the one issue on which I want to focus.

We made a commitment to do everything we could possibly do to make sure the officers were as safe as possible and would never have to go through this kind of hell again, for families and for loved ones, and that the public would be safe. Part of that commitment was the idea that surely at the different stations, especially those with the most public, we would have at least two officers.

This morning, again—I think it is the Second Street or C Street entrance, the barricaded part of the Hart Building—at about 10 o'clock in the morning when I came in there was one police officer with all sorts of people. There must have been about 20 people streaming in. That one officer is in peril, and the public is in peril.

I cannot believe we have not lived up to our commitment. I say to colleagues that it is pretty simple. I think the Senate Sergeant at Arms said this: A, we need to pass a supplemental appropriations bill so that you can use overtime in the short run to do the staffing so we have two officers at each one of these stations, or each one of these posts; and, B—I applauded the Senate Sergeant at Arms—we need to hire about 100 more officers so that on a permanent basis we can staff and have two officers at each one of these posts.

I am telling you, colleagues, what we have done is absolutely unconscionable, or what we have not done. How in the world can whoever makes these appropriations decisions—given all we have been through, given all of our concern and all of the commitment we have made, given the service we attended for the two officers who were slain—how can we not put the resources into this so our officers are safe, and, for that matter, so we are safe and the public is safe?

I for the life of me don't get it. I honest to goodness don't get it. I think that every day I am going to come out and mention this. I can't believe this.

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

The Senator from Minnesota knows I support him on this issue. I am the only former Capitol Hill police officer serving in the Senate. I know the importance of the issue on which he has spoken. I followed the Senator on a number of occasions, and I back up everything he said. I agree with him.

Mr. WELLSTONE. Having talked to the Senate Sergeant at Arms, I think that Senators who care about this issue—and I think all do—need to make sure our voices are heard. We support the Capitol Police.

On the House side, there seems to be some slowness on a decision about whether or not we will pass through the supplemental appropriations bill and whether or not we will do the job here.

I say to colleagues one more time, I think this is a scandal. I think it is an absolute scandal. We have two officers that have lost their lives. I believe we have made a commitment to the police officers and to their families. I think we have to do much better. It won't happen right away, but at least the decisions need to be made so we can do the staffing to make sure we have two officers at each post.

Mr. REID. Mr. President, I ask unanimous consent that following Senator MACK, the Senator from South Carolina, Mr. HOLLINGS, be recognized for 15 minutes as if in morning business.

Mr. MACK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, we will make sure that Senator HOLLINGS has 15 minutes.

I ask unanimous consent that the Senator from South Carolina be allowed to speak for 15 minutes, following Senator MURKOWSKI. The Senator from Washington has agreed to allow the Senator to speak before him. That will be about 30 minutes from now.

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

TANF SURPLUS SHOULD FIGHT POVERTY

Mr. WELLSTONE. Mr. President, there was a press conference today held by the National Campaign for Jobs and Income. There were some very dramatic findings reported. This is directly relevant to the debate we were having with the majority leader. They reported today in a prosperous country, we still have about 35 million poor Americans and 13 million of those Americans are children. They reported that while the administration and other Senators and Representatives boast about having cut the welfare rolls in half, we actually have just made a small, hardly any, dent in reducing poverty.

Remember, the goal of the welfare bill was to move people from welfare to economic self-sufficiency.

They report that the poorest children in America are getting poorer. That is worth repeating: The poorest children in America are getting poorer.

They report there is a whole group of people, mothers and children, remaining in poverty. Many are families under tremendous stress and strain. Perhaps a mother has struggled with substance abuse; a mother who is a single parent has a severely disabled child; a mother has been battered, beaten up over and over again. About every 13 seconds in America, a woman is battered in her home.

There is precious little evidence these families will be able to move to work. Pretty soon, depending on the State, they will be pushed off a cliff.

We have no safety net left as a result of the welfare bill.

They report there is not one State in the country where the average earnings is even close to the poverty level income. The vast majority of the jobs are barely above minimum-wage jobs, and after 1 year the families lose their health care coverage and are not able to get good child care for their children, sometimes not any child care.

Given those findings, I think it should give Members pause that we are actually seeing an increase in the poverty of the poorest children in America; it should give Members pause.

It is amazing that State governments with the TANF money have about $7 billion they have not spent—$7 billion. There are all the needs for affordable child care, for training, especially for additional support services for families that are under unbelievable strain, are mainly women and children in need of affordable housing, sometimes transportation. All of this compelling need and these families are under tremendous pressure trying to survive under very difficult conditions, and the money we have allocated to these States, $7 billion, is not being spent. Albeit, some of it can be put in a rainy day fund and maybe should be because who knows if the business cycle will stay up forever.

Six States—Connecticut, Kansas, Minnesota, New York, Texas, and Wisconsin—transferred $800 million from the TANF surpluses to funding programs other than those that serve poor families. Quite often it ends up as general tax rebates, not to the poor. This year, Minnesota is doing much better with the TANF money. Last year, I am not proud of what the Minnesota Government did.

My point is simple:

No. 1, the amount of unspent TANF money in the States has reached $7 billion, an enormous amount of money.

No. 2, this money has been unspent despite the persistent level of poverty that exists in our country, especially among women and children. And for children, the poorest of poor children, their poverty has increased and some of the States are not spending the money to help them.

No. 3, these low-income families are not receiving the services and the support they need to move out of poverty, which is what this bill was supposed to be all about.

No. 4, although some States are developing innovative programs, other States are diverting TANF money to pay for tax cuts or other programs that are not even targeted to the poor.

No. 5, in a time of unprecedented economic growth, there are all sorts of ways in which the States could be using this money to invest in children, to make sure that families can move from welfare to economic self-sufficiency, and they are not.

Conclusion: Don't we write the checks? Doesn't this money come from the Congress and the Federal Government? I think we have the responsibility to ensure that the States are spending the TANF money in ways that meet the goals of the program, which is to move families out of welfare into jobs so they can support themselves.

We should insist that the TANF money is spent to help struggling families—not put into a surplus, or not to be given back as tax rebates to citizens across the board. I think it is an abuse of the program.

In this TANF reauthorization, that will be my work as a Senator. I hope other Senators will join. I oppose the bill. I am glad I oppose the bill. Those in favor of the bill should be the first to want to make sure the money is spent the way it is supposed to be spent. We should insist on accountability.

Second, I will come back with an amendment. That is what the debate with the majority leader is about. I am a Senator most vocal about having the right to bring amendments to this bill. I want an amendment that says we should have a policy evaluation of what is happening to the poor children.

Don't tell me that is not relevant to their education, but it wouldn't be relevant to this piece of legislation as defined by the definition of ''relevant.'' It would be an amendment, and I do not have a right to offer that amendment—so says the majority leader.

But this is compelling. The poverty of children is compelling. The poverty of the poorest of children is compelling. As a Senator who spent most of his adult life working in many of these communities, I want to have some amendments that deal with the poverty of children and I want to have the right to introduce those amendments to this bill. As a Senator from Minnesota, I don't want to continue to be shut out, by the majority, of my right to come out here and fight for people. Basically, that has been the strategy for almost this whole last year.

I hope Democrats will, basically, not let themselves be rolled. I hope Democrats will say: As Democrats, as the minority party, we are going to insist on the same rights as the minority party had when we were the majority. It is a very important principle. But it is not just insider politics. It is all about whether or not, when you go home to your State and meet with people, and you know their problems, you want to do better for people—it is whether or not you can be a legislator and come out here with amendments and debate and fight for people for whom you want to fight. So if there is no agreement, I certainly hope the Democrats will support one another on what I think is a very important question.

Back to the substantive issue, I hope my colleagues will take a look at what is being done to this welfare bill with this TANF money. We have some troubling data from which we cannot turn our gaze. Most of these families who are now working, 670,000 people, are no longer covered by medical assistance since this bill was passed because after 1 year they are off. Hardly any of these mothers have living-wage jobs. We just had a report a few weeks ago that the child care situation for their children ranges from dangerous to barely adequate. Just because they are poor children does not mean they are not entitled to good child care.

We have had this dramatic decline in food stamp participation. We have no idea why. It is certainly not because there has been much of a decrease in poverty. We see the rise of hunger and the use of food shelves in our country. But the States have $7 billion they are sitting on. They came here and said: Trust us, just give us the money; we will do the best with it.

But quite often low-income families, poor families, whether they are people of color or white people, do not have much clout. It is up to us to say: We are a national community. There are certain values we hold dear. There are certain things as a national community we hold dear. One of them is, by gosh, there are going to be some standards everyone is going to have to meet because whether a child eats or not, whether or not there is decent housing, whether or not a family is able to make ends meet, whether or not children are able to look forward to a good life, should not depend on the State in which they live.

We make a commitment as a national community, especially to the most vulnerable citizens in our country, who are children, who are poor children.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized.

COMMEMORATING THE FOURTH ANNIVERSARY OF THE BROTHERS TO THE RESCUE SHOOTDOWN

Mr. MACK. Mr. President, I come to the floor today to commemorate four brave Americans. Theirs is a story of courage, it is a story of heroism, and it is a story of freedom.

Four years ago today, on February 24, 1996, Fidel Castro sent Cuban MiG fighters into the Florida Straits and killed Carlos Costa, Armando Alejandre, Mario de la Peña, and Pablo Morales.

These men were members of a humanitarian organization known as ''Brothers to the Rescue.'' These volunteers search the Florida Straits for rafters. Too many Cubans die each year in their flight to freedom. The Brothers try to save lives.

So my thoughts and prayers today are with the families of the brave and courageous humanitarians who lost their lives 4 years ago. I know this day must be especially difficult for the families—today reminds them of the terrible loss suffered, and today also

marks another year passed without closure.

People need to be able to put the past behind them and move on. But when the President and his administration give assurances and advice, and American families trust and obey this advice only to be dragged along and let down, the administration commits a great injustice.

Think for a moment about Armando's sister or Mario's mother, or any other family member. Think for a moment, how you would feel if your brother or son was murdered while volunteering with a humanitarian organzation—killed by state-of-the-art fighter jets flown by the air force of one of the world's last totalitarian dictators? I know the pain for me would be unbearable.

I join with the families today in remembering these brave men. I want to tell their story of freedom, their story of courage, and their story of heroism.

Armando came to the United States from Cuba as a child. He so loved his life here, his freedom, that he joined the U.S. Marine Corps and volunteered for a tour in Vietnam. He volunteered to fight for his adopted home. He survived his tour only to be murdered by Fidel Castro. He was 45 years old. His wife of 21 years and his daughter have now lived with the struggle for justice for 4 years. They are in our thoughts today.

Carlos, a Florida native, was 29 years old when the Cuban government shot him out of the sky. He was always interested in aviation and dreamed of one day overseeing the operations of a major airport. He received his college degree from Embry-Riddle Aeronautical University and worked for the Dade County Aviation Department. His parents and sister today are in our thoughts.

Mario, a New Jersey native, was only 24 years old when Castro's MiG's took his life. He was in his last semester at Embry-Riddle, working toward his dream of becoming an airline pilot. His parents and brother are in our thoughts today.

Pablo left Cuba on a raft in 1992, and the Brothers to the Rescue saved his life. Indebted to these heroic pilots, he joined them and began training to obtain his pilot's license. Pablo often talked of his family still in Cuba and how much he missed them. Since his death, there are reports that they have been persecuted and discriminated against. Our thoughts are with his family in Cuba today.

Remember, as you think of these men this afternoon, what they were doing when they lost their lives—they were working to save the lives of others. This humanitarian effort must have so enraged Fidel Castro that he ordered the interception of these small, unarmed aircraft by his huge fighter jets to be blown from the sky with air-to-air missiles.

Two days after their murder four days ago, the President so moved by this tragedy said on national television;

I am asking that Congress pass legislation that will provide immediate compensation to the families, something to which they are entitled under international law, out of Cuba's blocked assets here in the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD two items which detail this President's request for legislation. First, a transcript of ABC Breaking News February 26, 1996, with Peter Jennings; and second, the White House press release dated February 26, 1996 in which the President requests this legislation from the Congress. I ask that this be printed immediately following my statement.

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

(See exhibit 1.)

Mr. MACK. Two months later the Congress passed the bill—the Anti-Terrorism Act of 1996—and the President signed it in a large ceremony on the White House lawn.

The Brothers' families wanted to understand the new rules before they chose to proceed with any civil suit. They met with officials from the U.S. State Department to clarify the meaning of the new law.

In their meeting at the State Department, the families were told the U.S. Government encouraged them to file the civil lawsuit against the Cuban government.

Mr. President, I ask unanimous consent that an affidavit by Maggie Khule which documents State Department support for the lawsuit be printed in the RECORD immediately following my statement.

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

(See exhibit 2.)

Mr. MACK. Mr. President, they took the Cuban Government to court. It took a long time, but eventually they won. In December of 1997, almost 2 years ago, a United States Federal court entered judgments against Cuba for the murders of their family members. Justice seemed to be won. The end appeared to be near. But the very same U.S. Government and the same Clinton administration that encouraged the families to postpone closure and pursue legal justice began to oppose them. They entered the lawsuit on the side of Fidel Castro.

I quote from Maggie Khule's testimony of last October before the Senate Judiciary Committee, and Maggie Khule is the sister of Armando Alejandre:

No words can possibly explain our shock when we went to court and found U.S. attorneys sitting down at the same table as Cuba's attorneys. How can you explain to a mother who has lost her son, to a wife who has lost her husband, to a daughter who has lost her father, that their own government is taking the murderer's side? . . . The Clinton administration has shut its doors to us. Secretary of State Albright, for example, won't meet with us on any of our other concerns because, to quote an aide, ''We are on the opposing side of this civil action.'' Are we? We thought we were the victims' families, victims ourselves. We thought we were Americans entitled to protection from our own country. We thought Cuba was the terrorist, the guilty party.

Mr. President, I ask my colleagues to take a moment from their busy schedules today, on this fourth anniversary of the murder of four brave humanitarians, and think about the blight of terrorism and the cost it has extracted from too many families of our country.

Think also this afternoon about what we ask to deter terrorism and promote justice. I want to read one more quote, this time from a Federal judge who heard the case brought by the families against Cuba. After observing this administration's change of position from support to opposition, he states the following in the March 1999 ruling:

The court notes with great concern that the very President who in 1996 decried this terrorist action by the Government of Cuba now sends the Department of Justice to argue before this court that Cuba's blocked assets ought not to be used to compensate the families of the U.S. nationals murdered by Cuba. The executive branch's approach to this situation has been inconsistent at best. It apparently believes that shielding a terrorist state's assets are more important than compensating for the loss of American lives.

Mr. President, I ask unanimous consent that this section of the court's decision be printed in the RECORD following my statement.

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

(See exhibit 3.)

Mr. MACK. Mr. President, the story of these four brothers, the Brothers to the Rescue, is a story of heroism and freedom. These men risked their lives for their own freedom as well as for the freedom of others, and their families have fought tirelessly for justice. I hope my colleagues will think about these courageous families. We must, indeed, honor them and their memories and the memories of their loved ones this afternoon.

Mr. President, I yield the floor.

TRANSCRIPT FROM ABC NEWS, FEBRUARY 26, 1996

EXHIBIT 1

ANNOUNCER. This is a special report from ABC News.

* * * * *

Pres. BILL CLINTON. Good afternoon. Two days ago, in broad daylight, and without justification, Cuban military aircraft shot down two civilian planes in international airspace. Search and rescue efforts by the Coast Guard, which began immediately after we received word of the incident, have failed to find any of the four individuals who were aboard the airplanes.

These small airplanes were unarmed, and clearly so. Cuban authorities knew that. The planes posed no credible threat to Cuba's security. Although the group that operated the planes had entered Cuban airspace in the past on other flights, this is no excuse for the attack and provides—let me emphasize—no legal basis under international law for the attack. We must be clear, this shooting of civilian aircraft out of the air was a flagrant violation of international law.

Saturday's attack is further evidence that Havana has become more desperate in its efforts to deny freedom to the people of Cuba.

Also on Saturday, the Cuban Council, a broad group that wants to bring democracy to Cuba, had planned a day of peaceful discussion and debate. Instead, in the days leading up to this gathering, scores of activists were arrested and detained. Two have already been sentenced to long prison terms. They join about 1,000 others in Cuba who are in jail solely because of their desire for freedom.

Now the downing of these planes demands a firm response from both the United States and the international community.

I am pleased that the European Union today strongly condemned the action.

Last night, on my instructions, Ambassador Albright convened an emergency session of the United Nations Security Council to condemn the Cuban action and to present the case for sanctions on Cuba until it agrees to abide by its obligation to respect civilian aircraft and until it compensates the families of the victims.

Today I am also ordering the following unilateral actions.

First, I am asking that Congress pass legislation that will provide immediate compensation to the families—something to which they are entitled under international law—out of Cuba's block assets here in the United States. If Congress passes this legislation, we can provide the compensation immediately.

Second, I will move promptly to reach agreement with the Congress on the pending Helms-Burton Cuba legislation so that it will enhance the embargo in a way that advances the cause of democracy in Cuba.

Third, I have ordered that Radio Marti expand its reach. All the people of Cuba must be able to learn the truth about the regime in Havana, the isolation it has earned for itself through its contempt for basic human rights and international law.

Fourth, I am ordering that additional restrictions be put on travel in the United States by Cuban officials who reside here and that visits by Cuban officials to our country be further limited.

Finally, all charter air travel from the United States to Cuba will be suspended indefinitely.

These deliberate actions are the right ones at this time. They respond to Havana in a way that serves our goals of accelerating the arrival of democracy in Cuba, but I am not ruling out any further steps in the future, should they be required.

Saturday's attack, was an appalling reminder of the nature of the Cuban regime—repressive, violent, scornful of international law. In our time democracy has swept the globe, from the Philippines exactly 10 years ago, to Central and Eastern Europe, to South Africa, to Haiti, to all but one nation in our hemisphere. I will do everything in my power to see that this historic tide reaches the shores of Cuba.

And let me close by extending, on behalf of our family and our country, our deepest condolences to those in the families of those who lost their lives.

Thank you very much.

[From The White House, Office of the Press Secretary, Feb. 26, 1996

FACT SHEET ON CUBA

The President has directed his Administration to take the following steps immediately in response to the Cuban Government's blatant violation of international law:

Seek rapid international condemnation of Cuba's actions.

The European Union today strongly condemned the Cuban shootdown.

The United States will seek United Nations Security Council condemnation and press that sanctions be imposed until Cuba provides compensation to the families of victims and abides by international law.

The United States will seek condemnation of Cuba by the International Civil Aviation Organization and other relevant international bodies.

Move promptly to reach agreement with Congress on the pending Helms-Burton Cuba legislation so that it will enhance the effectiveness of the embargo in a way that advances the cause of democracy in that country.

Request the Congress to pass legislation authorizing payment of compensation to the families of victims out of Cuban blocked accounts in New York.

Restrict the movement of Cuban diplomats in the U.S. and tighten criteria for issuing visas to employees of the Cuban government.

Increase support for Radio Marti to overcome jamming by Cuba.

Indefinitely suspend all commercial charter flights to Cuba.

EXHIBIT 2

[In the U.S. District Court for the Southern District of Florida, Southern Division, Civil Nos. 96–10126, 96–10127, 96–10128 Judge King]

MARLENE ALEJANDRE, ET AL., PLAINTIFFS, *v.* THE REPUBLIC OF CUBA AND THE CUBAN AIR FORCE, DEFENDANTS

DECLARATION OF MARGARITA A. KHULY

Margarita A. Khuly, pursuant to 28 U.S.C. §1746, declares the following under penalty of perjury:

1. My name is Margarita Alejandre Khuly, my Social Security No. 000–00–0000, and my address is 7501 SW 62, Miami-Dade County, Florida 33143.

2. My brother, Armando Alejandre, was murdered by the government of Cuba on February 24, 1996. He and three other men were shot down by the Cuban Air Force over international waters while flying two small, unarmed civilian aircraft on a humanitarian mission.

3. On August 22, 1996, I attended a meeting at the United States Department of State, Cuba Desk, to discuss issues related to the shoot down. Also present were the following relatives of the murdered men: Marlene Alejandre, Mario de la Pena, Miriam de la Pena, Jorge Khuly, Mirta Mendez, Richard Mendez and Nelson Morales.

4. The meeting was chaired by Michael E. Ranneberger, Coordinator, Office of Cuban Affairs, United States Department of State. Others US government officials present included Hal Eren, OFAC; Robert Malley, NSC; Lula Rodriguez, State, and Susana Valdez, WH liaison.

5. The issues discussed at this meeting included the forthcoming humanitarian payments from the United States government to each family of the four murder victims.

6. The families had been asked to bring with them to this meeting personal and financial institution information so that the United States government would directly transfer the humanitarian payments to individual bank accounts. A handwritten handout requesting these facts and distributed at the meeting was to be filled out and mailed to R. Richard Newcomb, OFAC.

7. Several concerns related to these humanitarian payments were discussed at this meeting Very important was the one dealing with limitations, if any, contingent upon acceptance of the humanitarian payments.

8. Miriam de la Pena specifically asked Mr. Ranneberger that if accepting President Clinton's humanitarian payments meant the families would then be restricted in seeking other measures of justice, including legal and financial ones.

9. Mr. Ranneberger replied that no, the payments were meant to be a ''gesture'' on the President's part. He stated that the US government did not want to offend the families, only ease their pain, and that the payments in no way were meant to put a value on the four murdered men's lives.

10. Other family members then posed questions asking for additional clarification on any conditions tied to the humanitarian payments. it was specifically asked if any signed releases were to be requested from the families upon acceptance of the monies.

11. Mr. Ranneberger reassured the families again by stating that accepting the humanitarian payments did not make them incur any obligations, legal or otherwise, and that they were free to pursue any other avenues they desired in their search for justice.

12. The possibility of legal action against the government of Cuba was brought up by the families and Mr. Ranneberger said that the US government not only did not oppose this, but encouraged them to seek justice through US and international courts.

13. Richard Mendez brought up the figure the US government had advised the families they would be receiving and commented that the amount was so small it was meaningless. Mr. Ranneberger responded that this figure was intended as a humanitarain gesture, not as compensation.

I declare under penalty of perjury that the foregoing is true and correct.

Date: January 12, 1999.

MARGARITA ALEJANDRE KHULY.

EXHIBIT 3

[U.S. District Court, Southern District of Florida, Case Nos. 96–10126–Civ–King, 96–10127–Civ–King, 96–10128–Civ–King]

MARLENE ALEJANDRE, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ARMANDO ALEJANDRE, DECEASED, PLAINTIFF, *v.* THE REPUBLIC OF CUBA AND THE CUBAN AIR FORCE, DEFENDANTS, *v.* AT&T CORPORATION, AT&T OF PUERTO RICO, INC., GLOBAL ONE COMMUNICATIONS, L.L.C., SPRINT CORPORATION, WILTEL, INC., TELEFONICA LARGA DISTANCIA DE PUERTO RICO, INC., MCI INTERNATIONAL, INC., IDB WORLDCOM SERVICES, INC., MCI WORLDCOM, INC., CITIGROUP INC. AND ITS SUBSIDIARIES, AND THE CHASE MANHATTAN CORPORATION AND ITS SUBSIDIARIES, GARNISHEES

MIRTA MENDEZ, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CARLOS ALBERTO COSTA, DECEASED, PLAINTIFF, *v.* THE REPUBLIC OF CUBA AND THE CUBAN AIR FORCE, DEFENDANTS, *v.* AT&T CORPORATION, AT&T OF PUERTO RICO, INC., GLOBAL ONE COMMUNICATIONS, L.L.C., SPRINT CORPORATION, WILTEL, INC., TELEFONICA LARGA DISTANCIA DE PUERTO RICO, INC., MCI INTERNATIONAL, INC., IDB WORLDCOM SERVICES, INC., MCI WORLDCOM, INC., CITIGROUP INC. AND ITS SUBSIDIARIES, AND THE CHASE MANHATTAN CORPORATION AND ITS SUBSIDIARIES, GARNISHEES.

MARIO T. DE LA PENA AND MIRIAM DE LA PENA, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVES OF THE ESTATE OF MARIO M. DE LA PENA, DECEASED, PLANTIFF, *v.* THE REPUBLIC OF CUBA AND THE CUBAN AIR FORCE, DEFENDANTS, *v.* AT&T CORPORATION, AT&T OF PUERTO RICO, INC., GLOBAL ONE COMMUNICATIONS, L.L.C., SPRINT CORPORATION, WILTEL, INC., TELEFONICA LARGA DISTANCIA DE PUERTO RICO, INC., MCI INTERNATIONAL, INC., IDB WORLDCOM SERVICES, INC., MCI WORLDCOM, INC., CITIGROUP INC. AND ITS SUBSIDIARIES, AND THE CHASE MANHATTAN CORPORATION AND ITS SUBSIDIARIES, GARNISHEES.

* * * * *

The Court concludes that, contrary to the President's intention in executing the waiver, Congress did not intend to give the President the broad authority to waive the new subsection (f)(1) when it gave him the power to waive ''the requriements of this section.'' In so ruling, the Court gives considerable weight to the fact that the larger part of the available legislative history supports this interpretation. Also persuasive is the fact that section 117 is the outgrowth of the 1996 AEDPA amendments to the FSIA. Congress therein expressly waived the jurisdictional immunity of terrorist foreign states, and also their immunity from attachment or execution. Congress later clarified the mechanism through which the victims of an attack by a terrorist foreign state may sue for compensatory and punitive damages. By enacting section 117, Congress expanded the property subject to attachment/execution, giving the victims a larger pool of assets from which to satisfy any judgment in their favor. All of these legislative enactments are guided by a single purpose: to provide an executable judicial remedy to the nationals of the United States attacked by a terrorist foreign state. Had Congress intended to give the President the authority single-handedly to impede achievement of this goal, it could have done so more clearly in section 117(d). Its failure unambiguously to do so favors a narrow reading, both in light of legislative history and the fact that Congress usually specifies the waiver authority it grants with greater clarity. The President cannot simply express his intention to execute a law a certain way if that action is not allowed by the legislative authority to which it is made pursuant.[16] If the Government, the Garnishees, Non-Party ETECSA, or any other individual or entity objects to this Court's interpretation of this unclear legislative mandate, it should turn to Congress and have that government branch clearly enunciate a broad waiver authority in an amended section 117(d). It is this Court's responsibility to interpret the law as written; only Congress can re-write the law.

* * * * *

FOOTNOTE

[16] The Court notes with great concern that the very President who in 1996 decried this terrorist action by the Government of Cuba now sends the Department of Justice to argue before this Court that Cuba's blocked assets ought not be used to compensate the families of the U.S. nationals murdered by Cuba. The Executive branch's approach to this situation has been inconsistent at best. It now apparently believes that shielding a terrorist foreign states' assets are more important than compensating for the loss of American lives.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

THE BUDGET PLAN

Mr. DOMENICI. Mr. President, I want to spend a little time talking about what has transpired with the U.S. budget over the last 35 years, and I will focus mostly on the last 5 years.

I think everyone knows that next month we begin the process of producing a congressional budget plan for the fiscal year that begins this coming October. The Senate Budget Committee, which I have been honored to chair, will complete its hearings next week on the President's budget which was submitted to Congress earlier this month. Before we begin the task of producing that budget blueprint, I thought it might be of interest to some of my colleagues and some of those who might be watching to briefly review some facts surrounding the Federal budget.

One can provide different interpretations of numbers, but a number is a very stubborn thing. It is what it is. Using the help of some charts, I will provide a very brief historical overview of the Federal budget today.

Chart No. 1 is the total budget surplus and deficit over the last 30 years. After nearly 30 years of Federal deficit spending—and my colleagues can see the surplus/deficit excluding Social Security is in green and the total budget surplus is in red. The green, as one can see, starting back in 1965 and going all the way to 1998, is constantly below the line, meaning we have been in deficit for that whole period of time.

We finally reported a balanced budget, under the unified budget process in 1998, of nearly $70 billion. Last year, in 1999, we once again successfully achieved a unified budget surplus of $125 billion. But more importantly—noting the green line on this chart—we will be able to balance the budget not counting the Social Security surplus. The red line is the total budget surplus and the green is Social Security balances.

Here is the way the budget goes. We now have a surplus above zero in both the Social Security and in the non-Social Security accounts of our Government. Last year, we actually achieved a surplus—not very much—of $1 billion, and certainly that is substantially better than when we were approaching $300 billion in deficits.

For the current fiscal year, we expect a surplus of $176 billion, and, of that, nearly $23 billion excludes the Social Security moneys, meaning we have some money left over in surplus after we put all the money in the Social Security trust fund that is required by law.

Projections for the near future remain positive. Of course, depending on what policies we enact relating to taxes or spending, the Social Security surpluses will continue to accumulate over the next decade, and the rest of Government also is expected and projected to see surpluses as far as the eye can see.

By the year 2005, the Congressional Budget Office expects the surplus to be between $270 billion and $300 billion. One thing that this job has taught me is to be very careful in statements about the long term. I could spend some time suggesting that these long-term surpluses are very reliable and credible, but I will do that at another time. Today, instead of statements about the long term, what I want to do is talk about—rather than pontificating about the future and what we might expect—about what has passed, just so there will be an understanding of whether or not Congress and the Senate and the Budget Committee and the appropriators and everybody in this body ought to be proud of what we have accomplished in terms of controlling the spending of our National Government.

So here is chart No. 2. It has a lot of things on it. I just put it up because it shows, in five intervals over the last 30 years, the major components of the budget. We can clearly see that total Federal spending has increased, to where this year the Federal Government is likely to spend $1.8 trillion.

In terms of the totality of the budget—in all of its components: Military, entitlements, the 13 appropriations bills—it has been going up every year. Now we are at about $1.8 trillion. That is an interesting number because if there is a $4 trillion surplus—just to compare—that means we will have more than 2 full years of the Federal budget in surplus during the next decade. That is a rather profound and major change in things over the past 35 years.

The country has grown over the last 30 years, and it has grown faster than Government spending. So while we reached a peak of nearly 23 percent of our gross domestic product in 1985, today it has declined almost 5 full percent; that is, we are now at 18.5 percent of our gross domestic product in the total spending of the American Government, including interest on the debt, entitlements, Social Security, and 13 appropriations bills—and, obviously, one of those is the defense bill.

This bar chart points out a phenomenon of which I think we are all aware. Let's just look at it for 1 minute. Entitlement spending today represents 55 percent of all Federal spending. If we add paying the interest on our national debt as another entitlement—and it might be that, so let's add it in—then 77 percent of what we spend every year is either mandatory spending or an entitlement.

I did not go back in history to equate the percentages under other Presidents, but suffice it to say, not too long ago, in the era of, let's say, President Kennedy's tenure, clearly, about 40 percent of the entire Federal budget was entitlements; and now we are up to 77 percent.

Let's look at the third chart: Growth in Total Outlays. This is very important. For those who wonder about how poorly we do or how well we do when we finally finish all our work—it might not look pretty; it may take too long; there may be a lot of scuffling on the appropriations bills—I would like very much to make sure we all take a good, careful look at this chart and see what we have really been doing that has contributed to the great fiscal policy of this country and to our position today of low interest rates and sustained economic growth.

This is a very dramatic chart. It is very simple but very dramatic. The blue on the chart is what is called nominal growth, and the red is real growth. The nominal growth includes inflation, plus the growth beyond inflation. It is very interesting what we

have done. Because we think it makes the most sense, we have gone back to 1965 and done this on 5-year intervals. So we have taken 5-year intervals and then taken the average for that 5-year interval.

It is rather dramatic to see what is shown on the chart, without any explanation—the dramatic reduction in the percentage of growth in actual total outlays year after year. It was not long ago we were talking about deficits as far as the eye could see. Now, as this chart shows, as the reality of the years 1995 through 2000 has become true, we are beginning to see rather large surpluses.

I might add, by way of taxes—with which I do not think we did much in these charts—even though taxes, for certain Americans, may be lower than 15 or 20 years ago, but the percent of our gross domestic product that goes to taxes is the highest since the end of the Second World War. So it is obvious, if your taxes are the highest and your growth in Government is the lowest, you begin to develop a rather good surplus. It is kind of easy to see that much of that surplus is because we are taxing the American people at a higher percent of our total production than we ever have since the Second World War when we had all kinds of taxes.

Let's just look at this chart and take a couple of years. Growing at an annual rate of nearly 12.2 percent in the late 1970s, the total Government spending right now that we can tell you already occurred—as I said in my opening remarks, we are not predicting. Numbers that are behind us are hard to throw away.

For the years 1995 to 2000, the total amount of growth in our Government, including appropriated accounts, is 3.1 percent; and of that, the real growth—that is, noninflationary growth—is 1.3 percent.

Just compare that quickly with other periods of time shown on the chart. Pick any interval you like. From 1980 to 1985, the nominal growth was 9.9 percent, the real growth was 3.6 percent—almost three times as much in real growth as it was from 1995 to the year 2000.

If today I sound as if I am trying to convince somebody of something, I address this to a number of Senators because there are some who say we are overspending everywhere and some who say the appropriated accounts are out of control. My friend, if they are out of control when they are part of a Government growth that is 1.3 percent in real growth, what were they when it was 5.8 percent? It was unexplainable. There is no word for it.

If we are out of control now—and for those who are interested, the years 1990 to 1995 were not too shabby either. In fact, from 1990 to 1995, it was 1 percent real growth and 3.9 percent for a combination of real growth and inflation. That is just slightly higher in its totality than the period from 1995 to 2000.

I remind Senators that for the period 1995 to 2000—the occupant of the Chair knows this; Senator HOLLINGS knows this—we had a lot of emergency money we put in. We had an agricultural emergency 3 years in a row. We had some military emergencies where we got into wars, and we had not funded them, so we put them in as emergencies. They can be whatever you want, but when the year is finished they are part of the total outlays. If, in fact, you allocated the money, and put it in an appropriations bill, it would eventually be spent, whether it was an emergency or whatever, and that is the reason we talk about total outlays.

The fourth chart only shows the red, which depicts real growth. For some people—not me at this point; I am not sure everything should increase by the rate of inflation every year—but some people think that should be the policy of our Government.

What we are looking at here in each of these years is: What was the real outlay growth, on average, over the 5-year intervals, meaning without inflation? It is pretty simple. If we took the 35-year average, and we drew a line—looking at the years 1965 to 1970, it was almost 6 percent—but the average for the 35 years is 3.1 percent. Looking at the last decade, real growth for the years 1990 to 1995 was 1 percent; from 1995 to 2000, it was 1.3 percent.

Frankly, somebody did something right. If we are talking about restraining expenditures of Government so as to produce a fiscal policy that puts us in balance and ultimately creates a surplus—I know my dear friend, Senator HOLLINGS, is here and his and my definition of ''surplus'' may differ, but I think anybody who looked at this would say we are surely moving in a direction different from what we did for most of the last 35 years.

In terms of how much we are letting Government grow, the fifth chart shows major components of the entitlements and other mandatory programs. The 35-year average annual rate of growth of Government spending has been about 3.1 percent.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. DOMENICI. I ask unanimous consent for an additional 5 minutes.

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

Mr. DOMENICI. This chart shows the various entitlement spendings. It is over 55 percent of all Federal spending today. Three-quarters of it is just three programs: Social Security, Medicare, and Medicaid.

Let's move on to the Growth in Entitlements and Mandatories. Many of us are of the impression that it is the entitlement programs that are out of control. I admit, looking at this chart, one would see where it wasn't too long ago when they were out of control. Let's take 1970–75. The growth was 18.5 percent nominal growth. In 1980–85, it was 9, and in 1985–90, it was 6.9. In 1990–95, it was 5.5. Here we are in 1995–2000, in entitlement programs, 4.5 percent nominal and, without inflation, the growth was 2.6 percent. If we can continue growth in this manner, which is principally predicated upon controlling the costs of health care, which the Government pays for partially or totally, we can keep our government under control and the costs can continue to come down.

National defense is something we ought to be concerned about because we have thrown some numbers around and some percentages. The facts are before us, and they don't look too good. The truth is, since the 1985–90 era, everything since that time has been no growth in defense rather than growth. If you are looking at the chart turned upside down, when it comes to the last decade, defense spending starts to come out on the negative side, meaning year after year the outlays for defense have gone down rather than up, and these are the numbers. We are doing a little better in the 5 years of 1995–2000 than we did in 1990–95, but it is clear that if, in fact, we think we have been really increasing defense in terms of outlays, as we finally get them accounted for, it is obvious we have a long way to go if we are going to say we have increased defense spending. I am not saying we must. I am merely giving some facts as they show up here.

In summary, the data suggests to me that we have been successful in controlling the rate of Federal spending. And while we must continue to be vigilant and very careful, in this time of projected budget surpluses, to avoid returning to an era of expansive Government spending, I do not think we should dismiss what these charts show. We have been successful in controlling Government spending, and we have been most successful in the last decade, very successful in the last 5 years. There are many institutions, entities, and people who can take some credit for what has happened to the American economy, but I believe it is fair to say that the Budget Committee of the Senate, not always under my chairmanship but under the chairmanship of others, has been part of a decade of tremendous pressure to reduce the expenditures of Government and thus create a surplus.

If the surplus is good—and, frankly, it looks as if the American people have understood loud and clear that the debt is not good. I would assume if the debt is not good, they must think surpluses are good. Indeed, we do. Much of the surplus is going to that accumulated debt. As a matter of fact, I close by saying, while the two parties and the President disagree on many things, it is good for America that we have agreed on one thing; that is, the Social Security surplus is going to the Social Security trust fund, not into the general coffers of Government to be spent. That alone will dramatically reduce the debt we owe to the public.

As a matter of fact, if we continue for the next decade to apply the Social Security surpluses, which I am rather confident will continue to occur, then

we will have in a decade reduced the debt of the American people by somewhere around 70 percent, which is not very shabby, if you talk about one decade, one group of people reducing the debt that much.

I thank the Senate for permitting me to speak. I will come to the floor at a later time and express why I am convinced the surpluses are for real and that, as a matter of fact, they are apt to be more rather than less over the next decade because of what is happening in the American economy.

I yield the floor.

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

Mr. HOLLINGS. Mr. President, I ask unanimous consent for an additional 5 minutes on my allotted time.

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

PUBLIC DEBT

Mr. HOLLINGS. Mr. President, the reason I asked for the extra time is, in addressing the Senate with respect to the Education Savings Act, I was going to make the point that we weren't saving and we had no money for this particular act. The act will cost the government $2 billion. But the distinguished Senator from New Mexico, the chairman of our Budget Committee, says the Senator from South Carolina sees the surplus differently than he sees a surplus. Let me go right to the minute here on 2/23, the public debt to the penny.

You can go to the Internet and, under the law, find that the Department of Treasury lists to the penny and by the minute the exact amount of the public debt. It isn't what the Senator from New Mexico calls a debt or surplus. It isn't what the Senator from South Carolina calls a debt or surplus. It is what we call a debt under the Public Law. The public debt to the minute right now—I just took it off the Internet two minutes ago—is $5,744,135,736,409.24

I ask unanimous consent to print this in the RECORD at this point.

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

THE PUBLIC DEBT TO THE PENNY

	Amount
Current Month:	
02/23/2000	$5,744,135,736,409.24
02/22/2000	5,742,317,374,668.82
02/18/2000	5,739,814,030,329.64
02/17/2000	5,708,609,026,361.46
02/16/2000	5,704,636,239,474.18
02/15/2000	5,705,355,135,074.08
02/14/2000	5,693,874,593,019.53
02/11/2000	5,692,488,848,706.09
02/10/2000	5,692,476,887,663.77
02/09/2000	5,690,617,208,881.34
02/08/2000	5,694,611,209,189.87
02/07/2000	5,693,618,340,748.18
02/04/2000	5,691,096,297,325.05
02/03/2000	5,690,372,687,653.89
02/02/2000	5,702,134,559,981.88
02/01/2000	5,702,651,446,667.03
Prior Months:	
01/31/2000	5,711,285,168,951.46
12/31/1999	5,776,091,314,225.33
11/30/1999	5,693,600,157,029.08
10/29/1999	5,679,726,662,904.06
Prior Fiscal Years:	
09/30/1999	5,656,270,901,615.43
09/30/1998	5,526,193,008,897.62
09/30/1997	5,413,146,011,397.34
09/30/1996	5,224,810,939,135.73
09/29/1995	4,973,982,900,709.39
09/30/1994	4,692,749,910,013.32
09/30/1993	4,411,488,883,139.38
09/30/1992	4,064,620,655,521.66

THE PUBLIC DEBT TO THE PENNY—Continued

	Amount
09/30/1991	3,665,303,351,697.03
09/28/1990	3,233,313,451,777.25
09/29/1989	2,857,430,960,187.32
09/30/1988	2,602,337,712,041.16
09/30/1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

Mr. President, The Department of Treasury said we began the 1999 fiscal year with a debt of $5,478,704,000,000, and we ended it, not with a surplus, but with a deficit of $5,606,486,000,000.

Now, it is not any monkeyshine on this Senator's part. It is the monkeyshine on the part of the majority of this body, all running around calling surplus, surplus, surplus, when there isn't any surplus.

Let's go directly to yesterday's release by the Department of Treasury. We find, on table 6, page 20 that they began the year with a debt, as I have just reported, of $5,606,486,000,000. Now, at the close of the month, as of January, it was $5,660,780,000,000. The Treasury Department, beginning October 1 of last year, fiscal year 2000, has already borrowed $54 billion. Please, let's tell the Secretary of the Treasury that if we have surpluses, quit borrowing money. What is he borrowing money for? It is time this charade stops.

I will ask unanimous consent to print in the RECORD HOLLINGS' budget realities.

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

HOLLINGS' BUDGET REALITIES

[In billions]

President and years	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Truman:						
1946	55.2	−5.0	−15.9	−10.9	271.0	
1947	34.5	−9.9	4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	−0.6	252.6	
1950	42.6	1.2	−3.1	−4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	−1.5	−3.8	259.1	
1953	76.1	0.4	−6.5	−6.9	266.0	
1954	70.9	3.6	−1.2	−4.8	270.8	
Eisenhower:						
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
1961	97.7	−1.2	−3.3	−2.1	292.6	
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
Kennedy:						
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
Johnson:						
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
Nixon:						
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
Ford:						
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
Carter:						
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	504.0	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
Reagan:						
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2

HOLLINGS' BUDGET REALITIES—Continued

[In billions]

President and years	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.9	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.5	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,004.1	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.5	100.0	−155.2	−255.2	2,601.3	214.1
1989	1,143.7	114.2	−152.5	−266.7	2,868.3	240.9
Bush:						
1990	1,253.2	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,324.4	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,381.7	113.2	−290.4	−403.6	4,002.1	292.3
1993	1,409.5	94.2	−255.1	−349.3	4,351.4	292.5
Clinton:						
1994	1,461.9	89.0	−203.3	−292.3	4,643.7	296.3
1995	1,515.8	113.3	−164.0	−277.3	4,921.0	332.4
1996	1,560.6	153.4	−107.5	−260.9	5,181.9	344.0
1997	1,601.3	165.8	−22.0	−187.8	5,369.7	355.8
1998	1,652.6	178.2	69.2	−109.0	5,478.7	363.8
1999	1,703.0	251.8	124.4	−127.4	5,606.1	353.5
2000	1,769.0	234.9	176.0	−58.9	5,665.0	362.0
2001	1,839.0	262.0	177.0	−85.0	5,750.0	371.0

*Historical Tables, Budget of the US Government FY 1998; Beginning in 1962 CBO's 2001 Economic and Budget Outlook.

Mr. President, the distinguished Senator, chairman of the Budget Committee, says we ended 1998 with a surplus of almost $70 billion (it was $69.2). But in order to state that figure, he had to borrow $178.2 billion from the trust funds: Social Security, highway, airport, military retirees, civil service retirees, etc.—even Medicare. And then he says that we ended last year with a surplus of $124.4 billion, but he had to borrow $251.8 billion from the trust funds. So the actual deficit for the fiscal year 1998 was $109 billion, and 127.4 billion for 1999. Here are the numbers so everyone can see. Yes, we reduced the deficit each year in that 4- to 5-year period—until last year. The debt went from $109 billion to $127.4 billion. So that was an increase.

Mr. President, let me state very clearly what has been going on. They used to talk of a unified budget and a unified deficit. Now, they talk about off-budget and on-budget, and public debt. This misleads the public because it is the U.S. Department of Treasury—not the CBO, Senator HOLLINGS or Senator DOMENICI—that keeps the official records. They have actual accountants. You know, economists can lie, but accountants can't. They have to keep the actual record and give you the truth.

