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## Senate

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

### PRAYER

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

Dear Father, Sovereign of our Nation, our Help in ages past and our Hope for years to come, we praise You for the gift of prayer. You have given us prayer to share with You what is on our minds and hearts and to listen for Your guidance.

Holy God, heal our land at this crucial time. Help all of us to examine our own lives and renew our commitment to integrity and moral purity. Bring America back to You. Beginning with each of us, ignite a spiritual renewal that sweeps across our land. You are a God of judgment and grace.

Be with the President. Enable Your healing reconciliation in his marriage and family. Guide the Members of Congress charged with the responsibility of seeking what is best for our Nation in this crisis. Lead and inspire them as they seek to know and do Your will. We commit these decisive days to Your care. Through our Lord and Savior. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, the able Senator from Utah, is recognized.

Mr. HATCH. Thank you, Mr. President.

### SCHEDULE

Mr. HATCH. Mr. President, this morning there will be 30 minutes of debate prior to a rollcall vote on a motion to invoke cloture on the motion to proceed to the child custody protection legislation. If cloture is not invoked and if an agreement has not been

reached with respect to the bankruptcy bill, there will be an additional 30 minutes of debate prior to a cloture vote on the Grassley substitute to the bankruptcy bill. If cloture is not invoked on that measure, it is expected that the Senate will resume consideration of the Interior appropriations bill.

Members are encouraged to come to the floor to offer and debate amendments to the Interior bill in an effort to make progress on this important legislation. Therefore, Members should expect rollcall votes throughout today's session, with the first vote occurring at 10 a.m. As a final reminder, Members have until 10 a.m. to file second-degree amendments to the bankruptcy bill.

### RESERVATION OF LEADER TIME

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

### CHILD CUSTODY PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the time until 10 a.m. is equally divided between the Senator from Michigan, Mr. ABRAHAM, and the Senator from Vermont, Mr. LEAHY, or their designee.

Mr. HATCH. Mr. President, time is very limited this morning, so I will be brief.

We are voting shortly on cloture on a Motion to Proceed. In other words, Senators will be deciding whether or not we can simply consider this important measure.

We all know how contentious the issue of abortion can get around here, and across the country. But this matter is not really even about abortion. This bill is simply about protecting the health and safety of minor children and the rights that their own states have concluded their parents should have. Specifically, it simply seeks to enforce

state laws requiring parental involvement in their minor daughter's abortion so that someone other than those parents cannot readily avoid those state laws by taking a young girl across state lines for an abortion, certainly not without the notification to their parents.

But whether my colleagues agree or disagree with this bill, or whether, like the Clinton administration, that want to modify or limit it, there is simply no reason to vote no on just proceeding to a discussion.

The concern has been expressed that there be an opportunity to offer relevant amendments. Mr. President, no one has suggested otherwise. Let's have at it. The only action that would preclude amendments is a no vote this morning.

We are prepared to debate and vote on amendments. That opportunity was available at committee and it can be worked out here. In fact, the amendments offered or filed at committee would likely be germane post-cloture even if this were a cloture vote on the bill itself, rather than a motion to proceed.

So let's not look for excuses here. I urge my colleagues to vote yes and allow us to consider this important legislation. American families—parents and their children—deserve no less.

Having said that, I want to personally pay my respects to the distinguished Senator from Michigan, Senator ABRAHAM, for the leadership he has provided on this. Without him, we wouldn't be this far. I have to say he has been a great leader on the Judiciary Committee. I personally appreciate the efforts he has made on this bill thus far. I will support him every way I possibly can.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank the Senator from Utah for his kind remarks and look forward to

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



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working together on this and other legislation.

At this point, I yield up to 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, the purpose of this legislation is very simple: It is to make it a crime to transport a child across State lines if this circumvents State laws requiring parental involvement or if it circumvents State laws requiring a judicial waiver for a minor to obtain an abortion. It is that simple.

Many States, as we know, have laws saying a parent or guardian has to be notified if a child is trying to get an abortion. But not all States have these laws. What is happening now, far too often in this country, is that people who aren't parents, who aren't guardians, are taking these children across State lines, secretly, to get abortions in another State where parental notification is not required. It is that simple.

What we are addressing in this bill, and what Senator ABRAHAM is addressing, is an obvious circumvention of these State parental consent and notification laws. This bill, then, has two purposes: to protect the health of children and to protect the rights of parents. In fact, it might not be much of an exaggeration to say that these two purposes really boil down to just one purpose, because, Mr. President, empowering parents is the single biggest investment we can make in ensuring the health of our children.

What we are saying with this legislation is that, yes, parents have the right to be involved in a moral and medical decision that affects their children's welfare. They have the right to do this. They have the duty to do this. When it comes to parental notification on abortion, the American people have reached a