Let me get the borrowed trust funds chart and show you exactly what is going on. They thought they could borrow enough from the other trust funds to say they are not going into Social Security but, of course, they are. At the end of the fiscal year, we already owe $855 billion to Social Security, $181 to Medicare, $141 to military retirees, and $492 billion to civilian retirement. You can go right on down. We owe $1.869 trillion to the trust funds.

Now, you can talk about the wonderful record, but this is what the Senator from South Carolina is looking at because that is the actual debt. Just in 2000, we will owe $1 trillion to Social Security, but by 2013, that figure jumps to nearly $4 trillion. Think of the inflationary pressure when the Baby Boomers start to retire and we have to redeem these bonds.

Now, what I have done is I have gone to each one of the trust funds. I won't take the time to go through all of them. ''But there is hereby created on the books of the Treasury of the United States a trust fund to be known as the Federal Old-Age and Survivors . . .''—and so forth and so on. Mr. President, on page 2 of the act, section (b), ''there is hereby created on the books of the Treasury of the United States a trust fund to be known as the Federal Disability Insurance Trust Fund.''

Mr. President, what we did in 1983 was gradually raise the Social Security payroll tax to 6.25 for employees and 6.25 for employers, for 12½ percent. In 1983, if you had said we are going to vote for increased taxes for food stamps or for Kosovo or for courthouses or for dredging or for ships that the Department of Defense said they don't need, and those kinds of things, you could not have gotten a vote on the floor of the Senate. We passed the increase assuming the money would be put in trust. But they have been spending it.

We have a way so they won't spend it—what we call the lockbox—and they won't let us vote on it. Anytime, anywhere they want to vote on a real lockbox, call this Senator up. I have had it drawn up by the Administrator of Social Security, Ken Apfel. I worked with him when he was on the Budget Committee, together with the Senator from New Mexico, the present chairman of the Budget Committee.

I tried for some time to take Social Security off budget and it was blocked in the Budget Committee. But I finally got it passed, with one dissenting vote from the Senator from Texas. That is the best way I could do it.

Section 13301. I ask unanimous consent to have this one-page summary printed in the RECORD.

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

Subtitle C—Social Security

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any . . .

So it is against the real trust and against the law itself. But we continue to violate that law. Everybody knows the practice in the Government under the 1994 Pension Reform Act is that you can't use pension money to pay off the company debt. We all know Denny McLain, the famous pitcher formerly with the Detroit Tigers. He did that and was charged with a felony. If you can find him, tell him to, instead of paying off the company debt, run for the Senate. Instead of a jail term, you will get the good government award.

You can say the public debt is down, but it is like paying off the MasterCard with the Visa card. You still owe the same amount of money. That is what we have been doing. We play a shabby game up here talking about surpluses. Yesterday, the Secretary of Commerce came to my office wanting to talk about surplus. I said: Mr. Secretary, we don't have any surplus. I said: Look at the President's budget itself.

Here it is right here on page 420. You can see it. I ask unanimous consent that this one page be printed in the RECORD.

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

TABLE S–14.—FEDERAL GOVERNMENT FINANCING AND DEBT

[In billions of dollars]

	1999 actual	Estimate													
		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Financing:															
Surplus or deficit (−)	124	167	184	186	185	195	215	256	292	314	329	363	403	443	479
(Social Security solvency lock-box: Off-budget)	124	148	160	172	184	195	214	224	239	250	260	272	280	295	309
(Social Security interest savings transfer)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	100	118	138
(Medicare solvency debt reduction reserve)	.....	.....	15	13	.....	.....	.....	30	52	64	69	91	22	30	32
(On-budget)	1	19	9	1	*	*	2	1	1	*	*	*	*	*	*
Means of financing other than borrowing from the public:															
Changes in:															
Treasury operating cash balance	−18	16	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Checks outstanding, deposit funds, etc.	−6	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Seigniorage on coins	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2
Less Social Security equity purchases	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	−52	−66	−83
Less: Net financing disbursements:															
Direct loan financing accounts	−19	−29	−18	−18	−17	−16	−16	−16	−16	−15	−15	−15	−16	−16	−16
Guranteed loan financing accounts	5	*	1	1	1	2	2	2	2	2	2	2	3	3	3
Total, means of financing other than borrowing from the public	−36	−9	−13	−15	−14	−12	−12	−12	−12	−12	−11	−11	−63	−78	−95
Total, repayment of publicly held debt	89	157	171	171	170	183	203	243	280	302	318	352	340	365	384
Change in debt held by the public	−89	−157	−171	−171	−170	−183	−203	−243	−280	−302	−318	−352	−340	−365	−384
Debt Subject to Statutory Limitation, End of Year:															
Debt issued by Treasury	5,578	5,658	5,742	5,828	5,921	6,009	6,096	6,185	6,268	6,347	6,424	6,502	6,595	6,693	6,794
Adjustment for Treasury debt not subject to limitation and agency debt subject to limitation	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15
Adjustment for discount and premium	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Total, debt subject to statutory limitation	5,568	5,648	5,732	5,819	5,912	5,999	6,086	6,175	6,258	6,337	6,414	6,492	6,585	6,683	6,785
Debt Outstanding, End of Year:															
Gross Federal debt:															
Debt issued by Treasury	5,578	5,658	5,742	5,828	5,921	6,009	6,096	6,185	6,268	6,347	6,424	6,502	6,595	6,693	6,794
Debt issued by other agencies	29	28	27	27	25	24	23	22	20	20	20	20	20	20	20
Total, gross Federal debt	5,606	5,686	5,769	5,855	5,974	6,034	6,118	6,206	6,288	6,367	6,444	6,522	6,615	6,713	6,815
Held by:															
Debt securities held as assets by Government accounts	1,973	2,210	2,464	2,721	2,984	3,253	3,541	3,872	4,234	4,615	5,010	5,440	5,873	6,335	6,821
Social Security	855	1,004	1,164	1,338	1,522	1,717	1,930	2,154	2,392	2,641	2,899	3,170	3,498	3,843	4,206
Federal employee retirement	643	681	717	754	789	824	858	891	922	952	980	1,006	1,034	1,063	1,093
Other	475	525	582	630	672	712	752	828	920	1,023	1,131	1,263	1,341	1,429	1,523
Debt securities held as assets by the public	3,633	3,476	3,305	3,134	2,963	2,781	2,578	2,334	2,054	1,752	1,434	1,082	742	377	

*$500 million or less

Mr. President, there are not any surpluses as far as the eye can see, as the chairman of the Budget Committee just said, but deficits as far as the eye can see. The total gross Federal debt starts off in the year 2000 at $5.606 trillion. The next year, it goes to $5.686 trillion, so it goes up $80 billion. It ends up at $6.815 trillion. So it goes up $1.2 trillion over this period until 2013—as far as the eye can see. The debt is up, up, up, and away. There is no, no, no surplus.

Every year since President Clinton has been in office, we have spent more in Congress than the President's budget, which I have in my hand. Both sides are now calling for a tax cut. The Democratic side is talking about $350 billion; the Republican side is talking about $750 billion. I will never forget when the President was going to give his State of the Union Address, and the distinguished majority leader, the Senator from Mississippi, said: Good gosh, that is going to cost us a billion dollars a minute.

Well, the distinguished President talked for an hour and a half, so that is $90 billion. George W. Bush has a $90 billion a year tax cut, which is $900 billion over the next 10 years.

We are spending that kind of money right now; 90 and 90—that is $180 billion-plus. If we weren't paying $365 billion in interest costs on the national debt, I could give you the Republican program and the Democratic program and have $185 billion to pay down the debt. We may not have a Senate session tomorrow, Saturday, Sunday, or Monday, but the first thing at 8 o'clock tomorrow morning, the Treasurer is going to borrow a billion dollars and add it to the debt—on Sunday, Christmas Day, each day of the year of 2000. The actual fact is there is no surplus.

It is time that the media and we in the Congress and Government tell the American people the truth. There is no surplus. I wish there were some.

Now you have this particular bill coming along. I have each one of these particular trust funds. I could go down the entire list of them—not only the Social Security, but I could go down the Medicare. The Medicare trust fund is hereby created. Again, the Federal supplementary medical insurance trust fund—report immediately to Congress whenever the board is of the opinion that the amount of the trust fund is unduly small.

We were very careful in the legislation, but not in the actual fact and the actual treatment.

We have each one of these trust funds—the particular language on military retirement, civil service retirement, and unemployment compensation. The employers of America are paying in their particular amounts to the trust fund—and the employees for unemployment compensation.

There isn't any question. I can show you exactly the language of the court and how they treat these trust funds when they get involved—not in a political discussion but in the legality of it.

I quote from the court:

State unemployment funds deposited in the Federal unemployment trust fund are a continuing appropriations for a specific purpose and the Federal Government does not obtain title to the money by depositing it in trust for the State Unemployment Reserve Commission which is bound to administer the money in accordance . . . with the law.

That is exactly the way the Treasurer of the United States is bound to adhere. But that isn't what we do. We keep talking about a surplus and the public debt, which I put in the RECORD as reported by the minute.

It goes up. It is an astounding figure—$894,000 every minute. That is how much the debt, that is how much the deficit goes up every minute, not a surplus—$894,000.

That is the tragedy of this particular charade that goes on. We brought up a tax bill in the Senate, and everybody knows under the Constitution that it has to resonate in the House. So it is not going anywhere. We put that up to debate it. We don't fund it. Then we put cloture on as if we are delaying something. We are delaying the nonsense. We ought to pull the bill down. The bill is nothing. It is not going anywhere, and everybody knows that. But we are supposed to fool the press upstairs. They report that we are going to have a cloture vote, and we are working, and everything else like that. The game plan here is the Presidential race. Don't do anything to upset the applecart. We have our candidate. We have given him the $70 million. We have another $70 million, and we are headed for the brass ring, and just do not have anything happen in Washington in the Congress to upset our pell-mell for the White House.

It is a tragic thing. We have these trust funds. They talk about Social Security. These are just in trust for Social Security.

In fact, the ''other'' is on here. The Senator from Alaska is here. He knows good and well that we pay in there under ''other'' for nuclear storage and the waste storage fund. The private power companies have been paying into that over the years. We have $19 billion in there. But we can't spend it. We are supposed to spend it in trust only for that. We haven't put it at Yucca Mountain. So we have to hold up. That is part of this $59 billion ''other.'' We have the Federal Financing Bank held in trust.

When the day of reckoning comes when we can stop increasing the debt—everybody is talking about paying down the debt—if we can just stop increasing it, oh, boy, then we would have set a record in this particular Congress because the debt has been going up, up, and away with the consequent interest costs, which is like taxes. When I pay gasoline taxes, I get a highway. I pay a sales tax, and I can go ahead and get a school, or whatever it is. When I pay interest costs, or interest taxes, I get absolutely nothing. The Government and the economy thereby is in real trouble.

That is the state of the Union.

I thank the distinguished Chair for his indulgence.

The PRESIDING OFFICER (Mr. ROBERTS). The time of the distinguished Senator has expired.

The distinguished Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I listened to my colleague from South Carolina outline the state of the budget. I concur with his pointed criticism of whether or not we have a sound surplus, or whether it is somewhat realistic.

He points out the $19 billion that has been paid by the ratepayers into the nuclear waste fund, as an example. He and I both know that money has gone into the general fund. It is basically not in escrow. It is not in a reserve account.

When the administration or the Government ever addresses that responsibility, we will have to appropriate that money someplace because it has been spent. As an old banker, I can tell you that interest is like a horse that eats while you sleep. It goes on Saturday night, Sunday morning, and Sunday night. As a consequence, we often find ourselves in the position where the interest exceeds the principal. When that happens, you are broke.

I am certainly sympathetic to the points raised by my colleague.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2098 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The distinguished Senator from Oregon.

PRESCRIPTION DRUGS AFFORDABILITY

Mr. WYDEN. Mr. President, for many months now, I and other Members of this body have been coming to the floor to talk about the need for prescription drug coverage for our older people under Medicare. I have brought to the floor on more than 20 occasions specific cases of older people who, in so many instances, are walking an economic tightrope, trying to balance their food costs against their prescription drug bill, their prescription drug bill against some other necessity. More and more of these older people and their families simply cannot make ends meet.

I wish to address the question of whether this country can afford to cover prescription drugs for older people under Medicare. I submit this Nation cannot afford not to cover these essential health care services.

We talked on the floor about the important drugs such as Lipitor, a cholesterol-lowering drug used by many older people. These drugs are absolutely key to keeping older people well. There is no question that right now if the Government were to pick up the costs of these medicines there would be additional costs, but the savings generated as a result of extending prescription drug coverage to older people, in my view, would be staggering.

I continually cite the exciting contributions made by these new medicines that prevent strokes. They are known as anticoagulant drugs. For an older person, it might cost perhaps $1,000 a year to pay for the drugs, anticoagulant drugs that prevent these strokes, but if you prevent a stroke you could save upwards of $100,000 through an investment that is just a small fraction of those costs.

I am very hopeful it will now be possible to reconcile the various bills that cover prescription drugs for older people. Senator DASCHLE has talked to me on a number of occasions, even a few hours ago, indicating he is very interested in seeing the Congress come together on a bipartisan basis and enact this legislation to meet the needs of older people and better utilize the dollars that are available for health care in this country.

The stories we have accumulated from home are tragic. I heard yesterday from an older woman in Tillamook, OR. She recently took another senior, an 80-year-old woman, to the emergency room. This 80-year-old woman said she could not afford the one medication she needed to control her high blood pressure. As a result, she almost died.

From what we are seeing across this country, we either now go forward and make a well-targeted investment to make sure vulnerable seniors get help with prescription drugs or we end up with vastly more people suffering and much increased costs.

I have received scores of letters from across rural Oregon. These are from people who have to drive 40 miles, 50 miles to a pharmacy. They don't have big health plans that negotiate discounts for them.

In Baker City, OR, I have been told by an older couple they are getting by on $200, the two of them, for their entire month after they are done paying their prescription drug bills. There is not a one of us in the Senate who could live in that kind of arrangement where they essentially had only a couple of hundred dollars a month to pay for their food and shelter and other essentials. A country as good and rich and strong as ours is capable of addressing this need. I think it can be done using an approach that relies on marketplace forces.

I particularly wish to praise my colleague from Maine, Senator SNOWE. I have been able to team up with her on this prescription drug issue for 14 months. When we started in the Budget Committee, I think a lot of folks looked at us and said, Senator SNOWE, Senator WYDEN, they are well meaning but there is no chance this prescription drug issue is going to be addressed.

We have seen over the last few months tremendous progress. There is not a Member of Congress, Democrat or Republican, who goes home and doesn't get asked about this issue. We have a chance to bring the various bills together. Senator DASCHLE wishes to do so, and I know a number of Republicans want to do so as well. Our colleagues in the Senate recognize this ought to be a voluntary program. A lot of lessons have been learned since the catastrophic care issue came before the Congress. This is not going to be a mandatory program. This is not going to be a one-size-fits-all program from Washington. This is going to be based on voluntary choice. We are going to use the dollars that are raised for this program to pick up the prescription drug portion of a senior citizen's private health insurance.

I am not talking about a federalized health care system. We are talking about using private health insurance, making sure older people have a variety of choices and offerings. As a result of those choices and offerings, they can have some big bargaining power.

What happens right now is the health plans, the HMOs, big buyers, go out and negotiate a discount. If you are an older person in rural Nebraska or rural Oregon and you don't have prescription drug coverage, you walk into the Rite Aid or a Fred Meyer or one of your drugstores and you, in effect, have to subsidize the big buyers who are in a position to negotiate discounts. We can use private marketplace forces, the way the Snowe-Wyden legislation does, and the way several of the other bills do, to make sure older people have the kind of bargaining power that makes these prescription drugs more affordable.

I am very pleased that this issue has become a bigger priority in the Congress in the last few weeks. I think now is going to be a test of whether we can,

as Senator DASCHLE and others have suggested, reconcile the various bills that have been introduced on this issue. I do not expect to have the last word on this matter.

Senator SNOWE and I are very proud the financing of our legislation received 54 votes in the Senate when it came up last year. On the Snowe-Wyden amendment, we saw Senator WELLSTONE vote for it, Senator SANTORUM vote for it, Senator KENNEDY vote for it, and Senator ABRAHAM vote for it. That is a pretty good coalition. That is the kind of coalition we can build if we pick up on the counsel of Senator DASCHLE, and I know a number of Republican leaders, to come together and reconcile these various bills.

I intend to keep coming to the floor and reading these cases. Our friend, Senator KERREY, is here. I know he is going to be speaking on an important issue, and I do not want to detain him. I think in this country we are now seeing older people break their pills in half because they cannot afford to pick up the cost of medicine when we have, as we saw in Tillamook, OR, 80-year-old women being taken to emergency rooms and not able to afford their medicine. It is wrong. It is just wrong for this Congress to not address this issue in a bipartisan way this year.

This is not one we ought to put off until after the election and see it used as a political football. It should not be used as fodder for the campaign trail because if it is, too many older people who cannot afford their medicine are going to suffer.

We have a chance to move on a bipartisan basis to reconcile these various bills. I intend to keep coming to the floor of this body again and again to describe these cases, to show how urgent the need is. The President at the State of the Union Address made it clear he was extending the olive branch to both political parties to work with him on this issue. We ought to seize, on a bipartisan basis, the opportunity to use private health insurance, not some federalized Government program, to make sure we meet the needs of older people for prescription medicine.

Mr. President, I yield the floor.

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

CONFRONTING NUCLEAR THREATS

Mr. KERREY. Mr. President, a few weeks ago, former Secretary of State Henry Kissinger joined what has become a chorus of distinguished citizens and representatives who are suggesting the decision to deploy the national missile defense system be postponed until after the November 7 Presidential election. Although it may be that a delay is necessitated for other reasons, I hope we do not allow the approach of a Presidential election to prevent us from making important foreign policy decisions.

Not only do I believe this to be a precedent which would hamper future Presidential decisionmaking, but it also ignores the fact that this is a tough decision for any President to make anytime, regardless of the circumstances. It also ignores that it takes time for a new Commander in Chief at the helm of the ship to get his or her foreign policy sea legs. Such a delay could jeopardize our capacity to deploy NMD in a timely fashion.

In his argument, Secretary Kissinger referred to ''congressionally imposed deadline.'' This is a commonly made mistake about what Congress did last year. All we called for was deployment of national missile defense ''as soon as it is technologically possible.'' The administration has said this decision could be made as early as June and has recently indicated this could slip to late summer.

Of the four criteria that will be used by President Clinton to make his decision, the most difficult to quantify is the impact on other arms control agreements. Specifically, the impact most feared is that deployment of this missile defense system would be regarded by the Russians as a violation of the 1972 Anti-Ballistic Missile Treaty.

While I can make a very strong argument that deployment of NMD is permitted under the terms of this treaty, this argument will diminish in importance if the Russian Government abrogates other treaties by modifying their strategic nuclear weapons. This includes the very real and destabilizing prospect of re-MIRVing their missiles or converting single-warhead missiles to multiwarhead missiles. This is why the United States is attempting, and thus far without success, to persuade Russia to allow a modification of the 1972 Anti-Ballistic Missile Treaty in order to build NMD and avoid potentially serious conflict between the United States and the Russian Government. We have met considerable resistance, not only from the Russians but also from allies who regard our analysis of the ballistic missile threat to be flawed.

To be clear, the new threat is real. We cannot afford to ignore the real threat that an accidental or rogue nation launch of ballistic missiles carrying nuclear weapons poses to the survival of our Nation. The need to build this defensive system, which is still being tested for feasibility and reliability, derives from the national intelligence estimate and an external panel headed by Donald Rumsfeld. Both have concluded that the threat of rogue nation or unauthorized launch of a nuclear, biological, or chemical weapon at the United States of America is real.

As a consequence, we have begun testing a system which would protect Americans against this threat. A test schedule for May will be critically important to demonstrate feasibility and reliability, one of the four Presidential conditions needed for deployment. Given the risk/reward ratio of defending against nuclear weapons, the current cost estimates over 10 years of an amount that is less than 1 percent of our national defense budget and the unlikely reassessment of this threat, all that would stand in the way of a Presidential decision to deploy would be the potential adverse impact on other agreements.

The President will face this question: Will a decision to deploy NMD result in other nations, especially Russia, reacting in a manner that would produce a net increase in proliferation activity and thus increase the potential for rogue or unauthorized launch of nuclear, chemical, or biological weapons?

We are more likely to resolve this potential conflict in a way that increases the safety and security of Americans if President Clinton does not delay the decision until after the November 7 election. This is a decision that should be made on the basis of the current facts and the four criteria for deployment previously outlined by the administration.

To be successful, we should also consider an alternative negotiating strategy that would pose a win-win for both the United States and Russia. It would reduce the threat of weapons of mass destruction. It would improve the relations between the United States and Russia. And it would enable the United States to redirect money from maintaining our current nuclear weapons stockpile to our conventional forces, where a real strain can be seen in recruitment, readiness, and capability.

To spur constructive action, we must force ourselves to remember this grim truth: The only thing capable of killing every man, woman, and child in the United States of America is the Russian nuclear stockpile. We must remember the threat no longer comes from a deliberate attack. Instead, these weapons now present two new and very dangerous threats.

The first is the possibility of an accidental or unauthorized launch of a Russian nuclear weapon. During the cold war, we worried about the military might of the Soviet Union, but today we worry about the military weakness of Russia and her ever-decreasing ability to control the over 6,000 strategic nuclear warheads in her arsenal. There are numerous stories that have emerged out of Russia over the past few years highlighting the vulnerability of these weapons. There are stories of major security breaches at sensitive nuclear facilities. There are stories of unpaid Russian soldiers attempting to sell nuclear-related material in order to feed their families. And there are stories of the continuing decay of the command and control infrastructure needed to maintain the nuclear arsenal of Russia. Each of these demonstrates the vulnerability of the Russian arsenal to an accidental launch based on a technical error or miscalculation or the unauthorized use of a weapon by a rogue group or disgruntled individual.

The second threat posed by the nuclear legacy of the cold war is the danger of the proliferation of material, technology, or expertise. Consider just the case of North Korea. Last summer, North Korea held the world's attention as a result of indications that they were preparing to test a long-range Taepo Dong ballistic missile. Through skillful diplomacy, the United States was able to convince the North Koreans to halt their missile testing program.

However, the stability of the entire east Asian region was in jeopardy as a result of the possibility of such a test. North Korea is one of the most backward countries in the world. It is a country where millions of its own citizens have starved to death. Yet this country was able to affect the actions of the United States, Japan, and China as a result of their ability to modify what is, in truth, outdated Soviet missile technology. As has been indicated publicly, the Taepo Dong is little more than a longer range version of the 1950s Soviet Scud missile. One can only imagine the consequences to our security if North Korea had a nuclear capability and the means to deliver it. But this illustrates the threat posed by proliferation. Without real management of these materials and technology—much of it Russian in origin—it will become easier for third and fourth rate powers to drastically affect our own security decisions.

Both of these threats—accidental or unauthorized launch and proliferation of these weapons to rogue nations—present a new challenge to the United States. It is a challenge very different from the cold war standoff of two nuclear superpowers. Classic deterrence, better known as mutual assured destruction, was the bedrock of our policy to confront nuclear threats during the cold war. Mutual assured destruction was based on the premise that our enemies would not dare to attack the United States as long as they knew that such an attack would be met with an overwhelming, deadly response by the United States. This theory, however, provides no safety from an accidental launch caused by the failure of outdated technology. It provides no safety net from the use of these weapons by a terrorist state whose only objective is the death of as many Americans as possible.

We need to develop a completely new and comprehensive approach to confront these threats. National missile defense will not add to our security if it is built as a stand alone venture. As part of a comprehensive approach it most assuredly can. To succeed, we should work with Russia to develop a new strategic partnership. We need a partnership based on cooperation, not confrontation—a partnership that builds on the many areas of mutual concern, not those that divide—a partnership that recognizes the nuclear legacy of the cold war threatens all of us, and that only by working together can we truly reduce this threat.

The possibility of a new approach where our interests intersect with those of Russia can be seen in a proposal made by Russia to our arms control negotiators in Geneva. The Russians offered to reduce the number of strategic nuclear warheads to 1,500 on each side. We rejected the offer based on an assessment of minimum deterrence levels that are 500 to 1,000 strategic warheads higher. But this assessment has been overtaken by events in Russia which now make it likely the Russians will be unable to safely maintain more than a few hundred of their own nuclear weapons.

As the Russian capability to maintain their stockpile dwindles, it is natural to assume our threshold for deterrence will also significantly decrease. Thus, by keeping more weapons than we need to defend our national interests, we are encouraging the Russians to maintain more weapons than they are able to control. The net effect is to increase the danger of the proliferation or accidental use of these deadly weapons which decreases the effectiveness of national missile defense.

So, here is the outline of a win-win proposal to the Russians. We jointly agree to make dramatic reductions in the U.S. and Russian nuclear arsenal. We jointly agree that national missile defense is an essential part of a strategy to reduce the threat of nuclear weapons. And, we jointly agree that parallel reductions in our nuclear forces must include arrangements—and a Congressional commitment to provide funding—to secure and manage the resultant nuclear material.

We are fortunate that we will not begin from scratch on this problem. We can build upon one of the greatest acts of post-cold war statesmanship: the Nunn-Lugar Cooperative Threat Reduction Program. To facilitate these dramatic reductions, we must look for ways to expand upon the success of this program, to enlist new international partners, and to work with the Russians to find new solutions to the problems of securing nuclear material. Additionally, we should continue our lab-to-lab efforts that are assisting the transition of Russian nuclear facilities and workers from military to civilian purposes. These are the practical, on the ground programs that will help us reduce the chance of the proliferation of nuclear materials and know-how.

In exchange for deep nuclear reductions and technical assistance, the Russians would agree to changes in the ABM Treaty. With this alternative, the President would not have to choose between national missile defense and future cooperation with Russia. Instead, by working in cooperation with Russia on a comprehensive basis, we will be able to deploy a limited NMD system designed to protect the United States from accidental or rogue state ballistic missile launches.

We can reach such an agreement with Russia because the Russian people now know they are not immune from the threats of extremism. Their security is also endangered by the proliferation of weapons of mass destruction to terrorists and rogue states. This now presents us with an opportunity to begin to work with Russia diplomatically to confront this emerging threat from countries like North Korea, Iran, and Iraq. Former Secretary of Defense William Perry's success in halting North Korea's missile testing program highlights the potential power of diplomacy to reduce these threats. But by developing a strategic partnership with Russia, and working cooperatively to bring change in North Korea, to end Saddam Hussein's brutal regime, or to foster real reform in Iran, we will reduce nuclear dangers and create a safer world.

So as President Clinton considers his decision about NMD, I hope he considers an alternative strategy that embraces a comprehensive approach to the threats we face in today's world. Now is the time to reach out to Russia and to create a partnership that will build the basis for securing the post-cold war peace for our children.

Mr. President, in the aftermath of the administration's rejection of the offer to substantially reduce strategic weapons, the issue of a previous analysis of the minimum deterrence done by then-Chairman of the Joint Chiefs of Staff, General Shalikashvili, was raised. I say to my colleagues, I intend to read carefully that report and revisit the floor with an opportunity to discuss what I believe is a rational minimum deterrence level necessary to protect the people of the United States of America. Obviously, that must be a concern of ours as well.

But I believe there is a historic opportunity. It will be difficult for us to seize that opportunity if Republicans and Democrats do not agree that still the most important thing for all of us to do is to make certain the safety and security of the American people are secured through not only our policies but our active efforts.

Mr. President, I yield the floor.

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

MONITORING DRUG POLICY

Mr. GRASSLEY. Mr. President, while we were away for the winter break, the annual high school survey on drug use trends among 8th, 10th, and 12th graders came out. This annual Monitoring the Future study, released on December 17, revealed little change in trends of illicit drug use among our young people. The administration has tried to put a happy face on the results. But there is little to be happy about.

Although the Monitoring the Future study found that the increase in drug use among teens has slowed down, what the data show is that use and experimentation remain at high levels. You can see from this chart that we still face the discouraging fact that nearly 50 percent of our high school seniors reported use of marijuana, not only in

1999, but in the 2 previous years as well. In fact, 12th grader use of marijuana is at its highest since 1992. In addition, 23 percent of the high school seniors questioned in the past 3 years, reported that they had used marijuana in the past 30 days. Sadly, the study also found that the percentage of 10th graders who reported use of marijuana increased from 39.6 percent in 1998 to nearly 41 percent in 1999. Hardly news to find comfort in.

Marijuana remains a gateway drug for even worse substances and this next chart shows overall illicit drug use among high school seniors. You can see in this second chart that, in 1999, nearly 55 percent of 12th graders reported using an illicit drug in their lifetime. What that ''lifetime'' means is that 55 percent of 17-year-olds have at least tried marijuana or other dangerous, illicit drugs. That's an appalling figure. You can also see that this number is the highest it's been since 1992. With the Office of National Drug Control Policy's recent blitz of ads through the National Youth Anti-Drug Media Campaign, these high numbers are truly disappointing. It seems though, as the news gets worse, the press releases get happier. But it's still double-speak.

Another upsetting finding was the increase in the use of the ''club drug,'' Ecstacy. Use of Ecstacy among 10th graders increased from 3.3 percent in 1998 to 4.4 percent in 1999. In addition, use among 12th graders increased from 1.5 percent in 1998 to 2.5 percent in 1999. The increase in the use of these so called club drugs, such as Ecstacy, is particularly disturbing. This is so, because club drugs are frequently referred to as recreational drugs and are perceived by many young people as harmless. On December 23 of this past year, we were given a glimpse of the sheer magnitude and severity of the market for Ecstacy, when Customs officials seized 700 pounds of Ecstacy. These 700 pounds would have been enough to provide 1 million kids each with a single dose. Unfortunately, Ecstacy is quickly becoming the drug of choice among our young people. And it too is a gateway to wider drug use. Parents need to take a harder look at what their children are being exposed to.

Last session I gave a floor statement on one particular club drug, that is frequently used in sexual assault cases, called GHB. I am pleased to learn from this year Monitoring the Future study that in next year's survey, young people will be questioned about use of GHB. But the issue is not this drug or that drug but the climate that encourages use and recruits kids into the drug scene. We must work to reverse the trend to normalize and glamorize drug use that has taken root in recent years.

There is an encouraging decline in the use of inhalants among 8th and 10th graders. And, use of crack cocaine among 8th and 10th graders is down slightly. In addition, 12th graders reported a significant decrease in the use of crystal meth from 3 percent in 1998 to about 2 percent in 1999.

As we begin not only a new year but a new millennium, we are faced with the difficult challenge of making the 21st century safe for our young people. Although we have made some progress, these study results leave our young people facing an uncertain future. We cannot be satisfied with unchanging trends in teenage drug use. We have not seen a significant decline in drug use among our country's young people since 1992. In fact, what we have seen are dramatic increases. This fact makes me pause and wonder what we have been doing for the past 8 years. Whatever it is, it has failed to make the difference we need to be seeing. We need to move toward significant decreases in use. We need coherent, sound, accountable efforts. We must not neglect our duties in keeping our young people drug free. We are not in any position to let our guard down. We need policies and strategies that make a difference.

WHY CHINA SHOULD JOIN THE WTO

Mr. GRASSLEY. Mr. President, the Senate will soon make a very important and historic decision about whether to grant permanent normal trade relations status to China. This decision would pave the way for China's accession to the WTO. China's likely accession to the WTO is one of the most pivotal trade developments of the last 150 years. It is also perhaps the single most significant application of the most-favored-nation principle, or nondiscrimination principle, in modern trade history.

I believe we should approve permanent normal trade relations for China. I also strongly believe China should be admitted to the World Trade Organization. Because this is such an important matter, I would like to address this issue today in a careful and thorough way.

I have two main points. First, The Core principle of the WTO, the principle of nondiscrimination, or most-favored-nation treatment, is the only way we have to keep markets open to everybody.

We should seek the broadest possible acceptance of this basic principle of non-discrimination in trade. History shows that when countries trade with each other on a nondiscriminatory basis, everyone wins. History also shows that free and open trade is one of the most effective ways to keep the peace.

Second and lastly I also support China's entry into the WTO because it is in our national self-interest to have a rules-based world trading system that includes China.

Mr. President, I would like to say a few words about my first point, that everyone wins when we have nondiscriminatory trade, which gives us a better chance to keep the peace.

Most-favored-nation treatment, or what we now call normal trade relations, started with Britain and France in the 1860s. These two nations negotiated free trade agreements based on the most-favored-nation principle of nondiscrimination, which later became the cornerstone of the GATT, and, in 1993, the WTO.

The results of these early international trade treaties was spectacular. It began a new era of free trade that led to a great increase in wealth around the world. Unfortunately, this hey-day of free trade didn't last long. It ended in about 1885, when Europe turned inward, and retreated from the free-trade principle.

Just 30 years after Europe abandoned the nondiscrimination principle in trade, the war ''to end all wars'' ravaged most of the continent. Events following the First World War also massively disrupted international trading relationships. Many countries pursued beggar-thy-neighbor trade policies, including harsh trade restrictions.

When the Great Depression set in, many countries adopted extreme forms of protectionism in a misguided attempt to save jobs at home. The worst of these misguided laws was the Smoot-Hawley Tariff Act in 1930, which was enacted into law by the 71st Congress.

The act started out with good intentions. Its aim was to help the American farmer with a limited, upward revision of tariffs on foreign produce. But it had the exact opposite result. It strangled foreign trade. It deepened and widened the severity of the Depression. Other countries faced with a deficit of exports to pay for their imports responded by applying quotas and embargoes on American goods.

Mr. President, I went back to the historical record to see what happened to United States agricultural exports when other countries stopped buying our agricultural products after we enacted that tariff. I was shocked by the depth and severity of the retaliation.

In 1930, the United States exported just over $1 billion worth of agricultural goods. By 1932, that amount had been cut almost in half, to $589 million. Barley exports dropped by half. So did exports of soybean oil. Pork exports fell 15 percent. Almost every American export sector was hit by foreign retaliation, but particularly agriculture.

As U.S. agricultural exports fell in the face of foreign retaliation, farm prices fell sharply, weakening the solvency of many rural banks. Their weakened condition undermined depositor confidence, leading to depositor runs, bank failures, and ultimately, a contraction of the money supply.

Mr. President, I'm not saying that if we hadn't abandoned the nondiscrimination principle we wouldn't have had a depression. But it wouldn't have lasted as long. It wouldn't have hit as hard. It wouldn't have destroyed as many lives.

President Roosevelt attempted to correct this mistake with a major shift

in policy in 1934 with the Reciprocal Trade Agreements Act. This legislation authorized the President to negotiate trade liberalizing agreements on a bilateral basis with our trading partners.

But the damage was done. The Reciprocal Trade Agreements Act was too little, too late.

Although 31 bilateral agreements were signed, the outbreak of the Second World War completely shattered any hope of a more cooperative international trading environment. I don't think it is a coincidence that another World War closely followed the Depression. If political tensions were not inflamed by severe economic pressures, and made worse by unnecessary and destructive trade disputes, perhaps the history of the first half of the 20th century would have been different.

Free trade alone may not keep the peace. But it makes it a lot harder to go to war.

At the end of World War II, the United States led the effort to once again construct a world trading system based on the Most-Favored-Nation principle of nondiscrimination. We succeeded with the launch of the GATT, in 1947.

Now, once again, we have a world trade system that increases our collective wealth through nondiscriminatory free trade. We also have a world trade system that helps keep the peace. The fact that the cold war never ignited to a hot conflict is due in large part to the success of the GATT in forging closer economic ties at a time when world political tensions were escalating over other issues.

Mr. President, we finally got it just about right. But we still don't have a world trade system that includes the world's most populous nation, and one of its most dynamic economies. China's absence from the global trade forum matters because we still have not managed to rid the world of political tensions and destabilizing trade disputes.

We could still easily lose it all, just as Europe did in 1885, and as we did in 1930. Increasingly, many of these disputes and tensions will involve, or at least affect, both China and the United States. There are a few Members here who may remember the pressures on the world trading system we had in the early 1970s. Back then, we had a major world recession and two major oil price shocks.

These pressures led to the so-called ''New Protectionism,'' when countries increasingly resorted to non-tariff barriers to trade, such as quotas, voluntary export restraint agreements, industrial and agricultural subsidies, and orderly restraint agreements. The heightened tensions brought about by the ''New Protectionism'' were potentially very destabilizing.

It was only with the conclusion of the Uruguay round of global trade negotiations in 1993 that we finally reversed the dangerous course of this ''New Protectionism,'' and got free trade back on track. Our experience in the 1970s, when we could have easily lost most of our progress in opening new global markets, demonstrates why it's so important to expand and strengthen the world trade system as much as we can.

China was not a GATT member in the 1970s. The disciplines were much weaker. Important sectors like agriculture weren't covered. Dispute resolution was largely unenforceable.

Today, that is all changed. Disciplines are stronger. Disputes can be settled and effectively enforced. For the first time, we now have rules that cover agriculture. And now China is ready to end a fifty-year period of going its own way on trade policy.

Mr. President, rules and disciplines are meaningless unless they are widely accepted and broadly applied. We cannot have an effective, open world trade system that excludes China. It's as simple as that.

There is one more reason why China's entry into the WTO is in our vital national interest. For the first time in history, China would be bound by enforceable international trade rules. I would like to briefly explain why this development is so important.

Because of the economic reforms of the 1990s, China's leaders have sparked an economic renewal that has lead to growth rates of 7–10 percent every year of the last decade, easily dwarfing the growth rates of our own super-heated economy. As a consequence of its new prosperity, China is buying a great deal of everything, especially agricultural products.

But because about one-third of China's economic activity is generated and controlled by state-owned enterprises, if often manipulates its markets in a way that harms its trading partners. Take just one example well known to the soybean farmers in my own state of Iowa. In 1992, China's soybean oil consumption shot up from about 750,000 metric tons to about 1.7 million metric tons. Keeping pace with this increased new demand, soybean oil imports also more than doubled.

In order to keep up with surging domestic demand, China imported more soybeans and soybean meal, much of it from the United States, and much of that amount from Iowa. When China's soybean imports hit their peak in 1997, soybean meal in the United States was trading at an average base of about $240.00 per ton. This means our farmers were getting between $7.00 and $8.50 per bushel for their soybeans. Everyone was better off. China's consumers got what they wanted. America's soybean growers prospered. This is the way trade is supposed to work.

But suddenly, China's state-run trading companies arbitrarily shut off imports of soybeans. Soybean meal that was selling in 1997 for $240.00 per ton in the United States plummeted to $125.00 per ton by January 1999. Soybeans selling for $8.00 per bushel in 1997 fell to $4.00 per bushel by July 1999. You can imagine what happened on the farm. With the loss of that income, combined with other factors, farmers were unable to pay their bills. Many lost their farms. Many are still struggling to recover.

Mr. President, what happened in China shows what occurs when protectionism, trade barriers, tariffs, and government-run controls take the place of free markets. Trade is distorted. Consumers abroad have less choice. American farm families suffer. It also demonstrated how important China's entry into the WTO is for America's farmers.

With a new bilateral market access agreement in place, and with meaningful protocol agreements that should soon be in place, China won't be able to use state trading enterprises to arbitrarily restrict and manipulate agricultural trade—and trade in other products—once it enters the WTO.

Let me say one final word. When we trade with other countries, we export more that farm equipment, soybeans, or computer chips. We export part of our society. Part of our American values and ideals. This is good for the WTO. It is good for China. It is good for the United States. And I believe it will help keep the peace.

Mr. President, we seldom get a real change in Congress to make this a better and safer world. but this is one of those rare moments. I urge my colleagues to join me in supporting China's admission to the WTO.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized for 5 minutes.

DISMANTLING THE COLUMBIA-SNAKE HYDROELECTRIC SYSTEM

Mr. GORTON. Mr. President, last Friday, Oregon governor John Kitzhaber announced his support for a radical Clinton-Gore administration proposal to begin dismantling the Columbia-Snake hydroelectric system by removing four hydroelectric dams in southeastern Washington. That same day, in Seattle, campaigning for president, Bill Bradley also announced his support for this proposal.

Is support for destroying the Columbia hydro system now a litmus test for the Democratic Party and its candidates for public office? I hope not, because the importance of salmon recovery and the value of our Northwest hydro system is too important to every family and community in our region.

The Clinton-Gore administration—most prominently through Interior Secretary Bruce Babbitt—has aggressively advocated dismantling dams. Specifically, the administration has devoted significant agency resources to study removal of the four Snake River dams in Washington. Even the U.S. Fish and Wildlife Service has publicly endorsed dam-breaching. Several other agencies list it as a serious ''option'' to recovery Pacific Northwest salmon.

I will state here again—as I have many times already—no proposal to remove Snake or Columbia River dams will pass in Congress while I am Senator. I know that my colleagues, Senator GORDON SMITH of Oregon, Senator MIKE CRAPO and Senator LARRY CRAIG, as well as Governor Dirk Kempthorne of Idaho share my view.

In addition, last year, Republican members in the House for Washington, Idaho, Oregon, and Alaska—led by my friend Congressman Doc Hastings—cosponsored a House resolution expressing opposition to the removal of dams on the Columbia and Snake Rivers. Scores of Washington State Senators and state legislators appeared at a rally last year in support of the dams. And unlike the Democratic presidential candidates, my friend governor George W. Bush has stated that he would not approve of such a proposal.

I particularly commend Governor Gary Locke for stating his opposition to this unwise position. Governor Locke has been especially courageous and thoughtful in representing the best interest of his constituents in spite of the criticism of many of his own supporters. Removing dams from the Columbia hydro system is bad policy. It is bad for people. It costs too much. And the value to salmon is highly questionable. What is certain is that dam removal will make the Northwest a dirtier place to live as it will put tens of thousands of added trucks on the road and as clean hydro power is replaced with coal or gas burning energy.

The case against breaching the Snake River dams is bolstered by evidence found in the Corps of Engineers own feasibility study. The Corps found that with existing dam conditions, the average survival rate through all four dams and reservoirs on the Snake River for juvenile salmon is already over 80 percent, and for adult salmon is 88–94 percent. In addition, in the dozens of appendices, summaries, charts, glossy brochures, and documents, there is little, if any, concrete, verifiable biological or scientific data in the Corps' study that shows that the removing even one inch of these dams would restore salmon runs.

At the same time, much of the Corps' own evidence in the feasiblity study verifies that the economic and social effects caused by dam breaching would be devastating to the region. The Corps' cost estimates, which are unrealistically low, assume that the economic impact measured in lowered farmland values, pump modification costs, and irrigation wells would exceed $230 million.

Replacing lost hydropower with other energy forms would increase electricity costs to local ratepayers by as much as $291 million per year. And increased highway and rail traffic costs would cost industries an additional $24 million per year, and $100 to $200 million a year to replace barging with trucking and rail. On top of that, the government, through your taxpayer dollars, would have to find an estimated $1 billion just to accomplish the job of removing the dams.

Throughout the study, the Corps acknowledges that breaching the dams would have an adverse effect on the environment, resident fish and wildlife, clean air, higher water temperatures, specifically through 50 to 75 million cubic yards of eroding sediment, increased dust and emissions from replacing hydroelectric power with natural gas, and increased annual pollution and safety concerns from highway and rail traffic.

What the Corps didn't say in the study is that today, the Columbia and Snake Rivers provide a transportation corridor that moves more than $13 billion in cargo comprised of exports and imports to and from 43 states. This system in 1997 alone handled 43 percent of all U.S. wheat exports and 11 percent of U.S. corn exports. That's a significant amount of food for the world that would have to be transported in other ways.

All of this comes at a time when the Bonneville Power Administration is reporting impending energy shortages for the Pacific Northwest and the Secretary of the Energy is traveling to the Middle East to try for cheaper oil to counteract increasing gasoline and oil prices.

Also lost on this administration and other dam removal advocates is the fact that salmon populations are declining everywhere including in watersheds where there are *no* dams. The National Academy of Sciences studied Northwest salmon issues and found that in river basins like the Chehalis basin and the Willapa basin where there are no dams, the decline of salmon populations, per capita, is identical to that of the Columbia River. Native salmon runs on the East Coast are in more serious decline than many in the Pacific Northwest and yet almost none of those salmon runs are from rivers containing hydroelectric dams. But are we still to believe that destroying the Columbia hydro system is necessary to save salmon?

And let's be clear about one more thing. Today, the dam removal advocates focus only on four dams that generate power for BPA on the Snake River. But let nobody be fooled. They and their political allies among the national environmental groups mean to destroy more of the Columbia hydro system than just these four dams.

If removing these four dams on the Snake River—dams containing fish passage facilities—is necessary to comply with the Endangered Species Act and other laws, then surely, Grand Coulee Dam without fish passage facilities blocking hundreds of miles of pristine salmon habitat must come down. Perhaps the Oregon Governor can explain why Oregon's Hells Canyon dam on the Snake River and with no fish passage capacity can survive under his criteria.

This debate is about preserving or dismantling the Columbia River hydro system. I will fight to preserve this system and fight to restore salmon runs within the context of this system.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. 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. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the submission of S. Con. Res. 82 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

THE REMARKS OF KING JUAN CARLOS AT THE LIBRARY OF CONGRESS

Mr. DODD. Mr. President, I have the pleasure to be the chairman of the U.S.-Spain Council, which is a council formed in 1996 between the American and Spanish governments and made up of members of the private and public sectors. This council meets once a year to discuss issues of common interest, and also to work on what we call a triangulation, utilizing the tremendous knowledge, awareness, and influence of Spain in the Americas to enter into cooperative efforts with the United States to improve economic conditions and strengthen democratic institutions in the Western Hemisphere.

This past couple of days we have had the pleasure of hosting King Juan Carlos of Spain and his wife, Queen Sofia. This morning, I had the privilege of being in attendance at the Library of Congress to hear an address in the Great Hall by King Juan Carlos. This was a remarkable address that I thought my colleagues might enjoy reading.

I was tremendously pleased that we were joined at a reception prior to the King's address by our majority leader, Senator LOTT, who made excellent remarks welcoming the King to the Library of Congress, and by Senator DASCHLE, who commented on the unique cooperative relationships that the two countries have enjoyed. Senator TED STEVENS, chairman of the Appropriations Committee, who, of course, is also the head of the commission that deals with the Library of Congress, also shared some of his thoughts. In addition, a number of our colleagues were present to speak with King Juan Carlos, including the chairman of the Armed Services Committee, Senator WARNER, Senator BAYH, and Senator BOB GRAHAM, who, in fact, was my predecessor as the U.S. Chairman of the U.S.-Spain Council. It was a very worthwhile gathering.

I feel fortunate to have attended this morning's address. In his address, King Juan Carlos spoke about the defining moments and opportunities in a nation's history. His Majesty, himself,

has been involved in several of the defining moments in Spain's history. In the wake of Tuesday's terrorist assault against Democracy in Spain, it is comforting to see firsthand the dedication to peace and nonviolence that His Majesty King Juan Carlos personifies. Throughout his reign, King Juan Carlos has been a uniting force in his country—forever championing human rights and consensus building. That is not to say, however, that he has given in to the demands of terrorist rebels. In fact, 25 years ago, shortly after taking office, rebels stormed the Parliament of Spain, held lawmakers hostage, and attempted a coup d'etat. As a young ruler, King Juan Carlos stood up to the rebels and replied that the coup would succeed only over his dead body. The rebels stood down only days later.

Once again, Spain finds itself under terrorist attack. I am confident that under the spirit of leadership engendered by King Juan Carlos, Spanish authorities will restore trust and order to Spanish daily life and silence terrorist bombs once and for all.

This is not to say that Spain finds itself in a precarious world position today. In the new millennium, Spain is a cultural, economic, and world leader in the European arena. As the European Union becomes more interconnected, and the Euro becomes the currency of trade in Europe, Spain will assuredly step up to its leadership position. As His Majesty states, Spain is not only focused on European relations. Spain historically has been an Atlantic nation and thus enjoys rich historic and economic ties with the United States and Latin America. Without doubt, the United States will continue to support warm relations with Spain in the future.

I hope that my colleagues will take the time to read in full the eloquent remarks of King Juan Carlos and I ask unanimous consent that his remarks be printed in the RECORD.

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

ADDRESS BY H.M. THE KING AT THE UNITED STATES LIBRARY OF CONGRESS, FEBRUARY 24, 2000

Senators, Members of Congress, Director of the Library of Congress, Ladies and Gentleman,

The opportunity that you have given me to speak today in this solemn and historic building, under the dome that stores so much human knowledge, fills me with deep satisfaction.

The books that surround us are codified forms of the memory and of the experience of the best that humankind has accomplished in this world. This is a place that undoubtedly inspires excellence, which invites people to learn from the past, and to plan for the future with hope and energy. We stand here before history, and a past whose calm and profound presence enlightens us.

Therefore, allow me first of all to pay tribute to those who, at the inception of the young American nation, made their passionate struggle to establish forms of government more just than those which had until then been commonly accepted, compatible with a far-reaching yearning for knowledge and a continuous thirst for new findings, and scientific discoveries.

George Washington, Thomas Jefferson and Benjamin Franklin were, in this sense, three archetypes of the men who built the foundations of the incipient United States of America upon ideals of freedom and democracy that were truly revolutionary for their times, and were also spurred by a continuous search for scientific knowledge.

It was they who were mainly responsible for ensuring that the thirteen original colonies, once Independence had been attained, did not content themselves with merely maintaining the model of rural society that had formed them. From the start they inculcated in them—through their own example of encyclopedists avid for new learning—those features which still seem to me the most significant and permanent of this great country: the search for scientific discovery, the accumulation of knowledge, always in permanent expansion driving forward the everchanging frontiers of the human mind.

Thus, it is not surprising that the leading role of the United States at the beginning of this new millennium is precisely based on the great scientific and technological advantage achieved by the urge for discovery instilled in it by the Founding Fathers.

In the lives of nations, great historic opportunities sometimes arise which must be put to good advantage. The honour and glory fell to Spain for having been the country that, through the discovery of 1492, and the subsequent colonial expansion, laid the groundwork for the emergence of the community of nations that, on both sides of the Atlantic, shares today the same human and political values.

Spaniards at the close of the 15th century and beginning of the 16th, actively joined and, in many occasions, led the great political, social and scientific movements of their age. Similarly, it is Spain's aim at the dawn of the 21st, century to play a prominent role in an age, in which, once again, we are witnessing great transformations. Motivated by technological and scientific progress and an extraordinary change on the international political scene, these transformations light up a new century that has been born under the sign of globalization.

During the final years of the 20th century, the bipolarity that had divided the world in two blocks since the second World War, disappeared.

Although it is still too soon to venture a historic judgment, we can nevertheless assert that this development has contributed remarkably to accelerating the process of globalisation, by allowing a greater integration of the economies and increasingly free communications between nations.

The gigantic leap forward by communication and information technologies over the past few years has also played a part. In a progressively integrated and inter-dependent world, the ''new economy'' is a daily reality.

But the great advances in science and technology in recent times, and the good performance of the economies of our respective countries, must not allow us to forget that a large part of the world population lives in poverty.

Globalisation, the phenomenon of the ''new economy'', is sustained by free-trade and free-market principles. We must support these principles since they constitute the foundations of the economic prosperity of nations; but we must also ensure that they are compatible with the values that we all share, and which find their most worthy expression in the respect for rights, for all fundamental human rights, including appropriate working conditions.

In this new international context, Spain looks with special interest towards Europe and the Atlantic. After years of absence, Spain is once more actively involved in the political life of Europe.

Accession to the European Union constituted a watershed in the recent history of my country. Within a short time, Spaniards made an exceptional effort to adapt their entire economic, industrial, and even social structures to the regulations of the new environment where we have chosen to live.

We can say, and I as a Spaniard am proud to do so, that this effort has been rewarded by considerable success. Spain today is an open and modern country, with a plural, highly-motivated and thriving society, which faces the future with optimism and aims to play a leading role in the community of developed nations.

It is precisely because we are aware of the enormously positive effect that accession to the European Union has had on our country, that Spaniards from the outset have been resolutely in favour of enlargement to the countries of Central and Eastern Europe.

Europeans now have the opportunity and the moral obligation to incorporate into the ambitious project now under construction those countries that, on account of unfair historical circumstances, remained isolated from what had always been their political, economic and cultural environment. The possibility of extending respect for values shared by us all to Central and Eastern Europe, together with the economic progress of their people, is the best guarantee for peace and stability for the future of our continent.

Besides being a European country, Spain has historically been and Atlantic nation. Our history is closely bound up with the Transatlantic link that unites the two shores. European unity cannot be built to the detriment or at the expense of the relationship with the United States. Today, as in the past, Transatlantic relations must constitute one of the focal points of our international relations.

Spain's Atlantic vocation is not confined to the northern hemisphere. Obviously, Spain feels particularly concerned with everything that happens in Latin America. This region currently presents very encouraging results, both in respect of political and economic progress, although many problems are still pending, such as poverty and social inequality.

The high degree of inter-relationship that exists between the Iberian peoples on both sides of the Atlantic cannot be explained solely in terms of the long period of time during which they formed a single nation. Once the countries that today make up what we call Latin America reached their independence, close ties were still preserved between our peoples. These ties continue to be very strong today, as shown by our active participation in initiatives such as the Ibero-American Summits, the promotion of relations between the European Union and these countries, and the resolute commitment of Spanish businessmen to the future of Latin America.

But today's Hispanic world has expanded far beyond its geographical and political boundaries. It has become a major force, even in the United States, where it has taken on special importance.

The Hispanic community in this country has an ever-growing presence. This presence is not only the result of its strong demographic growth, but rather constitutes a development with major social and political repercussions, on account of the progressively bigger role of the individuals that make it up.

The United States should not forget that the Union was formed with the Southern states, on whose people the Hispanic imprint was deeply stamped. In short, the Hispanic

world is an integral part of the history of the United States.

Allow me to quote the words of: President Kennedy. In a speech delivered in 1961, he said: ''Unfortunately, too many Americans think that America was discovered in 1620, when the pilgrims came to my state, and they forget the immense adventure of the 16th century and beginning of the 17th in the South and South-western part of the United States.''

Perhaps President Kennedy's words would not respond to today's reality. I am sure that the Hispanic community I mentioned earlier, and which is nowadays evermore flourishing and influential, will ensure that the enormous colonising task undertaken by its ancestors in the 16th and 17th centuries in what today are the Southern and South-western states of this country is given due recognition by fellow Americans.

There is a very large Spanish section in the Library of Congress. Therefore this is a good place to recall that on territory that is now American, two great cultural vectors meet: one coming from Northern, Anglo-Saxon Europe, the other from the Mediterranean, what we could call the Latin and Iberian culture.

It is precisely on our collaboration with, and on the support of this noble institution, the Library of Congress, that I place my highest hopes for recognition of a new awareness of Spain's historic role in creating and forming the personality of the American nation.

The widely recognized academic authority of the Library, the new data-processing methods that give it an enormous capacity for disseminating its bibliographical and documentary treasures, as well as its plans for collaboration with the most important libraries of our country, are our best guarantee for success.

Honorable Senators, Honorable Representatives, a good knowledge of our past will enable us to better understand our future.

In 1840, Alexis de Tocqueville, in his work Democracy in America, wrote, ''America is a country of wonders; everything there is in constant change, and all change seems to be progress.''

We are now in the first year of a new century and are living in times of great change. Therefore let us live up to the spirit that Tocqueville saw in 19th Century America and let us ensure that all change will constitute progress, so that the words with which the illustrious Frenchmen described those Americans will ring true: ''In America man seems to have no natural limits to his efforts; in his eyes, everything that has not already been achieved is because it has not yet been attempted''.

Thank you very much.

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

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

(The following statement was printed in the RECORD at the request of Mr. DASCHLE.)

EXPLANATION OF MISSED VOTES

Mr. BAUCUS. Mr. President, I regret I was unable to vote on the Iran Nonproliferation Act and two judicial nominations, but it was necessary for me to be in Montana today.

I traveled back to Montana to join with Montana farmers, Montana business people, and Montana government officials, and Montana economic development experts in Great Falls and Helena to greet a high-level Chinese agriculture purchasing delegation. This group is led by the Chairman of COFCO, the China National Cereals, Oils, and Feedstuffs Import and Export Corporation, and includes senior Chinese government officials. We provided this Chinese delegation with information about the opportunities Montana presents and educated them about the high quality and competitive agricultural products and value-added food products in our state.

I have been working for over 20 years to expand trade and open markets overseas for Montana and American agricultural commodities, value-added agricultural products, manufactured goods, and services. Increasing exports brings benefits to our farmers, our workers, and our communities in Montana.

China, in particular, represents a market of almost unlimited potential. I have worked hard for the last 10 years to expand trading relations between the United States and China. This year, I am leading the fight to grant China Permanent Normal Trade Relations status, PNTR. The full implementation of this agricultural agreement is a vital part of this effort to bring China into the WTO. It will ensure that Montana and the rest of America will benefit from the unique opportunities in China. The delegation that I brought to Montana this week is only the first step along the road to increased exports to China.

The outcome of today's vote on the Iran Nonproliferation Act would not have changed had I been present. This measure passed, 98–0, and I strongly support it. I do so for three reasons: it requires the President to report to Congress on foreign entities where there is ''credible information'' that they have transferred certain goods, services or technologies to Iran; it authorizes the President to impose measures against these entities; and it prohibits ''extraordinary'' U.S. payments to the Russian Space Agency until certain conditions are met. I voted for a similar bill in 1998, legislation which passed the Senate, 90–4, and was subsequently vetoed by the President.

I also support the outcome of the other rollcall votes that occurred in the Senate today, for the confirmation of two Federal judges. Kermit Bye, nominated to be U.S. Circuit Judge for the 8th Circuit, and George Daniels, nominated for District Judge of the southern district of New York, are both highly qualified judges. Both were confirmed today, by votes of 98–0. In both cases, my vote would have made the outcome 99–0.

Although I regret that I was unable to cast these three votes, I am pleased to have advanced the economic well-being of my state by continuing my fight to open markets for Montana agriculture.

INTERNET PRIVACY

Mr. HOLLINGS. Mr. President, I want to bring to the Senate's attention an article from today's TheStreet.Com entitled ''DoubleClick Exec Says Privacy Legislation Needn't Crimp Results.'' For many Americans, the fear of a loss of personal privacy on the Internet represents the last hurdle impeding their full embrace of this exciting and promising new medium. In addition, many other Internet users unfortunately are today unaware of the significant amount of information profiling that is occurring every time they visit a web site. Notwithstanding the significant privacy concerns raised by such surreptitious activity, many companies continue to oppose even a basic regulatory framework that would ensure the protection of consumers' privacy on the Internet—a basic framework that has been successfully adopted with respect to other areas of our economy. That is why I was so pleased to see a leading Internet Executive from DoubleClick state that his company would not ''face an insurmountable problem'' in attempting to operate under strict privacy rules. Complying with such rules is ''not rocket science,'' the executive stated, ''It's execution.'' Obviously, what this gentleman has asserted is that strict privacy rules would not impede the basic functionality and commercial activity on the Internet. I look forward to working with my colleagues on the Commerce Committee to draft legislation in this area and hope that others in industry will join DoubleClick's apparent willingness to implement pro-consumer privacy rules.

I ask unanimous consent that an article entitled ''DoubleClick Exec Says Privacy Legislation Needn't Crimp Results'' be printed in the RECORD.

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

[From the Street.Com, February 24, 2000]

DOUBLECLICK EXEC SAYS PRIVACY LEGISLATION NEEDN'T CRIMP RESULTS

(By George Mannes)

The worst-case scenario for DoubleClick (Nasdaq:*DCLK—news*) may not be so bad after all.

The Internet advertising company has suffered a barrage of negative publicity recently over the information it gathers on people's online activities. News that the Federal Trade Commission is conducting an informal inquiry into the company's data-collection policies was among the developments that prompted a 23% decline in the stock's price over the past week. (It rose 1 47/64 Wednesday to close at 85 55/64.)

But at a Wall Street conference Wednesday, a DoubleClick executive at the eye of the data-collection storm told investment professionals that even the worst outcome for DoubleClick wouldn't present a major hurdle to its business plans.

ROCKET SCIENCE

Jonathan Shapiro, senior vice president and head of the company's Abacus Online Alliance, told a group of attendees at the eMarketing2000 conference hosted by C.E. Unterberg Towbin that DoubleClick would be able to find a way to operate under stricter privacy rules. ''It's not rocket science,'' Shapiro said. ''It's execution.''

Shapiro's comments come in the wake of assertions by activists and at least one senator that, to protect people's privacy online, DoubleClick and other online marketers should be restricted from continuing current information-collection policies. That hasn't sat well with DoubleClick, whose president suggested last week that such restrictions would hurt the company and threaten the financial health of all Internet companies relying on advertising revenue.

As part of its strategy to help marketers finely target their advertising messages, DoubleClick is in the process of merging anonymous profiles of the online behavior of millions of Web surfers with information from its recently acquired subsidiary Abacus Direct. The company's goal is to tie as many of the anonymous online profiles as it can to its Abacus database, which details the names and off-line purchasing habits of millions of consumers.

OPTING OUT

At issue is how easily DoubleClick will be able to attach names and addresses to its anonymous online profiles. The company hopes it will be able to continue its current ''opt-out'' process. Under that procedure, if people register by name at a DoubleClick-affiliated site such as Alta Vista, DoubleClick can attach that name to the information it gathers from different sites and through Abacus Direct, assuming the person has been sufficiently warned and hasn't specifically refused to the arrangement, or ''opted out.'' In contrast, the privacy bill that Sen. Robert Torricelli (D., NJ) introduced this month would prevent DoubleClick from collecting personally identifiable information unless surfers have ''opted in,'' or specifically agreed to the arrangement.

But even if DoubleClick were required to switch from opt-in to opt-out, the company wouldn't face an insurmountable problem, according to Shapiro. ''If we have to go to opt-in . . . we'll get people to opt in,'' he told a small group of investors at a breakout session.

Asked how the company would be able to do this, Shapiro made it sound like no big deal. ''You'd do a value exchange,'' he said, outlining a scenario in which the company could easily get 20 online merchants with which it does business to each contribute a $10-off to a coupon book. Then DoubleClick could use that coupon book as an incentive to have online consumers opt in. The merchants, not DoubleClick, would absorb the cost of the coupons, and consumers would benefit by receiving a $200 value, he said.

LIFTING THE GLOOM

Shapiro's comments stand in contrast to the gloomy statements made last week by DoubleClick President Kevin Ryan who said if companies were forced to get Internet surfers to opt in, ''it would be extremely hard for the Internet to be successful.'' Ryan may have been talking about having to get permission even to create anonymous online data, not just personally identifiable profiles.

But a reading of Torricelli's bill, as well as an FTC complaint filed by the Electronic Privacy Information Center indicates that proponents of opt-in want it only for personally identifiable information. ''If there's a realistic assurance that the information collected will remain anonymous and not be tied to an actual identity, there is no real need for an affirmative opt-in,'' says David Sobel, general counsel for EPIC.

In a further indication that opt-in isn't a life-or-death issue for DoubleClick, Shapiro said the company wouldn't have to personally identify all the now-anonymous surfers in its database before the Abacus information would be useful. What DoubleClick will be able to do, he said, is to use a sample of identifiable surfers—for whom it has personally identifiable purchasing histories and online habits—to make an educated guess at the buying habits of surfers who remain anonymous. DoubleClick believes that tactic will be possible using information from about 5 million personally identifiable Internet users—a sample size the company hopes to amass by the end of the year. So far, the company has between 100,000 and 200,000 profiles in its combined off-line-online database, Shapiro said.

But that doesn't mean the company would be ready to quit after collecting 5 million of these profiles. ''We would like to, over time, learn who people are,'' Shapiro said.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 23, 2000, the Federal debt stood at $5,744,135,736,409.24 (Five trillion, seven hundred forty-four billion, one hundred thirty-five million, seven hundred thirty-six thousand, four hundred nine dollars and twenty-four cents).

One year ago, February 23, 1999, the Federal debt stood at $5,619,948,000,000 (Five trillion, six hundred nineteen billion, nine hundred forty-eight million).

Five years ago, February 23, 1995, the Federal debt stood at $4,837,337,000,000 (Four trillion, eight hundred thirty-seven billion, three hundred thirty-seven million).

Ten years ago, February 23, 1990, the Federal debt stood at $2,992,887,000,000 (Two trillion, nine hundred ninety-two billion, eight hundred eighty-seven million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,751,248,736,409.24 (Two trillion, seven hundred fifty-one billion, two hundred forty-eight million, seven hundred thirty-six thousand, four hundred nine dollars and twenty-four cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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–7641. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adhesives and Components of Coatings'' (Docket No. 92F–0443), received February 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7642. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical devices; Reclassification and Codification of Neodymium; Yttrium: Aluminum: Garnet (Nd: YAG) Laser for Peripheral Iridotomy'' (Docket No. 93P–0277), received February 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7643. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report relative to the designation of an Acting Assistant Secretary for Pension and Welfare Benefits; to the Committee on Health, Education, Labor, and Pensions.

EC–7644. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for fiscal year 1999 on the implementation of the authority and use of fees collected under the Prescription Drug User Fee Act of 1992; to the Committee on Health, Education, Labor, and Pensions.

EC–7645. A communication from the Director, Corporate Policy and research Department, Pension Benefit Guaranty Corporation transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits'', received February 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7646. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to emergency funds made available under the Low-income Home Energy Assistance Act of 1981; to the Committee on Health, Education, Labor, and Pensions.

EC–7647. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 65 FR 7440; 02/15/2000'' (Docket No. FEMA–7305), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7648. A communication from the Chairman, Board of Governors of the Federal Reserve System transmitting, pursuant to law, its Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7649. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 65 FR 7443; 02/15/2000'', received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7650. A communication from the Executive Director, Emergency Steel Guarantee Loan Board transmitting, pursuant to law, the report of a rule entitled ''Loan Guarantee Decisions; Availability of Environmental Information'' (RIN3003–ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7651. A communication from the Executive Director, Emergency Steel Guarantee Loan Board transmitting, pursuant to law, the report of a rule entitled ''Loan Guarantee Decisions; Availability of Environmental Information; Correction'' (RIN3003–ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7652. A communication from the Executive Director, Emergency Steel Guarantee Loan Board transmitting, pursuant to law, the report of a rule entitled ''Loan Guarantee Decision; Application Deadline'' (RIN3003–ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7653. A communication from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled ''Loan Guarantee Decision; Application Deadline'' (RIN3003–ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7654. A communication from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled ''Loan Guarantee Decision; Availability of Environmental Information; Correction'' (RIN3003–ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7655. A communication from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled ''Loan Guarantee Decision; Availability of Environmental Information'' (RIN3003–ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7656. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled ''12 CFR Parts 702, 741, and 747; Prompt Corrective Action'', received February 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7657. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled ''12 CFR Parts 701, 715, and 741; Supervisory Committee Audits and Verification'', received February 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7658. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled ''12 CFR Parts 701; Statutory Lien'', received February 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7659. A communication from the Director, National Institute of Standards and Technology, Department of Commerce transmitting, pursuant to law, the report of donated educationally useful Federal Equipment; to the Committee on Commerce, Science, and Transportation.

EC–7660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Atmore, AL; Docket No. 99–ASO–29 (2–18/2–17)'' (RIN2120–AA66) (2000–0042), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Lake Jackson , TX; Direct Final Rule; Confirmation of Effective Date; [2–17/2–17]'' (RIN2120–AA66) (2000–0043), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Carrizo Springs, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–29 [2–17/2–17]'' (RIN2120–AA66) (2000–0045), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7663. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Del Rio, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–31 [2–17/2–17]'' (RIN2120–AA66) (2000–0046), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7664. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Uvalde, TX; Direct Final Rule; Request for Comments; Docket No. 2000–ASW–04'' (RIN2120–AA66) (2000–0048), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7665. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Artesia, NM; Direct Final Rule; Confirmation of Effective date; Docket No. 99–ASW–30 [2–17/2–17]'' (RIN2120–AA66) (2000–0047), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7666. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Port Lavaca, TX; Direct Final Rule; Request for Comments; Docket No. 2000–ASW–03 [2–17/2–17]'' (RIN2120–AA66) (2000–0049), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7667. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Jasper, TX; Direct Final Rule; Request for Comments; Docket No. 2000–ASW–05 [2–17/2–17]'' (RIN2120–AA66) (2000–0050), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7668. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Bonham, TX; Direct Final Rule; Correction; Docket No. 99–ASW–34 [2–17/2–17]'' (RIN2120–AA66) (2000–0051), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7669. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Russian Mission, AK; Docket No. 99–AAL–17 [2–16/2–17]'' (RIN2120–AA66) (2000–0038), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7670. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Grand Forks AFB, ND; Docket No. 99–AGL–56 [2–18/2–17]'' (RIN2120–AA66) (2000–0040), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7671. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Connersville, IN; Docket No. 99–AGL–55 [2–18/2–17]'' (RIN2120–AA66) (2000–0041), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7672. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Review of the Commissioner's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding'' (MM Docket No. 98–204, 96–16, FCC 00–20), received February 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7673. A communication from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation relative to the International Monetary Fund; to the Committee on Foreign Relations.

EC–7674. A communication from the Secretary, Judicial Conference of the United States, transmitting a draft of proposed legislation relative to judgeships; to the Committee on the Judiciary.

EC–7675. A communication from the Chairman of the U.S. International Trade Commission, transmitting a draft of proposed legislation relative to the authorization of appropriations for the Commission for fiscal year 2001; to the Committee on Finance.

EC–7676. A communication from the Assistant Secretary, Indian Affairs, Department of the Interior transmitting, pursuant to law, a report entitled ''Economic Development Plan for the Ponca Tribe of Nebraska''; to the Committee on Indian Affairs.

EC–7677. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the safeguard action taken with respect to imports of line pipe; to the Committee on Finance.

EC–7678. 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; Partial Exemption from Handling Regulation for Producer Field-Packed Tomatoes'' (Docket Number FV98–966–2 FIR), received February 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7679. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polyoxyethylated Sorbitol Fatty Acid Esters; Tolerance Exemption'' (FRL # 6490–8), received February 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7680. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ethoylated Propoxylated C12–C15 Alcohols: Tolerance Exemption (OPPTS)'' (FRL # 6491–3), received February 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7681. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report

of a rule entitled ''Dimethyl Silicone Polymer with Silica; Silane, Dichloromethyl-, Reaction Product with Silica; Hexamethyldisilizame, Reaction Product with Silica; Tolerance Exemptions (OPPTS)'' (FRL # 6490–9), received February 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7682. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–7683. 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; Trawling in Stellar Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands'', received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7684. 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; Pollock by Vessels Not Participating in Cooperatives that are Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands'', received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7685. 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 ''Cloture of the Commercial Run-Around Gillnet Fishery for King Mackerel in the Florida West Coast Subzone'', received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7686. A communication from the Acting 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; Bering Sea and Aleutian Islands; Final 2000 Harvest Specifications for Groundfish'', received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7687. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the Approved Measures in Amendment 16A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico'' (RIN0648–AK31), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7688. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final 2000 Harvest Specifications for the Gulf of Alaska Groundfish Fisheries'', received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7689. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Mitchell, NE, Lovelock and Elko, NV'' (MM Docket No. 99–164, 99–165, 99–166), received February 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7690. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Silverton and Bayfield, CO'' (MM Docket No. 99–76, RN–9400), received February 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7691. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Cedar Park and Killeen, TX'' (MM Docket No. 98–176), received February 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7692. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Children's Online Privacy Protection Rule; 16 CFR Part 312'' (RIN3084–AA84), received February 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7693. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Walton and Livingston, NY'' (MM Docket No. 99–10, RN–9688), received February 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7694. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Stanfield, OR'' (MM Docket No. 99–44, RM–9469), received February 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7695. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Class Exemption for Motor Passenger Intra-Corporate Family Transactions'' (STB Finance Docket No. 33685), received February 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7696. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Cable Television Consumer Protection Act of 1992'' (CS Docket No. 98–82, FCC 99–288 and MM Docket No. 92–264, FCC 99–289), received February 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7697. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–171 [2–17/2–17]'' (RIN2120–AA64) (2000–0094), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7698. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–174 [2–17/2–17]'' (RIN 2120–AA64) (2000–0088), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7699. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes; Docket No. 99–NM–173 [2–17/2–17]'' (RIN 2120–AA64) (2000–0089), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7700. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–170 [2–17/2–17]'' (RIN 2120–AA64) (2000–0091), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7701. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–172 [2–17/2–17]'' (RIN 2120–AA64) (2000–0090), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7702. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–168 [2–17/2–17]'' (RIN 2120–AA64) (2000–0093), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–169 [2–17/2–17]'' (RIN 2120–AA64) (2000–0092), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes; Docket No. 99–NM–210 [2–16/2–17]'' (RIN 2120–AA64) (2000–0085), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Multiple Federal Airways in the Vicinity of Bellingham, WA; Docket No. 99–ANM–13 [2–18/2–17]'' (RIN 2120–AA66) (2000–0039), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls Royce plc RB211–524H–36 Series Turbofan Engines; Request for Comments; Docket No. 2000–NE–01 [2–16/2–17]'' (RIN 2120–AA64) (2000–0083), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Aircraft Engines CF34 Series Turbofan Engines; Docket No. 98–ANE–19 [2–17/2–17]'' (RIN 2120–AA64) (2000–0097), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes; Docket No. 99–CE–34 [2–16/2–17]'' (RIN 2120–AA64) (2000–0086), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Partenavia Costruzioni Aeronauticas S.p.A. Models AR68TP 300 Spartacus and AP68TP 600 Viator Airplanes; Docket No. 99–CE–37 [2–16/2–17]'' (RIN 2120–AA64) (2000–0084), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes; Docket No. 99–CE–59 [2–17/2–17]'' (RIN 2120–AA64) (2000–0095), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SE 3130, SA 3180, SE 313B, SA 318B, and SA 318C Helicopters; Docket No. 98–SW–65 [2–15/2–17]'' (RIN 2120–AA64) (2000–0082), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters, Inc. Model 500N and 600N Helicopters; Request for Comments; Docket No. 99–SW–71 [2–15/2–17]'' (RIN 2120–AA64) (2000–0081), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters; Request for Comments; Docket No. 99–SW–79 [2–17/2–17]'' (RIN 2120–AA64) (2000–0087), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

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 officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Ralph S. Clem, 0000
Brig. Gen. John M. Danahy, 0000
Brig. Gen. Joseph G. Lynch, 0000
Brig. Gen. Jeffrey M. Musfeldt, 0000
Brig. Gen. Robert B. Siegfried, 0000

To be brigadier general

Col. Gerald A. Black, 0000
Col. Richard B. Ford, 0000
Col. Jack C. Ihle, 0000
Col. Keith W. Meurlin, 0000
Col. Betty L. Mullis, 0000
Col. Scott R. Nichols, 0000
Col. David A. Robinson, 0000
Col. Richard D. Roth, 0000
Col. Randolph C. Ryder, Jr., 0000
Col. Joseph L. Shaefer, 0000
Col. Charles E. Stenner, Jr., 0000
Col. Thomas D. Taverney, 0000
Col. James T. Turlington, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Curtis M. Bedke, 0000

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. David E. Clary, 0000
Col. Michael A. Collings, 0000
Col. Scott S. Custer, 0000
Col. Daniel J. Darnell, 0000
Col. Duane W. Deal, 0000
Col. Vern M. Findley II, 0000
Col. Douglas M. Fraser, 0000
Col. Dan R. Goodrich, 0000
Col. Gilbert R. Hawk, 0000
Col. Raymond E. Johns Jr., 0000
Col. Timothy C. Jones, 0000
Col. Perry L. Lamy, 0000
Col. Edward L. Mahan Jr., 0000
Col. Roosevelt Mercer Jr., 0000
Col. Gary L. North, 0000
Col. John G. Pavlovich, 0000
Col. Allen G. Peck, 0000
Col. Michael W. Peterson, 0000
Col. Teresa M. Peterson, 0000
Col. Gregory H. Power, 0000
Col. Anthony F. Przybyslawski, 0000
Col. Ronald T. Rand, 0000
Col. Steven J. Redmann, 0000
Col. Loren M. Reno, 0000
Col. Jeffrey R. Riemer, 0000
Col. Jack L. Rives, 0000
Col. Marc E. Rogers, 0000
Col. Arthur J. Rooney Jr., 0000
Col. Stephen T. Sargeant, 0000
Col. Darryl A. Scott, 0000
Col. James M. Shamess, 0000
Col. William L. Shelton, 0000
Col. John T. Sheridan, 0000
Col. Toreaser A. Steele, 0000
Col. James W. Swanson, 0000
Col. George P. Taylor, Jr., 0000
Col. Gregory L. Trebon, 0000
Col. Loyd S. Utterback, 0000
Col. Frederick D. VanValkenburg Jr., 0000
Col. Dale C. Waters, 0000
Col. Simon P. Worden, 0000

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 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
Birg. Gen. Darrel R. Porr, 0000

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 above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDs of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning Joseph G. Baillargeon, Jr., and ending David L. Phillips, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 16, 1999.

Air Force nomination of Mark K. Wells, which was received by the Senate and appeared in the Congressional Record of February 1, 2000.

Air Force nominations beginning William P. Abraham and ending Kenneth C. Y. Yu, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2000.

Air Force nominations beginning Laraine L. Acosta and ending Roger A. Wujek, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Air Force nominations beginning Synya K. Balanon and ending Edward K. Yi, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Air Force nominations beginning Charles G. Beleny and ending Kristen A. Fultsganey, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Army nominations beginning Richard T. Brittingham and ending William D. Stewart, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 16, 1999.

Army nominations beginning Stephen C. Alsobrook and ending Henry E. Zeranski, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 16, 1999.

Army nomination of Andre H. Sayles, which was received by the Senate and appeared in the Congressional Record of February 1, 2000.

Army nominations beginning Thomas E. Ayres and ending Joel E. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Army nominations beginning Wayne E. Caughman and ending Calvin B. Wimbish, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Army nomination of Jeffrey S. MacIntire, which was received by the Senate and appeared in the Congressional Record on February 9, 2000.

Army nominations beginning John J. Fitch and ending *Timothy L. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2000.

Navy nominations beginning Terry C. Pierce and ending Frank G. Riner, which nominations were received by the Senate and appeared in the Congressional Record on November 16, 1999.

Navy nominations beginning Brad Harris Douglas and ending Marc A. Stern, which

nominations were received by the Senate and appeared in the Congressional Record on November 16, 1999.

Navy nominations beginning Dean J. Giordano and ending William K. Nesmith, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Navy nominations beginning David R. Allison and ending Steve R. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Navy nominations beginning Raquel C. Bono and ending Mil A. Yi, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2000.

Navy nomination of Rabon E. Cooke, which was received by the Senate and appeared in the Congressional Record of February 9, 2000.

Navy nomination of Amy J. Potts, which was received by the Senate and appeared in the Congressional Record of February 9, 2000.

Marine Corps nomination of Joseph B. Davis, Jr., which was received by the Senate and appeared in the Congressional Record of November 16, 1999.

Marine Corps nominations beginning Michael C. Albo and ending Richard W. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Marine Corps nominations beginning Christopher F. Ajinga and ending Joan P. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2000.

Marine Corps nominations beginning Joe H. Adkins, Jr., and ending Christopher M. Zuchristian, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2000.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. TORRICELLI, Mr. THURMOND, Mr. BIDEN, Mr. GRASSLEY, Mr. FEINGOLD, Mr. HELMS, Mr. SCHUMER, and Mr. SESSIONS):

S. 2089. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. LOTT, Mr. DASCHLE, Mr. CRAIG, Mr. BUNNING, Ms. SNOWE, Mr. CONRAD, Ms. LANDRIEU, Mr. KERREY, and Mr. GREGG):

S. 2090. A bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2091. A bill to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. KYL):

S. 2092. A bill to amend title 18, United States Code, to modify authorities relating to the use of pen registers and trap and trace devices, to modify provisions relating to fraud and related activities in connection with computers, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. BAUCUS, and Mr. DASCHLE):

S. 2093. A bill to amend the Transportation Equity Act for the 21st Century to ensure that full obligation authority is provided for the Indian reservation roads program; to the Committee on Environment and Public Works.

By Mr. KENNEDY:

S. 2094. A bill to amend the Energy Policy and Conservation Act to ensure that petroleum importers, refiners, and wholesalers accumulate minimally adequate supplies of home heating oil to meet reasonably foreseeable needs in the northeastern States; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 2095. A bill to provide for the safety of migrant seasonal agricultural workers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH:

S. 2096. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to long-term caregivers; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. GRAMM, Mr. LOTT, Mr. STEVENS, Mr. CRAPO, Mr. HUTCHINSON, Mr. ALLARD, Mr. BUNNING, Ms. SNOWE, Ms. COLLINS, and Mr. GRASSLEY):

S. 2097. A bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI (for himself and Ms. LANDRIEU):

S. 2098. A bill to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability; to the Committee on Energy and Natural Resources.

By Mr. REED:

S. 2099. A bill to amend the Internal Revenue Code of 1986 to require the registration of handguns, and for other purposes; to the Committee on Finance.

By Mr. EDWARDS (for himself, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2100. A bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories; to the Committee on Health , Education, Labor, and Pensions.

By Mr. MACK (for himself and Mr. BENNETT):

S. 2101. A bill to promote international monetary stability and to share seigniorage with officially dollarized countries; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2102. A bill to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 2103. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for associations which prepare for or mitigate the effects of natural disasters; to the Committee on Finance.

S. 2104. A bill to amend the Tax Reform Act of 1984; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 2105. A bill to amend chapter 65 of title 18, United States Code, to prohibit the unauthorized destruction, modification, or alteration of product identification codes used in consumer product recalls, for law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 2106. A bill to increase internationally the exchange and availability of information regarding biotechnology and to coordinate a federal strategy in order to advance the benefits of biotechnology, particularly in agriculture; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself and Mr. SMITH of OREGON):

S. Res. 259. A resolution urging the decommissioning of arms and explosives in Northern Ireland; to the Committee on Foreign Relations.

By Mr. BOND (for himself, Mr. HOLLINGS, Mr. COCHRAN, Mr. DASCHLE, Mr. HATCH, Mr. KENNEDY, Mr. HUTCHINSON, Mr. BREAUX, Mr. DEWINE, Mrs. LINCOLN, Mrs. MURRAY, and Mr. INOUYE):

S. Res. 260. A resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under served areas be increased in order to double access to care over the next 5 years; to the Committee on Appropriations.

By Mr. HELMS (for himself, Mr. BIDEN, Mr. ROTH, Mr. LOTT, and Mr. DODD):

S. Res. 261. A resolution expressing the sense of the Senate regarding the detention of Andrei Babitsky by the Government of the Russian Federation and freedom of the press in Russia; considered and agreed to.

By Mr. WELLSTONE:

S. Res. 262. A resolution entitled the ''Peaceful Resolution of the Conflict in Chechnya''; considered and agreed to.

By Mr. DODD:

S. Con. Res. 82. A concurrent resolution condemning the assassination of Fernando Buesa and Jorge Diez Elorza, Spanish nationals, by the Basque separatist group, ETA, and expressing the sense of the Congress that violent actions by ETA cease; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. WELLSTONE):

S. Con. Res. 83. A concurrent resolution commending the people of Iran for their commitment to the democratic process and positive political reform on the occasion of Iran's parliamentary elections; considered and agreed to.

By Mr. WARNER (for himself and Mr. INOUYE):

S. Con. Res. 84. A concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN-77, the last vessel of the historic ''NIMITZ'' class of aircraft carriers, as the U.S.S. Lexington; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. SPECTER (for himself, Mr. TORRICELLI, Mr. THURMOND, Mr. BIDEN, Mr. GRASSLEY, Mr. FEINGOLD, Mr. HELMS, Mr. SCHUMER, and Mr. SESSIONS):

S. 2089. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to

modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes; to the Committee on the Judiciary.

THE COUNTERINTELLIGENCE REFORM ACT OF 2000

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation which would correct procedures under the Foreign Intelligence Surveillance Act. I offer this bill on behalf of Senator TORRICELLI, Senator THURMOND, Senator BIDEN, Senator GRASSLEY, Senator FEINGOLD, Senator HELMS, Senator SCHUMER, and Senator SESSIONS.

This is legislation which is designed to correct a very pressing problem. This bill refines the Foreign Intelligence Surveillance Act to enable the appropriate investigations of espionage to avoid the very serious mistakes which were made during the investigation of Dr. Wen Ho Lee. The references to Dr. Lee's investigation are made only for the purpose of illustrating the procedural problems which this legislation is designed to correct. The determination as to whether or not Mr. Wen Ho Lee is guilty will remain for the court of competent jurisdiction where he has been indicted.

There was information released into the public domain at Mr. Lee's bail hearing which underscores the tremendous importance of this particular case. Dr. Stephen Younger, assistant laboratory director for nuclear weapons at Los Alamos, testified at Dr. Lee's bail hearing on December 13, 1999, and said:

> These codes and their associated databases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, change the global strategic balance.

It is hard to have any item of greater importance than changing the global strategic balance.

Dr. Younger further testified:

> They enable the possessor to design the only objects that could result in the military defeat of America's conventional forces. . . They represent the gravest possible security risk to . . . the supreme national interest.

Again, it is hard to find more forceful language as to the seriousness of this particular matter than the potential military defeat of America's conventional forces.

During the course of this investigation, there were very serious time lapses while the FBI sought to get a warrant on Dr. Lee under the Foreign Intelligence Surveillance Act.

The FBI made the FISA request in June of 1997. It was refused by the Department of Justice on August 12, 1997, and then FBI Director Freeh sent FBI Assistant Director John Lewis to talk personally to Attorney General Reno. Attorney General Reno then appointed a Department of Justice subordinate named Daniel Seikaly, who reviewed the matter and rejected it. Attorney General Reno, as she conceded in testimony presented to the Judiciary Committee on June 8, 1999, did not follow up on the matter, leaving this very important request rejected.

The proposed legislation would require that when the Director of the FBI makes a request for a FISA warrant that the Attorney General personally must make the decision as to whether the FISA warrant request should be submitted to the court for action. The legislation further provides that when the Attorney General declines to submit the FISA application to the court, the rejection must be in writing. This would give the FBI Director a roadmap, so to speak, as to what additional information is necessary to have the warrant request submitted to the court.

After the Department of Justice declined to submit the FISA warrant to the court, the FBI investigation of the case was inactive for some 16 months. It took from August of 1997 to December of 1997 for the FBI Headquarters to send a letter regarding the FISA request to the FBI Albuquerque Field Office, where it lay dormant until November of 1998. From the time the FISA application was not forwarded to the court to the time the FBI office in Albuquerque finally acted, some 16 months elapsed. These 16 months were very crucial with respect to the activities of Dr. Lee.

This legislation further provides that when the Attorney General rejects a FISA application in writing, the Director of the FBI has the obligation to personally supervise the matter.

The Department of Energy then initiated a polygraph of Dr. Lee, in a very unusual way, that has since been criticized by the President's Foreign Intelligence Advisory Board. The Department of Energy represented that Dr. Lee passed the polygraph when, in fact, he had not. The Secretary of Energy even made an announcement on national television to the effect that Dr. Lee had passed the polygraph when, in fact, he had not. That threw the FBI off course, thinking that a passed polygraph exonerated the suspect. This legislation provides that an agency such as the Department of Energy may not take action on a polygraph, that these matters are to be left to the FBI, which has the paramount authority to investigate these matters.

The FBI then conducted another polygraph, but not until February 10, 1999, some 6 weeks after the polygraph he allegedly passed. Even though Dr. Lee failed this second polygraph, no action was taken to terminate Dr. Lee until March 8. In the interim, he deleted many of the files that are in issue. These deletions took place on January 20, February 9, 11, 12, and 17, all to the potential prejudice of the United States. Dr. Lee did not have a search warrant executed until April 9, which is a very long lapse before any official action had been taken.

The legislation further provides that when a suspect is left in place for the purpose of the investigation, the FBI must make this request in writing and that to that agency. The agency, such as the Department of Energy, must then formulate a plan within 30 days to structure how that suspect will be left in place while minimizing the exposure of classified information to that person.

One of the reasons given by the Department of Justice in declining to go forward with the FISA application was that Dr. Lee was not ''currently engaged'' in objectionable activities—to use mild words. This bill changes that requirement to probable cause on the totality of the circumstances.

That is a brief summary of what this legislation would do. It is the view of the sponsors of this bill that it is very important for it to move forward so that on pending espionage investigations we do not have the lapses that occurred in this very important case.

I am pleased to note that all the members of the Judiciary Subcommittee have joined in cosponsoring this legislation. I thank my colleague, Senator TORRICELLI, for his cooperation. Senator THURMOND, Senator GRASSLEY, and Senator SESSIONS have all cosponsored among the Republican members, as have Senators FEINGOLD and SCHUMER, in addition to Senator TORRICELLI. Senator BIDEN was consulted specially and is a cosponsor because he was the author of the Foreign Intelligence Surveillance Act back in 1978. Senator HELMS has asked to be added as a cosponsor, which he has.

The subcommittee has had some substantial difficulty in ''birth'' pains; it has not really been born, to the extent that the subcommittee has not been funded. We have worked really from our own personal staffs. We have had three fellows and one detailee. We have completed a very lengthy detailed report, some 65 pages, which is the product of extraordinary work by Mr. Doman McArthur of my staff, in collaboration with Senator TORRICELLI's staff and the staffs of others. We have gone through the 65-page report with a fine-tooth comb to be sure that it is precise, exact, and does not make any disclosures as to any classified information.

The subcommittee has deferred holding hearings on the Wen Ho Lee matter, which had been scheduled for December, at the specific request of Director Freeh. Director Freeh met with TORRICELLI and myself and requested that the hearings on Dr. Lee not go forward substantively, which might cause some problem with the pending prosecution. We do have hearings scheduled on the legislation for March 7, 8 and 21. I have already informed FBI Director Freeh of our intentions to proceed with those hearings, which will be on the substance as to how the act should be reformed. We have given notice to Director Freeh that we would appreciate his presence as a witness. He has said he would be glad to attend.

That is a very brief statement of a very complex matter. It is my hope we will have the final clearance from the

Department of Justice to be able to file the full 65-page report which will elaborate upon the brief summary which I have presented.

I am delighted to yield to my very distinguished colleague from New Jersey, Senator TORRICELLI, the ranking member of the subcommittee.

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

Mr. TORRICELLI. Mr. President, I thank Senator SPECTER for yielding time to me. I also thank him for his perseverance and diligence in working on this issue over the course of the last several months.

I also express particular thanks to Senator BIDEN who in reviewing this legislation made very important additions and allowed us to proceed on a bipartisan basis for what I think is an important and worthwhile change in the laws dealing with foreign intelligence surveillance.

The origins of this legislation—part of the Judiciary Committee's oversight—is the question of how the Department of Justice handled allegations of Chinese espionage at our most important National Laboratories.

The focus of this review, of course, had to do with the case of Dr. Wen Ho Lee, a scientist who was charged in December with 59 counts of illegally removing secrets from computer information at the Los Alamos Laboratory. It appears that Dr. Lee was the subject of interest or investigations for espionage for over 17 years. He was dealing with the most important weapons secrets possessed by his government critical to the security of the United States.

It would be difficult for anyone in this Government to explain to the American people why, despite 17 years of investigation and some reasons for considerable doubt all during this time, he was permitted to continue with his job and retain access to highly classified information.

Much is still to be learned about this case. A criminal case is proceeding and an investigation. That is for, in some instances, others to deal with. That does not mean we do not already know some things that can change the conduct in this Government and the laws under which we govern ourselves. We have learned through this investigation that this was all made possible by a series of procedural and investigative errors that gave Dr. Lee this opportunity to download this highly classified material to an unsecured computer.

In truth, we do not yet know whether or not, when this unguarded material was in an unsecured computer, in fact it got to foreign agents or other interested parties other than people with proper clearance in the U.S. Government. We do not know. We may never know. But we do know this after interviewing many witnesses and thousands of documents: There was a startling, almost unbelievable failure of coordination and communication between the Department of Justice, the FBI, and the Department of Energy in dealing with this matter, and only through that lack of coordination was an allegation of possible espionage able to lead to 17 years of continued access and the possibility that this information was compromised.

As early as 1982, the FBI was aware that Dr. Lee was engaged in suspicious activities. Yet both at that time and in the years that followed there was no action taken to limit access to classified material. The Department of Energy detected Dr. Lee transferring an inordinate number of systems from a secured system to an unsecured system in 1993 and 1994. Personnel responsible for reporting that information failed to do so.

In 1997, the FBI had an opportunity to stop Dr. Lee, but they were stymied by the denial of the Department of Justice of a request submitted by the FBI for a warrant to further investigate Dr. Lee. It is this failure that brings us here today.

The evidence supporting a FISA request for their warrant was overwhelming. It had been building for years. No single piece of evidence may have been sufficient to warrant a criminal case, but they were more than sufficient to raise a proper level of suspicion to support the issuing of a warrant.

Now we know that the request for this warrant, a FISA application, was never even considered by the Attorney General of the United States. When the Director of the Federal Bureau of Investigation, Mr. Freeh, sent a personal representative to meet with the Attorney General to express his concern about the warrant application, which he was right and proper to do, the Attorney General delegated the matter to a subordinate who was unfamiliar with the matter and who had never processed a similar request—no experience, no knowledge, no involvement—and the final disposition of the matter, therefore, was predictable. The request was denied. The warrant was not issued, and an opportunity potentially to either apprehend someone committing a criminal act or to have prevented further damage, if any occurred, was lost.

Unfortunately, this problem was compounded in that when the FBI was denied this warrant, in my judgment, the matter should have been appealed but it was allowed to languish, and then further hampered by the Department of Energy which conducted a polygraph of Dr. Lee, and then, incredibly, unbelievably incorrectly concluded that he had passed the test.

It is a series of compounded errors of procedure and judgment. It is difficult for the Congress to legislate good judgment for the proper execution of responsibilities. If we cannot do so, we can at least design the laws to provide for greater accountability.

That is, indeed, what is being done by my colleagues. Under the legislation we are now introducing, Senator SPECTER and I have written amendments to the Foreign Intelligence Surveillance Act to provide that upon the personal request of the Director of the FBI, the Attorney General must personally review the FISA requests—no subordinate, no uninformed associate. This is a matter of national security. The Attorney General has no greater responsibility than protecting the secrets of the U.S. Government. This matter belongs on the Attorney General's desk, and under this legislation that is where it will rest.

There are those who may argue that making the Attorney General directly responsible will somehow provide an avalanche of work, that they will not be able to deal with all of these matters. Appropriately, the legislation has been designed so this provision is triggered only by the personal request from the Director of the FBI—no subordinate, no associate, no one else in the Government. So the number of cases will be extremely limited. But when asked by the Director of the FBI, one person, and one person in this Government alone, will have direct responsibility.

Second, the legislation requires that if the Attorney General decides not to forward a FISA application to the court, that decision must be communicated in writing to the FBI Director along with specific recommendations as to what investigative steps should be undertaken to meet the probable cause requirements. Matters of national security on this level cannot fall in departmental cracks—not get lost somewhere between Justice and the FBI. This will ensure that in those cases when the Attorney General has personally rejected this request the reasons will be stated, the FBI will be told why and then given a chance to return having met the appropriate probable cause standard.

Third, the legislation requires that the FBI Director must personally supervise the implementation of the Attorney General's recommendations to ensure once again that in the highest levels of the U.S. Government these unusual but critical cases of national security dealing with foreign espionage are dealt with not by subordinates, but that this Congress can hold people for which it has responsibility, oversight, and votes to confirm—such as the Attorney General and the FBI Director—directly accountable.

I believe these are appropriate responses to what we have learned to date out of this investigation. But I conclude by saying both what this legislation is and what it is not.

This legislation is not an attempt to lower the probable cause standard for what is required for a warrant and a FISA application. Probable cause is a standard of law. It should be taken seriously. The rights of no citizen should be violated by an intrusive or curious government. The standard remains.

What is being changed here is accountability, not a lessening of civil

liberties. We simply want to know that the standard which has always existed of probable cause will be used, that procedures will be followed, that people will be held accountable, not that the Government is any more or any less intrusive. The probable cause standard remains the cornerstone of American liberties to ensure that the Government has reason and merit as a matter of law to involve itself in the privacy of our citizens.

I proudly offer this legislation with Senator SPECTER. I believe it is a good and appropriate response. I thank the Senator for his patience in the drafting. I listened to my colleagues, particularly on this side of the aisle, with relatively modest changes we have recommended, all of which the Senator has incorporated. I look forward to the committee and then the Senate enacting this legislation.

Mr. BIDEN. FISA, the Foreign Intelligence Surveillance Act of 1978, is a very vital part of our arsenal to combat terrorism and espionage. For 20 years, it has enabled the FBI to keep track of major threats to our security while preserving the constitutional rights of Americans. Basically, it provides for a sort of super search warrant, allowing the FBI, under certain unique circumstances, to eavesdrop upon activities, after showing a probable cause to a Federal judge, without having to disclose this eavesdropping in ways that they would have to under a normal warrant for a wiretap or a physical search.

FISA has been very useful to deal with terrorism, and also with espionage cases.

Senator SPECTER has undertaken an effort to look into what may or may not have transpired at our National Laboratories in the celebrated case of Wen Ho Lee and others. This has been the subject of some very legitimate discussion, and occasionally some partisan discussion. But knowing Senator SPECTER as long as I have, I do not doubt his desire to look into these cases that have transpired, and the consequences of any leakage of classified information from any of our National Laboratories, for the primary purpose of seeing to it that it does not happen again, if in fact it did happen, as well as to determine what did happen.

Senator SPECTER and Senator TORRICELLI have been looking into these recent cases, especially, as I said, the case of Wen Ho Lee at Los Alamos National Laboratory. As a result of that inquiry, Senator SPECTER is proposing what I think is a very important series of sensible amendments to this act we call FISA. I am pleased to cosponsor this bill, having been an original author of that legislation in 1978, along with Birch Bayh and others.

The initial bill with which Senator SPECTER approached me and others had a few areas where I thought it could be improved. I wish to publicly thank Senator SPECTER for agreeing to the changes I suggested in his proposed legislation.

One of the dilemmas that exists, in the debate about whether the Attorney General and the Justice Department and/or the FBI were reading from the same page in the hymnal on how to investigate the Wen Ho Lee case, is the issue of whether the FBI communicated enough information to the Attorney General so that, under the reading of the FISA law, the Attorney General could conclude that there was sufficient reason to get a search or electronic surveillance court order. There has been a little bit of disagreement, at a minimum, between the FBI and the Justice Department as to who said what, when, and what request was made when. It has led to a serious political controversy. I think it has also led, as a consequence, on both sides of the aisle, to some posturing and partisanship about a significant national security issue.

One of Senator SPECTER's most important ideas in this bill, one which is going to seem commonsensical to most Americans, is to make it clear that if something is of such consequence that the Director of the FBI believes there should be a FISA hearing and authority granted to allow the FBI to use invasive measures to eavesdrop upon conversations and/or get records, for example, from computer data and the like, if it is that important, the FBI Director can, under this new amendment to FISA, put that request in writing to the Attorney General and the Attorney General, whoever that may be, then has to personally sign off or not sign off, so we avoid this debate that is taking place now about whether second level people or third level people made the right judgment or wrong judgment, and whether or not there was any malfeasance.

So this is a very practical solution. If this legislation had been in place 3 years ago, 5 years ago, there would be no doubt as to what happened. Had the FBI said this is critical and this is national security, the Attorney General personally would have had to say yes or no. That is where the record is unclear in the Wen Ho Lee case. This bill would eliminate such doubt in future similar cases if and when they arise, and they surely will arise.

Section 2 of this bill permits the judge to consider the past activities of the target of an investigation—that is, the person upon whom they want to eavesdrop and/or whose records they want to secretly examine. So, for example, the Attorney General would be able to say, in a closed FISA hearing: Your Honor, not only do we think this is justified because of some current activity, but we can show you evidence that in 1991 they were engaged in this suspicious activity, in 1993 they were engaged in that, in 1995 they were engaged in this, therefore lending greater credibility to the argument that a FISA court order should be issued by the judge.

Again, in this Wen Ho Lee case, and other cases that Senator SPECTER has examined, there has been discussion of the fact that sometimes these folks had been under investigation before. Would that not lend greater weight to the need for this FISA request to be granted? So we clear that up in this legislation, rather than only allowing the target's current activity to be brought up.

Section 3 of this proposal requires the FISA court to be told if the target of a proposed search or surveillance has a relationship with a Federal law enforcement or intelligence agency. This came up in this case as well. The case is being investigated. It turns out at some point one of the persons in the past had been also a source for the FBI. The FBI had gone to this person and said: Will you be a source for us, looking into the possibility of some illegal activity? Then that very person becomes the target, and that very person is never able to tell, nor does the FBI or the CIA say: By the way, Your Honor, we were working with them. That is why they went ahead and did the following.

Up to now, when the Federal Government has asked for a FISA court judge to give this surveillance authority, it has not been required to say: By the way, Your Honor, this person in the past had worked with us as a source, as a person cooperating with us.

This is a new and useful protection for Americans, because the conduct that might seem suspicious could be a result of what the law enforcement agency had actually asked them to do. It seems only fair to the target to be able to have that information known to the judge.

This is typical of the Senator from Pennsylvania, that he looks out for individual rights as well as the interests of law enforcement.

There are several other interesting provisions in this bill, including some to improve relations between the FBI and other agencies, and I am sure there will be further refinements in this bill when it is considered by the Judiciary Committee. The important thing is that Senator SPECTER is working, I think effectively and in a bipartisan manner, to ensure that his inquiry into the Wen Ho Lee case leads to useful changes and not just to partisan recriminations. I compliment him on that, because the purpose of oversight is not only to find out who struck John but, in the national interest, to find the best way to prevent something such as this from happening again. So I compliment him and again thank him for acceding to the more than several changes I asked for in this legislation.

I think the amendments to existing law that this bill will enact are good amendments. I think America will be well served, and I would argue that the individual rights of Americans will be in no greater jeopardy after this passes than they ever were. They are protected; they will continue to be protected; and some of these changes will

even help to further protect the rights of individual Americans.

I yield the floor.

By Mr. CAMPBELL (for himself, Mr. LOTT, Mr. DASCHLE, Mr. CRAIG, Mr. BUNNING, Ms. SNOWE, Mr. CONRAD, Ms. LANDRIEU, Mr. KERREY, and Mr. GREGG):

S. 2090. A bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes; to the Committee on Finance.

THE AMERICA'S TRANSPORTATION RECOVERY ACT OF 2000

Mr. CAMPBELL. Mr. President, today I am introducing America's Transportation Recovery Act of 2000 to address the skyrocketing prices of fuel which supports our Nation's truckers, farmers, public transportation, and other users. This bill would temporarily suspend the Federal excise tax on diesel fuel for 1 year, or until the price of crude oil is reduced to the December 31, 1999, price.

I am pleased to be joined by many of my colleagues and add as original cosponsors to this bill both the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE, as well as Senators CRAIG, FEINSTEIN, CONRAD, BUNNING, LANDRIEU, and KERREY of Nebraska.

The current fuel crisis is an example of how a discussion leans toward economic factors and international price fixing rather than focusing on the daily effect on American people.

Early this week, as Members know, nearly 300 truck drivers drove from all over the east coast—in fact, some from as far away as Texas—to rally at the steps of the Capitol. Their cause was the increasing price of diesel fuel, which is increasing their costs to the point that many may go out of business.

I know the trucking life. I put myself through college by driving an 18-wheeler. Just last December, I renewed my CDC driver's license. Although I don't drive commercially anymore, it does keep me in touch with the working men and women in the trucking industry. Since I own a small rig, I know firsthand how the fuel crisis impacts those who depend on it because my fuel bills have doubled in the last year alone, as have theirs.

When private citizens give their time to come to Washington, the issue is not about profit margins, stock prices, or other abstract matters; it is because they are fighting for their lives. Long-distance drivers, as Members probably know, need between 200 and 400 gallons of diesel every 24 hours. Add that to truck payments, permits, insurance, upkeep, road fees, and the many other costs for independent trucking, and many are barely scraping by. It is no wonder the price increase is putting so many out of business. The only way they can survive is to pass it on to the consumer. Most of them cannot do that because the small independents are, more often than not, subcontracting to other firms.

At Tuesday's rally, one driver told me he knew of two men who had gone bankrupt in the last week alone. Any person viewing the television coverage of the rally could not help but be moved by the young couple living in their truck with two small children, both under the age of 3, because they could not make house payments. Yet another driver told me he had only $8 to his name and made it here for the rally.

Many people think this probably does not affect them. Think about this: About 95 percent or more of everything in America, everything we buy, comes by truck. It may also be on a train, airplane, or ship, but from the point of origin to the point of delivery is often by truck. These people don't want handouts; they don't want food stamps; they don't want to be on welfare; they want to work. If those rigs stop rolling, very simply, the Nation stops rolling, too.

These trucks don't run on solar energy, as was mentioned this morning in our Energy Committee hearing by Senator CRAIG, and they don't run on wind power; they run on diesel fuel. This problem extends to our farmers and ranchers. The increased costs to our farmers and ranchers, coupled with declining commodity prices, makes it very difficult for them to run a farm.

In past Congresses, we have had to pass emergency agriculture relief packages which have allowed the smaller producers to receive enough assistance to get by financially one more year. Now, along with the truckers in public transportation, farmers will probably see future diesel prices nearing $2 a gallon as they go into this year's planting season.

We cannot let this Nation come to a standstill because we are captive to foreign oil cartels. Not too many years ago, we fought a war in the Middle East to protect oil-producing countries from the Iraqi invasion. Our young men and women make up the bulk of the military might for many nations today. They put their lives on the line to protect some of the Arab countries against their own cousins, and now we are being repaid for our generosity by the rising cost of fuel from OPEC.

Certainly, if there is anyone who thinks there is not a national security component to being 55-percent dependent on foreign oil, they need to think again. The fact that we are too dependent on foreign oil and we currently have no national energy policy is a point of discussion for another day.

Right now, we face a crisis we need to do something about. That is why I and my colleagues are introducing this bill. This bill will temporarily suspend the excise tax on diesel fuel for 1 year, which is 24.4 cents a gallon, in an effort to ease the burdens on so many Americans based on our lack of a national long-term energy policy. This will help primarily truckers, farmers, and public transportation but in the long run will help everybody. While it does not address the long-term problem of our insufficient domestic oil supply, it will provide emergency temporary relief. I believe it is a modest and yet essential step.

At a time when our citizens are being shaken down by a foreign oil cartel and then again by rising taxes, it is somewhat offensive to go through the same kind of a shakedown twice. The Government is currently running a surplus, taking in more tax money than we are spending. We will have several years of surplus money, and I am sure we can afford to give a short-term break to the hard-working Americans who deliver our food and take our children to and from school as well as pick up our garbage.

This particular tax, as I understand, was never supposed to be permanent. It was imposed as a deficit reduction measure, and we simply do not have a deficit nor will we have in years to come. I urge my colleagues to support this legislation with prompt passage, to provide immediate relief for America's truckers, farmers, and other diesel fuel users.

I ask unanimous consent the bill be printed in the RECORD.

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

S. 2090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''America's Transportation Recovery Act of 2000''.

SEC. 2. 1 YEAR MORATORIUM ON CERTAIN DIESEL FUEL EXCISE TAXES.

(a) IN GENERAL.—Section 4081(d) of the Internal Revenue Code of 1986 (relating to termination) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by inserting after paragraph (1) the following new paragraph:

''(2) DIESEL FUEL.—The rate of tax specified in subsection (a)(2)(A)(iii) with respect to diesel fuel shall be—

''(A) zero during the 1 year period beginning on the date of the enactment of this paragraph, and

''(B) 4.3 cents per gallon after September 30, 2005.'', and

(3) by striking ''clauses (i) and (iii) of subsection (a)(2)(A)'' in paragraph (1) and inserting ''subsections (a)(2)(A)(i) and (a)(2)(A)(iii) with respect to kerosene''.

(b) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 (relating to rate of tax on certain buses) is amended by striking ''shall be 7.3 cents per gallon (4.3 cents per gallon after September 30, 2005).'' and inserting ''shall be—

''(aa) zero during the 1 year period beginning on the date of the enactment of the American Transportation Recovery Act of 2000,

''(bb) 7.3 cents per gallon after the end of the 1 year period under item (aa), and before October 1, 2005, and

''(cc) 4.3 cents per gallon after September 30, 2005.''.

(2) Section 4081(c)(6) of such Code is amended by inserting ''(other than paragraph (5))'' after ''subsection''.

(3) Section 6412(a)(1) of such Code is amended—

(A) by inserting ''(the date of the enactment of the American Transportation Recovery Act of 2000, in the case of diesel fuel)'' after ''October 1, 2005'' both places it appears,

(B) by inserting ''(the date which is 6 months after the date of the enactment of such Act, in the case of diesel fuel) after ''March 31, 2006'' both places it appears, and

(C) by inserting ''(the date which is 3 months after the date of the enactment of such Act, in the case of diesel fuel) after ''January 1, 2006''.

(4) Section 6427(f)(4) of such Code is amended by inserting ''(during the 1 year period beginning on the date of the enactment of the American Transportation Recovery Act of 2000, in the case of diesel fuel)'' after ''September 30, 2007''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DECREASE IN CRUDE OIL PRICES.—If the Secretary of Treasury determines that the average refiner acquisition costs for crude oil are equal to or less than such costs were on December 31, 1999, the amendments made by this section shall cease to take effect and the Internal Revenue Code shall be administered as if such amendments did not take effect.

By Mrs. FEINSTEIN:

S. 2091. A bill to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; to the Committee on Energy and Natural Resources.

THE CONSTRUCTION OF THE SAN LUIS UNIT OF THE CENTRAL VALLEY PROJECTS

Mrs. FEINSTEIN. Mr. President, today I introduce a bill to amend the legislation that authorized construction of the San Luis Unit of the Central Valley Project in California. Enactment of this bill would allow water districts in the San Luis Unit of the Central Valley Project to supplement their federal water supplies with purchases of water from the State Water Project. At present, federal law prohibits the delivery of non-federal water to districts in the San Luis Unit until certain conditions are met.

The San Luis Unit is the last component created by federal law in the Central Valley Project, which is the largest Bureau of Reclamation project in the United States. Water service to districts in the San Luis Unit is often curtailed because of limitations imposed in pumping in the Sacramento-San Joaquin Delta.

It is customary for water districts in the San Luis Unit to supplement their supplies through purchases on the open market. However, current federal law prohibits them from purchasing supplies from the State Water Project and having these delivered over federal facilities. Making such deliveries is relatively easy because state and federal project conveyance facilities are interconnected. Prohibiting purchase of state water for delivery over federal facilities limits the opportunities available for San Luis Unit districts to obtain as large a supplemental supply as they would like.

Mr. President, this bill has already passed the House as H.R. 3077. It will impose no additional costs on the federal government. It contains provisions which assure that the additional water obtained by districts in the San Luis Unit cannot be used in a manner that would exacerbate current groundwater drainage problems. It is consistent with the provisions in the Central Valley Project Improvement Act that sought to encourage the exchange of water by willing sellers to provide additional supplies at reasonable cost to willing buyers. I urge the Senate to pass this bill.

By Mr. SCHUMER (for himself and Mr. KYL):

S. 2092. A bill to amend title 18, United States Code, to modify authorities relating to the use of pen registers and trap and trace devices, to modify provisions relating to fraud and related activities in connection with computers, and for other purposes; to the Committee on the Judiciary.

HIGH TECH CRIME BILL

Mr. SCHUMER. Mr. President, I rise today to introduce with my friend from Arizona, Senator KYL, a high tech crime bill aimed at combating computer crime. For the past nine months I have been discussing with law enforcement and computer crime experts how best to address the growing threat that computer crimes pose to our increasingly networked society.

Many of the best solutions are far-reaching and complex and will only be achieved through sustained and thoughtful hard work on an international level by both government and the private sector in the years ahead. There are, however, modes changes to existing laws that can be made now, which will serve as a significant first step in a much-needed effort to give law enforcement to tools they need to effectively fight cybercrime. The legislation that Senator KYL and I are introducing today will, among other things, make the following changes to existing law.

We must update our laws governing the use of what are called pen registers (which record the numbers dialed on a phone line) and trap and trace devices (which capture incoming electronic impulses that identify the originating number). These laws have become outdated and their procedures are too slow for the speed of criminals online.

Under current law, investigators must obtain a trap and trace order in each jurisdiction through which an electronic communication is made. Thus, for example, to trace on online communication between two terrorists that starts at a computer in New York, goes through a server in New Jersey, bounces off a computer in Wisconsin, and then ends in San Francisco, investigators may be forced to go successively to a court in each jurisdiction for an order permitting the trace (not to mention having to approach each provider along the way). In the recent Denial of Service attacks, hackers utilized dozens or even hundreds of ''zombie'' computers from which the attacks on specific sites were then launched. No doubt, these computers were located all over the country. and tracing them quickly under current law is therefore virtually impossible.

This legislation will amend current law to authorize the issuance of a single order to completely trace an online communication to its source, regardless of how many intermediate sites it passes through. Law enforcement must still meet the exact same burden to obtain such an order; the only difference is that they will not have to repeat this process over and over each time a communication passes to a new carrier in a different Jurisdiction.

One deficiency of the Computer Fraud and Abuse Act, 18 U.C.C. §1030, is its requirement of proof of damages in excess of $5,000. In several cases, prosecutors have found that while computer intruders had attempted to harm computers vital to our critical infrastructures, such as telecommunications and financial services, damages of $5,000 could not be proven. Nevertheless, these intrusions pose a great risk of harm to our country and must be prosecuted, punished, and deterred.

The Schumer-Kyl bill will unambiguously permit federal jurisdiction at the outset of an unauthorized intrusion into critical infrastructure systems rather than having investigators wait for any damage assessment. Crimes that exceed the $5,000 limit will be prosecuted as felonies, while crimes below that amount will be defined as misdemeanors. The bill will also clarify that a $5,000 loss resulting from a computer attack may include the costs of responding to the offense, conducting a damage assessment, restoring a system to its original condition, and any lost revenue or costs incurred as a result of an interruption in service. The $5,000 requirement should not serve as a barrier to the prosecution of serious computer criminals who threaten our country's networks.

This legislation will also modify a directive to the sentencing commission contained in the Antiterrorism and Effective Death Penalty Act of 1999, which required a mandatory minimum sentence of six months' imprisonment for certain violations of section 1030. Computer intrusions that violate the statute vary in their severity and maliciousness. All violations should be punished, but under the current regime the mandatory imprisonment applies to some misdemeanor charges, even where the attack caused no damage. As a result, some prosecutors have declined to bring cases, knowing that the result would be mandatory imprisonment. We should insure that federal prosecutors are bringing cases under section 1030, but we also should insure that the sentences being meted out fit the crime.

Often the most technologically savvy individuals are juveniles who have grown up with computers always at their fingertips. Unfortunately, certain juveniles are committing the most serious computer crimes and wreaking havoc on our critical infrastructures. For example, one juvenile hacker caused an airport in Worcester, Massachusetts to shut down for over six hours when its telecommunications connections were brought down. Similarly, two California teenagers broke into sensitive military computers, including those at Lawrence Livermore National Laboratory and the U.S. Air Force.

As a longer term strategy, we need to do a better job of teaching our children from a very young age that, like anywhere else, certain conduct on the Internet is wrong and illegal. But we also need to send a clear message that crimes on the Internet will have real consequences. This legislation will amend 18 U.S.C. §1030 to give federal law enforcement authorities the power to investigate and prosecute juvenile offenders of computer crimes in appropriate cases. The bill will make juveniles fifteen years of age or older who commit the most serious violations of section 1030 eligible for federal prosecution in cases where the Attorney General certifies that such prosecution is appropriate. In conjunction with the elimination of the six-month mandatory minimum, this legislation will provide a balanced, measured approach to juvenile hacking crimes.

Again, these are just the first steps that should be taken in a very long battle against cybercrime that many of us will wage for years to come. And while we fight computer crime by modifying our criminal laws, we also should seek concomitant ways to fully protect the fundamental rights of innocent individuals on the Internet.

I want to thank Senator KYL for joining me in introducing this bill. As chairman of the Subcommittee on Technology, Terrorism, and Government Information, I know that he cares deeply about these issues and I look forward to working with him on this commonsense, bipartisan legislation.●

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. BAUCUS):

S. 2093. A bill to amend the Transportation Equity Act for the 21st Century to ensure that full obligation authority is provided for the Indian reservation roads program; to the Committee on Environment and Public Works.

THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY AND INDIAN RESERVATION ROADS

● Mr. DOMENICI. Mr. President, I am pleased today to be joined by my colleagues JEFF BINGAMAN and MAX BAUCUS in introducing legislation to preserve precious dollars allocated by the Congress and the President for construction of Indian reservation roads.

There is no doubt that the Indian reservation road system is the poorest in our nation, and every federal dollar allocated for improving this situation should be directed to our nation's Indian reservations. The lack of adequate roads and bridges is a chronic problem on Indian reservations, where unemployment averages 35 percent and more than half of American Indian live in hard poverty.

Since 1982, when my Senate amendment added Indian roads to our federal highway trust fund accounts, all funds allocated for Indian roads have been used for that purpose. In ISTEA, which preceeded the enactment of the Transportation Efficiency Act for the 21st Century (TEA–21), the Indian Reservation Roads (IRR) program reached a level of $191 million per year.

Many of us in Congress worked hard to increase this IRR funding to $225 million in the first year of TEA–21 (FY 1998), and $275 million each year thereafter, through FY 2003. Unfortunately, a little noticed provision for Federal Lands Highways, placing an ''obligation limitation'' on the IRR program, has resulted in the transfer of funds intended for Indian reservations to be transferred to the 50 states.

In FY 1998, the amount deducted for this transfer to states from the IRR program was $24.2 million. In FY 1999, it was $31.7 million; and in FY 2000, the obligation limitation resulted in a loss of $34.9 million that could have been used for Indian reservation road building.

In all previous enacting legislation since 1982, federal funds intended for IRR programs have been used for IRR purposes. Only in TEA–21 was this changed due to the application of the obligation limitation to Federal Lands Highways and the IRR program.

Our bill will simply exclude the IRR program from this annual deduction that has totaled, in the past three years, more than $90 million. This money, while helpful to many states, is more badly needed on Indian reservations and should be preserved for that purpose. By excluding the IRR program from this obligation limitation provision, we will be increasing federal funds for Indian roads without increasing the cost of the total program. We will be focusing the funds for Indian roads on Indian roads, as we have intended since the IRR program first became part of our federal highway trust fund in 1982.

I urge my colleagues to join us in redirecting funds intended for Indian road construction to be dedicated to that purpose.●

Mr. BINGAMAN. Mr. President, I am pleased to join today with my good friend and colleague from New Mexico, Senator DOMENICI, to introduce this bill along with Senator BAUCUS. This bill assures that our Native American communities have the funding they need for critical transportation projects. Our bill will fund the Indian Reservation Road Program for the next three years with at least $275 million per year, the full amount authorized by Congress.

Mr. President, since I came to the Senate in 1983, I've worked hard to promote economic development and create new jobs for my state of New Mexico. One thing I learned very quickly is that you can't expect to attract new industry unless you have the basic infrastructure to support residential and commercial needs. The most important infrastructure needs include transportation, power, communications, water and sewers. Without these basic services at affordable rates, opportunities to create good jobs will simply not develop.

Today our country is fortunate to have one of the strongest economies in history. Our recent advances in job creation and economic growth are accomplishments that all Americans should be proud of. Unfortunately, as many of us know, some sectors of our nation continue to lag behind the wave of economic prosperity that has swept the nation. In particular, I remain concerned about our Native American communities. Unemployment rates today in Indian Country frequently top 30, 40, and even 50 percent. Mr. President, the nation must not stand by while Indian Country is literally being left behind. Perhaps more than any other community in America, the Tribes and Alaska Native Villages suffer from inadequate infrastructure.

This year I am pleased to be working with President Clinton, Senators DASCHLE, DOMENICI, and others on a number of new programs and initiatives to help the Native American Communities enjoy the same level of economic prosperity as the rest of America. In this respect, the Tribes are no different than the rest of America—to promote their economic development basic infrastructure must first be in place. The President's initiative recognizes this fact. The bill we are introducing today addresses one element of that initiative—the need for basic transportation, including roads and transit. This bill will help promote transportation on every reservation in America by fully funding the Indian Reservation Roads Program.

First established in 1928, the Indian Reservation Roads program is one of the ways America meets its special responsibility to help Native Americans achieve self sufficiency and self determination. The goal of the Indian Reservation Roads program is to provide safe and economic means of transportation throughout Indian Country. Over the years, the program has been reauthorized and modified to help meet the Tribes' needs for basic transportation infrastructure. Most recently, the program was reauthorized for six years in 1998. The program is playing a critical role in economic development, self-determination, and employment of Native Americans in 33 states, including the Alaska Native Villages.

Currently, the reservation roads system comprises 25,700 miles of BIA- and Tribal-owned roads and 25,600 miles of state, county and local roads. There

are also 740 bridges on the system and even one ferry boat in the state of Washington. These public roads and transit system are, of course, used by everyone, not just Native Americans. To give the Senate some perspective of the magnitude of this system, the 51,000 total miles on the Indian Reservation Road system are more miles of public roads than there are in 15 states. If you consider only roads on the Federal Aid Highway system, the Indian road system has more miles than the state of California.

Unfortunately, Mr. President, many of the roads on the IRR system are among the worst in the nation. Of the 25,700 miles owned by BIA and Tribes, two thirds or 18,000 miles are not paved and 12,000 are unimproved dirt roads. Currently, 190 of the 740 bridges are listed as deficient, presenting serious safety concerns. The estimated backlog in road and bridge construction alone is $4 billion, and that doesn't even start to include transit needs. When roads are as bad as these, people can't get to work, children in school buses can't get to school, and seniors can't get to their doctors or hospitals.

Mr. President, in 1998, under the able guidance of the late Senator Chafee and Senator BAUCUS, Congress produced the Transportation Equity Act for the Twenty-First Century, or TEA–21. Through its many transportation programs, TEA–21 has already had major impacts on transportation, both highways and transit, in my state and around the country. The bill increased funding for state highway programs by an average of fifty percent above the levels in the previous six-year bill, ISTEA. Some states, because of population growth, are seeing increases of seventy, eighty and even ninety percent over the levels in ISTEA.

Unfortunately, funding for the Indian Reservation Roads Program did not receive the same magnitude of increase as TEA–21 provided for the states.

The full impact of TEA–21 on the Indian Road program has only recently become clear. In the last year of ISTEA, the program was funded at nearly $220 million. Now, under TEA–21, the authorization level was increased to $275 million, but for the first time, the program was subject to an obligation limitation, which reduces the funding this year by $35 million.

Thus, despite the massive infusion of transportation funding to the states, funding for Indian Country was inexplicably left behind. While the states averaged a fifty percent increase in annual highway funding, the tribes got less than half that—only about a twenty percent increase. Mr. President, though TEA–21 strived for equity in funding, we fell short of equity when it came to Native Americans.

Our bill is very simple. It provides a very narrow exemption to the obligation limitation in TEA–21 to assure that the full authorized amount, $275 million, is available to help meet critical transportation needs in Indian Country. The exemption would only apply to the remaining three years of TEA–21. A number of other programs in TEA–21 already have this exemption, and I believe that Congress should make good on its commitment to the tribes to provide the Indian Road Program the full amount authorized. This increase in funding would bring the program roughly up to parity with the increase that the state highway programs are already receiving in TEA–21.

Mr. President, I fully appreciate that a few Senators may have concerns about changing any aspect of the funding distribution in TEA–21. However, I believe a strong argument can be made in this unique case. First, nobody can dispute the incredible needs for transportation infrastructure in Indian Country, which suffers, as I said, a backlog of at least $4 billion. Second, the effect of our bill on all other highway programs in TEA–21, including state highway funding, is truly minimal; its impact amounts to only about one-tenth of one percent. Third, this is an issue of basic fairness. This change would provide both the states and the IRR roughly the same 50 percent increase in their transportation funding above the levels in ISTEA. And finally, I believe we made a commitment to the tribes when we authorized funding of $275 million. Congress should make good on that commitment.

In closing, I look forward to working with the distinguished Chairman of the Environment and Public Works Committee, Senator SMITH, and the Ranking Member, Senator BAUCUS, as well as with the Chairman of the Transportation and Infrastructure Subcommittee, Senator VOINOVICH, to correct this serious inequity in what is otherwise an outstanding transportation bill.

Mr. President, state highway departments recognize how important this program is to both the tribes and the states. I recently received a letter from Mr. Pete K. Rahn, Secretary of the New Mexico State Highway and Transportation Department. In his letter, Secretary Rahn indicates his support for this bill. He goes on to say that the department recognizes that the bill will result in a slight reduction in the federal funds, which flow directly to the state of New Mexico. However, he continues, the department also recognizes that the benefit realized by the state as a whole, by the substantial increase in funds to the state's tribes for road improvements, far outweigh this reduction. I want to thank Secretary Rahn for expressing his support for this bill.

I have a similar letter addressed to Senator BAUCUS from Connie Niva, Chair of the State of Washington Transportation Commission, along with a resolution in support of lifting the obligation limitation from the Indian Reservation Road Program.

Mr. President, I ask unanimous consent that the letter from Secretary Rahn, the letter and a resolution from the Washington Transportation Commission, letters from Mr. Kelsey A. Begaye, President of the Navajo Nation, and Mr. David McKinney, Executive Director of the Intertribal Transportation Association, and a resolution from the Affiliated Tribes of Northwest Indians be included in the RECORD.

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

NEW MEXICO STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT,
Santa Fe, NM, February 21, 2000.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The purpose of this letter is to indicate my support for the bill that you and Senators Domenici and Baucus have introduced to exempt the Indian Reservation Road Fund from the obligation limitation by amending section 1102(b) of TEA–21 to include the IRR in the list of exceptions.

We recognize that this will result in a slight reduction in the federal funds, which will flow directly to the state of New Mexico. However, we also recognize that the benefit realized by the state as a whole, by the substantial increase in funds to the state's tribes for road improvements, far outweighs this reduction.

If you have any questions, or would like clarification on these matters please contact Richard Montoya of my staff.

Sincerely,

PETE K. RAHN,
Secretary.

STATE OF WASHINGTON,
TRANSPORTATION COMMISSION,
Olympia, WA, February 18, 2000.

Hon. MAX BAUCUS,
Ranking Minority Member, Senate Environment and Public Works Committee, Washington, DC.

DEAR SENATOR BAUCUS: The Washington State Transportation Commission has adopted enclosed Resolution No. 600 supporting Resolution #99–23 of the Affiliated Tribes of Northwest Indians (ATNI). The Commission joins with ATNI in recommending that the United States Congress remove the obligation ceiling limitation requirement of TEA–21 from the Indian Reservation Roads (IRR) Program.

This is an issue of vital concern to all tribes of Washington State, and it is an issue of fundamental fairness. When Congress enacted the Transportation Equity Act for the 21st Century (TEA–21) on June 9, 1998, it changes the way in which obligation limits were set for the IRR Program. Instead of having limits set at 100% of authorized levels as they were under previous highway acts, limitation for the IRR Program is now calculated similar to states. For tribes, the change has removed $90 million from their total authorization in the past three years, and an additional $120 million is expected to be lost during the remainder of the authorization period. While the total authorization for the state of Washington is similarly reduced, states have the opportunity to carry over unused authorizations to subsequent years. On the other hand, the authorized amounts deducted from the IRR Program are redistributed to states rather than back to the program. For the state of Washington, there is a net outflow of funding. More is lost from the IRR Program than the state receives back in redistributed authorization.

Thank you for considering this request of such great impact to the tribes of our state. If you have any questions, please call me.

Sincerely,

CONNIE NIVA,
Chair.

RESOLUTION NO. 600 OF THE WASHINGTON STATE TRANSPORTATION COMMISSION

Whereas, the Washington State Transportation Commission serves as the board of directors of the Washington State Department of Transportation, providing oversight to ensure the Department delivers quality transportation facilities and services in a cost-effective manner; and,

Whereas, the Washington State Transportation Commission also proposes policies, plans and funding to the legislature which will promote a balanced, inter-modal transportation system which moves people and goods safely and efficiently; and,

Whereas, it is a policy objective of the Washington State Transportation Commission to cooperate and coordinate with public and private transportation partners so that systems work together cost effectively; and,

Whereas, there are 28 Indian tribal governments recognized by the federal government within the state of Washington; and,

Whereas, these tribal governments develop and improve the road systems for their communities with funding provided under the federal Indian Reservation Roads program; and,

Whereas, many state highways and local roads are linked directly to tribal road systems, providing access to Indian reservations, and recognized by the Bureau of Indian Affairs as public roads within the Indian Reservation Roads Program; and,

Whereas, it has been brought to the attention of the Commission that under the Intermodal Surface Transportation Efficiency Act of 1991, funding apportioned from the Highway Trust Fund to the Indian Reservation Roads Program was not subject to a limitation on obligations as is the case with distributions to states from the fund; and,

Whereas, the Commission further understands that funding authorized under the Transportation Equity Act for the 21st Century now subjects distributions to the Indian Reservation Roads Program to a limitation on obligations; and,

Whereas, as a result of this change in law, some $90 million in obligation authority vitally needed to reverse the deplorable condition of Indian Reservation Roads has been lost to Indian tribal governments than would otherwise have been distributed; and,

Whereas, this change in law adversely impacts the Indian Reservation Roads Program within the state of Washington; and,

Whereas, the Affiliated Tribes of Northwest Indians has by resolution, recommended removal of the obligation ceiling limitation requirement for the Indian Reservation Roads Program.

Now, therefore, be it *Resolved*, That Washington State Transportation Commission joins with the Affiliated Tribes of Northwest Indians in recommending removal of the obligation ceiling limitation requirement of TEA–21 from the Indian Reservation Roads Program.

Now, therefore, be it finally *Resolved*, That the Washington State Transportation Commission supports Resolution #99–23 of the Affiliated Tribes of Northwest Indians, adopted February 10, 1999, at their 1999 Winter Conference in Portland, Oregon.

Adopted this 17th day of February, 2000.

THE NAVAJO NATION,
Window Rock, AZ, February 23, 2000.

Re proposed legislation for the indian reservations roads program.

Hon JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I am submitting this letter on behalf of the Navajo Nation in support of your efforts to assist the Navajo Nation and Indian Country regarding the Indian Reservation Roads (IRR) Program. Particularly, the effort to correct the TEA–21, which has imposed an obligation limitation on the IRR Program. The obligation limitation would further underfund an important element in economic and community development on the Navajo Nation and Indian Country.

I thank you in advance for your continued support on issues affecting the Navajo Nation and Native Americans across the United States. If you have any additional questions on the IRR Program, please contact Mr. Paulson Chaco, Director of Navajo Nation Department of Transportation.

Sincerely,

KELSEY A. BEGAYE,
President.

INTERTRIBAL TRANSPORTATION ASSOCIATION, NATIONAL HEADQUARTERS,
Stillwater, OK, February 18, 2000.

Subject: Supporting Senator Bingaman's proposed legislation for the Indian reservation roads (IRR) program.

Mr. DAN ALPERT,
Office of Senator Bingaman,
Washington, DC.

The Intertribal Transportation Association is in support of Senator Bingaman's proposed Legislation that will assure that the Indian Reservation Roads (IRR) program is funded at the fully authorized level for the remaining three years of TEA–21.

Sincerely,

DAVID MCKINNEY,
Executive Director.

RESOLUTION NO. 99–23 OF THE AFFILIATED TRIBES OF NORTHWEST INDIANS

Whereas, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific Tribal concerns; and

Whereas, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the states of Washington, Idaho, Oregon, Montana, Nevada, northern California, and Alaska; and

Whereas, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of Affiliated Tribes of Northwest Indians; and

Whereas, transportation impacts virtually every aspect of a community, such as economic development, education, healthcare, travel, tourism, planning, land use and employment opportunities; and

Whereas, the Affiliated Tribes of Northwest Indians is aware that the Transportation Equity Act for the 21st Century (TEA–21) has been signed into law by the U.S. President and limits the obligation of Indian Reservation Road (IRR) funding to 90%; and

Whereas, the obligation ceiling limitation thus far has eliminated over $58 million from the IRR program which will lose another $31 million if the limitation is not removed in the FY 2000 appropriations Act; and

Whereas, this limitation is inconsistent with all prior transportation Acts, and seriously impacts the ability of Indian Tribes and the Bureau of Indian Affairs to provide the American Indian people with safe and decent access to health care, education, employment, tourism, and economic development; now

Therefore be it *resolved*, the Affiliated Tribes of Northwest Indians strongly recommends the U.S. Congress remove the obligation limitation contained in TEA–21 for the IRR program in its deliberations for the FY 2000 and subsequent Department of Transportation Appropriations Acts.

By Mr. KENNEDY:

S. 2094. A bill to amend the Energy Policy and Conservation Act to ensure that petroleum importers, refiners, and wholesalers accumulate minimally adequate supplies of home heating oil to meet reasonably foreseeable needs in the northeastern states; to the Committee on Energy and Natural Resources.

STABLE OIL SUPPLY (SOS) HOME HEATING ACT

● Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stable Oil Supply (SOS) Home Heating Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) more than 35 percent of families in the northeastern United States depend on oil to heat their homes each winter, and most of those families have no practical alternative to paying the going price for heating oil or seeking public or private assistance to pay for heating oil;

(2) consumers experienced sudden and dramatic increases in prices for home heating oil during the winters of 1989, 1996, and 1999, causing hardship to families and other people of the United States, including people on fixed and low incomes, people living in rural areas, the elderly, farmers, truckers and the driving public, and governments that pay home heating oil bills;

(3) a substantial part of each sudden increase in home heating oil prices has been caused by vastly inadequate supplies of home heating oil accumulated during the summer, fall, and winter months by importers, refiners, and wholesalers; and

(4) increased stability in home heating oil prices is necessary to maintain the economic vitality of the Northeast.

(b) PURPOSE.—The purpose of this Act is to ensure that minimally adequate stocks of home heating oil are accumulated in the Northeast to meet reasonably foreseeable demand during each winter while protecting consumers from sudden increases in the price of home heating oil.

SEC. 3. DEFINITIONS.

Section 152 of the Energy Policy and Conservation Act (15 U.S.C. 6232) is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) as paragraphs (3), (4), (5), (8), (9), (10), (11), (12), (13), and (14);

(2) by inserting after paragraph (1) the following:

''(2) HOME HEATING OIL.—

''(A) IN GENERAL.—The term 'home heating oil' means distillate fuel oil.

''(B) INCLUSIONS.—The term 'home heating oil' includes No. 1 and No. 2 diesel and fuel oils.'';

(3) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

''(6) NORTHEAST.—The term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and New Jersey.

''(7) PRIMARY HEATING OIL INVENTORY.—

''(A) IN GENERAL.—The term 'primary heating oil inventory' means a heating oil inventory held by an importer, refiner, or wholesaler.

''(B) EXCLUSION.—The term 'primary heating oil inventory' does not include any inventory held by a retailer for the direct sale to an end user of home heating oil.''; and

(4) by adding at the end the following:

''(15) WHOLESALER.—The term 'wholesaler' means any person that—

''(A) owns, operates, leases, or otherwise controls a bulk terminal having a total petroleum storage capacity of 50,000 barrels or more;

''(B) stores home heating oil; and

''(C)(i) resells petroleum products to retail businesses that market the petroleum products to end users; or

''(ii) receives petroleum products by tanker, barge, or pipeline.

''(16) WINTER SEASON.—The term 'winter season' means the months of November through March.''.

SEC. 4. HOME HEATING OIL RESERVE FOR THE NORTHEAST.

Part B of the Energy Policy and Conservation Act (15 U.S.C. 6231 et seq.) is amended by inserting after section 157 the following:

''SEC. 157A. VOLUNTARY PLANS FOR HOME HEATING OIL RESERVE.

''(a) SUBMISSION AND DEVELOPMENT OF VOLUNTARY PLANS.—Importers, refiners, and wholesalers that hold primary heating oil inventories for sale to markets in the Northeast, acting individually or in 1 or more groups, should, for the purposes of ensuring stability in energy fuel markets and protecting consumers from dramatic swings in price—

''(1) develop voluntary plans, in consultation with interested individuals from nonprofit organizations and the public and private sectors, to maintain readily available minimum product inventories of heating oil in the Northeast, possibly in combination with the hedging of future inventories, to mitigate the risk of severe price increases to consumers and to reduce adverse impacts on the regional and national economies; and

''(2) submit the voluntary plans to the Secretary not later than 180 days after the date of enactment of this section.

''(b) CERTIFICATION AND REPORT.—

''(1) IN GENERAL.—If the Secretary determines that a plan submitted under subsection (a)—

''(A) is likely to achieve the purposes of this Act, the Secretary shall so certify, and the importer, refiner, or wholesaler shall implement the plan; or

''(B) is not likely to achieve the purposes of this section, the Secretary shall issue a statement explaining why the plan does not appear likely to achieve those purposes.

''(2) REPORT.—Not later than 240 days after the date of enactment of this section, the Secretary shall submit to Congress a report describing the findings and reasons for a certification or failure to certify a plan under this subsection.

''(c) DEFENSE TO ANTITRUST ACTIONS.—

''(1) IN GENERAL.—There shall be available as a defense to a civil or criminal action brought under the antitrust laws (or any similar State law) with respect to an action taken to develop and carry out a voluntary plan under subsection (a) by an importer, refiner, or wholesaler the fact that—

''(A) the action is taken—

''(i) in the course of developing the voluntary plan; and

''(ii) in the course of carrying out the voluntary plan, if the voluntary plan is certified by the Secretary under subsection (b);

''(B) the action is not taken for the purpose of injuring competition; and

''(C) the importer, refiner, or wholesaler is in compliance with this section.

''(2) LIMITATION.—Except in the case of an action taken to develop a voluntary plan, the defense provided in paragraph (1) shall be available only if the person asserting the defense demonstrates that the action was specified in, or within the reasonable contemplation of, a voluntary plan certified by the Secretary.

''(3) BURDEN OF PROOF.—A person interposing the defense under paragraph (1) shall have the burden of proof, except that the burden shall be on the person against which the defense is asserted with respect to whether an action is taken for the purpose of injuring competition.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit to Congress a report describing the results of the implementation of all voluntary plans certified under this section, including specific compliance by importers, refiners, and wholesalers that serve the Northeast market with respect to the adequacy of the home heating oil supply.

''(e) PLAN ADOPTED BY SECRETARY.—If, by the date that is 240 days after the date of enactment of this section, for each importer, refiner, and wholesaler in the Northeast, a certified plan is not implemented in accordance with subsection (b), the Secretary shall adopt and implement a plan in accordance with section 157B.

''SEC. 157B. HOME HEATING OIL RESERVE FOR THE NORTHEAST.

''(a) ESTABLISHMENT OF PRIVATE HOME HEATING OIL RESERVES.—If a certified plan described in section 157A is not implemented in accordance with that section for each importer, refiner, and wholesaler that stores home heating oil for sale in the Northeast, not later than 300 days after the date of enactment of this section, the Secretary shall establish a private home heating oil reserve for the Northeast in accordance with this section.

''(b) INVENTORY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall periodically monitor supply levels as necessary to ensure that each importer, refiner, and wholesaler of home heating oil that stores home heating oil for sale in the Northeast shall have in inventory and readily available to refiners in the Northeast a quantity of home heating oil that the Secretary determines is equal to the quantity that each importer, refiner, or wholesaler may reasonably be expected to require to supply the needs of its customers during the present or following winter season without subjecting consumers to sudden price increases that are due in part to inadequate buildup of heating oil inventories.

''(2) LIMITATION.—The Secretary shall not require any importer, refiner, or wholesaler to store any product under paragraph (1) in a quantity greater than 95 percent of the average storage capacity for home heating oil reasonably available to the importer, refiner, or wholesaler during the preceding 2 years.

''(3) INCREASED INVENTORY.—If the Secretary determines that an inventory of home heating oil does not meet the requirement of under paragraph (1), the Secretary may direct an importer, refiner, or wholesaler to acquire, store, and maintain in readily available inventories any quantity of home heating oil that the Secretary determines to be necessary to supply heating oil needs in the Northeast without subjecting consumers to sudden price increases that are due in part to inadequate buildup of heating oil inventories.

''(4) REGULATIONS.—As soon as practicable after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that—

''(A) authorize civil penalties to enforce this section; and

''(B) provide that the Secretary shall cooperate with State energy authorities in carrying out this section.

''(c) EXCESS INVENTORY.—At the end of each winter season, the Administrator of the Environmental Protection Agency shall take appropriate and reasonable action to enable importers, refiners, and wholesalers of home heating oil to sell any remaining excess inventories of heating oil that the importers, refiners, and wholesalers may have.

''(d) IMPLEMENTATION.—In implementing this section, the Secretary shall ensure, to the maximum extent practicable, that the manner of implementation supports the maintenance of an economically sound and competitive petroleum industry.

''(e) REPORT.—Not later than 1 year after the implementation of a plan under this section, the Secretary shall submit to Congress a report describing the results of the implementation of the plan, including specific compliance by importers, refiners, and wholesalers in the Northeast with respect to home heating oil supply buildup.''.●

By Mrs. FEINSTEIN:

S. 2095. A bill to provide for the safety of migrant seasonal agricultural workers; to the Committee on Health, Education, Labor, and Pensions.

THE FARM WORKER TRANSPORTATION SAFETY ACT

Mrs. FEINSTEIN. Mr. President. I rise to introduce legislation to give farm workers what so many of us take for granted—a safe commute to work.

Today, many farm workers are still being transported to fields in crowded vans lacking basic safety equipment. There are reports of vans originally designed for 10 people, transporting up to 20 passengers with no access to seat belts. People should not have to put their lives at risk to travel to a job site.

According to the latest United States Department of Labor statistics, farm occupations have the second highest work-related fatalities, and 45 percent of these fatalities are vehicular related.

Nationally, 533 farm workers were killed in transportation incidents between 1994 and 1998. And farm workers are 4 times more likely to be killed in on-the-job highway traffic accidents than a typical worker.

The following are just a few of the recent accidents involving farm workers traveling in vehicles without seatbelts.

Just two weeks ago, on February 10, 14 people were injured when a car ran a stop sign and crashed into a van carrying farm workers in Tulare County, California. Authorities cited the driver of the van three months ago for illegally transporting workers—but at the time of the accident, he still had not received certification to transport workers.

On September 10, 1999, 13 people were injured south of Fresno when an unlicensed van driver failed to stop for a posted stop sign and collided with another car. The van had seven seats—all with seatbelts—but four passengers were seated on the floor.

On August 9, 1999, thirteen tomato field workers were killed when the van transporting them home slammed into a tractor-trailer truck in rural southwest Fresno County, California. Most of the victims in this horrific crash rode on three bare benches in the back of the van.

On July 23, 1999, one man was killed and more than 40 people injured when a big-rig crashed into a Greyhound bus and a farm worker van on Highway 99 in Tulare County, California. The victim rode in the farm-labor van, packed with 19 other passengers.

This is a national problem which calls for Federal action. Farm workers live all over the country, and have work that frequently carries them across state lines.

Unfortunately, existing Federal laws leave farm workers inadequately protected.

Regulations issued under the Migrant and Season Agricultural Worker Protection Act (MSPA) prohibit transport of migrant workers unless the vehicles have adequate service brakes, parking brakes, steering mechanisms, windshield wipers, tires, and review mirrors. But, believe it or not, the law does not mandate seating positions or an operational seatbelt for each passenger.

The Farm Worker Safety Transportation Act of 2000 will make it illegal to transport farm workers unless each passenger has a designated seat with an operational seatbelt. This applies no matter how the vans are purchased or modified.

Federal law now requires vans manufactured with up to 10 passenger seats to have operational seatbelts for each seat. However, after a new van is sold to its first owner, the owner can legally remove the rear seats and install bare benches. Similarly, Federal law permits an individual to purchase a van with an empty cargo hold and install benches without seatbelts.

The legislation will direct the Department of Transportation to develop interim seat and seatbelt standards for vans or trucks without seats that are converted for the transport of farm workers.

After a seven-year transition period, the commercial vehicles that transport farm workers will have to meet the same seat and seatbelt standards as a new vehicles.

A farm worker should have access to a safe commute whether he or she is traveling to a field in Arizona, California, Washington, or Florida.

I look forward to working with my colleagues to enact this sensible, practical legislation that will save lives.

By Mr. BAYH:

S. 2096. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to long-term caregivers; to the Committee on Finance.

THE CAREGIVERS ASSISTANCE AND RESOURCES ENHANCEMENT (CARE) TAX CREDIT ACT

Mr. BAYH. Mr. President, America is aging—we are all living longer and generally healthier and more productive lives. In the next 30 years, the number of Americans over the age of 65 will double. For most Americans this is good news. However, for some families aging comes with unique financial obstacles. More and more middle income families are forced to choose between providing educational expenses for their children, saving for their own retirement, and providing medical care for their parents and grandparents. When a loved one becomes ill and needs to be cared for nothing is more challenging then deciding how the care they need should be provided. Today, I rise to make that decision easier and to strengthen one option for long-term care—caring for a loved one at home.

The bill I introduce today, the Care Assistance and Resource Enhancement Tax Credit, provides caregivers with a $3,000 tax credit for the services they provide. I am introducing this bill in order to encourage families to take care of their loved ones, make it more affordable for seniors to stay at home and receive the care they need, and save the government billions of dollars currently spent on institutional care. Through this tax credit we accomplish all that while emphasizing family values.

There are over 22 million people providing unpaid help with personal needs or household chores to a relative or friend who is at least 50 years old. In Indiana alone, there are 568,300 caregivers. They do this work without any compensation. They do not send the government a bill for their services or get reimbursed for their expenses by a private company. They do it because they care. As a result of their compassion, the government saves billions of dollars. For example, the average cost of a nursing home is $46,000 a year. The government spent approximately $32 billion in formal home health care costs and $83 billion in nursing home costs. If you add up all the private sector and government spending on long-term care it is dwarfed by the amount families spend caring for loved ones in their homes. As a study published by the Alzheimers Association indicated, caregivers provide $196 billion worth of care a year.

I held a field hearing in my state, Indiana, last August to discuss ways to make long-term care more affordable. At this hearing I heard from three caregivers who are providing care for a family member. Mrs. Linda McKinstry takes care of her husband who had been diagnosed with Alzheimers two years ago. Mr. and Mrs. Cahee are caregivers for Mr. Cahee's mother who also has Alzheimers. They all echoed the need for financial relief and support services. They spoke of the financial and emotional stress associated with taking care of a loved one. After hearing their stories, it became clear that their efforts are truly heroic and we should be doing all that we can at the federal level to provide the support they need to keep their families together.

At a time when people are becoming skeptical of the government, Congress needs to help people meet the challenges they face in their daily lives. This tax credit does that. It will serve 1.2 million older Americans, over 500,000 non-elderly adults, and approximately 250,000 children a year. I encourage you to take notice of the work done by caregivers and join me in supporting this legislation and giving caregivers the gratitude they deserve.

Thank you, Mr. President.

By Mr. MURKOWSKI (for himself and Ms. LANDRIEU):

S. 2098. A bill to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability; to the Committee on Energy and Natural Resources.

ELECTRIC DEREGULATION LEGISLATION

Mr. MURKOWSKI. Mr. President, I rise to introduce an electric deregulation bill, which it is my sincere hope will reduce the burdens on our electric ratepayers and consumers throughout this country by promoting competition and reliability in the electric power industry.

First, let me say competition isn't the goal of the legislation. Instead, competition is the means to achieve the goal of assuring customers reliable and reasonably-priced electricity.

We have seen the benefits of competition in other industries such as natural gas, telecommunications, trucking, and even in the airlines. In each case, competition reduced prices. That was the objective—to enhance supply and to encourage innovation.

There is every reason to expect that competition in the electric industry will benefit consumers. The Department of Energy agrees. It is projecting consumer savings in the area of $20 billion per year. That is not hay. That would be a significant savings to the consumers in this country, particularly important at a time when we are seeing spiking rates in oil, high gasoline prices, high heating oil prices, and high diesel fuel prices, as noted by the trucking industry that recently demonstrated here in Washington, DC. Heating oil prices are spiraling in the Northeast corridor.

We are talking about, through electric deregulation, trying to bring about consumer savings of $20 billion per year or more. Progress has already been made in this area, both in retail competition and wholesale competition because there has been innovation. Twenty-four States have already adopted retail competition. That covers nearly 60 percent of our consumers. All other States are now giving it consideration. As a consequence of the innovation of

the States, we are now seeing retail competition becoming a reality.

The Federal Energy Regulatory Commission has created wholesale competition in the interstate market through Order 888.

The legislative task we face—I, as chairman of the Energy and Natural Resources Committee, and my colleagues on that committee, both the minority and the majority—will be significant. We look forward to the task ahead. It will call for the examination of this bill, as a comprehensive bill, to try to address the various concerns, as well as take up the other bills.

However, I recognize there will be certain areas on which we will not be able to reach agreement. We can set them aside and proceed on what we can agree on, then go back one more time and look at those items we are still hung up on to see if we can generate any consensus. At that point, we can see what we have. Hopefully, it will be still meaningful.

As I said, the legislative task before the Senate is building on the progress that has been made with the States, not halting State progress on retail competition, and not interfering with the FERC process on wholesale competition.

The question is: How do we get there from here? How do we move the electric power industry from regulation to competition? Some argue we should preempt the States; I don't think so. Some say that we should substitute FERC regulation for State regulation; I don't think so. Others have the theory that one size fits all; I don't think so.

I think the States and the innovative attitudes coming out of the States indicate that one size does not fit all. We do not want to simply substitute one regulation for another. That is not deregulation. If that is done, it is just ''different'' regulation. Moreover, what may work in one State undoubtedly won't work in another State and the consumers would be harmed.

To me, the answer is obvious. For consumers to enjoy the benefits of competition, we have to let the free market system work. We have seen that time and time again. We must stop having regulators pick the winners and losers, regulators making decisions that should be made in the marketplace.

I have long said the best way to move toward market competition is to deregulate in those areas we can, streamline what we cannot deregulate, and facilitate States moving forward on retail competition.

I would prefer deregulating the entire electric power industry. However, I recognize some regulation must remain because it is necessary to protect consumers. Traditionally, States have regulated retail matters directly affecting consumers and FERC has regulated matters in interstate commerce. The legislation I introduce today retains this traditional division of authority between the States and FERC.

I believe that where regulation is necessary, it should be pursued by the unit of government that is closest to the consumer. The government that is closest to the citizen, is the government that will be the most responsive to citizens. Citizens go down to city hall; citizens will go down to the legislative body. That is where citizens are closest to their government, and those are the people to whom taxpayers can reach out and hold responsible—or wring their neck if necessary.

I believe that FERC should only regulate that which cannot be regulated by States because it is in interstate commerce. I repeat that: In my opinion, as represented in this bill, FERC should regulate only that which cannot be regulated by States because it is in interstate commerce.

I will highlight the important provisions of the legislation I have introduced today. One key element is the creation of a clear division of responsibility between the States and the Federal Government. States are responsible for retail matters affecting consumers in their State, including retail competition, and FERC is responsible for interstate matters, including wholesale competition. By creating this jurisdictional ''bright line,'' so to speak, I think we will clear up the current confusion in the jurisdiction that has resulted in litigation which is slowing down progress on competition. In the future, if there is a problem, we will know whom to hold responsible.

Oftentimes in this business, accountability is pretty hard to find. We have designed this so we will be able to hold those responsible for their actions, and they will not be able to hide under a rock.

This legislation also includes provisions that will protect electric reliability which is so important to consumers in our economy.

I am pleased to say Senator LANDRIEU is joining me in this bipartisan legislation. The Senator from Louisiana has been very diligent in our Energy Committee.

The legislation protects electric reliability in two ways: First, it creates a comprehensive, reliability organization that has clear enforcement authority. This will help in the short term. Second, by promoting competition, it ensures reliability over the long run, because the market will respond to consumer needs.

The legislation also includes provisions to ensure that States and State public utility commissions will continue to be fully able to protect consumers.

The legislation has provisions which will provide access to all interstate transmission lines, not just those covered by investor-owned utilities. Removing gaps in transmission access will promote competition in the wholesale power market.

The legislation also addresses a number of other important issues including PURPA repeal, PUHCA repeal, assuring funding for nuclear power plant decommissioning, and authority to construct new transmission lines.

There are other important issues that need to be addressed during the legislative process. For example, we need to look at ways to streamline and speed up the merger review process. Utilities are rightfully distressed that FERC's process is far too cumbersome, takes far too long to complete, and as a consequence is far too expensive. And these costs are just passed on to consumers. FERC is retained to do their analysis and make their decisions in a timely manner. These drawn out decisions, for all practical purposes, are simply allowing full employment for far too many lawyers.

We also need to consider the creation of a universal service fund, similar to that which Congress included in the telecommunications legislation. This would help areas of the United States which do not yet have access to reliable and affordable electricity. Yes, there are regions in the United States where electricity is not taken for granted. My State of Alaska is one.

There is a related tax issue which must also be addressed in the context of comprehensive legislation. That is the tax-exempt municipal bond issue, creating a level competitive playing field between investor-owned utilities and municipally-owned utilities.

Because this is important to both municipally-owned and investor-owned utilities, I will talk about the problem for a moment. First, under the U.S. Tax Code, municipally-owned utilities can issue tax-exempt bonds to build new generation, transmission, and distribution facilities, but investor-owned utilities cannot issue tax-exempt bonds for these purposes. This gives municipally-owned utilities a taxpayer-provided competitive advantage to the extent they are able to use the facilities built with tax-exempt bonds to compete against private power which cannot use tax-exempt bonds.

On the flip side, under the Tax Code, municipal tax-exempt bonds are subject to a private-use limitation. This means that if municipal utilities go too far in competing against private utilities, if they exceed their ''private use'' limitation allowed by the IRS, their bonds are subject to retroactive taxation. This limits the ability of municipal utilities to compete in the market. I assume we will hear from them on that. There has to be some equity in this process.

The bottom line? We have a Tax Code that is not consistent with today's competitive environment. Both municipal utilities and private utilities are at risk. The issue must be addressed. It is not necessarily part of the legislation I am introducing today because the Tax Code issue is before the Finance Committee. I admit I am a member of that committee. Both the administration and Senator GORTON have legislative proposals pending before the Finance Committee.

But I call, finally, upon industry—private power and public power—to come and try to work out their differences on this and to bring Congress a compromise proposal that both sides can live with because it is something that simply has to be addressed. It is better to have the parties resolve it than have a dictate from the Congress.

There are other issues of regional consideration that will need to be addressed as part of comprehensive legislation. We need to resolve the role of the Federal power marketing administrations in the marketplace, including the Bonneville Power Administration. We also need to address the role of one of the largest utilities in the United States, the TVA.

I look forward to working with Senators from the Northwest—I see one on the floor—to address the Bonneville Power Administration issue, and the Senators from the South to address the Tennessee Valley Authority issue. I am convinced by promoting competition and protecting reliability this legislation will benefit the consumers, the economy, and our international competitors.

I, again, thank Senator LANDRIEU of Louisiana for cosponsoring this legislation.

To reiterate, I rise to introduce legislation to promote competition in the electric power industry. This legislation is bipartisan, it is cosponsored by Senator LANDRIEU.

Let me first say that competition is not the goal of this legislation. Instead, competition is the means to achieve the goal of assuring consumers reliable and reasonably-priced electricity.

We have seen great benefits from bringing competition to other industries such as natural gas, telecommunications, trucking and airlines. In each case, competition reduced prices, enhanced supply and encouraged innovation. There is every reason to expect that increased competition in the electric power industry will likewise benefit consumers. The Department of Energy agrees. It has projected consumer savings of $20 billion per year.

Great progress has already been made in both retail competition and wholesale competition. To date, retail competition programs have been adopted by 24 States, which cover 60 percent of U.S. consumers. All of the remaining States are now considering what kind of retail program would best meet their local needs. Competition has been brought to the interstate wholesale market through the enactment of the Energy Policy Act of 1992 and FERC's subsequent issuance of Orders No. 888 and 889.

So the legislative task facing Congress is to build on this progress, not to halt State progress on retail competition or to interfere with FERC progress on wholesale competition.

The question is: How do we get there from here? How do we move the electric power industry from regulation to competition? Should we preempt the States and substitute Federal regulation for State regulation, as some argue? Or should we instead deregulate to allow the market to operate?

To me the answer is obvious: Competition must be market-based, not government-run. We must stop having regulators pick winners and losers, making decisions that ought to be made by the marketplace. Substituting one regulator for another—Federal for State—is not deregulation. It's just different regulation. Creating a one-size-fits-all Federal solution may work in some States, but it will not work in all States. For the market to work and for consumers to enjoy the benefits of competition, we need to free the market from undue government interference.

I have long said that the best way to move toward market competition is to deregulate what we can, streamline what we cannot deregulate, and to facilitate States moving forward on retail competition.

While I would like to deregulate the entire electric power industry, I recognize that some regulation will remain necessary to protect consumers. Where regulation is necessary, I believe that it should be performed by the unit of government closest to the consumer. However, where the matter to be regulated is in interstate commerce, FERC must be the regulatory agency. Traditionally, States have regulated retail matters directly affecting consumers, and the FERC has regulated wholesale sales and transmission in interstate commerce. The legislation I am today introducing retains this traditional division of authority between the States and the FERC.

I will now outline the key provisions of the legislation.

One key element of this legislation is the creation of a clear division of authority between the States and the Federal government. The legislation makes it clear that States are responsible for retail matters affecting consumers in their State, and the FERC is responsible for interstate matters. Thus, States will continue to be responsible for retail competition, and the FERC will continue to be responsible for wholesale competition.

This clarification is necessary because when the Federal Power Act was created in 1935, Congress did not foresee the current market and industry structure. As a result, there are now ambiguities as to the split in jurisdiction between the States and the Federal government. This has resulted in uncertainty and increasing litigation. Creating a jurisdictional ''bright line'' will help both States and the FERC move forward with their efforts to promote competition in their respective jurisdictions. Moreover, by creating clear lines of accountability, if things don't work right we will know exactly where to point the finger.

Another major aspect of this legislation is that it will protect the reliability of our electric power system. The legislation does so in two different ways. First it creates a grid-wide reliability organization that is given the enforcement authority necessary to assure reliability. The language in the legislation is the industry-supported North American Electric Reliability Council proposal, plus additional reliability provisions proposed by Western Governors, State public utility commissions and State energy officials. However, as much as this new organization will help ensure reliability, it is not the long-term solution. The real solution is to promote competition, and that can only be accomplished though comprehensive legislation such as this.

This legislation also includes provisions to provide access to all interstate transmission lines, not just those owned by investor-owned utilities. Under the Federal Power Act, Federally-owned utilities, State-owned utilities, municipally-owned utilities and cooperatively-owned utilities are all exempt from FERC's nondiscriminatory open access transmission program. These exempt utilities do not have to provide access to the transmission grid which adversely affects competition in the interstate wholesale power market. This legislation corrects that problem.

Another important aspect of this legislation is its confirmation that States are not prevented from protecting consumers on a variety of retail matters such as: distribution system reliability; safety; obligation to serve; universal service; assured service to low-income, rural and remote consumers; retail seller performance standards; and protection against unfair business practices.

There are similar provisions which confirm that States are not prevented from imposing a public interest charge to fund State programs such as: ensuring universal electric service, particularly for consumers located in rural and remote areas; environmental programs, renewable energy conservation programs; providing recovery of industry transition costs; providing transition costs for electricity workers hurt by restructuring; and research and development on electric technologies.

By including these provisions, my legislation will ensure that States and State public utility commissions are fully capable of protecting consumers and promoting the public interest.

The legislation also contains a number of other important provisions including repeal of PURPA's mandatory purchase requirement, repeal of PUHCA and assuring funding for nuclear power plant decommissioning.

One provision in this legislation that I expect to be controversial is eminent domain authority to construct new interstate transmission lines. The provisions of the bill make this construction authority available in situations where there is a regional transmission planning process that provides for full

public input, and is reviewed and approved by the FERC; and the transmission project cannot otherwise be constructed either because the State does not have the necessary authority, or because the State has delayed action for more than one year; and the FERC, through a formal public process with all legal rights protected, finds that the new transmission line is in the public convenience and necessity.

When authorizing this construction, the legislation gives the FERC full authority to impose any requirements that are necessary to protect the public interest.

You might ask: Why include such a potentially controversial provision? There are three reasons.

The first reason is supply. We must have transmission lines if we are going to get electricity to consumers and industry. It is a simple fact of physics that you can't move electricity without power lines.

The second reason is market power. As you know, market power exists where there is more demand than an existing transmission line can handle—a bottleneck. There are two possible ways to address a bottleneck. The first is full regulation of the bottleneck transmission facility, with regulators picking the winners and losers. But that does not solve the problem, it just allocates the problem. The other is the free market approach. Let those who want to move their electric power to market build a new transmission line around the bottleneck—or at least have a credible threat to build if the owner of the bottleneck transmission line does not offer them a fair deal.

The third reason is reliability. Based on events over that past several years, it is clear that we need to enhance our transmission system if we are going to meet consumer needs during peak periods of demand.

For those who think eminent domain is a brand-new idea for energy facilities—it isn't. The Federal Power Act already gives Federal eminent domain for hydroelectric dams and their associated electric transmission lines. Similarly, the Natural Gas Act gives Federal eminent domain for interstate natural gas pipelines. If it works for interstate natural gas pipelines, it will work for interstate electric transmission lines.

Turning now to regional transmission organizations, the legislation I am today introducing retains the RTO provisions that were in my draft bill. While Order No. 2000 has many good aspects—its voluntary nature, flexibility, open architecture and transmission incentives—it does have some serious deficiencies. I am especially concerned about two key issues.

First, Order No. 2000 prohibits any active ownership of the RTO by a utility or market participant after a five year transition period. Oddly, this applies even to someone who only owns transmission. Clearly, this will discourage participation in RTOs by transmission owners.

Second, by denying transmission owners the ability to design and file complete transmission rates with FERC, Order No. 2000 creates confusion at best, and at worst it may deny transmission owners their rights under law to recover all of their prudently incurred costs.

If these and other deficiencies are not corrected, FERC Order No. 2000 may be litigated for years, creating great uncertainty in RTO formation. In light of the increasing concerns about grid reliability, delay in RTO formation would be particularly troublesome as Order No. 2000 makes RTOs directly responsible for short-term reliability.

Let me mention some significant matters that need to be addressed during the legislative process.

For example, there is the important issue of streamlining and speeding up the FERC merger review process. Utilities are rightfully distressed that FERC's process takes far too long and is much too cumbersome.

We also need to consider the creation of a universal service fund—similar to that which Congress included in the telecommunications legislation. This would help areas which do not have access to reliable and affordable electricity. And yes, there are regions of the United States where electricity is not taken for granted.

Another controversial issue that we must deal with in the context of comprehensive legislation is the tax-exempt municipal bond issue, creating a level competitive playing field between investor-owned utilities and municipally-owned utilities. Under the U.S. Code municipally-owned utilities can issue tax-exempt bonds to build new generation, transmission and distribution facilities, but investor-owned utilities cannot issue tax-exempt bonds for these purposes. This gives municipally-owned utilities a taxpayer-provided competitive advantage to the extent they are able to use facilities built with tax-exempt bonds to compete against private power—who cannot use tax-exempt bonds in the same way. But on the flip-side—under the tax code municipal tax-exempt bonds are subject to a ''private use'' limitation. This means that if municipal utilities go too far in competing against private utilities—if they exceed their ''private use'' limitation allowed by the IRS regulation—then their bonds are subject to retroactive taxation. This limits the ability of municipal utilities to compete in the market. The bottom line? We have a tax code that is not consistent with today's competitive environment, putting both municipal utilities and private utilities at risk.

Although this issue must be addressed, it is not a part of the legislation I am introducing because it is a tax code issue that is now before the finance committee. Both the Administration and Senator GORTON have legislative proposals pending before the finance committee. I call upon the industry—private power and public power—to work out their differences and to bring Congress a compromise proposal—that both sides can live with.

There are also a number of other regional issues that will need to be addressed as a part of comprehensive legislation. For example, we need to resolve the role of the Federal power marketing administrations in he marketplace—including the Bonneville Power Administration. We also need to address the role of one of the largest utilities in the United States—the Tennessee Valley Authority.

I am convinced that by promoting competition in the electric power industry and by addressing the reliability issue, this legislation will benefit consumers, our economy and our international competitiveness. Like the Secretary of Energy, I believe that it is now time to move forward with legislation. I hope that my colleagues agree.

By Mr. REED:

S. 2099. A bill to amend the Internal Revenue Code of 1986 to require the registration of handguns, and for other purposes; to the Committee on Finance.

HANDGUN SAFETY AND REGISTRATION ACT OF 2000

• Mr. REED. Mr. President, I rise today to introduce the Handgun Safety and Registration Act of 2000, which would enable law enforcement agencies nationwide to more easily trace handguns used in crime, and provide background checks and registration by law enforcement of all primary and secondary transfers of handguns, including retail sales, Internet sales, gun shows, and all other private transfers. This legislation is supported by Handgun Control, Inc., the Violence Policy Center, the NAACP, and Physicians for Social Responsibility.

Many Americans are unaware that there is a successful federal weapons registration system already in place under the 1934 National Firearms Act (NFA). The NFA requires registration of all machine guns, short-barrel shotguns and short-barrel rifles, silencers, bombs, grenades, and other specialized weapons. The NFA is successfully and efficiently administered by the Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms (ATF).

The Handgun Safety and Registration Act would require the registration of all handguns under the NFA within one year of enactment. I know some of my colleagues may question why this bill is needed. First, the bill would help law enforcement more effectively trace handguns used in crime by making registration data available on-line to state and local law enforcement agencies. Tracing methods used today are extremely cumbersome and favor the criminal over the police. When a gun used to commit a crime is recovered, a state or local law enforcement agency contacts ATF with the name of the manufacturer and the serial number of the handgun—if it has not been removed by the criminal. ATF in turn

contacts the manufacturer, which provides the name of the wholesale or retail dealer to whom the handgun was sold. ATF then contacts the dealer to obtain the name of the individual or another retail dealer who purchased the handgun.

All too often, this is where the trail goes cold, and another gun crime may go unsolved. If the individual handgun owner has sold the gun to another person in a private sale, there is no way for law enforcement to follow the path of the handgun without time-consuming detective work and a good deal of luck. Subsequent private transfers or gun show sales are similarly unrecorded, making law enforcement's job even more difficult. Even before the first retail sale, law enforcement is completely dependent upon the record keeping of gun manufacturers and gun dealers to follow the trail of a handgun from manufacture to criminal use. There is no law enforcement database of handgun production or sales in the United States. The Handgun Safety and Registration Act would give the advantage back to the police by making handgun registration data available to law enforcement in an easily accessible format.

Mr. President, in addition to improving law enforcement's tracing capabilities, the Handgun Safety and Registration Act would help prevent handguns from ending up in the possession of people who are likely to commit gun crimes. The bill would require registration of all handguns, including those currently in private possession, and would make it a felony for any person to transfer a handgun to another individual without prior law enforcement approval. As it currently does for all NFA weapons, ATF would conduct a background check on the transferee through the National Crime Information Center (NCIC), the Treasury Enforcement Communications System (TECS), and the National Law Enforcement Tracking System (NLETS). This would provide a clear incentive for all handgun owners and dealers to exercise great caution when they choose to sell or otherwise transfer a handgun to another person.

It is my hope that by requiring registration of all handguns under the National Firearms Act, we can give law enforcement officials the tools to conduct faster and more reliable tracing of handguns used in crime, and prevent handguns from falling into criminal hands in the first place. The Handgun Safety and Registration Act of 2000 would accomplish these goals without restricting in any way the possession or sale of hunting rifles or shotguns used by law-abiding sportsmen across the country.

I encourage my Senate colleagues to support this important legislation as we seek effective ways to help law enforcement reduce gun violence in America.●

By Mr. EDWARDS (for himself, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2100. A bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories; to the Committee on Health, Education, Labor, and Pensions.

COLLEGE FIRE PREVENTION ACT

● Mr. EDWARDS. Mr. President, today with my colleagues Senator LAUTENBERG and Senator TORRICELLI, I introduce the College Fire Prevention Act. This measure would provide federal matching grants for the installation of fire sprinkler systems in college and university dormitories and fraternity and sorority houses.

Mr. President, the tragic fire that occurred at Seton Hall University on Wednesday, January 19th of this year will not be long forgotten. Sadly, three freshman, all 18 years old, died. Fifty-four students, two South Orange firefighters and two South Orange police officers were injured. The dormitory, Boland Hall, was a six-story, 350 room structure built in 1952 that housed approximately 600 students. Astonishingly, the fire was contained to the third floor lounge of Boland Hall. This dormitory was equipped with smoke alarms but no sprinkler system.

Unfortunately, the Boland Hall fire was not the first of its kind. And it reminded many people in North Carolina of their own tragic experience with dorm fires. In 1996, on Mother's Day and Graduation Day, a fire in the Phi Gamma Delta fraternity house at the University of North Carolina at Chapel Hill killed five college juniors and injured three others. This fraternity house was 70 years old. The National Fire Protection Association identified several factors that contributed to the tragic fire, including the lack of fire sprinkler protection.

Sadly, there have been countless other dorm fires. On December 9, 1997, a student died in a dormitory fire at Greenville College in Greenville, Illinois. The dormitory, Kinney Hall, was built in the 1960s and had no fire sprinkler system. On January 10, 1997, a student died at the University of Tennessee at Martin. The dormitory, Ellington Hall, had no fire sprinkler system. On January 3, 1997, a student died in a dormitory fire at Central Missouri State University in Warrensburg, Missouri. On October 21, 1994, five students died in a fraternity house fire in Bloomsburg, Pennsylvania. The list goes on and on. In a typical year between 1980 and 1997, the National Fire Protection Association estimates there were an average of 1,800 fires at dormitories, fraternities, and sororities, involving 1 death, 69 injuries, and 8.1 million dollars in property damage.

So now we must ask, what can be done? What can we do to curtail these tragic fires from taking the lives of our children . . . our young adults? We should focus our attention on the lack of fire sprinklers in college dormitories and fraternity and sorority houses. Sprinklers save lives. Indeed, the National Fire Protection Association has never recorded a fire that killed more than 2 people in a public assembly, educational, institutional, or residential building where a sprinkler system was operating properly.

Despite the clear benefits of sprinklers, many college dorms do not have them. New dormitories are generally required to have advanced safety systems such as fire sprinklers. But such requirements are rarely imposed retroactively on existing buildings. In 1997, over 90 percent of the campus building fires reported to fire departments occurred in buildings where there were smoke alarms present. However, only 28 percent of them had fire sprinklers present.

At my state's flagship university at Chapel Hill, for example, only six of the 29 residence halls have sprinklers. A report published by The Raleigh News & Observer in the wake of the Seton Hall fire also noted that only seven of 19 dorms at North Carolina State University are equipped with the life-saving devices, and there are sprinklers in two of the 10 dorms at North Carolina Central University. At Duke University, only five of 26 dorms have sprinklers.

Mr. President, the legislation I introduce today authorizes the Secretary of Education, in consultation with the United States Fire Administration, to award grants, on a competitive basis, to States, private or public colleges or universities, fraternities, or sororities to assist them in providing fire sprinkler systems for their student housing and dormitories. These entities would be required to produce matching funds equal to one-half of the cost. This legislation authorizes $100 million for fiscal years 2001 through 2005.

In North Carolina, we decided to initiate a drive to install sprinklers in our public college and university dorms. The overall cost is estimated at $57.5 million. Given how much it is going to cost North Carolina's public colleges and universities to install sprinklers, I think it's clear that the $100 million that this measure authorizes is just a drop in the bucket. But my hope is that by providing this small incentive we can encourage more colleges to institute a comprehensive review of their dorm's fire safety and to install sprinklers. All they need is a helping hand. With this modest measure of prevention, we can help prevent the needless and tragic loss of young lives.

Mr. President, parents should not have to worry about their children living in fire traps. When we send our children away to college, we are sending them to a home away from home where hundreds of other students eat, sleep, burn candles, use electric appliances and smoke. We must not compromise on their safety. As the Fire Chief from Chapel Hill wrote me: ''Parents routinely send their children off

to college seeking an education unaware that one of the greatest dangers facing their children is the fire hazards associated with dormitories, fraternity and sorority houses and other forms of student housing. . . . The only complete answer to making student-housing safe is to install fire sprinkler systems.'' In short, the best way to ensure the protection of our college students is to install fire sprinklers in our college dormitories and fraternity and sorority houses. My proposal has been endorsed by the National Fire Protection Association and the College Parents of America. I ask all of my colleagues to join me in supporting this important legislation. Thank you.

Mr. President, I ask unanimous consent that a copy of the legislation, the letters of support and a partial list of fatal college fires be printed in the RECORD.

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

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''College Fire Prevention Act.''

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On Wednesday, January 19, 2000, a fire occurred at a Seton Hall University dormitory. Three male freshmen, all 18 years of age, died. Fifty-four students, 2 South Orange firefighters, and 2 South Orange police officers were injured. The dormitory was a 6-story, 350-room structure built in 1952, that housed approximately 600 students. It was equipped with smoke alarms but no fire sprinkler system.

(2) On Mother's Day 1996 in Chapel Hill, North Carolina, a fire in the Phi Gamma Delta Fraternity House killed 5 college juniors and injured 3. The 3-story plus basement fraternity house was 70 years old. The National Fire Protection Association identified several factors that contributed to the tragic fire, including the lack of fire sprinkler protection.

(3) It is estimated that in a typical year between 1980 and 1997, there were an average of 1,800 fires at dormitories, fraternities, and sororities, involving 1 death, 69 injuries, and $8,100,000 in property damage.

(4) Within dormitories the number 1 cause of fires is arson or suspected arson. The second leading cause of college building fires is cooking, while the third leading cause is smoking.

(5) The National Fire Protection Association has no record of a fire killing more than 2 people in a completely fire sprinklered public assembly, educational, institutional, or residential building where the sprinkler system was operating properly.

(6) New dormitories are generally required to have advanced safety systems such as fire sprinklers. But such requirements are rarely imposed retroactively on existing buildings.

(7) In 1997, over 90 percent of the campus building fires reported to fire departments occurred in buildings where there were smoke alarms present. However, only 28 percent had fire sprinklers present.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $100,000,000 for each of the fiscal years 2001 through 2005.

SEC. 4. GRANTS AUTHORIZED.

(a) PROGRAM AUTHORITY.—The Secretary of Education, in consultation with the United States Fire Administration, is authorized to award grants, on a competitive basis, to States, private or public colleges or universities, fraternities, or sororities to assist them in providing fire sprinkler systems for their student housing and dormitories.

(b) MATCHING FUNDS REQUIREMENT.—The Secretary of Education may not award a grant under this section unless the entity receiving the grant provides, from State, local, or private sources, matching funds in an amount equal to not less than one-half of the cost of the activities for which assistance is sought.

SEC. 5. PROGRAM REQUIREMENTS.

(a) AWARD BASIS.—In awarding grants under this Act the Secretary of Education shall take into consideration various fire safety factors and conditions that the Secretary determines appropriate.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—An entity that receives a grant under this Act shall not use more than 4 percent of the grant funds for administrative expenses.

SEC. 6. DATA AND REPORT.

The Comptroller General shall—

(1) gather data on the number of college and university housing facilities and dormitories that have and do not have fire sprinkler systems and other forms of built-in fire protection mechanisms; and

(2) report such data to Congress.

TOWN OF CHAPEL HILL,
FIRE DEPARTMENT,
Chapel Hill, NC, February 15, 2000.

Sen. JOHN EDWARDS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR EDWARDS, One of the most unrecognized fire safety problems in America today is university and college student housing. Parents routinely send their children off to college seeking an education unaware that one of the greatest dangers facing their children is the fire hazards associated with dormitories, fraternity and sorority houses and other forms of student housing. We in Chapel Hill experienced a worst-case scenario, when in 1996 a fire in a fraternity house on Mother's Day/Graduation Day claimed five young lives and injured three more. We recognized the only complete answer to making student-housing safe is to install fire sprinkler systems.

I have had the privilege of reading a draft copy of your legislation creating a matching grants program for universities, colleges and fraternity/sorority house who take the lifesaving step of installing fire sprinkler systems. I strongly urge you to introduce this legislation and I pledge to assist your staff in promoting this important bill and help to develop bi-partisan support for it. Your proposed legislation is the only real solution to the fire threat in student housing.

After ten years of being responsible for fire protection at the University of North Carolina—Chapel Hill, I am convinced that where students reside, alarms systems are not enough, clear exit ways are not enough, quick fire department response is not enough and educational programs are not enough. The only way you can insure fire safety for college student housing is to place a fire sprinkler system over them. Thank you for recognizing the magnitude of this threat and for proposing the solution to it.

Tell me how we can help.

Sincerely,

DANIEL JONES,
Fire Chief.

COLLEGE PARENTS OF AMERICA,
Washington, DC, February 15, 2000.

Hon. JOHN EDWARDS,
U.S. Senate, Washington, DC.

DEAR SENATOR EDWARDS: College Parents of America (CPA) would like to commend you on the introduction of grant legislation to encourage public and private colleges, universities, fraternities and sororities to install sprinkler systems in all dormitories and other forms of group housing.

Today college parents represent an estimated 12 million households. An additional 24 million households are currently saving and otherwise preparing children for college. College Parents of America is the only national membership association dedicated to helping these parents prepare for and put their children through college easily, economically and safely.

College Parents of America places a high priority on ensuring safety in student housing. In fact, CPA is urging parents and students during their college evaluation process to make sure there are smoke alarms, sprinkler systems and scheduled drills in all campus housing and classroom buildings. While the financing and installation of smoke alarms are relatively easy, funding is cited as a challenge in the installation of sprinkler systems in many older residential buildings on the nation's campuses. Your grant legislation will provide a vehicle for institutions to ensure all student residential facilities have adequate sprinkler safety systems. As a result, the grant legislation will not only save millions of dollars annually from property damage, but also save young lives.

Please let me know how and when I can provide assistance. I look forward to working together to pass this important piece of legislation.

Sincerely,

RICHARD M. FLAHERTY.

NATIONAL FIRE PROTECTION ASSOCIATION,
Arlington, VA, February 23, 2000.

Sen. JOHN EDWARDS,
U.S. Senate, Senate Hart Building, Washington, DC.

DEAR SENATOR EDWARDS: On behalf of the National Fire Protection Association (NFPA) and its 68,000 members, we are pleased to support your legislative efforts to provide federal assistance for the installation of fire sprinkler systems in college and university housing and dormitories.

Our statistics show that properly installed and maintained fire sprinkler systems have a proven track record of protecting lives and property in all types of occupancies. In particular, the retrofitting of fire sprinkler systems in college and university housing will greatly improve the safety of these public and private institutions.

Thank you for the opportunity to be of assistance in this important initiative.

Sincerely,

ANTHONY R. O'NEILL,
Vice President, Government Affairs.

NFPA FIDO SUMMARY REPORT FATAL COLLEGE/UNIVERSITY FRATERNITY AND SORORITY HOUSE FIRES REPORTED TO U.S. FIRE DEPARTMENTS

Date	Location	Deaths	Injuries
March 24, 1973	Auburn University, Auburn, AL	1	0
February 23, 1974	Kents Hill School, Readfield, ME	1	0
March 16, 1975	Kappa Sigma Fraternity House, Burlington, VT	1	1
July 22, 1975	Tank Hall MIT Dormitory, Cambridge, MA	1	0
January 8, 1976	Alpha Rho Chi Fraternity House, Columbus, OH	2	6
April 5, 1976	Wilmarth Dorm, Skidmore College, Saratoga Springs, NY	1	27
August 29, 1976	Kappa Sigma Fraternity House, Baldwin City, KS	5	2
December 13, 1977	Providence College, Providence, RI	10	16
January 14, 1978	Alpha Tau Omega Fraternity House, University Park, TX	1	2
March 4, 1979	Slippery Rock State College, Slippery Rock, PA	1	3
April 5, 1980	Sigma Alpha Epsilon Fraternity House, Eugene, OR	1	1
July 2, 1980	Dncer Hall University of North Iowa, Cedar Falls, IA	1	0
September 20, 1981	Davis Dormitory Texas College, Tyler, TX	1	8
March 16, 1982	Dormitory University of Chicago, Chicago, IL	1	0
September 9, 1982	Phi Kappa Theta Fraternity House, Philadelphia, PA	1	8
September 18, 1982	Dormitory Clark University, Worcester, MA	1	3
May 28, 1983	Alpha Epsilon Fraternity House, Bridgewater, MA	1	1
December 11, 1983	Lambda Chi Alpha Fraternity House, Austin, TX	1	1
January 6, 1984	Pi Kappa Alpha Fraternity House, Thibodaux, LA	1	0
April 11, 1984	Phi Gamma Delta Fraternity House, Lexington, VA	1	0
October 21, 1984	Zeta Beta Tau Fraternity House, Bloomington, In	1	30
December 20, 1984	Prometheus House (Pi Kappa Sigma), Geneseo, NY	1	0
March 3, 1985	Alpha Tau Omega Fraternity House, San Jose, CA	1	1
April 19, 1986	Delta Kappa Epsilon Fraternity House, Danville, KY	1	0
November 29, 1986	Russell Apt. Building Busch Campus, N. Brunswick, NJ	1	1
April 12, 1987	Wesley College-Williams College	1	4
September 8, 1990	Phi Kappa Sigma Fraternity House, Berkeley, CA	3	2
December 8, 1990	Lambda Chi Fraternity House, Erie PA	1	4
February 13, 1992	Phi Kappa Theta Fraternity House, California, PA	1	0
October 24, 1993	Alpha Xi Delta Sorority House, LaCrosse, WI	1	2
October 21, 1994	Beta Sigma Delta Fraternity House, Bloomsburg, PA	5	0
May 12, 1996	Phi Gamma Delta Fraternity House, Chapel Hill, NC	5	3
October 19, 1996	Phi Delta Theta Fraternity House, Delaware, OH	1	0
January 3, 1997	CMSU-Foster-Knox Hall, Warrensburg, MO	1	0
January 10, 1997	Hannings Ln-UTM-Ellington Hall, Martin, TN	1	5
February 20, 1997	Gramercy Park-School of Visual Arts, Brooklyn, NY	1	0
December 9, 1997	Greenville College-Kinney Hall, Greenville, IL	1	0

This table lists fatal college dormitory and fraternity and sorority houses fires and associated losses reported to the National Fire Protection Association's Fire Incident Data Organization. This listing should not be considered complete since only those incidents for which information was collected by the National Fire Protection Association were listed.

Revised: 3/99•

Mr. LAUTENBERG. Mr. President, today I am pleased to join my colleague from North Carolina, Senator EDWARDS, in introducing the College Fire Prevention Act.

On Wednesday, January 19, 2000, a fire raged through a dormitory at Seton Hall University, claiming the lives of three students and injuring 58 others, including at least 54 students, two police officers and two firefighters. The dormitory, Boland Hall, was built in 1952, and although it was equipped with smoke detectors, it was not required to be equipped with a fire sprinkler system.

Nothing is as painful as a senseless accident that takes the lives of young people. And unfortunately, the Seton Hall community is not alone in its grief. In fact, in the last decade, 18 young people lost their lives in dormitory fires. We must do all we can to prevent future tragedies. Students have a fundamental right to pursue an education in a safe, secure environment. Parents have a right to know that their children are protected from harm while on school property.

That is why I am pleased to be an original cosponsor of this legislation to provide Federal matching grants for the installation of fire sprinkler systems in student housing. This bill authorizes the Secretary of Education, in consultation with the U.S. Fire Administration, to award grants to equip dormitories, sorority, and fraternity houses with fire sprinkler systems.

I thank Senator EDWARDS for sponsoring this important legislation, and I look forward to working with him to ensure that student housing is as safe as possible.

By Mr. INOUYE (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2102. A bill to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes; to the Committee on Indian Affairs.

TIMBISHA SHOSHONE HOMELAND ACT

• Mr. INOUYE. Mr. President, I am pleased to rise today to join with my distinguished colleagues from California, Senator FEINSTEIN and Senator BOXER, in introducing legislation that would provide a permanent land base for the Timbisha Shoshone Tribe.

For thousands of years the Timbisha Shoshone Tribe has lived in and around the area that is now Death Valley National Park. For many years, the Tribe sought unsuccessfully to obtain a base of trust land within its aboriginal homeland area. In 1994, when the Congress enacted the California Desert Protection Act, P.L. 103–433, it set in motion a process to address the need of the Tribe for a recognized land base. Section 705(b) of the Act provided that—

The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of Death Valley National Monument and the Death Valley National Park as described in part A of this subchapter.

The study report, which finally was completed late in 1999, set forth recommendations for legislation that would implement a comprehensive, integrated plan for a permanent Homeland for the Tribe. The legislation that we introduce today would give substance to those recommendations.

Briefly, the bill provides for the transfer of several separate parcels of land, currently administered by the Department of the Interior and comprising approximately 7,500 acres, in trust for the Timbisha Shoshone Tribe. These parcels include: 300 acres at Furnace Creek in Death Valley National Park encompassing the present Timbisha Village Site, subject to jointly developed land use restrictions designed to ensure compatibility and consistency with tribal and Park values, needs and purposes; 1,000 acres of land now managed by the Bureau of Land Management at Death Valley Junction, California, east of the Park; 640 acres of land now managed by the Bureau of Land Management in an area identified as Centennial, California, west of the Park; 2,800 acres of land now managed by the Bureau of Land Management and classified as available for disposal near Scotty's Junction, Nevada, northeast of the Park; and 2,800 acres now managed by the Bureau of Land Management and classified as available for disposal near Lida, Nevada, north of the Park.

This legislation also authorizes the Secretary of the Interior to purchase from willing sellers two parcels of approximately 120 acres of former Indian allotted lands in the Saline Valley, California, at the edge of the Park, and the 2,430 acre Lida Ranch near Lida, Nevada.

The legislation would designate an area primarily in the western part of Death Valley National Park as the Timbisha Shoshone Natural and Cultural Preservation Area, within which low impact, environmentally sustainable, tribal traditional uses, activities and practices will be authorized subject to existing law and a jointly established management plan agreed upon

by the Tribe, the National Park Service and the Bureau of Land Management.

Mr. President, this legislation will at long last provide the Timbisha Shoshone Tribe with land on which its members can live permanently and govern their affairs in a modern community, and will formally recognize the Tribe's contributions to the history, culture, and ecology of the Death Valley National Park and the surrounding area.

It will ensure that the resources within the Park are protected and enhanced by cooperative activities within the Tribe's ancestral homeland, and by partnerships between the Tribe and the National Park Service and the Bureau of Land Management, all of which will be consistent with the purposes and values for which the Park was established.

Mr. President, the legislation we are introducing today is incomplete in that certain map references and specific acreage numbers are still being determined by the Department. However, these are minor concerns that will be addressed in the coming weeks. It is vitally important that this legislation be introduced so that a hearing can be scheduled and all interested parties will have the opportunity to review this measure prior to the hearing.●

By Mr. HATCH (for himself and Mr. LEAHY):

S. 2105. A bill to amend chapter 65 of title 18, United States Code, to prohibit the unauthorized destruction, modification, or alteration of product identification codes used in consumer product recalls, for law enforcement, and for other purposes; to the Committee on the Judiciary.

ANTI-TAMPERING ACT OF 2000

Mr. HATCH. Mr. President, I rise today to introduce with my good friend from Vermont, the distinguished Ranking Minority Member of the Senate Judiciary Committee, Senator LEAHY, the ''Anti-Tampering Act of 2000.'' In short, this bill prohibits tampering with product identification codes—a practice that threatens the health and safety of US consumers, frustrates legitimate forensic activities of law enforcement, and impairs manufacturers' ability to protect their distribution channels, thereby exposing them to significant product liability exposure.

Let me take just a moment to explain the need for this bill. Manufacturers code their products in order to protect their consumers and to assist law enforcement in investigating consumer complaints, as well as in conducting recalls of tampered products. These codes assist the manufacturer and law enforcement in tracing goods back to a particular lot, batch or date of production. They include batch codes, expiration dates, lot numbers, and other information that one can typically see imprinted on the bottom or side of most products.

Legitimate goods produced by manufacturers are obtained by ''illegitimate decoders'', frequently by fraud, theft or false pretenses. These decoders then decode and otherwise tamper with product labeling to avoid detection so that they may sell these ill-gotten goods to unauthorized points of sale. The frightening aspect of this activity, Mr. President, is that a substantial portion of the US-made goods sold by illegitimate decoders have been adulterated or otherwise tampered with after manufacture, and present health and safety risks to consumers.

Incredible as it may seem, thieves routinely tamper with product identification codes on stolen goods; counterfeiters affix fake codes on gray market goods that are then mixed with counterfeits; and distributors who have broken their distribution contracts with manufacturers typically obliterate product identification codes.

Because gray market activity is largely lawful in the US, the diverters' distribution channels have been used by professional thieves and counterfeiters to traffic in their illegal merchandise. There appears to be a connection between counterfeit and decoded imports, and anti-counterfeiting enforcement efforts will be frustrated unless greater controls are placed on the importation of such decoded products. Regrettably, gray market networks are increasingly being used for the distribution and sale of counterfeit goods. Distributors have been found to sell counterfeit goods—from baby shampoo to infant formula to cosmetics and fragrances—purchased through gray market channels.

In short, Mr. President, goods are decoded to hide evidence of fraudulent, unlawful conduct and to traffic in stolen, counterfeit, misbranded, out-of-date and unlawfully diverted merchandise.

Let me offer you a few examples of the significant health and safety risks presented by this activity. As noted by the International Formula Council, product identification codes are, without question, the single most important factor in a successful recall. In recent years, this link between product coding and consumer protection has become increasingly evident. Following the Tylenol poisonings of 1982, product coding enabled Johnson & Johnson to identify the tainted production lots and issue a nationwide recall of potentially dangerous products. Similarly, the manufacturers of automobiles, toys, food products and other consumer goods have consistently relied upon product coding to identify and recall goods that fail to meet consumer quality and safety standards.

Last year, the FDA used product codes to quickly identify a shipment of contaminated strawberries that had caused an outbreak of hepatitis in Michigan schools. More recently, the Slim Fast Corporation relied on product codes to identify and recall 192,000 cans of its ready-to-drink diet shakes because, according to the New York Times (Apr. 18, 1999), some of the cans might have been filled with a diluted cleaning solution. In addition, this summer, a leading manufacturer of infant formula used its product codes to identify and recall 7,000 cases of infant formula after a labeling error resulted in distribution of infant formula cans that may have contained an adult nutritional supplement that could have been harmful to infants. (USA Today, June 9, 1999.)

An undercover investigation by the Food and Drug Administration's Office of Criminal Investigation in New York involved wholesale purchases of expensive fertility drugs. Fraudulent code numbers appeared on the counterfeit packaging containing these injectible products. Although laboratory analysis indicated the presence of the active ingredient in these products, the FDA was not able to determine the place or conditions of their manufacture because of the absence of legitimate batch code data.

Fraudulent product identification coding has even been used in schemes involving bulk food products such as metric tons of frozen shrimp. For instance, a Florida indictment charged an importer with criminal offenses involving the repeated ''washing, mixing and soaking'' of putrid and decomposed shrimp in a solution containing copper sulfate, chlorine, lemon juice and other chemicals to conceal the inferiority of the product. Central to this scheme was the ''re-coding'' of product lots as they were repeatedly rejected by buyers, chemically treated, and re-sold to others who did not know the products' history.

In short, without product coding, the task of identifying and recalling defective goods becomes infinitely more difficult and often impossible, leaving consumers exposed to potential harm, illness and even death. According to the U.S. Consumer Product Safety Commission, there were 273 product recalls last year and, on average, one high profile recall each week.

In addition to the health and safety risks presented by this conduct, Mr. President, there is an additional, equally significant public policy interest served by this bill: codes play a vital part in traditional law enforcement activities. They assist law enforcement in investigating criminal activity, and they further aid in tracking stolen goods. They play a critical role in certain criminal investigations, allowing law enforcement officers to pinpoint the location and in some cases—including the World Trade Center bombing—the identity of the offender. In cases of stolen or tainted goods, product codes point to the source of the product and the site of the crime.

Unfortunately, Mr. President, there is no single federal statute that adequately addresses the problem of product identification code tampering of all consumer products. Federal law only applies to a limited category of consumer products. Moreover, federal law only applies if the decoder or tamperer

exhibits criminal intent to harm the consumer. It does not address the vast majority of decoding cases that could result in harm to the consumer, but do not involve the specific intent to harm the consumer. Moreover, violations of current federal law result in only a misdemeanor.

By criminalizing tampering with product identification codes, we hope to send a clear message to the professional criminals: We value the lives and well being of Americans and will not tolerate this conduct any more on our soil. You, the professional criminal, will persist in this activity at your economic and personal peril.

Under the bill, tampering with product codes of pharmaceuticals, over-the-counter medicines consumer products, health and beauty aids, and other goods will constitute a criminal offense. Criminalizing this conduct will result in strengthened law enforcement tools, greater consumer protections and greater security for manufacturers' products.

Mr. President, I believe it would be instructive to identify what this bill does not do, as there has been some misinformation about this measure. The bill does not restrict, prohibit, criminalize or otherwise impair lawful, arms-length diversion activity. In short, Mr. Chairman, the bill does not affect the legality or illegality of the gray market. It simply prohibits tampering with product identification codes. Diverters can continue to engage in parallel importing to the same extent after passage of this measure as they have in the past. However, to be clear, Mr. Chairman, they must do so without obliterating the product identification codes or affixing fake codes on the goods.

Moreover, unintentional acts of decoding or other activities associated with decoded products are not subject to criminal or civil action, because the bill provides for a knowledge standard and protection for innocent violators. Thus, the innocent store clerk who merely scans merchandise at the check out counter and unwittingly permits the sale of decoded merchandise need not worry. Nor should either the innocent trucker who transports this merchandise or the innocent distributor who engages in distributing this merchandise to the retailer have cause for concern.

Others have expressed concern that enactment of the bill will result in the end of discount retailers and discount prices. It is difficult to understand this objection. I cannot conceive why discounting would require altering the expiration dates or the source identifiers of the goods, unless all discounts are illegally diverted or are product that should be recalled. But risking the health and safety of American consumers, or selling them inferior or fake goods to keep alive a certain brand of ''discounting'' does not seem like much of a bargain to me. Discounts are routinely offered when inventories build up or styles change. Manufacturers and retailers will continue to discount when this bill is enacted. But consumers will have greater assurance that the discount they are receiving is not coming with an offsetting risk that the product is contaminated or defective.

Finally, Mr. President, some argue that the bill's application to all products is unnecessarily broad. The bill's several important public policy goals require that it apply to all products. Let me explain why. The bill is intended to ensure effective and targeted product recalls, to enhance law enforcement investigations, and to protect American consumers and the legitimate businesses who serve them from the depredations of illegitimate diverters. Product recalls apply to all products and law enforcement investigations implicate all products. For instance, the codes on the batteries in the Olympic Park bombing in Atlanta, Georgia were used to exonerate the security guard then under suspicion in that case, Richard Jewell. The code on the microprocessor chip on the bomb in the Pan Am air crash linked the bombing to terrorists. And even on a more pedestrian level, the code on a crowbar in a recent New York burglary led police to the criminal.

So, Mr. President, I am pleased to introduce this important measure today. It enjoys the strong backing of the Coalition Against Product Tampering (CAPT). The CAPT is a coalition of private sector companies, consumer groups, unions and law enforcement agencies which are concerned about product decoding and product tampering and the role these activities play in fueling and supporting other criminal enterprises, including money laundering, organized retail theft, and counterfeiting. I would ask unanimous consent, Mr. President, that the CAPT's membership list be included in the record after my remarks. I have received numerous members of this group expressing their support for the legislation introduced today.

In conclusion, Mr. President, law enforcement, consumer groups, unions, and others agree with me that intentional decoding of products threatens the health and safety of American consumers. According to the National Association of Manufacturers, manufacturers cannot conceive of a single legitimate reason to decode products. Nor can I. The ''Anti-Tampering Act of 2000'' I am introducing today is a narrowly tailored approach to this problem and should be enacted.

I ask unanimous consent that the text of the bill and a section-by-section analysis of the legislation appear in the RECORD.

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

S. 2105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Antitampering Act of 2000''.

SEC. 2. PROHIBITION OF UNAUTHORIZED ALTERATION OF PRODUCT IDENTIFICATION CODES.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by inserting after section 1365 the following:

''§ 1365A. Tampering with product identification codes

''(a) DEFINITIONS.—In this section—

''(1) the term 'consumer'—

''(A) means—

''(i) the ultimate user or purchaser of a good; or

''(ii) any hotel, restaurant, or other provider of services that must remove or alter the container, label, or packaging of a good in order to make the good available to the ultimate user or purchaser; and

''(B) does not include any retailer or other distributor who acquires a good for resale;

''(2) the term 'flea market' means any location, other than a permanent retail store, at which space is rented or otherwise made available for the conduct of business of a transient or limited vendor;

''(3) the term 'good' means any article, product, or commodity that is customarily produced or distributed for sale, rental, or licensing in interstate or foreign commerce, and any container, packaging, label, or component thereof;

''(4) the term 'manufacturer' means—

''(A) the original manufacturer of a good; and

''(B) any duly appointed agent or representative of that manufacturer acting within the scope of its agency or representation;

''(5) the term 'product identification code'—

''(A) means any visible number, letter, symbol, marking, date (including an expiration date), or code that is affixed to or embedded in any good, by which the manufacturer of the good may trace the good back to a particular lot, batch, date of production, or date of removal;

''(B) does not include—

''(i) copyright management information (as defined in section 1202(c) of title 17) conveyed in connection with copies or phonorecords of a copyrighted work or any performance or display of a copyrighted work;

''(ii) other codes or markings on the good; or

''(iii) a Universal Product Code; and

''(C) does not include any trademark or copyright notice by itself or any item listed in subparagraph (A) that is affixed to, superimposed on, or embedded in a trademark or copyright notice;

''(6) the term 'transient or limited vendor' does not include a person who sells by sample, catalog, or brochure for future delivery to the purchaser;

''(7) the term 'Universal Product Code' means a 12-digit, all numeric code that identifies the consumer package consisting of—

''(A) a 1-digit number system character;

''(B) a 5-digit manufacturer identification number;

''(C) a 5-digit item code;

''(D) a 1-digit check number; and

''(E) the bar code symbol that encodes the 12-digit Universal Product Code; and

''(8) the term 'value' means the face, par, or market value, whichever is the greatest.

''(b) PROHIBITED ACTS.—Except as provided in subsection (d) or as otherwise expressly authorized under any other provision of Federal law, it shall be unlawful for any person, other than the consumer or the manufacturer of a good, knowingly and without the authorization of the manufacturer—

''(1) to directly or indirectly alter, conceal, remove, obliterate, deface, strip, or peel any product identification code affixed to or embedded in a good and visible to the consumer;

''(2) to directly or indirectly affix to or embed in a good a product identification code that is visible to the consumer and that is intended by the manufacturer for a different good, such that the code no longer accurately identifies the lot, batch, date of production, or date of removal of the good;

''(3) to directly or indirectly affix to or embed in a good any number, letter, symbol, marking, date, or code intended to simulate a product identification code that is otherwise visible to the consumer;

''(4) to import, reimport, export, sell, offer for sale, hold for sale, distribute, or broker a good—

''(A) in a case in which the person knows that the product identification code, which otherwise would be visible to the consumer, has been altered, concealed, removed, obliterated, defaced, stripped, peeled, affixed, or embedded in violation of paragraph (1) or (2); or

''(B) in a case in which the person knows that the good bears a number, letter, symbol, marking, date, or code in violation of paragraph (3); or

''(5) to sell, offer for sale, or knowingly permit the sale at a flea market of—

''(A) baby food, infant formula, or any other similar product manufactured and packaged for sale for consumption by a child who is less than 3 years of age; or

''(B) any food, drug, device, or cosmetic (as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321));

unless that person keeps for public inspection written documentation identifying such person as an authorized representative of the manufacturer or distributor of the food, drug, device, or cosmetic.

''(c) APPLICABILITY.—The prohibitions set forth in paragraphs (1) through (4) of subsection (b) shall apply to visible product identification codes (or simulated product identification codes in a case to which subsection (b)(3) applies) affixed to, or embedded in, any good held for sale or distribution in interstate or foreign commerce or after shipment therein, including any good held in a United States Customs Service bonded warehouse or foreign trade zone.

''(d) EXCEPTIONS.—

''(1) UNIVERSAL PRODUCT CODE CODES.—Nothing in this section prohibits a person from affixing a Universal Product Code, security tag, or other legitimate pricing or inventory code or other information required by Federal or State law, if such code or information does not (or can be removed so as not to) permanently alter, conceal, remove, obliterate, deface, strip, or peel any product identification code.

''(2) REPACKAGING FOR RESALE.—Nothing in this section prohibits a person from removing a good from a primary package or container and repackaging the good in another package or container, or from placing a good and its original packaging within new packaging, if—

''(A) the good retains its original product identification code, which has not been permanently altered, concealed, or removed;

''(B) the repackaging is in full compliance with all applicable Federal laws and regulations, including section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331); and

''(C) a new package includes a label that clearly states—

''(i) that the good has been repackaged; and

''(ii) the name of the repacker.

''(e) CRIMINAL PENALTIES.—Any person who willfully violates this section—

''(1) shall be fined under this title, imprisoned not more than 1 year, or both;

''(2) shall be fined under this title, imprisoned not more than 5 years, or both, if the total value of the good or goods involved in the violation is greater than $10,000;

''(3) shall be fined under this title, imprisoned not more than 10 years, or both, if—

''(A) the person acts with reckless disregard for the health or safety of the public and under circumstances manifesting extreme indifference to such risk; and

''(B) the violation threatens the health or safety of the public;

''(4) shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(A) the person acts with reckless disregard for the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk; and

''(B) serious bodily injury to any individual results;

''(5) shall be fined under this title, imprisoned for any term of years or for life, or both, if—

''(A) the person acts with reckless disregard for the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk; and

''(B) the death of an individual results; and

''(6) with respect to any second or subsequent violation of this section, be convicted of a felony, and be subject to twice the maximum term of imprisonment that would otherwise be imposed under this subsection, fined under this title, or both.

''(f) INJUNCTIONS AND IMPOUNDING, FORFEITURE, AND DISPOSITION OF GOODS.—

''(1) INJUNCTIONS AND IMPOUNDING.—In any prosecution under this section, upon motion of the United States, the court may—

''(A) grant 1 or more temporary, preliminary, or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain the alleged violation; and

''(B) at any time during the proceedings, order the impounding, on such terms as the court determines to be reasonable, of any good that the court has reasonable cause to believe was involved in the violation.

''(2) FORFEITURE AND DISPOSITION OF GOODS.—Upon conviction of any person of a violation of this section, the court shall—

''(A) order the forfeiture of any good involved in the violation or that has been impounded under paragraph (1)(B); and

''(B) either—

''(i) order the destruction of each good forfeited under subparagraph (A);

''(ii) order the disposal of the good by delivery to such Federal, State, or local government agencies as, in the opinion of the court, have a need for such good, or by gift to such charitable or nonprofit institutions as, in the opinion of the court, have a need for such good; or

''(iii) order the return of the goods involved upon the request of any interested party.

''(g) CIVIL REMEDIES.—

''(1) IN GENERAL.—Any person who is injured by a violation of this section, or demonstrates the likelihood of such injury, may bring a civil action in an appropriate district court of the United States against the alleged violator.

''(2) INJUNCTIONS AND IMPOUNDING AND DISPOSITION OF GOODS.—In any action under paragraph (1), the court may—

''(A) grant 1 or more temporary, preliminary, or permanent injunctions upon the posting of a bond at least equal to the value of the goods affected on such terms as the court determines to be reasonable to prevent or restrain the violation;

''(B) at any time while the action is pending, order the impounding of the goods affected—

''(i) if the court has reasonable cause to believe the goods were involved in the violation;

''(ii) upon the posting of a bond at least equal to the value of the goods affected; and

''(iii) on other terms such as the court determines to be reasonable; and

''(C) as part of a final judgment or decree, in the court's discretion—

''(i) order the destruction of any good involved in the violation or that has been impounded under subparagraph (B);

''(ii) order the disposal of the good—

''(I) by delivery to such Federal, State, or local government agencies as, in the opinion of the court, have a need for such good; or

''(II) by gift to such charitable or nonprofit institutions as, in the opinion of the court, have a need for such good, if such disposition would not otherwise be in violation of law, and if the manufacturer consents to such disposition; or

''(iii) order the return of the goods involved in the violation to the manufacturer upon the request of any interested party.

''(3) DAMAGES.—

''(A) IN GENERAL.—Subject to subparagraph (B), in any action under paragraph (1), the plaintiff shall be entitled to recover—

''(i) the actual damages suffered by the plaintiff as a result of the violation, and;

''(ii) any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages.

''(B) STATUTORY DAMAGES.—In any action under paragraph (1), the plaintiff may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits described in subparagraph (A), an award of statutory damages for any violation under this section in an amount equal to—

''(i) not less than $500 and not more than $100,000, with respect to each type of goods involved in the violation; and

''(ii) if the court finds that the violation threatens the health and safety of the public, not less than $5,000 and not more than $1,000,000, with respect to each type of good involved in the violation.

''(C) PROOF OF DAMAGES.—In establishing the violator's profits, the plaintiff shall be required to present proof only of the violator's sales, and the violator shall be required to prove all elements of cost or deduction claimed.

''(4) COSTS AND ATTORNEY'S FEES.—In any action under paragraph (1), in addition to any damages recovered under paragraph (3), the court in its discretion may award the prevailing party its costs of the action and its reasonable attorney's fees.

''(5) REPEAT VIOLATIONS.—

''(A) TREBLE DAMAGES.—In any case in which a person violates this section within 3 years after the date on which a final judgment was entered against that person for a previous violation of this section, the court, in an action brought under this subsection, may increase the award of damages for the later violation to not more than 3 times the amount that would otherwise be awarded under paragraph (3), as the court considers appropriate.

''(B) BURDEN OF PROOF.—A plaintiff that seeks damages as described in subparagraph (A) shall bear the burden of proving the existence of the earlier violation.

''(6) LIMITATIONS ON ACTIONS.—No civil action may be commenced under this section later than 3 years after the date on which

the claimant discovers or has reason to know of the violation.

''(7) INNOCENT VIOLATIONS.—In any action under paragraph (1), the court in its discretion may reduce or remit the total award of damages or award no damages in any case in which the violator sustains the burden of proving, and the court finds, that the violator was not aware and had no reason to believe that the acts of the violator constituted a violation.

''(h) ENFORCEMENT ACTIONS.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Attorney General and the Secretary of the Treasury shall enforce the requirements of this section.

''(2) AGENCY DISCRETION.—The head of a department or agency of the Federal Government (including the Commissioner of Food and Drugs and the Secretary of Agriculture) may investigate any violation of this section involving a good that is regulated by a provision of law administered by that department or agency.

''(3) CUSTOMS SERVICE.—

''(A) IN GENERAL.—The United States Customs Service shall—

''(i) seize any good imported, reimported, or offered for import into the United States in violation of subsection (b)(4);

''(ii) promptly notify the manufacturer or duly appointed agent or representative of the seizure; and

''(iii) destroy or dispose of the goods in accordance with the procedures set forth in section 526(e) of Tariff Act of 1930 (19 U.S.C. 1526(e)).

''(B) VOLUNTARY DISCLOSURES.—In order to assist the United States Customs Service in carrying out its obligations under this paragraph, any domestic or foreign manufacturer may voluntarily record with the United States Customs Service—

''(i) its name and address;

''(ii) a description of its goods and product identification codes; and

''(iii) such other information as may facilitate the enforcement of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 65 of title 18, United States Code, is amended by inserting after the item relating to section 1365 the following:

''1365A. Tampering with product identification codes.''.

(c) REGULATORY AUTHORITY.—Not later than 6 months after the date of enactment of this Act, the Attorney General, after consultation with the Secretary of the Treasury, the Commissioner of Food and Drugs, and the head of any other department or agency of the Federal Government that the Attorney General determines to be appropriate, shall issue such rules and regulations as may be necessary to implement section 1365A of title 18, United States Code, as added by this section.

SEC. 3. ATTORNEY GENERAL REPORTING REQUIREMENTS.

Section 2320(f) of title 18, United States Code, is amended—

(1) by striking ''of title 18'' each place that term appears;

(2) by inserting ''tampering with product identification codes (as defined in section 1365A),'' after ''involve''; and

(3) in paragraph (4), by inserting ''1365A,'' after ''sections''.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 6 months after the date of enactment of this Act.

SUPPORTERS OF THE ANTI-TAMPERING ACT OF 1999

MANUFACTURERS AND BUSINESS TRADE ASSOCIATIONS

3M
Abott Laboratories
American Home Products Corp.
Allied Domecq Spirits & Wine (USA)
Bose Corporation
Bristol-Myers Squibb Co.
Chanel, Inc.
Compar
Converse Inc.
Cosmair
Estee Lauder, Inc.
Ford Motor Company
Giorgio
Givenchy
Intel Corporation
International Business Machines Corp.
John Paul Mitchell Systems
Joseph E. Seagram & Sons, Inc.
Matrix Essentials
Maytag Corporation
Motorola, Inc.
NEXXUS Products Co.
Nocopi Technologies, Inc.
Novartis
Novell, Inc.
O.C. Tanner Company
Optical Security Inc.
Oreck Corporation
Pfizer Inc.
Rolex Watch U.S.A., Inc.
SICPA
Stanley Works
The Proctor & Gamble Company
Warner-Lambert Co.
American Academy of Pediatrics
American College of Nurse-Midwives
American Beauty Association
American Health and Beauty Aids Institute
American Home Appliances Association
American Watch Association
Association of Women's Health, Obstetric and Neonatal Nurses
Coalition to Preserve the Integrity of American Trademarks
Consumer Electronic Manufacturers Association
Consumer Health Care Products Association
Cosmetic, Toiletry and Fragrance Association
Distilled Spirits Council of the United States, Inc.
Grocery Manufacturers of America
International Formula Council
National Association of Beverage Importers
National Association of Manufacturers
National Association of Neonatal Nurses
National Association of Wholesaler-Distributors
National Food Processors Association
Wine and Spirits Wholesalers of America, Inc.

CONSUMER GROUPS AND UNIONS

National Consumers League
PACE, Paper, Allied-Industrial, Chemical & Energy Workers International Union, AFL–CIO
Service Employees International Union, AFL–CIO

U.S. LAW ENFORCEMENT

Construction Industry's Crime Prevention Program of Southern California
Fraternal Order of Police
Ohio Patrolmen's Benevolent Association

THE ''ANTI-TAMPERING ACT OF 1000''—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

The bill may be cited as the ''Anti-Tampering Act of 2000.''

SECTION 2. UNAUTHORIZED ALTERATION OF PRODUCT IDENTIFICATION CODES PROHIBITED

Subsection (a). In general

Section 2 of the bill amends Title 18 of the United States Code to create a new section 1365A prohibiting for all goods the intentional removal or alteration of product identification codes, as well as the affixing of fake codes, as follows:

Section 1365A(a). Definitions. New section 1365A(a) of Title 18 sets forth the definitions of the relevant terms used in new section 1365A. By definition, the prohibitions contained in the bill would not apply to the ultimate user or purchaser of the good, to any hotel, restaurant or other provider of services that alters the packaging in order to make it available to the ultimate consumer, or any retailer or distributor who acquires a good for resale.

Under this subsection, the definition of product identification code includes any visible number, letter, symbol, marking, date (including an expiration date), or code that is affixed to or embedded in any good by which the manufacturer may trace the good back to a particular lot, batch, date of production or date of removal. It specifically excludes (1) copyright management information conveyed in connection with copies or phonorecords of a copyrighted work or encryption information, (2) any or all other codes or markings on the good, (3) a Universal Product Code, and (4) trademark or copyright notices, including notices that are affixed to, superimposed on or embedded in product identification codes.

Section 1365A(b). Prohibited Acts. Section 1365A(b) sets forth the activities that are prohibited. It seeks to target and prohibit each phase of the decoding process—the act of decoding, the affixing of fake codes, and the distribution of the decoded or falsely coded product. The bill includes a knowledge standard that applies throughout the decoding to distribution process.

Specifically, this subsection prohibits the intentional alteration or removal of any visible product identification code. It also prohibits the intentional affixing of any fake or simulated code upon any good, label, container, packaging, or component thereof. The prohibition does not apply to the original manufacturer or the final consumer. This subsection further prohibits the importation, re-importation, exportation, sale, offering or holding for sale, distribution, or brokering of goods or components thereof whose product identification codes have been altered, concealed, removed or falsified.

In addition, this subsection prohibits selling, offering for sale, or knowingly permitting the sale at flea markets of certain products, including baby food, infant formula, and other products covered by the Federal Food, Drug, and Cosmetic Act, except by authorized representatives of the manufacturer or distributor.

Section 1365A(c). Applicability to Goods Held in Free Trade Zones. Section 1365A(c) extends the prohibitions against decoding and false coding to all goods held for sale or distribution in interstate or foreign commerce, including goods held in Customs bonded warehouses and free trade zones.

Section 1365A(d). Exclusions. The bill excludes from section 1365A the act of affixing genuine Universal Product Codes, security tags or other legitimate pricing or inventory codes that can be removed without damaging the product identification code. It also excludes from section 1365A certain types of repackaging activities. The bill will permit the removal of shipping containers and the repackaging of goods for the purpose of selling the goods in different quantities. The exception would apply only if each retail item retains its original product identification code, the repackaging is in full compliance with all applicable laws and regulations, and the new package includes a label stating that the good has been repackaged and containing the name of the repacker.

Section 1365A(e). Criminal penalties. Section 1365A(e) imposes criminal penalties on

any person who knowingly and willfully engages in decoding violations. This subsection imposes fines pursuant to the schedule of fines set forth in Title 18. A person violating the Act could be imprisoned up to one year for the first offense; up to 5 years if the value of the goods exceed $10,000; up to 10 years if the violation threatens public health and safety; up to 20 years if the violation results in bodily injury; and up to life imprisonment if a death results from the violation. If there are subsequent violations, the bill imposes twice the term of imprisonment that would otherwise be imposed.

Section 1365A(f). Injunctions and Impounding, Forfeiture, and Disposition of Goods. This section authorizes the court in its discretion, upon motion of the United States, to grant injunctive relief to prevent or restrain the alleged violation, and impound goods that the court has reasonable cause to believe are involved in the violation. This section also requires the court upon conviction to order the forfeiture of any goods involved in the violation and either the destruction, disposal or return of the goods involved.

Section 1365A(g). Civil Remedies. Section 1365A(g) provides consumers and manufacturers who are injured or threatened with injury with a civil right of action against persons who knowingly engage in decoding activities.

Paragraph (2) further authorizes the court at its discretion to issue injunctions, and to impound the goods in the custody of the defendant. As part of a final judgment or decree, the court may order the destruction, disposal or return to the manufacturer of the goods involved in the violation of this section. The goods may also be delivered to a government agency or provided as gifts to charitable institutions, if the manufacturer consents to the disposition.

Paragraph (3) sets forth the civil damages available to persons injured or who can demonstrate the likelihood of injury by violations of the Act. These damages include actual damages and profits, or, upon election by the plaintiff, statutory damages in an amount not less than $500 and not more than $100,000 for each type of goods involved in the violation. Available statutory damages are increased to not less than $5,000 and not more than $1,000,000 in cases in which the violation threatens the health and safety of the public. In addition, paragraph (5) allows the civil plaintiff to seek treble damages in the event of repeat violations made within 3 years of the original violation. Paragraph (7) also authorizes the court to reduce or eliminate the total damages award, or award no damages, if the violator sustains the burden of proving, and the court finds, that the violator was not aware and had not reason to believe the acts of the violator constituted a violation.

Paragraph (4) provides that the court in its discretion may award the prevailing party its costs and attorneys' fees.

Paragraph (6) imposes a three-year statute of limitations on the filing of a civil action. The limitation begins running from the date on which the claimant discovers or has reason to know of the violation.

Section 1365A(h). Enforcement actions. Section 1365A(h) requires the Attorney General and Secretary of Treasury to enforce the requirements of this new section of Title 18. It also authorizes the head of a department or agency of the Federal Government (including the Secretary of Agriculture and the Commissioner of the Food and Drug Administration) to investigate alleged violations involving goods regulated by their respective agencies.

This section also requires Customs Service officials to seize decoded products, notify the manufacturer of such seizure, and destroy or dispose of such goods. In order to facilitate this Customs seizure, the manufacturer would be permitted to record with the Customs Service any relevant information concerning product identification codes.

Subsection (b). Conforming amendments

Subsection (b) makes a conforming amendment to Title 18 to include the title of new section 1365A in the table of sections for chapter 65 of Title 18.

Subsection (c). Regulatory authority

Subsection (c) of the bill requires the Attorney General, after consultation with the Secretary of the Treasury, the FDA Commissioner, and the head of any other department or agency of the Federal Government the Attorney General determines appropriate, to issue regulations implementing new section 1365A of Title 18 within six months of enactment.

SECTION 3. ATTORNEY GENERAL REPORTING REQUIREMENTS

Section 3 of the bill requires the Attorney General to include in his or her reports to Congress on the business of the Department of Justice all actions taken by the Department regarding product decoding.

SECTION 4. EFFECTIVE DATE

Section 4 of the bill states that the bill will become effective six months after enactment.

Mr. LEAHY. Mr. President, I am joining forces with my good friend Senator HATCH on a Judiciary Committee bill that would prohibit improper tampering with product identification codes.

Manufacturers code their products in order to protect their consumers and to assist law enforcement in investigating consumer complaints, as well as in conducting recalls of tampered products. These codes assist the manufacturer and law enforcement in tracing goods back to a particular lot, batch or date of production. They include batch codes, expiration dates, lot numbers, and other information that one can typically see imprinted on the bottom or side of most products.

This product identification codes are extremely important in terms of product recall. There were over 250 product recalls last year—including two recent product recalls, one of ready-to-eat diet shakes and the other regarding the recall of 7,000 cases of infant formula. Also, product codes were of great help regarding the Tylenol poisonings of 1982 and the contaminated strawberry incident in Michigan in which school children became ill.

Forensic experts have used product identification codes in investigating numerous crimes including the bombing of the World Trade Center in New York City. Sometimes product codes are used to exonerate the innocent. For example, the product codes in the batteries involved in the Olympic Park, Atlanta, bombing helped exonerate the security guard, Richard Jewell, under suspicion in that case.

Product codes have been fraudulently altered regarding medicines, fertility drugs, and even bulk frozen shrimp. This makes it very difficult to trade back these products and to determine their safety. This bill addresses those concerns.

This bill contains significant improvements over a version introduced in the other body some time ago. Wholesalers were worried that they could not repackage goods—together into ''sale baskets''—to be sold at discount prices. This bill permits the resale of products at discounted prices. Each individual item would have to keep the original code but the prices could be changed depending on competitive market forces.

It is important that manufacturers not be able to control prices by operation of this bill. Consumers interested in bargains need to be able to get the best bargain they can get. This bill does not prevent the reselling of overstocked, or other, goods to discount retailers.

The bill also makes clear that any innocent alterations of product identification codes are not subject to the criminal provisions.

The bill contains a provision unrelated to product identification codes which I want to discuss for a moment. The bill prohibits at flea markets the sale of baby food, infant formula, or similar products made for consumption of children under three years of age. It also prohibits the sale of drugs, medical foods, cosmetics, and medical devices as defined in the Federal Food, Drug and Cosmetic Act at flea markets unless the seller keeps for public inspection written documentation identifying the seller person as an authorized representative of the manufacturer or distributor of the food, drug, device, or cosmetic.

This appears to be a reasonable policy but I am very interested in the views of my colleagues on this matter as there may be other ways to achieve the goals of these flea market provisions. I intend to work closely with the Committee Chairman, Senator HATCH, and my other colleagues regarding this bill.

ADDITIONAL COSPONSORS

S. 282

At the request of Mr. MACK, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 282, a bill to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978.

S. 285

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 353

At the request of Mr. GRASSLEY, the name of the Senator from Michigan

(Mr. ABRAHAM) was added as a cosponsor of S. 353, a bill to provide for class action reform, and for other purposes.

S. 577

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 860

At the request of Mr. GRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 860, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 882

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1037

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1037, a bill to amend the Toxic Substances Control Act to provide for a gradual reduction in the use of methyl tertiary butyl ether, and for other purposes.

S. 1158

At the request of Mr. HUTCHINSON, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1158, a bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1464

At the request of Mr. HAGEL, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1642

At the request of Mr. COCHRAN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1680

At the request of Mr. ASHCROFT, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1690

At the request of Mr. MACK, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1690, a bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries.

S. 1706

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1706, a bill to amend the Federal Water Pollution Control Act to exclude from stormwater regulation certain areas and activities, and to improve the regulation and limit the liability of local governments concerning co-permitting and the implementation of control measures.

S. 1763

At the request of Mr. ALLARD, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1763, a bill to amend the Solid Waste Disposal Act to reauthorize the Office of Ombudsman of the Environmental Protection Agency, and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Florida (Mr. GRAHAM), the Senator from New York (Mr. MOYNIHAN), the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1969, a bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2026

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2026, a bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts.

S. CON. RES. 34

At the request of Mr. SPECTER, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Con. Res. 34, a concurrent resolution relating to the observance of ''In Memory'' Day.

S. CON. RES. 60

At the request of Mr. KERREY, his name was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 81

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 128

At the request of Mr. COCHRAN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. THURMOND) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 128, a resolution designating March 2000, as ''Arts Education Month.''

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. LAUTENBERG) 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).

SENATE CONCURRENT RESOLUTION 82—CONDEMNING THE ASSASSINATION OF FERNANDO BUESA AND JORGE DÍEZ ELORZA, SPANISH NATIONALS, BY THE BASQUE SEPARATIST GROUP, ETA, AND EXPRESSING THE SENSE OF THE CONGRESS THAT VIOLENT ACTIONS BY ETA CEASE

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 82

Whereas on February 22, 2000, the Basque terrorist group ETA killed Fernando Buesa, the leader of the Basque Socialist Party, and Jorge Díez Elorza, a member of his escort, in a cowardly bomb attack;

Whereas this heinous crime displays absolute contempt for human rights and the right to life by those individuals who practice terrorism and threaten freedom, peace, liberty, and the peaceful coexistence of the Basque people and the people of Spain; and

Whereas Spain is a democracy where the rule of law is enforced and terrorist acts are not tolerated: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) strongly condemns and denounces those responsible for the cowardly bombing that killed Fernando Buesa and Jorge Díez Elorza;

(2) strongly shares the determination of the Spanish people that the perpetrators of this vile act will be brought swiftly to justice so that Spain may demonstrate its opposition to acts of terror;

(3) calls again on ETA and those responsible for this act to renounce violence and terrorism which have taken so many lives; and

(4) continues to cherish the strong friendship between Spain and the United States.

Mr. DODD. Mr. President, I know I will be joined by every Member of the Senate as I express my deepest condolences to the families of Fernando Buesa and Jorge Díez Elorza, who were tragically killed in Tuesday's bombing attack by the Spanish terrorist group ETA in Vitoria, Spain. I point out Fernando Buesa was the head of the Socialist Party in the Basque Assembly, so he was a political leader of some note and a highly respected leader in his own country. In the aftermath of this attack on human rights and peaceful coexistence, I also offer my thoughts and prayers to the people of Spain and the Spanish community around the world.

Reports of terrorist violence in Spain are becoming far too common. It was only one month ago that an ETA car bomb in central Madrid killed one man and injured innocent children on their way to school. This cowardly type of terrorist expression must be stopped.

Over a year ago, I was pleased when I heard reports of the historic ETA cease-fire. Under this cease-fire, Spain remained free of terrorist violence for 14 months and enjoyed the increase in tourism that peace affords. Unfortunately, in December of 1999, ETA renounced its cease-fire, once again plunging Spain into the horrific terrorist violence that marked its past.

I believe that a majority of the people in Spain, both Basque and Spanish, are tired of this endless violence. It is time for ETA to renew its cease-fire and negotiate a peace agreement with the Spanish government. Only then can the senseless violence that threatens to destroy Spain's booming economy be stopped.

Last night, at a White House dinner I attended in honor of King Juan Carlos and Queen Sofia of Spain, after-dinner dancing was suspended in memory of the killed. In this vein, I ask that we as a body reaffirm our commitment to human rights by condemning this most recent attack in Spain.

Today, I submit a resolution that denounces the terrorist activities that killed Fernando Buesa and Jorge Díez Elorza, calls again on ETA to renounce the use of violence and terrorism which have taken so many lives, and pledges continued alliance between Spain and the United States, and ask it to be referred to the appropriate committee. I urge my colleagues to support this resolution.

SENATE CONCURRENT RESOLUTION 83—COMMENDING THE PEOPLE OF IRAN FOR THEIR COMMITMENT TO THE DEMOCRATIC PROCESS AND POSITIVE POLITICAL REFORM ON THE OCCASION OF IRAN'S PARLIAMENTARY ELECTIONS

Mr. BROWNBACK (for himself and Mr. WELLSTONE) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 83

Whereas the Islamic Republic of Iran held parliamentary elections on February 18, 2000;

Whereas more than 75 percent of the approximately 39,000,000 eligible voters cast ballots in the elections;

Whereas preliminary results indicate that reformers have won a parliamentary majority, freeing Iran's parliament, the Majlis, of hard-line domination for the first time since the 1979 Iranian revolution;

Whereas reformers won elections despite concerted efforts by hard-line Iranian clergy to ban reformist forces from the ballot; and

Whereas the elections show a clear preference by a majority of Iranian voters for democracy, rule of law, and improved relations with Western nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the people of Iran for their commitment to the democratic process;

(2) congratulates reformist parliamentarians on their recent electoral victory;

(3) reaffirms the desire of the United States to see free, democratic political development, the restoration of the rule of law, and full civil and political rights for all Iranians; and

(4) calls on the Government of Iran to rejoin the community of nations and renounce terrorism, opposition to the Middle East peace process, and the development and acquisition of weapons of mass destruction.

SENATE CONCURRENT RESOLUTION 84—EXPRESSING THE SENSE OF CONGRESS REGARDING THE NAMING OF AIRCRAFT CARRIER CVN–77, THE LAST VESSEL OF THE HISTORIC ''NIMITZ'' CLASS OF AIRCRAFT CARRIERS, AS THE U.S.S. ''LEXINGTON''

Mr. WARNER (for himself and Mr. INOUYE) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 84

Whereas over the last three decades Congress has authorized and appropriated funds for a total of 10 ''NIMITZ'' class aircraft carriers;

Whereas the last vessel in the ''NIMITZ'' class of aircraft carriers, CVN–77, is currently under construction and will be delivered in 2008;

Whereas the first nine vessels in this class proudly bear the following names:

(1) U.S.S. Nimitz (CVN–68).

(2) U.S.S. Dwight D. Eisenhower (CVN–69).

(3) U.S.S. Carl Vinson (CVN–70).

(4) U.S.S. Theodore Roosevelt (CVN–71).

(5) U.S.S. Abraham Lincoln (CVN–72).

(6) U.S.S. George Washington (CVN–73).

(7) U.S.S. John C. Stennis (CVN–74).

(8) U.S.S. Harry S. Truman (CVN–75).

(9) U.S.S. Ronald Reagan (CVN–76).

Whereas it is now time to recommend to the President, as Commander in Chief of the Armed Forces, an appropriate name for the final vessel in the ''NIMITZ'' class of aircraft carriers;

Whereas over the last 25 years the vessels in the ''NIMITZ'' class of aircraft carriers have served as one of the principal means of United States diplomacy and as one of the principal means for the defense of the United States and our allies around the world;

Whereas the name bestowed upon aircraft carrier CVN–77 should embody the American spirit and provide a lasting symbol of the American commitment to freedom;

Whereas for the citizens of the United States, the name ''Lexington'' has been synonymous with defense of freedom from the very first battle of the War of the American Revolution and is taught to American schoolchildren as the place of the ''shot heard round the world'', at which our forebears mustered the courage to gain independence;

Whereas the name ''Lexington'' has been associated with naval aviation from its origins in the 1920s, when President Harding bestowed the name ''Lexington'' on the second aircraft carrier in United States history;

Whereas that vessel, the U.S.S. Lexington (CV–2), also known as the ''Fighting Lady'', saw active service from 1927 until lost in 1942 during the historic Battle of the Coral Sea;

Whereas immediately after that loss, President Franklin D. Roosevelt saw fit to bestow the name ''Lexington'' on a successor aircraft carrier in order to carry on the fighting spirit to preserve freedom;

Whereas that successor aircraft carrier, the U.S.S. Lexington (CV–16), joined the fleet in 1943 and earned 11 battle stars during the Pacific campaigns of World War II as she helped carry the fight to the enemy;

Whereas the U.S.S. Lexington (CV–16) continued her service to the United States after World War II, conducting numerous deployments during the Cold War and completing her 48 years of service as a training aircraft carrier for student aviators; and

Whereas upon the completion of her service and in keeping with the traditions of the Navy, the U.S.S. Lexington (CV–16) was stricken from the Navy Vessel Register on November 30, 1991: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the aircraft carrier CVN–77 should be named the U.S.S. Lexington—

(1) in order to honor the men and women who served in the Armed Forces of the United States during World War II, and the incalculable number of United States citizens on the home front during that war, who mobilized in the name of freedom, and who are today respectfully referred to as the ''Greatest Generation''; and

(2) as a special tribute to the 16,000,000 veterans of the Armed Forces who served on land, sea, and air during World War II, of whom less than 6,000,000 remain alive today, and serve as a lasting symbol of commitment to freedom as they pass on and proudly take their place in history.

SENATE RESOLUTION 259—URGING THE DECOMMISSIONING OF ARMS AND EXPLOSIVES IN NORTHERN IRELAND

Mr. HELMS (for himself and Mr. SMITH of Oregon) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 259

Whereas the Good Friday Agreement was signed on April 10, 1998, to bring about a peaceful settlement to the conflict in Northern Ireland;

Whereas in a referendum on May 22, 1998, the people of Northern Ireland and the Republic of Ireland voted overwhelmingly in favor of the Good Friday Agreement;

Whereas the Good Friday Agreement provides for the devolution of government from the United Kingdom to local institutions in Northern Ireland and the establishment of a North/South Ministerial Council and a British-Irish Council, and consists of provisions on decommissioning, human rights, policing, and prisoners;

Whereas much progress has been made in the establishment of both the indigenous Northern Ireland institutions and the North/South and British-Irish bodies, hundreds of prisoners from both communities have been released, and a plan for the restructuring of the police force has been put forth;

Whereas the Independent International Commission on Decommissioning (the Commission), led by General John de Chastelain, was established to facilitate the process of decommissioning of paramilitary arms as called for in the Good Friday Agreement;

Whereas the two principal loyalist paramilitary organizations, the Ulster Volunteer Force (UVF) and the Ulster Freedom Fighters (UFF), informed the Commission that they are prepared to move on decommissioning if the Irish Republican Army (IRA) makes clear that the war is over and it will also decommission;

Whereas the Commission's January 31, 2000, report on decommissioning states that though the IRA emphasized that it poses no threat to the peace process, it has not provided any information as to when decommissioning will begin;

Whereas the leader of the Social Democratic and Labor Party, John Hume, has called upon the IRA to ''demonstrate for all to see its patriotism and desire to move the situation forward by strengthening the peace process through beginning voluntarily the process of decommissioning'';

Whereas on February 11, 2000, due to the decommissioning impasse, the British Secretary of State for Northern Ireland, Peter Mandelson, suspended the Northern Ireland Executive and resumed direct control over the province;

Whereas on February 11, 2000, the Commission issued a report noting the ''IRA's recognition that the issue of arms needs to be dealt with in an acceptable way and that this is a necessary objective of a genuine peace process''; and

Whereas recent polls indicate that the overwhelming majority of the people in Northern Ireland and the Republic of Ireland support decommissioning by all paramilitary organizations: Now, therefore, be it

Resolved, That the Senate—

(1) stresses the importance of decommissioning of weapons held by paramilitaries on all sides without conditions to the success of the peace process in Northern Ireland;

(2) calls upon the Irish Republican Army to make a firm commitment and offer a specific timetable as to when decommissioning of all of their arms and explosives will begin; and

(3) urges the loyalist paramilitary organizations to respond to such an IRA proposal by immediately beginning the process of decommissioning all of their weapons.

Mr. HELMS. Mr. President, I am certainly not alone in my disappointment at the recent turn of events in Northern Ireland. It is a disheartening development. With the signing of the Good Friday Agreement in April 1998 and the overwhelming desire for peaceful resolution of the conflict—in both Northern Ireland and the Republic of Ireland—the prospects for peace in that troubled region had never seemed better.

The Good Friday Agreement, like all negotiated peace settlements, offers incentives to all parties but it also requires compromises—compromises that most people are willing to make, and have made, in order for peace. I do not pretend to speak for any side in Northern Ireland, but I can imagine that it was difficult for many in the Unionist community to see convicted IRA bombers walk free from prison.

And it was certainly difficult for many in the nationalist community to accept the principal of continued British sovereignty over Northern Ireland. But David Trimble, John Hume, and other honorable men and women have fulfilled their obligations under the Good Friday Agreement in order to give peace the opportunity to take root in Northern Ireland.

The current crisis stems from the refusal of one organization—the Irish Republican Army—to begin the process of decommissioning of their weapons and explosives. The IRA claims it has done enough by keeping its guns silent, by not setting off bombs, by adhering to a cease-fire. But, Mr. President, what kind of democratic system exists when one organization maintains a massive arsenal for potential use in the event that it is dissatisfied with the political process? Is that considered a genuine peace? I maintain that it is not, and it should not be accepted by people in this country.

Let me clear, the IRA's political wing, Sinn Fein, signed onto decommissioning in the Good Friday Agreement. As the Agreement states: ''all participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organizations'' and to ''use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years'', which is May 22 of this year.

Now, Sinn Fein's leader Gerry Adams has said that his organization ''has no further room to move'', which I find quite interesting, considering that members of his party were allowed to participate in the local governing structures established by the Good Friday Agreement (but do not seem to be willing to convince the IRA it must fulfill its obligations as well).

I suggest that Mr. Adams be advised that he cannot have it both ways. And to those whose excuse is that the deadline for decommissioning is still three months off (May 22, 2000), I would remind them that there is an established body designed to manage this process and that the IRA refused to make any commitment or offer any timetable for decommissioning to this institution. It is difficult to believe that on May 21, 2000, the IRA would have, in any event, turned over its hundreds of guns, its tons of Semtex, which it maintains as a veto on peace.

We are at a critical point: due to lack of commitment by the IRA on decommissioning, the British government had no choice but to suspend the indigenous institutions of Northern Ireland. Why? Let me merely recite the obvious: Why should Sinn Fein be allowed to participate in legitimate, elected governing bodies when the IRA refuses to disarm? How can we expect the unionist community to deal with Sinn Fein officials in this capacity when the IRA has turned its back on this crucial part of the peace process?

Sinn Fein and the IRA continue to raise the bar; after demanding that the Northern Ireland Executive and Northern Ireland Assembly be established before beginning decommissioning, they now state that if the British withdraw their troops from bases in Northern Ireland, they might consider handing in their weapons. I would remind them that there is an agreement, there is a process that they have signed onto—from which they have benefitted. Their prisoners have been released. Plans for a drastic overhaul of the Royal Ulster

Constabulary have been put forth. Cross border institutions have been established and are functioning.

They must abide by their obligations as well. Mr. President, Sinn Fein and the IRA must understand that if they do not, they will not have the support of the United States.

Today I am offering a resolution stressing the importance of decommissioning to the success of the peace in Northern Ireland and calling on the IRA to commit to the process and to offer a timetable as to when they will turn in their arms and explosives. And although the loyalist paramilitary organizations have significantly fewer weapons in their possession, they must fulfill their promise to disarm as well. The two main loyalist paramilitaries have stated that they will disarm when the IRA begins to do so. If the IRA moves on decommissioning, these organizations should respond immediately.

This is an historic moment in Northern Ireland—the best chance for peace in a quarter of a century. Let us not waste it. We must encourage those who are working for peace. But more importantly, we must make clear to those who want to destroy this opportunity by clinging to old and violent means, they can not succeed.

SENATE RESOLUTION 260—TO EXPRESS THE SENSE OF THE SENATE THAT THE FEDERAL INVESTMENT IN PROGRAMS THAT PROVIDE HEALTH CARE SERVICES TO UNINSURED AND LOW-INCOME INDIVIDUALS IN MEDICALLY UNDER SERVED AREAS BE INCREASED IN ORDER TO DOUBLE ACCESS TO CARE OVER THE NEXT 5 YEARS

Mr. BOND (for himself, Mr. HOLLINGS, Mr. COCHRAN, Mr. DASCHLE, Mr. HATCH, Mr. KENNEDY, Mr. HUTCHINSON, Mr. BREAUX, Mr. DEWINE, Mrs. LINCOLN, Mrs. MURRAY, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 260

Whereas the uninsured population in the United States continues to grow at over 100,000 individuals per month, and is estimated to reach over 53,000,000 people by 2007;

Whereas the growth in the uninsured population continues despite public and private efforts to increase health insurance coverage;

Whereas nearly 80 percent of the uninsured population are members of working families who cannot afford health insurance or cannot access employer-provided health insurance plans;

Whereas minority populations, rural residents, and single-parent families represent a disproportionate number of the uninsured population;

Whereas the problem of health care access for the uninsured population is compounded in many urban and rural communities by a lack of providers who are available to serve both insured and uninsured populations;

Whereas community, migrant, homeless, and public housing health centers have proven uniquely qualified to address the lack of adequate health care services for uninsured populations, serving over 4,500,000 uninsured patients in 1999, including over 1,000,000 new uninsured patients who have sought care from such centers in the last 3 years;

Whereas health centers care for nearly 7,000,000 minorities, nearly 600,000 farmworkers, and more than 500,000 homeless individuals each year;

Whereas health centers provide cost-effective comprehensive primary and preventive care to uninsured individuals for less than $1.00 per day, or $350 annually, and help to reduce the inappropriate use of costly emergency rooms and inpatient hospital care;

Whereas current resources only allow health centers to serve 10 percent of the Nation's 44,000,000 uninsured individuals;

Whereas past investments to increase health center access have resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures; and

Whereas Congress can act now to increase access to health care services for uninsured and low-income people together with or in advance of health care coverage proposals by expanding the availability of services at community, migrant, homeless, and public housing health centers: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Resolution to Expand Access to Community Health Centers (REACH) Initiative''.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health care services at community, migrant, homeless, and public housing health centers.

Mr. BOND. Mr. President, I rise today to talk about the hot topic in the world of health care—health care access. Many people see this as the biggest problem in health care today.

Part of the problem, and the part that has received the most attention, is that too many Americans lack health insurance—about 44 million Americans aren't covered by any type of health plan. But an equally serious part of the problem is many people's simple inability to get access to a health care provider. Even if they have insurance, a young couple with a sick child is out of luck if they can't get in to see a pediatrician or another health care provider. And in too many urban and rural communities across the country, there just aren't enough doctors to go around.

Several plans have been proposed recently on how to deal with the health care access problem. Senator Bradley has a plan. The Vice President has one. There's also a bipartisan proposal for tax credits to help people buy health insurance. All of these plans have at least 3 things in common.

First, they all address a worthwhile goal. I think we all want to see that people have access to good health care, even if we might disagree on how to get there.

Second, they're all very ambitious. Senator Bradley in fact is basically proposing to use close to the entire $1 trillion surplus to provide people with health insurance.

The third thing these plans have in common—and perhaps the most important thing—is that they probably have little chance of becoming law this year. Whether because of policy differences or political differences, it's just not likely that they will pass.

So today, we're launching a bipartisan effort—called the REACH Initiative—that does have a chance this year. There's no need to wait for an election—we can do it now.

Our proposal builds on the crucial work that organizations known as community health centers have been doing to ensure better access to health care. Health centers are private nonprofit clinics that provide primary care and preventive health care services in medically-underserved urban and rural communities across the country. Partially with the help of federal grants, health centers provide basic care for about 11 million people every year, 4 million of whom are uninsured.

The goal of the REACH Initiative is simple—to make sure more people have access to health care. We plan to achieve this by doubling federal funding for community health centers over a period of five years. We believe this will allow up to 10 million more women, children, and others in need to receive care at health centers. If we are successful with the REACH Initiative, we can practically double the number of uninsured and underinsured people that health centers care for.

The REACH Initiative basically recognizes the key contributions that community health centers have already made in addressing the health care access problems. But there is so much more that can still be done.

Now, out of all the ways we can address health care access problems, why are health centers a good solution and a worthwhile target for additional funding?

1. Health centers are an existing program that produces results. Too many health care proposals want to practically start from scratch, and make breathtakingly revolutionary changes. When I look at the health system and its admittedly huge problems, I sometimes think that might not be a bad idea. But it's also extremely risky. We need to remember that despite the many flaws in our health system, many people are pleased with it. We should be wary about making too radical changes that could interfere with what's right in our system. Instead, we can expand an existing part of the system that's been proven to provide cost-effective, high-quality care.

2. Health centers play a crucial role in health care, and are vastly underappreciated. It's amazing to me how few people are aware of the types of services community health centers provide, and just how prominent they are in health care. After all, health centers care for close to one out of very 20 Americans, one out of every 12 rural

residents, one out of every 6 low-income children, and one of every 5 babies born to low-income families.

3. Health centers truly target the health care access problem. By definition, health centers must be located in ''medically underserved'' communities—which simply means places where people have serious problems getting access to health care. So health centers attack the problem right at this source. Unlike other health care proposals, the REACH Initiative doesn't create problems of ''crowding out'' private insurance by replacing private dollars spent on health insurance with federal dollars.

4. Health centers are relatively cheap. Health centers can provide primary and preventive care for one person for less than $1 dollar per day—about $350 per year. Even better, health centers are able to leverage each grant dollar from the federal government into additional funding from other sources—meaning they can effectively turn one grant dollar into several dollars that can be used to address health care problems. With an extra billion dollars a year—the goal of the REACH Initiative in its fifth year—health centers could be caring for an additional 10 million people.

5. Expanding health center access would not be a government takeover of health care. New funding within the REACH Initiative. But this new funding would not go to create a huge new government bureaucracy. Instead, the REACH Initiative would invest additional funds in private organizations that have consistently proven themselves to be efficient, high-quality, and cost-effective health care providers.

To me, all of these reasons point to one logical conclusion—a need for drastically increased funding for health centers. Health centers are already helping millions of Americans get health care. But they can still help millions more—pregnant women, children, and anyone else who desperately needs care.

At the start of my remarks, I said that we were here to talk about and address the problem of health care access—but that's sort of a cold way to talk about it. So let me try again, but this time in human terms.

We're here to introduce the REACH Initiative to make sure that a young woman who has just found out she's pregnant—but who doesn't have health insurance—has a place to get prenatal care so she doesn't risk her health and her baby's health by waiting until late in the pregnancy.

We're here to introduce the REACH Initiative to make sure that a 6-year-old boy living in a heavily rural Missouri community—where there wouldn't otherwise be any health care providers at all—has a place to get regular checkups so he can stay health at home and in school.

We're here to make sure that a young couple without anywhere else to go has a place to get their infant daughter immunized to protect her from a variety of dreaded diseases.

These individuals, and millions more like them, are the reasons why we must make the goal of the REACH Initiative—doubled funding for community health centers—a reality.

SENATE RESOLUTION 261—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DETENTION OF ANDREI BABITSKY BY THE GOVERNMENT OF THE RUSSIAN FEDERATION AND FREEDOM OF THE PRESS IN RUSSIA

Mr. HELMS (for himself, Mr. BIDEN, Mr. ROTH, Mr. LOTT, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 261

Whereas Andrei Babitsky, a dedicated and professional journalist for Radio Free Europe/Radio Liberty (RFE/RL) for the last 10 years, reported on the 1994–1996 and the current Russo-Chechen wars;

Whereas on December 27, 1999, the Russian Information Committee (RIC) in Chechnya accused Babitsky of ''conspiracy with Chechen rebels'' after he broadcast a story that shed unfavorable light on Russian military actions in Chechnya;

Whereas on January 8, 2000, Russian security agents raided Babitsky's apartment in Moscow and confiscated several items and later ordered his wife, Ludmila Babitskaya, to report to a local militia station in Moscow after she attempted to pick up photographs taken by her husband in Chechnya;

Whereas on January 18, 2000, Babitsky was reportedly detained by Russian authorities in Moscow but later reports indicated that he was not formally arrested until January 27, 2000;

Whereas on January 26, 2000, Russian presidential spokesman Sergei Yastrzhembsky said that Babitsky ''left Grozny and then disappeared'' and declared that Russian security services had no idea as to his whereabouts and that ''his security is not guaranteed'';

Whereas on January 28, 2000, Russian media officials told RFE/RL that Babitsky would be released with apologies after having been charged with participating in ''an illegal armed formation'';

Whereas on February 2, 2000, Moscow officials announced that Babitsky would be transferred from Naursky district near Chechnya to Gudermes and then to Moscow where he would then be released on his own recognizance;

Whereas on February 3, 2000, Russian presidential spokesman Sergei Yastrzhembsky said that Russian officials exchanged Babitsky for 3 Russian prisoners of war and on the same day, Vladimir Ustinov, acting Russian prosecutor general, said Babitsky had been released and had gone over to the Chechens on his own accord;

Whereas the Government of the Russian Federation has repeatedly issued contradictory statements on the detention of Andrei Babitsky and provided neither a credible accounting of its detention of Babitsky nor any credible evidence of his well-being;

Whereas United Nations High Commissioner for Human Rights Mary Robinson stated on February 16 that Russian behavior in Chechnya and the detention of Andrei Babitsky appears to violate the Geneva conventions to which Russia is a signatory;

Whereas on February 16, 2000, Russian Human Rights Commissioner Oleg Mironov denounced Moscow's handling of Babitsky as a violation of Russian law and international law and stated that the situation surrounding Babitsky signals ''that the same thing may happen to every reporter'';

Whereas the Union of Journalists in Russia declared on February 16 that the case of Andrei Babitsky is ''not an isolated episode, but almost a turning point in the struggle for a press that serves society and not the authorities'' and that ''the threat to freedom of speech in Russia has for the first time in the last several years transformed into its open and regular suppression'';

Whereas freedom of the press is both a central element of democracy as well as a catalyst for democratic reform;

Whereas the Government of the Russian Federation has repeatedly violated the principles of freedom of the press by subjecting journalists who question or oppose its policies to censorship, intimidation, harassment, incarceration, and violence; by restricting beyond internationally accepted limits their access to information; and by issuing misleading and false information; and

Whereas the Government of the Russian Federation has egregiously restricted the efforts of journalists to report on the indiscriminate brutality of Russia's use of force in Chechnya: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the detention of Andrei Babitsky by the Government of the Russian Federation and the misinformation the Government of the Russian Federation has issued concerning this matter—

(A) constitute reprehensible treatment of a civilian in a conflict zone in violation of the Geneva Conventions and applicable protocols; and

(B) demonstrate the Government of the Russian Federation's intolerance toward a free and open press;

(2) the conduct of the Government of the Russian Federation leaves it responsible for the safety of Andrei Babitsky;

(3) the Government of the Russian Federation should take steps to secure the safe return of RFE/RL reporter Andrei Babitsky to his family;

(4) the Government of the Russian Federation should provide a full accounting of Mr. Babitsky's detention and the charges he may face; and

(5) the Russian authorities should immediately halt their harassment of journalists, foreign and domestic, who cover the war in Chechnya and any other event in the Russian Federation and should fully adhere to the Universal Declaration of Human Rights, which declares in Article 19 that ''everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers''.

SENATE RESOLUTION 262—ENTITLED THE ''PEACEFUL RESOLUTION OF THE CONFLICT IN CHECHNYA''

Mr. WELLSTONE submitted the following resolution; which was considered and agreed to:

S. RES. 262

Whereas the people of Chechnya are exercising the legitimate right of self-defense against the indiscriminate use of force by the Government of the Russian Federation;

Whereas the Government of the Russian Federation has used disproportionate force in the bombings of civilian targets Chechnya

which has resulted in the deaths of thousands of innocent civilians and the displacement of well over 250,000 others;

Whereas the Government of the Russian Federation has refused to engage in negotiations with the Chechen resistance toward a just peace and instead has charged Chechen President Aslan Maskhadov with armed mutiny and issued a warrant for his arrest;

Whereas Russian authorities deny access to regions in and around Chechnya by the international community, including officials of the United Nations, Organization for Security Cooperation in Europe and the Council of Europe, and maintain a virtual ban on access to Chechen civilians by media and international humanitarian organizations, including the International Federation of the Red Cross;

Whereas these restrictions severely limited the ability of these organizations to ascertain the extent of the humanitarian crisis and to provide humanitarian relief;

Whereas even limited testimony and general investigation organizations credibly report widespread looting, summary executions, detentions, denial of safe passage to fleeing civilians, torture and rape committed by Russian soldiers;

Whereas there are credible reports of specific atrocities committed by Russian soldiers in Chechnya, including the rampages in Alkhan-Yurt where 17 persons were killed in December 1999 and in the Staropromyslovsky district of Grozny where 44 persons killed in December 1999; and the rapes of Chechnya prisoners in the Chernokosovo detention camp;

Whereas these credible reports indicate clear violations of international human rights standards and law that must be investigated, and those responsible must be held accountable;

Whereas United Nations High Commissioner for Human Rights Mary Robinson proposed on February 20, 2000, the prosecution of Russian military commanders for overseeing ''executions, tortures, and rapes''; and

Whereas the Senate expresses its concern over the conflict and humanitarian tragedy in Chechnya, and its desire for a peaceful resolution and durable settlement to the conflict: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the Russian Federation—

(A) immediately cease its military operations in Chechnya and initiate negotiations toward a just peace with the leadership of the Chechnya Government, including President Aslan Maskhadov;

(B) allow into and around Chechnya international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes;

(C) allow international humanitarian agencies immediate full and unimpeded access to Chechen civilians, including those in refugee, detention and so called ''filtration camps'' or any other facility where citizens of Chechnya are detained; and

(D) investigate fully the atrocities committed in Chechnya including those alleged in Alkhan-Yurt, and Grozny, and initiate prosecutions against those officers and soldiers accused.

(2) the President of the United States of America—

(A) should promote peace negotiations between the Government of the Russian Federation and the leadership of the Chechen Government, including President Aslan Mashkadov, through third party mediation by the OSCE, United Nations or other appropriate parties;

(B) endorse the call of the United Nations High Commissioner for Human Rights for an investigation of alleged war crimes committed by the Russian military in Chechnya; and

(C) should take tangible to demonstrate to the Government of the Russian Federation that the United States strongly condemns its brutal conduct in Chechnya and its unwillingness to find a just political solution to the conflict in Chechnya.

AMENDMENTS SUBMITTED

AFFORDABLE EDUCATION ACT OF 1999

MURRAY AMENDMENT NO. 2821

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike title I and insert the following:

TITLE I—CLASS SIZE REDUCTION

SEC. 101. PROGRAMS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F;

(2) by redesignating sections 2401 and 2401 as sections 2501 and 2502, respectively; and

(3) by inserting after part D the following:

''PART D—CLASS SIZE REDUCTION

''SEC. 2401. GRANT PROGRAM.

''(a) PURPOSE.—The purpose of this section is to reduce class size through use of fully qualified teachers.

''(b) ALLOTMENT TO STATES.—From the amount made available to carry out this part under section 2402 for a fiscal year, the Secretary—

''(1) shall make available a total of $3,600,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section; and

''(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds provided to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

''(c) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—

''(1) ALLOCATION.—Each State that receives funds under this section shall allocate 100 percent of such funds to local educational agencies, of which—

''(A) 80 percent of such funds shall be allocated to such local educational agencies in proportion to the number of children, age 5 through 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, who reside in the school district served by such local educational agency for the most recent fiscal year for which satisfactory data are available, compared to the number of such children who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

''(B) 20 percent of such funds shall be allocated to such local educational agencies in accordance with the relative enrollments of children, age 5 through 17, in public and private nonprofit elementary schools and secondary schools within the areas served by such agencies.

''(2) EXCEPTION.—Notwithstanding paragraph (1) and subsection (d)(2)(B), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher for a school served by that agency who is certified or licensed within the State, has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teacher teaches, that agency may use funds made available under this section to—

''(A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be done in combination with the expenditure of other Federal, State, or local funds; or

''(B) pay for activities described in subsection (d)(2)(A)(iii) that may be related to teaching in smaller classes.

''(d) USE OF FUNDS.—

''(1) MANDATORY USES.—Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size through use of fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

''(2) PERMISSIBLE USES.—

''(A) IN GENERAL.—Each such local educational agency may use funds made available under this section for—

''(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special needs children, who are certified or licensed within the State, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach;

''(ii) testing new teachers for academic content knowledge, and to meet State certification or licensing requirements that are consistent with title II of the Higher Education Act of 1965; and

''(iii) providing professional development (which may include such activities as promoting retention and mentoring) for teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all teachers have the general knowledge, teaching skills, and subject matter knowledge necessary to teach effectively in the content areas in which the teachers teach, consistent with title II of the Higher Education Act of 1965.

''(B) LIMITATION ON TESTING AND PROFESSIONAL DEVELOPMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of an the funds received by the agency under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

''(ii) WAIVERS.—A local educational agency may apply to the State educational agency

for a waiver that would permit the agency to use more than 25 percent of the funds the agency receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met applicable State and local certification or licensing requirements become certified or licensed if—

''(I) the agency is in an Ed-Flex Partnership State under the Education Flexibility Partnership Act of 1999; and

''(II) 10 percent or more of teachers in elementary schools served by the agency have not met the certification or licensing requirements, or such requirements have been waived for 10 percent or more of the teachers.

''(iii) USE OF FUNDS UNDER WAIVER.—If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the conditions of the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in the elementary schools are certified or licensed within the State.

''(C) USE OF FUNDS BY AGENCIES THAT HAVE REDUCED CLASS SIZE.—Notwithstanding subparagraph (B), a local educational agency that has already reduced class size in the early elementary grades to 18 or fewer children (or has already reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that goal is 20 or fewer children) may use funds received under this section—

''(i) to make further class size reductions in kindergarten through third grade;

''(ii) to reduce class size in other grades; or

''(iii) to carry out activities to improve teacher quality, including professional development.

''(D) PROFESSIONAL DEVELOPMENT BY AGENCIES THAT HAVE REDUCED CLASS SIZE.—If a local educational agency has already reduced class size in the early elementary grades to 18 or fewer children and intends to use funds provided under this section to carry out activities to improve teacher quality, including professional development activities, the State shall make the funds available under subsection (c) to the local educational agency.

''(3) SUPPLEMENT, NOT SUPPLANT.—Each such agency shall use funds made available under this section only to supplement, and not to supplant, State and local funds expended for activities described in this section.

''(4) LIMITATION ON USE FOR SALARIES AND BENEFITS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no funds made available under this section may be used to increase the salaries or provide benefits, other than participation in professional development and enrichment programs, for teachers who are not hired under this section.

''(B) EXCEPTION.—Funds made available under this section may be used to pay the salaries of teachers hired under section 307 of the Department of Education Appropriations Act, 1999.

''(e) REPORTS.—

''(1) STATE ACTIVITIES.—Each State receiving funds under this section shall prepare and submit to the Secretary a biennial report on activities carried out in the State under this section that provides the information described in section 6202(a)(2) with respect to the activities.

''(2) PROGRESS CONCERNING CLASS SIZE AND QUALIFIED TEACHERS.—Each State and local educational agency receiving funds under this section shall publicly report to parents on—

''(A) the agency's progress in reducing class size, and increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach; and

''(B) the impact that hiring additional fully qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

''(3) PROFESSIONAL QUALIFICATIONS.—Each school receiving funds under this section shall provide to parents, upon request, information about the professional qualifications of their child's teacher.

''(f) PRIVATE SCHOOLS.—If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities in accordance with section 6402. Section 6402 shall not apply to other activities carried out under this section.

''(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative costs.

''(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 2208 a description of the agency's program to reduce class size by hiring additional fully qualified teachers.

''(i) CERTIFICATION, LICENSING, AND COMPETENCY.—No funds made available under this section may be used to pay the salary of any teacher hired with funds made available under section 307 of the Department of Education Appropriations Act, 1999, unless, by the start of the 2000–2001 school year, the teacher is certified or licensed within the State and demonstrates competency in the content areas in which the teacher teaches.

''(j) DEFINITION.—In this section, the term 'certified' includes certification through State or local alternative routes.

''SEC. 2402. AUTHORIZATION OF APPROPRIATIONS.

''(a) FISCAL YEAR 2001.—There is authorized to be appropriated to carry out this part $1,200,000,000 for fiscal year 2001.

''(b) OTHER FISCAL YEARS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2002 through 2005.''.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AMENDMENTS OF 1999

CAMPBELL AMENDMENT NO. 2822

(Ordered to lie on the table.)

Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill (S. 400) to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; as follows:

On page 19, strike lines 2 through 10 and insert the following:

Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)) is amended—

(1) by striking ''Davis-Bacon Act (40 U.S.C. 276a-276a-5)'' and inserting ''Act of March 3, 1931 (commonly known as the 'Davis-Bacon Act') (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.)''; and

(2) by adding at the end the following:

''(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by 1 or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.''.

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 972, a bill to amend the Wild and Scenic Rivers Act to improve the administration of the Lamprey River in the State of New Hampshire; S. 1705, a bill to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes; S. 1727, a bill to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes; S. 1849, a bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; and S. 1910, a bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

The hearing will take place on Wednesday, March 8 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, February 24, 2000. The purpose of this meeting will be to discuss risk management/crop insurance and possibly other issues before the Agriculture Committee.

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

COMMITTEE ON ARMED SERVICES

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 24, 2000 at 10 a.m., in open session to receive testimony on the National Security Implications on export controls and to examine S. 1712, the Export Administration Act of 1999.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. CAMPBELL. 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 Thursday, February 24, 2000, to conduct a hearing on pending nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 24 at 9:30 a.m. to conduct an oversight hearing regarding energy supply issues relating to crude oil, heating oil, and transportation fuels. The hearing will examine such issues as the recent price spikes in the Northeast Region as well as predicted gasoline prices during the peak summer months. The committee will examine the short and long term causes as well as the potential fixes.

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

COMMITTEE ON FINANCE

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 24, 2000 at 10 a.m. to hear testimony regarding Medicare Reform: Issues and Options.

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

COMMITTEE ON THE JUDICIARY

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 24, 2000, at 10 a.m., in SD226.

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

COMMITTEE ON SMALL BUSINESS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, February 24, 2000, beginning at 9 a.m. in room 428A of the Russell Senate Office Building to hold a hearing entitled ''The President's Fiscal Year 2000 Budget Request for the Small Business Administration.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 24, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be authorized to meet during the session of the Senate on Thursday, February 24, 2000, 9:30 a.m., for a hearing entitled ''Day Trading: Everyone Gambles But The House.''

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 24, 2000, at 2:30 p.m. to hold a hearing.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 24, at 2:30 p.m. to conduct a hearing. The subcommittee will 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 one State, and for other purposes; and its 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 Power River Basin, Wyoming and Montana, and for other purposes.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 24, 2000, to conduct a hearing on ''HUD's community Builders Program.''

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

SUBCOMMITTEE ON PERSONNEL

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 24, 2000 at 2:30 p.m. in open session to receive testimony on Department of Defense Policies pertaining to recruiting and retention in review of the defense authorization request for fiscal year 2001 and the future years defense program.

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

SUBCOMMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. CAMPBELL. Mr. President. I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to conduct a hearing on the Army Corps of Engineers FY 2001 budget on Thursday, February 24, at 10 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Ben Hubbard of my staff be given privileges of the floor throughout the day and for any subsequent votes today.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Scott Kindsvater, an outstanding pilot. He is a major in the Air Force who happens to come from Dodge City, KS, America. He is a congressional fellow from the Air Force, serving in my office in regard to this particular issue.

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

ADDITIONAL STATEMENTS

THE NEED FOR RESPONSIBLE MILITARY HEALTH CARE REFORM

● Mr. McCAIN. Mr. President, I wish to express the need to support responsible, significant, military health care reform. I commend the Chairman of the Armed Services Committee and Republican leadership for making enactment of military health care reform a top priority in the Senate.

Our nation's military health care delivery system cries out for strong, meaningful reform. The military health care delivery system is facing some very unique challenges.

One of the critical challenges is how best to reconfigure the military health

care delivery system so that it might continue to meet its military readiness and peace-time obligations at a time of continuous change for our base and force structure. In the process of deciding how to proceed, I met with and heard from many military family members, veterans and military retirees from around the country. I was inundated with suggestions for reform. In every meeting and every letter, I encountered retired service men and women who have problems with every aspect of the military medical care system—with long waiting periods, with access to the right kind of care, with access to needed pharmaceutical drugs, and with the broken promise of lifetime health care for military retirees and their spouses. I heard these concerns expressed as I have traveled across the United States over the past several months.

My distinguished colleagues, the Republican Leader, Senator LOTT, Armed Services Committee Chairman, Senator WARNER, and Ranking Member, Senator LEVIN, introduced a bill that also addresses the military health care system. The bill is S.2087, the ''Military Health Care Improvements Act of 2000.'' I applaud my colleagues in rising to this challenge, and I am pleased to see that portions of legislation I introduced last month were included in their bill. However, I can not cosponsor this legislation because it does not do enough to reform the military health care delivery system for our veterans, especially our oldest veterans, retirees, and survivors.

I have several concerns with the legislation introduced yesterday.

One of the areas of greatest concern among military retirees and their families is the ''broken promise'' of lifetime medical care, especially for those over-age 65. S. 2087 fails to meet what I think is the most important requirement, the restoration of the broken promise of free lifetime medical care promised to retirees and their families who entered the service prior to June 7, 1956. The major veteran service organizations share my view that the number one priority is to take care of these older military retirees and their spouses who were promised lifetime medical care benefits. I was proud to be an original cosponsor of S.2003 that restores the broken promise given to retirees who entered the service prior to June 7, 1956. I pledge to work with the Chairman and Ranking Member of the Committee on Armed Services to fully restore the broken promise to our over-65 military retirees and their families.

In addition, there are some significant differences between S. 2013, the ''Honoring Health Care Commitments to Service Members Past and Present Act of 2000'' that I introduced in January with Senators COVERDELL, ROBB, HAGEL, JEFFORDS and BINGAMAN, and the health care bill being introduced yesterday.

My legislation would help repair the ''broken promise'' given to Medicare-eligible military retirees and their families by restoring their access to military health care that was taken away when they turned 65. Additionally, S. 2013 offers health care options to retirees and would provide additional benefits to active duty servicemembers and their families. The hallmark of this legislation is that it offers several new choices to retirees and their families in their health care delivery services.

S. 2013 was drafted with the help of The Military Coalition and The National Military and Veteran's Alliance. The Military Coalition has strongly endorsed S. 2013, stating, ''We applaud your leadership in introducing comprehensive legislation aimed at correcting serious inequities in the military health care benefit.''

While S. 2087 promotes enrollment expansion in the Federal Employees Health Benefit Program (FEHBP) demonstration for Medicare eligible beneficiaries, it caps the enrollment levels to just 66,000 personnel. This would preclude world-wide or even nation-wide enrollment, a feature offered in my bill.

Additionally, S. 2087 expands TRICARE Senior Prime sites to only the major medical centers, not nationwide like my bill. This would exclude hundreds of thousands of our retired servicemembers, only addressing the needs of Medicare-eligible retirees and their spouses who happen to live near a small number of hospitals.

Finally, S. 2087 only has a mail-order option for pharmacy requirements of our Medicare-eligible retirees and their families and requires a $150 deductible. My bill offers both a mail order and a retail pharmacy option. The mail order option only helps Medicare-eligible retirees who require long-term medication like blood pressure bills. However, if the retiree or spouse needs medication in a timely manner, it makes sense for them to be able to drive or walk to their local pharmacy and have their prescription filled. The bill I have offered allows for this option, The one introduced by my colleagues yesterday does not.

Mr. President, I commend my colleagues for their efforts to address many of these important military health care challenges. Not lost on any of us is the urgent need to address the over-age 65 issue since there are reportedly 4,000 World War II, Korean and Vietnam War-era military retirees dying every month. It is imperative that as changes are made to our nation's military force and continue to be made in the future with regard to base structure, that Congress not only stay focused on bringing health care costs under control, but that steps be taken to retain the health care coverage so critical to our nation's active duty personnel, their families, retirees, and survivors. While the world situation necessitates a modified force and base structure transformed for the new millennium, it should not carry with it an abandonment of the responsibility that our nation has to assist those who have served our country to obtain access to the health care services they need.

Make no mistake, retiree health care is a readiness issue, as well. Today's servicemembers are acutely aware of retirees' disenfranchisement from military health coverage, and exit surveys cite this issue with increasing frequency as one of the factors in members' decisions to leave service. In fact, a recent GAO study found that ''access to medical and dental care in retirement'' was a significant source of dissatisfaction among active duty officers in retention-critical specialties.

I pledge to work closely with the Armed Services Committee, my respected colleagues from the committee, and from both sides of the aisle who have cosponsored my bill, as well as groups like the Military Coalition and the National Military Veterans Alliance, to work out our differences and not abandon the health care coverage needs of our nation's military retirees, their families, and survivors. We must pass comprehensive military health care reform to fulfill our broken promise to our military retirees while bolstering retention and readiness among today's servicemembers by assuring them that retention promises will be fulfilled once their active service is over.

Mr. President, this year will be, in the words of the Joint Chiefs, the year of health care reform. Whether my legislation, S. 2013—fully supported by the major veteran service organizations representing over 9 million members—is successful or not will depend on several factors: Congress' ability to realize real health care reform and provide the necessary resources, the Pentagon's ability to work with private industry to control costs on pharmaceuticals and health insurance plans, and the military retirees who utilize the system coming together and galvanizing support for the future of military health care. We can not abandon the ''greatest generation'' who are responsible for the successes and riches we currently enjoy in this great country.●

IN MEMORY OF ''PEANUTS'' CREATOR CHARLES SCHULZ

● Mrs. FEINSTEIN. Mr. President, on February 12, we lost the creator of the world's most popular comic strip, Charles Schulz. The ''Peanuts'' comic strip was a daily staple for millions of people—not only in America but around the world.

While Charles Schulz' legions of fans mourn the loss of his creative genius, he was also a man with a wonderful family who cared deeply about him. I want to express my deep sympathy to his wife, Jeanne Schulz, his five children (Monte, Craig, Meredith, Amy, and Jill), his two stepchildren and 18 grandchildren. Our hearts are with you.

For half a century, the ''Peanuts'' comic-strip has been part of the fabric

of our national culture. Charles Schulz' illustrations have inspired us with its wry humor and endearing cast of characters. Who has not been touched by the trials and tribulations of Charlie Brown, Snoopy, Linus, Lucy, and the rest of the Peanuts family?

Here is what some of Charles Schulz' peers had to say about his legacy.

Rob Rogers, editorial cartoonist of the Pittsburgh Post-Gazette, said of Charles Schulz' legacy to his profession:

> Schulz revolutionized the comic strip. Not just with his simply and accessible art style but also his strong character development. He combined the innocence of childhood with the cynicism of adulthood to create realistic, idiosyncratic and empathetic icons.

Cartoonist Mort Walker, the creator of ''Beetle Bailey'' said of Schulz:

> What he brought to the strips was a whole new attitude . . . [He] brought in pathos, failure, rejection, all that stuff, and somehow made it funny.

As one writer observed, Charlie Brown taught me

> it's OK to lose. Losing doesn't mean giving up hope. No mater how many times he missed the football, lost the big game, or heard Lucy call him a blockhead, he still believed in himself. This is the lesson that helped me get through childhood and now helps me deal with the tangled kite strings of adulthood.

Charles Schulz was born in Minneapolis, MN on November 26, 1922, and was raised in St. Paul. He acquired an interest in cartooning while a teenager, but was drafted as an army infantryman in World War II before he could fulfill his career ambition.

In 1947, Schulz started a feature in the St. Paul Pioneer Press called ''Li'l Folks.'' It was syndicated as Peanuts, launching an unprecedented 50-year run of over 18,000 comic strip installments.

At its peak, Peanuts appeared in close to 3,000 newspapers in 75 countries and was published in over 20 different languages to more than 355 million daily readers. Charles Schulz' television special, ''A Charlie Brown Christmas,'' has run for 34 consecutive years. In all, more than 60 animated specials have been created based on ''Peanuts'' characters. Four feature films, 1,400 books, and a hit Broadway musical about the ''Peanuts'' characters also have been produced.

Charles Schulz' achievements are all the more remarkable because, throughout his career, he had worked without any artistic assistants, unlike most syndicated cartoonists. Schulz painstakingly drew every line and frame in his comic strip for 50 years, and unparalleled commitment to his art and profession.

In 1994, while speaking before the National Cartoonists Society, Charles Schulz said of his comic strip, ''There's still a market for things that are clean and decent.'' Charles Schulz has given generations of children a cast of colorful characters to grow up with and to teach the small and large lessons of life.

In his farewell strip, Charles Schulz wrote, ''Charlie Brown, Snoopy, Linus, Lucy * * * how can I ever forget them * * *'' These characters will stay with us forever and we will certainly never forget their creator, Charles Schulz.

There is still something we can do for Charles Schulz and his family.

For the past several months, I have worked on legislation to award Charles Schulz the Congressional Gold Medal for his outstanding career and community service.

In fact, on Thursday, February 10, just 2 days before Charles Schulz' passing, I formally introduced the legislation to award him the Gold Medal. While Charles Schulz can no longer personally receive this honor, the posthumous award would be the proper gesture to his wife Jeanne, their children, and to the millions of ''Peanuts'' fans around the world.

As the world's preeminent cartoonist, Charles Schulz is more than qualified to join the 17 other Americans who have received the Congressional Gold Medal for their contribution to the Arts.

I urge my Senate colleagues to join me in posthumously awarding Charles Schulz the Congressional Gold Medal. This would be one small token of our nation's great appreciation of this man who gave us all so much.●

RECOGNITION OF WIND RIVER MIDDLE SCHOOL'S MS. TRACI ECCLES

● Mr. GORTON. Mr. President, last month I had the pleasure of visiting Wind River Middle School in Stevenson, WA. One of the reasons why the students at this school excel is because of its teachers and the commitment they demonstrate each day in their classrooms. One of the teachers who has made a tremendous impact on the education of her students is Ms. Traci Eccles. Ms. Eccles is a dedicated professional, a staff leader, a team player and most importantly, a teacher who encourages her students to grow. I would like to take this opportunity to recognize Ms. Eccles' commitment to her students and award her with my 32d Innovation in Education Award.

As a teacher of language arts to 7th and 8th grade students for more than a decade, she is constantly working to improve the lives of her students. She has also teamed up with her colleagues to create school-wide programs on topics such as health and nutrition, student tolerance, and a hands-on study of the respective decades of the 20th century.

Six years ago, Ms. Eccles and her colleagues wanted to create more tolerance amongst their students and started a program to examine intolerance in the world and its impact. Eighth grade students must read a book by Elie Weisel, titled ''Night,'' that tells the stories of human suffering and degradation during the Holocaust. The students must also keep journals and take part in discussions of current events.

Student reaction to the Tolerance Unit has been profound. At the end of the unit, teachers can see a much higher level of awareness among students reflected in how they treat and respond to each other. I applaud Ms. Eccles and her colleagues for taking the initiative and developing a program that has impacted their students such a positive way.

In addition, Ms. Eccles took on another project to give students a firsthand look at their country's history through a program called the Decades Unit. The entire school is divided into different groups and participates in a week long program where students put together historical fashion shows, learn and perform popular dances of each decade, and create a time-line outlining significant events in United States history.

Ms. Eccles' great work deserves our recognition. Through their creative ideas, dedication and hard work, Ms. Eccles and her fellow teachers have improved the lives of our children and created a greater sense of community and togetherness in their school.

My many visits to schools around Washington state have shown me that the people who see our kids everyday are the ones who should have the greatest say in their education. It is teachers like Ms. Eccles who are both the true strength of our education system and who can prepare our kids with a foundation for the future. I will continue my work to give teachers like Ms. Eccles more freedom to innovate and improve the lives of our children.●

CELEBRATE AFRICAN AMERICAN HISTORY MONTH

● Mr. KOHL. Mr. President, in many ways, the life of Carter Woodson represents the history of his race in America.

As a young man in the late 1800s, he worked in the fields and in a coal mine. He took a break from the grueling work to educate himself, enroll in high school and graduate after only two years of instruction. He went back to the coal mines to support himself, attending school when he could, and eventually earned a doctorate in history from Harvard University. Mr. Woodson went on to become a passionate student and teacher of Black History, establishing an annual reflection on his culture's accomplishments and resilience: Black History Month.

In celebration of this month, I would like to recognize another leader who has worked hard to chronicle the history of people of African heritage: Dr. James Cameron, founder of America's Black Holocaust Museum, located in Milwaukee. This museum is dedicated to documenting the injustices that African Americans have suffered, and to remind us at how far we've come as a society from the racism of the past.

Dr. Cameron, the only known living survivor of a lynch mob attack in the

country, founded America's Black Holocaust Museum in 1988 after an inspirational visit to the Yad Vashem Jewish Holocaust Memorial in Israel—just as this museum was constructed to remind us of the atrocities committed against Jewish people during World War II, Dr. Cameron wanted to ensure that Americans would not forget what kind of inhumanity African Americans have endured.

Today, as I discovered on my own visit to the museum, it has grown to become a major educational and cultural center for the nation which thousands of people of many different backgrounds visit each year. It regularly hosts prominent exhibitions such as historical artifacts collected from a wrecked slave ship and a Smithsonian exhibit on the civil rights movement. America's Black History Museum also prepares educational material for teachers and worked with UW-Milwaukee to offer an on-site, for-credit course to undergraduate and graduate students.

The work of Dr. Cameron, and this month established by the hard work of Mr. Woodson, remind us that the protection of civil rights and civil liberties for all should continue to be a top priority. I strongly believe in equality of opportunity for everyone, regardless of race, creed, or gender. Everyone should have the same equal chance to get an education or a job, or to own a home or live in the neighborhood of their choice. In other words, we all deserve a place at the starting line so that we can then use our own abilities, hard work and dedication to succeed in life.

Of course, our country has yet to fully live up to the promise of equal opportunity for all. While Congress tries to find ways to address the crisis of discrimination, it is very important that everyone remember that we also have to respond on a personal level. No matter what answers Congress comes up with here in Washington, people need to try to be role models and lead by example. By teaching us about the racial injustices of the past, celebrating the resilience of African Americans and educating us about how to move forward from the prejudice and bias that plagues much of Black History, America's Black Holocaust Museum is one such example.

This month, let's all take a moment to reflect on the history African Americans and the many lessons that it teaches us about equality, dignity and harmony. The dedication of Carter Woodson and James Cameron to helping us remember deserves nothing less.●

RETIREMENT OF SERGEANT MAJOR ANNETTE H. CASHAW

● Mr. ROBB. Mr. President, today I rise to honor Sergeant Major Annette Cashaw who will retire from the United States Army in June 2000, after more than 26 years of dedicated service.

Serving in positions of increasing trust and responsibility, Sergeant Major Cashaw has displayed remarkable leadership, technical knowledge, and superb planning abilities throughout her entire career. Sergeant Major Cashaw's exceptional abilities were notably acknowledged when she was selected as the First Sergeant for the Data Systems Unit, White House Communications Agency. In addition to being responsible for 141 joint service personnel, she ensured that 9 million dollars in hand receipt items were maintained without loss. Her direct involvement in maintenance operations resulted in a net saving of over one hundred thousand dollars to the Army.

Upon completion of the Sergeant's Major Academy, Sergeant Major Cashaw assumed the position of Sergeant Major for the Army's largest software development organization, the Information Systems Software Development Center at Fort Lee. Her exemplary performance of duty there resulted in her selection as the Secretary of the General Staff (a position normally held by a Major) for the 19th Theater Army Area Command in Korea.

Sergeant Major Cashaw culminated her career as the Sergeant Major of the U.S. Army Information Systems Software Center. Her expert knowledge of all Army regulations and policies made her invaluable to the entire command. Soldiers benefitted from her mentoring and went on to win CECOM 2nd Quarter, 3rd Quarter, and 4th Quarter boards and CECOM soldier of the year in 1998.

I am honoring Sergeant Major Cashaw on the Senate floor today as a way of thanking her for her faithful and honorable service to the Army and to the citizens of the United States.●

IN RECOGNITION OF MARY ANAYA

● Mr. BINGAMAN. Mr. President, I rise today to recognize Ms. Mary Anaya of Roswell, New Mexico, who recently retired from the City Council after 18 years of service. As a long time resident, city councilor and community leader, Ms. Anaya has worked to better the Roswell community while holding true to her convictions with courage and grace. Though her tenacity alone is commendable, there is much more that deserves recognition.

Ms. Anaya, who represented Ward 5, is an example of a true representative, always putting her constituents' needs first. During the time she served on the council, the people of Ward 5 could depend on her thoughtful and considerate insight, knowing that their interests were being diligently represented.

Roswell's Ward 5 is comprised of many of the city's low-income residents. Ms. Anaya was a champion of issues her constituents faced on a daily basis. She was an advocate of quality of life issues, such as health care, housing and community development. She worked tirelessly to improve primary health care, and as a result of her hard work, a primary health care facility, La Casa de Buena Salud, was built in Roswell. Ms. Anaya was instrumental to the project's success. Furthermore, she spearheaded projects to rehabilitate housing for the elderly and low-income residents in Ward 5. Everyone deserves decent housing, and many of the citizens of Ward 5 benefitted from Ms. Anaya's work for this right. The creation of recreational areas was an issue that she dedicated much of her time to, making places for the community's children to play. She also worked to improve the city's infrastructure, making the streets safer for the entire Roswell community. Ms. Anaya always worked on behalf of the citizens of Roswell, and it is clear that because of her dedication, many people live a better life.

As a council member, Ms. Anaya was an advocate for Hispanic causes. When an English-only speaking rule in the school system threatened the educational opportunities of the students, Ms. Anaya rose to overturn the rule. She also fought to increase the hiring of Hispanics by the City of Roswell, and her efforts were rewarded when the City hired their first Hispanic employee. As the Roswell Daily Record states: ''Many people believe that over 50 years she and her husband, Pete, have helped advance Hispanic causes in Roswell more than anyone else in the city and have done it in a positive, productive way. We agree.''

Mary Anaya deserves special recognition for her steadfast work on behalf of the citizens of Roswell. She performed her civic duties with pride and joy, always working with a smile. On the council, she was an asset to Roswell, and as a citizen, she is an asset to us all. Her work will be appreciated for generations to come.●

NATIONAL TRIO DAY

● Mr. KOHL. Mr. President, I rise today to bring my colleagues' attention to the celebration of National TRIO Day. National TRIO Day was designated by concurrent resolution on February 24, 1986, by the 99th Congress and is celebrated on the last Saturday of February each year as a day of recognition for the Federal TRIO Program.

The Federal TRIO Program—consisting of the Talent Search, Upward Bound, Upward Bound Math/Science, Veterans Upward Bound, Student Support Services, Ronald E. McNair Postbaccalaureate Achievement Program, and Educational Achievement Centers—was established over 30 years ago to assist low-income students overcome class, social, and cultural barriers to higher education.

Currently, 2,000 colleges, universities, and community agencies sponsor TRIO Programs, and over 780,000 low-income students between the ages of 11 and 27 benefit from the services of the TRIO Programs. Most come from families in

which neither parent graduated from college. These students, motivated by their hopes and aspirations, are living symbols of the American dream. Helping to lift them out of poverty benefits not only benefits the students themselves, but our entire nation.

There are 62 TRIO Programs in Wisconsin and I have seen these programs work at the local level. One inspirational story involves Dr. Lo from La Crosse, Wisconsin. As a child, Dr. Lo fled a refugee camp in war-torn Laos with his family and came to live in Wisconsin. Dr. Lo, with hard work and the benefit of two TRIO programs, graduated from UW-La Crosse with a Bachelor of Science Degree in Biology and went on to earn a Doctor of Naturopathic Medicine degree from Bastyr University in Seattle, Washington. He returned to Wisconsin to contribute to the La Crosse community through private practice at the La Crosse Natural Health Center, Habitat for Humanity Family Selection Committee, and as a member of the Equal Opportunity Commission for the city of La Crosse.

There is no limit to what TRIO participants can accomplish. Program graduates have become successful in all spheres of society and have gone on to enjoy careers as doctors, lawyers, astronauts, television reporters, actors, state politicians and Members of Congress, to list a few. Indeed, two of our colleagues in the House of Representatives, Representative HENRY BONILLA and Representative ALBERT R. WYNN are graduates of the TRIO Programs.

I have long supported TRIO and will continue to push for increased funding for these important programs. I am proud to celebrate National TRIO Day and call much deserved attention to these vital programs. I also encourage my colleagues to visit the TRIO Programs in their states and learn for themselves how successful these programs are for our Nation's students.●

THE CALENDAR

Mr. BROWNBACK. Mr. President, I have a series of unanimous consent requests to put in front of the Senate as we proceed to close down the Senate this evening.

COMMENDING THE PEOPLE OF IRAN

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 83 submitted by myself and Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 83) commending the people of Iran for their commitment to the democratic process and positive political reform on the occasion of Iran's parliamentary elections.

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

Mr. BROWNBACK. Mr. President, earlier today the Senate voted on H.R. 1883, the Iran Nonproliferation Act of 2000. That bill will shortly be voted on by the House and sent to the President. I hope he will sign it because it is an important signal that the United States will not tolerate the proliferation of weapons of mass destruction and the means of delivering them. We will not tolerate trafficking in missiles and the technology with which to build them. I believe that is an important signal for us to send.

I also think it is important we recognize what took place this week in Iran. This threat occurred, but in the midst of this, 80 percent of the people in Iran turned out to vote. They are not interested in the entrenched policies of Ayatollah Khomeini and his harsh legacy. Reformers dominated in the polls. Despite the best efforts of the hardline clerical institutions to disqualify and intimidate popular candidates, the Iranian people had the courage of their convictions. They want economic liberalization, they want freedom of the press, and they want personal liberty.

We in the United States obviously share those convictions and are obviously heartened by what took place at the polls this week in Iran. It should be noted and applauded, and this resolution does just that.

We say to the Iranian people: Congratulations. Thank you. This is a good step in moving forward. At the same time, we want to say we will not tolerate weapons of mass destruction and the means of delivering these weapons. We want to send those clear signals.

There is another thing which is going on in Iran. Earlier today, I had a press conference with several other people about three men—Sirus Zabihi-Moghaddam, Hedayat Kashefi-Najafabadi, and Manuchehr Khulusi—three Baha'is who are on death row in prison facing imminent execution for the simple reason of practicing their faith. That is it. They are on death row facing imminent death for daring to practice their faith.

This cannot be tolerated. There are nearly 300,000 Baha'is in Iran. It is the largest religious minority in the country. They have suffered continuous persecution for their peaceful beliefs. I remind the Iranian people who have voted for freedom this week that this is part of it. This is also something they have signed on to.

Nearly 50 years ago, the General Assembly of the United Nations—of which Iran is a member—adopted the Universal Declaration of Human Rights. Since that time, this Universal Declaration has become the bedrock document for human rights. However, the Iranian Government continues to be an egregious violator.

I wish to read one portion of this document. Article 18 of the Universal Declaration of Human Rights states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

This hour, I call on the Government of Iran—from whom the people of Iran, by their clear vote this week, are seeking change—to ensure the safety of these three individuals.

This hour, I call for the release of these individuals—Sirus Zabihi-Moghaddam, Hedayat Kashefi-Najafabadi, and Manuchehr Khulusi—whose only crime was a sincere expression of their faith, which is a universal fundamental right.

Most importantly, I call upon the Government of Iran to provide freedom of religion to its people—who are yearning for change, as witnessed by the vote this week—including their peaceful yet brutalized Baha'is community. I ask for their freedom to express their faith as they see fit.

Our resolution is in addition to the bill that passed earlier today. It congratulates the Iranian people and says: Let's take other steps forward. No weapons of mass destruction. But, also, let's recognize religious freedom, as in the Universal Declaration of Human Rights, which the Iranian Government has signed on to.

Mr. President, I ask unanimous consent that the resolution, S. Con. Res. 83, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the concurrent resolution be printed in the RECORD.

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

The resolution (S. Con. Res. 83) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 83

Whereas the Islamic Republic of Iran held parliamentary elections on February 18, 2000;

Whereas more than 75 percent of the approximately 39,000,000 eligible voters cast ballots in the elections;

Whereas preliminary results indicate that reformers have won a parliamentary majority, freeing Iran's parliament, the Majlis, of hard-line domination for the first time since the 1979 Iranian revolution;

Whereas reformers won elections despite concerted efforts by hard-line Iranian clergy to ban reformist forces from the ballot; and

Whereas the elections show a clear preference by a majority of Iranian voters for democracy, rule of law, and improved relations with Western nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the people of Iran for their commitment to the democratic process;

(2) congratulates reformist parliamentarians on their recent electoral victory;

(3) reaffirms the desire of the United States to see free, democratic political development, the restoration of the rule of law, and full civil and political rights for all Iranians; and

(4) calls on the Government of Iran to rejoin the community of nations and renounce terrorism, opposition to the Middle East

peace process, and the development and acquisition of weapons of mass destruction.

DETENTION OF ANDREI BABITSKY BY THE GOVERNMENT OF THE RUSSIAN FEDERATION AND FREEDOM OF THE PRESS IN RUSSIA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 261, submitted earlier by Senators HELMS, BIDEN, ROTH, LOTT, and DODD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 261) expressing the sense of the Senate regarding the detention of Andrei Babitsky by the Government of the Russian Federation and freedom of the press in Russia.

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

Mr. HELMS. Mr. President, during the past 5 months the Government of Russia has waged a brutal war against Chechnya. The Kremlin's indiscriminate use of force has left countless thousands of innocents dead and hundreds of thousands homeless on the icy plains and in the snow-covered mountains of the Caucasus.

We all have seen the photos of Grozny, a city subjected to a travesty not witnessed in Europe since the siege of Stalingrad and the leveling of Warsaw in World War II. Indeed, what has been done to Grozny surpasses even the havoc Milosevic wrought upon the towns and cities of Bosnia-Herzegovina and Kosovo. It is difficult to believe, but it is true.

In a time when Western Governments have turned a blind eye to this conflict, the ability of journalists to report objectively on the horrors of this war becomes all the more important to the effort to bring an end to this violence and establish a just peace.

Russian President Vladimir Putin appears to recognize this only too well. As a consequence, freedom of the press, a cornerstone of democracy, has become another victim of his government and his war against Chechnya.

Mr. President, the Russian government is today systematically censoring the press and attempting to use it to disseminate misinformation about public events. Journalists in Russia who report on the war and other matters in a manner contradicting the Putin Government do so at great risk. They are subject to intimidation, harassment, detention, and even violence by Russian authorities.

In one recent case, Russian police attempted to arrest a journalist and send him off to a psychiatric hospital, a ghoulish effort reminiscent of Putin's not to distant career in the Soviet KGB.

Nowhere has this suppression of the free press become more blatant and cruel than in the case of Andrei Babitsky, a ten year veteran journalist of our own Radio Liberty and Radio Free Europe.

Babitsky courageously and objectively covered the 1994–1996 Russo-Chechen war as well as the current conflict. For his accounts of the atrocities committed by Russian military and the resilience of the Chechen resistance, he has paid an extremely high price.

In mid-January, he was seized in Chechnya by Russian forces and detained. That is the last heard from him directly.

The Russian Government's response to inquiries about Babitsky's health and whereabouts have been contradictory and dismissive.

After nearly three weeks of asserting that Babitsky had not been detained, that he was about to be freed—and, indeed, that he had been freed, a Kremlin spokesman summarily announced on February 3 that his government exchanged Babitsky for three Russian prisoners of war held by the Chechen resistance.

Chechen authorities deny that such an exchange ever took place. And, the Kremlin has not provided one iota of credible evidence backing its version of events. Today, the fate of Andrei Babitsky remains unknown. He is a father with a loving and courageous wife and two children. We must pray that Babitsky will return safely to his family.

Mr. President, it is with Andrei Babitsky in mind, I, along with Senator BIDEN, the Majority Leader, and Senator ROTH, send to the desk a resolution concerning the state of freedom of press in Russia. This resolution recounts the facts as we know them in the case of Andrei Babitsky, and it underscores that his detention and disappearance are not isolated incidents but part of the Russian government's broader and systematic repression of the press.

It expresses our belief that—and at that this point I shall read the concluding elements of the pending resolution:

(1) The detention of Andrei Babitsky by the Government of Russia and the misinformation it has issued concerning this matter constitute reprehensible treatment of a civilian in a conflict zone, in violation of the principles set forth in Protocol I to the Geneva Conventions, and demonstrate the [Russian] Government's intolerance toward a free and open press;

(2) The conduct by the Government of Russia leaves it responsible for the safety of Andrei Babitsky;

(3) The Government of Russia should take steps to secure the safe return of RFE/RL reporter Andrei Babitsky to his family;

(4) The Government of Russia should provide a full accounting of Mr. Babitsky's detention and the charges he faced; and

(5) The Russian authorities should immediately halt its harassment of journalists, foreign and domestic, who cover the war in Chechnya and any other event in the Russian Federation and should fully adhere to the Universal Declaration of Human Rights which declares in Article 19 that ''everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.''

No principle lies deeper in the heart of democracy than the right to free speech. And the embodiment of that principle is a free press. Not only is freedom of the press a cornerstone of democracy, it is a key catalyst of democratic reform. Russia will not become a democracy if the Kremlin continues to repress, intimidate, harass, and brutalize those journalists who do not share its point view. Our ability to help Russia evolve into a democracy cannot be effective if we ignore such systematic repression of the press.

I call upon my colleagues to join me in supporting this resolution.

Allow me to close on one point related to the disappearance of Andrei Babitsky, freedom of the press in Russia and the relationship between Washington and Moscow.

It has become public knowledge that some in these two capitals contemplate a summit meeting in the near future between President Clinton and President Vladimir Putin. If our government is serious about determining the facts surrounding Andrei Babitsky's fate, if our government is serious about protecting other journalists from such abuse, and if our government is serious about promoting democratic reform in Russia, the administration will promptly dismiss such proposed summits until Putin has provided a full and credible accounting of Babitsky's detention and his current whereabouts.

It is premature to consider summit meetings at a time when the Russian government remains contemptuously dismissive of Babitsky and our concerns about his safety, not to mention the international community's call for a just peace in Chechnya.

The administration has repeatedly stated that the Kremlin will isolate itself through its barbaric conduct in Chechnya. Now is the time for the administration to live up to its own words.

Mr. BIDEN. Mr. President, I am pleased to join the chairman of the Foreign Relations Committee, Senator HELMS, in supporting a resolution regarding Andrei Babitsky, a reporter for Radio Liberty, who has been missing in Russia since January.

Mr. Babitsky is a veteran reporter for Radio Liberty, the U.S.-funded radio broadcasting organization based in Prague. He has reported on Russia for over a decade, and reported on the Russo-Chechen war from 1994 to 1996 and over the past several months.

In mid-January, Mr. Babitsky disappeared in Chechnya. Since then, Russian officials have issued contradictory statements about Mr. Babitsky's whereabouts and well-being. On January 26, a Russian presidential spokesman stated that Babitsky ''left Grozny and then disappeared,'' and that Russian officials had no knowledge of his

whereabouts. Two days later, Russian authorities acknowledged to officials from Radio Free Europe/Radio Liberty that Mr. Babitsky had been detained, but that he would soon be released. Just a few days after that, Russian officials stated that, instead of being released, Mr. Babitsky had been handed to Chechen rebels in exchange for three Russian prisoners of war.

It is now late February. Mr. Babitsky still has not been heard from, and the Russian government has yet to provide a credible accounting of his whereabouts.

The actions and statements of the Government of the Russian Federation are deeply troubling, not only because of what they may mean for Mr. Babitsky's well-being, but for what they may portend about the freedom of the press in Russia today. Mr. Babitsky is a journalist, working for an American-supported news organization. His detention by the Russian authorities, and his reported exchange with the Chechens, violates fundamental norms embodied in the Geneva Conventions and applicable protocols. Equally troubling, the detention and mistreatment of a working journalist is a chilling indication that the Government of the Russian Federation is not committed to a fundamental human right: freedom of the press. These are not just the words of one United States Senator. In Russia itself, a leading journalists' union has stated that the Babitsky case is ''not an isolated episode, but almost a turning point in the struggle for a press that serves society and not the authorities.''

Several weeks ago, the chairman and I wrote to Acting President Putin and urged Mr. Babitsky's release. Several other senators and members of the other body have expressed similar views. Additionally, the Secretary of State has raised this matter with senior Russian officials. In Russia, Europe and the United States, there has been universal condemnation of the Russian Government for its actions in this matter.

Today we have decided to call additional attention to Mr. Babitsky's plight by introducing this sense of the Senate resolution, which criticizes the Government of the Russian Federation for its actions in the Babitsky matter and calls on Moscow to provide a full accounting of his detention.

I hope it will get the attention of the Russian Government. I hope it will help lead to the truth about the whereabouts of Mr. Babitsky. I urge my colleagues to support it.

Mr. BROWNBACK. 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. 261) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 261

Whereas Andrei Babitsky, a dedicated and professional journalist for Radio Free Europe/Radio Liberty (RFE/RL) for the last 10 years, reported on the 1994–1996 and the current Russo-Chechen wars;

Whereas on December 27, 1999, the Russian Information Committee (RIC) in Chechnya accused Babitsky of ''conspiracy with Chechen rebels'' after he broadcast a story that shed unfavorable light on Russian military actions in Chechnya;

Whereas on January 8, 2000, Russian security agents raided Babitsky's apartment in Moscow and confiscated several items and later ordered his wife, Ludmila Babitskaya, to report to a local militia station in Moscow after she attempted to pick up photographs taken by her husband in Chechnya;

Whereas on January 18, 2000, Babitsky was reportedly detained by Russian authorities in Moscow but later reports indicated that he was not formally arrested until January 27, 2000;

Whereas on January 26, 2000, Russian presidential spokesman Sergei Yastrzhembsky said that Babitsky ''left Grozny and then disappeared'' and declared that Russian security services had no idea as to his whereabouts and that ''his security is not guaranteed'';

Whereas on January 28, 2000, Russian media officials told RFE/RL that Babitsky would be released with apologies after having been charged with participating in ''an illegal armed formation'';

Whereas on February 2, 2000, Moscow officials announced that Babitsky would be transferred from Naursky district near Chechnya to Gudermes and then to Moscow where he would then be released on his own recognizance;

Whereas on February 3, 2000, Russian presidential spokesman Sergei Yastrzhembsky said that Russian officials exchanged Babitsky for 3 Russian prisoners of war and on the same day, Vladimir Ustinov, acting Russian prosecutor general, said Babitsky had been released and had gone over to the Chechens on his own accord;

Whereas the Government of the Russian Federation has repeatedly issued contradictory statements on the detention of Andrei Babitsky and provided neither a credible accounting of its detention of Babitsky nor any credible evidence of his well-being;

Whereas United Nations High Commissioner for Human Rights Mary Robinson stated on February 16 that Russian behavior in Chechnya and the detention of Andrei Babitsky appears to violate the Geneva conventions to which Russia is a signatory;

Whereas on February 16, 2000, Russian Human Rights Commissioner Oleg Mironov denounced Moscow's handling of Babitsky as a violation of Russian law and international law and stated that the situation surrounding Babitsky signals ''that the same thing may happen to every reporter'';

Whereas the Union of Journalists in Russia declared on February 16 that the case of Andrei Babitsky is ''not an isolated episode, but almost a turning point in the struggle for a press that serves society and not the authorities'' and that ''the threat to freedom of speech in Russia has for the first time in the last several years transformed into its open and regular suppression'';

Whereas freedom of the press is both a central element of democracy as well as a catalyst for democratic reform;

Whereas the Government of the Russian Federation has repeatedly violated the principles of freedom of the press by subjecting journalists who question or oppose its policies to censorship, intimidation, harassment, incarceration, and violence; by restricting beyond internationally accepted limits their access to information; and by issuing misleading and false information; and

Whereas the Government of the Russian Federation has egregiously restricted the efforts of journalists to report on the indiscriminate brutality of Russia's use of force in Chechnya: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the detention of Andrei Babitsky by the Government of the Russian Federation and the misinformation the Government of the Russian Federation has issued concerning this matter—

(A) constitute reprehensible treatment of a civilian in a conflict zone in violation of the Geneva Conventions and applicable protocols; and

(B) demonstrate the Government of the Russian Federation's intolerance toward a free and open press;

(2) the conduct of the Government of the Russian Federation leaves it responsible for the safety of Andrei Babitsky;

(3) the Government of the Russian Federation should take steps to secure the safe return of RFE/RL reporter Andrei Babitsky to his family;

(4) the Government of the Russian Federation should provide a full accounting of Mr. Babitsky's detention and the charges he may face; and

(5) the Russian authorities should immediately halt their harassment of journalists, foreign and domestic, who cover the war in Chechnya and any other event in the Russian Federation and should fully adhere to the Universal Declaration of Human Rights, which declares in Article 19 that ''everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers''.

PEACEFUL RESOLUTION OF THE CONFLICT IN CHECHNYA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 262, introduced earlier today by Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 262) entitled ''Peaceful Resolution of the Conflict in Chechnya.''

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 262) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 262

Whereas the people of Chechnya are exercising the legitimate right of self-defense against the indiscriminate use of force by the Government of the Russian Federation;

Whereas the Government of the Russian Federation has used disproportionate force in the bombings of civilian targets in Chechnya which has resulted in the deaths of thousands of innocent civilians and the displacement of well over 250,000 others;

Whereas the Government of the Russian Federation has refused to engage in negotiations with the Chechen resistance toward a just peace and instead has charged Chechen President Aslan Maskhadov with armed mutiny and issued a warrant for his arrest;

Whereas Russian authorities deny access to regions in and around Chechnya by the international community, including officials of the United Nations, Organization for Security and Cooperation in Europe and the Council of Europe, and maintain a virtual ban on access to Chechen civilians by media and international humanitarian organizations, including the International Federation of the Red Cross;

Whereas these restrictions severely limited the ability of these organizations to ascertain the extent of the humanitarian crisis and to provide humanitarian relief;

Whereas even limited testimony and general investigation by international organizations credibly reported widespread looting, summary executions, detentions, denial of safe passage to fleeing civilians, torture and rape committed by Russian soldiers;

Whereas there are credible reports of specific atrocities committed by Russian soldiers in Chechnya, including the rampages in Alkhan-Yurt where 17 persons were killed in December 1999 and in the Staropromyslovsky district of Grozny where 44 persons were killed in December 1999; and the rapes of Chechen prisoners in the Chernokosovo detention camp;

Whereas these credible reports indicate clear violations of international human rights standards and law that must be investigated, and those responsible must be held accountable; and

Whereas United Nations High Commissioner for Human Rights Mary Robinson proposed on February 20, 2000, the prosecution of Russian military commanders for overseeing ''executions, tortures, and rapes''; and

Whereas the Senate expresses its concern over the conflict and humanitarian tragedy in Chechnya, and its desire for a peaceful resolution and durable settlement to the conflict: Now, therefore, be it.

Resolved, That it is the Sense of the Senate that—

(1) the Government of the Russian Federation—

(A) immediately cease its military operations in Chechnya and initiate negotiations toward a just peace with the leadership of the Chechen Government, including President Aslan Maskhadov;

(B) allow into and around Chechnya international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes;

(C) allow international humanitarian agencies immediate full and unimpeded access to Chechen civilians, including those in refugee, detention and so called ''filtration cramps'' or any other facility where citizens of Chechnya are detained; and

(D) investigate fully the atrocities committed in Chechnya including those alleged in Alkhan-Yurt, and Grozny, and initiate prosecutions against those officers and soldiers accused.

(2) the President of the United States of America—

(A) should promote peace negotiations between the Government of the Russian Federation and the leadership of the Chechen Government, including President Aslan Mashkadov, through third party mediation by the OSCE, United Nations or other appropriate parties;

(B) endorse the call of the United Nations High Commissioner for Human Rights for an investigation of alleged war crimes committed by the Russian military in Chechnya; and

(C) should take tangible steps to demonstrate to the Government of the Russian Federation that the United States strongly condemns its brutal conduct in Chechnya and its unwillingness to find a just political solution to the conflict in Chechnya.

ORDER FOR STAR PRINT—S. 824

Mr. BROWNBACK. Mr. President, I ask unanimous consent that a star print of S. 824 be made with the changes that are at the desk.

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

ORDERS FOR MONDAY, FEBRUARY 28, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, February 28. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business until 2 p.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 12 noon until 1 p.m.; Senator THOMAS, or his designee, from 1 to 2 p.m.

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

Mr. BROWNBACK. Following morning business, I ask unanimous consent that the Senate resume consideration of S. 1134 and that the majority leader be immediately recognized.

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

PROGRAM

Mr. BROWNBACK. For the information of all Senators, the Senate will convene at 12 noon on Monday and will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume debate on the education savings accounts legislation. As a reminder, cloture was filed on the bill today with the cloture vote scheduled to occur at 2:30 p.m. on Tuesday, February 29. Pursuant to rule XXII, all first-degree amendments must be filed by 1 p.m. on Monday. For the information of all Senators, the leader has announced there will be no rollcall votes during Monday's session of the Senate.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 28, 2000

Mr. BROWNBACK. 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 6:55 p.m., adjourned until Monday, February 28, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 24, 2000:

DEPARTMENT OF STATE

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR, VICE GEORGE EDWARD MOOSE.

NATIONAL SCIENCE FOUNDATION

NINA V. FEDOROFF, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006, VICE CLAUDIA I. MITCHELL-KERNAN.

DIANA S. NATALICIO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

MATTIE R. SHARPLESS, OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

PETER O. KURZ, OF MARYLAND
KENNETH J. ROBERTS, OF MISSOURI

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ALLAN P. MUSTARD, OF WASHINGTON
HOWARD R. WETZEL, OF VIRGINIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

NANCY M. MCKAY, OF VIRGINIA

DEPARTMENT OF COMMERCE

BRIAN I. MCCLEARY, OF VIRGINIA

DEPARTMENT OF STATE

FRANK JOSEPH LEDAHAWSKY, OF WEST VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MARGARET MCFADDIN HARRITT, OF VIRGINIA
DIANE M. LEACH, OF VIRGINIA
CARRIE A. THOMPSON, OF CONNECTICUT
ANNETTE ELIZABETH TUEBNER, OF VIRGINIA
ROGER YOCHELSON, OF MASSACHUSETTS

DEPARTMENT OF COMMERCE

JAMES F. SULLIVAN, OF FLORIDA
MARILYN J. TAYLOR, OF TEXAS

DEPARTMENT OF STATE

DONNA MICHAELS, OF WASHINGTON
SUSAN BUTLER NIBLOCK, OF TENNESSEE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

PATRICIA O. ATTKISSON, OF VIRGINIA
COURTNEY E. AUSTRIAN, OF THE DISTRICT OF COLUMBIA
VEOMAYOURY BACCAM, OF IOWA
DOUGLASS R. BENNING, OF NEW YORK
MARIA E. BREWER, OF INDIANA
KERRY L. BROUGHAM, OF CALIFORNIA
JULIE J. CHUNG, OF CALIFORNIA
CARMELA A. CONROY, OF WASHINGTON
JOSEPH GALLAZZI, OF FLORIDA
DAVID J. GREENE, OF NEW YORK

RAYMOND F. GREENE, III, OF MARYLAND
DEBORAH GUIDO-O'GRADY, OF VIRGINIA
JANE J. HELLER, OF CALIFORNIA
CHARLES W. LEVESQUE, OF ILLINOIS
ALAN D. MELTZER, OF NEW YORK
DAVID TIMOTHY NOBLES, OF CALIFORNIA
PATRICK RAYMOND O'REILLY, OF CONNECTICUT
DAVID D. POTTER, OF SOUTH DAKOTA
VANGALA S. RAM, OF CALIFORNIA
ERIC NATHAN RICHARDSON, OF MICHIGAN
TAYLOR VINSON RUGGLES, OF VIRGINIA
THOMAS LEONARD SCHMITZ, OF SOUTH DAKOTA
JONATHAN L.A. SHRIER, OF FLORIDA
STEPHANIE FAYE SYPTAK, OF TEXAS
MARK TESONE, OF CALIFORNIA
HEATHER ROACH VARIAVA, OF IOWA
MICHAEL ANTHONY VEASY, OF TENNESSEE
GLENN STEWART WARREN, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DENA J. AYERVAIS, OF VIRGINIA
GREGORY J. BACHMAN, OF VIRGINIA
JUSTIN E. BAER, OF MARYLAND
BRIAN J. BARNA, OF VIRGINIA
JANICE M. BRUCE, OF MARYLAND
MONICA BARRAGAN-SMITH, OF VIRGINIA
DAVID N. BAYNARD, OF VIRGINIA
KIMBERLY M. BLOUNT, OF MARYLAND
DAN R. BOLL, OF VIRGINIA
VICKY A. BURGESS, OF VIRGINIA
CHRISTINE A. CAMPBELL, OF FLORIDA
ROBERT MICHAEL CAMPIONE, OF VIRGINIA
JANICE K. CHRISTIANSEN, OF VIRGINIA
RICHARD N. COLLINS, OF CONNECTICUT
NANCY L. CULLINAN, OF VIRGINIA
JOSEPHINE J. DUMM, OF VIRGINIA
CHRISTIAN A. EADES, OF MARYLAND
ANGELA K. ENG, OF VIRGINIA
ROGER M. ERVIN, OF THE DISTRICT OF COLUMBIA
TODD C. FAULK, OF VIRGINIA
MARY SUSAN GALIARDI, OF VIRGINIA
THOMAS C. GEDDES, OF VIRGINIA
KELLY A. GEORGE, OF VIRGINIA
KURT B. HALLBERG, OF VIRGINIA
MALCOLM E. HARRISON, OF VIRGINIA
EDEN HEINSHEIMER, OF THE DISTRICT OF COLUMBIA
FINN HOLM-OLSEN, OF VIRGINIA
CHRISTOPHER C. INTAGLIATA, OF VIRGINIA
JOHN H. JACOBS, OF MARYLAND
DEBBIE ANN JAMES, OF MARYLAND
TRACY A. KAHN, OF VIRGINIA
DAVID L. KELLER, OF VIRGINIA
SAMUEL R. KOZLOFF, OF FLORIDA
MICHAEL J. KRESSE, OF VIRGINIA
CYNTHIA ANN LANDRUM, OF THE DISTRICT OF COLUMBIA
PAUL D. LENSINK, OF VIRGINIA
R. SHANE LINDER, OF VIRGINIA
ROBERT F. LITVIAK, OF VIRGINIA
GEOFFREY H. LYON, OF VIRGINIA
CHRISTOPHER M. MARTIN, OF VIRGINIA
MARTIN J. MC ANDREW, OF VIRGINIA
STEPHEN N. MC FARLAND, OF VIRGINIA
PAULO MENDES, OF MARYLAND
PILAR MILLER, OF VIRGINIA
STEVEN MARK MOUTON, OF VIRGINIA
CHARLES BENJAMIN NANTZ, III, OF VIRGINIA
DANIEL J. O'CONNOR, OF VIRGINIA
RENEE D. ODEN, OF VIRGINIA
CATERINA C. PANOS, OF MARYLAND
SHEETAL T. PATEL, OF VIRGINIA
ROBERT P. PEACOCK, OF VIRGINIA
SUSAN M. PEARSON, OF VIRGINIA
D. GEOFFREY PECK, OF VIRGINIA
LEIGH CLARE POWELL, OF VIRGINIA
KENNETH B. REIDBORD, OF PENNSYLVANIA
JAMES C. RIGASSIO, OF NEW JERSEY
JOHN SCOTT RITCHIE, OF VIRGINIA
DAVID WAYNE ROCHE, OF VIRGINIA
CYNTHIA S. RODRIGUEZ-KNOX, OF MARYLAND
KATHLEEN F. SCHMIDT, OF VIRGINIA
SALLY J. SCHNEIDER, OF VIRGINIA
BONNIE J. SKOVLIN-HUELLER, OF VIRGINIA
ANNETTE L. SOWARD, OF VIRGINIA
MAREN SMITH, OF VIRGINIA
VICTORIA STEWART-MOORE, OF MARYLAND
E. JEAN SWINDLE, OF VIRGINIA
LEONARD EDWARD TAGG, OF VIRGINIA
NICHOLAS TERRIGNO, OF VIRGINIA
JAMES R. THOMPSON, III, OF THE DISTRICT OF COLUMBIA
RICHARD M. TIMBERLAKE, OF VIRGINIA
DAVID S. WISENANT, OF VIRGINIA
MINOY WIREN, OF VIRGINIA
RUSSELL G. WOODY, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE OCTOBER 18, 1992:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

LEO R. WOLLEMBORG, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS A CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE AS INDICATED, EFFECTIVE NOVEMBER 28, 1993:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ARLYNE E. HEERLEIN, OF OHIO

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE JUNE 30, 1994:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES T.L. DANDRIDGE, II, OF ALABAMA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE AUGUST 28, 1994:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DANIEL MC GAFFIE, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE DECEMBER 7, 1997:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

CHRISTINE DEBORAH SHELLY, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARGARET M. DEAN, OF ILLINOIS
JOHN SEABURY FORD, OF OHIO

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

NANCY MORGAN SERPA, OF NEW JERSEY

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES F. BARNETTE, 0000
BRIG. GEN. GILBERT R. DARDIS, 0000
BRIG. GEN. DAVID B. POYTHRESS, 0000
BRIG. GEN. JOSEPH K. SIMEONE, 0000
BRIG. GEN. RICHARD E. SPOONER, 0000
BRIG. GEN. STEVEN W. THU, 0000
BRIG. GEN. BRUCE F. TUXILL, 0000
COL. SHELBY G. BRYANT, 0000
COL. KENNETH R. CLARK, 0000
COL. GREGORY B. GARDNER, 0000
COL. JOHN B. HANDY, 0000
COL. JON D. JACOBS, 0000
COL. CLIFTON W. LESLIE, JR., 0000
COL. JOHN A. LOVE, 0000
COL. DOUGLAS R. MOORE, 0000
COL. EUGENE A. SEVI, 0000
COL. DAVID E.B. STROHM, 0000
COL. HARRY M. WYATT, III, 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 3069 AND IN ACCORDANCE WITH ARTICLE II, SECTION 2 OF THE CONSTITUTION OF THE UNITED STATES:

To be brigadier general, Nurse Corps

COL. WILLIAM T. BESTER, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate February 24, 2000:

THE JUDICIARY

KERMIT BYE, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

GEORGE B. DANIELS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.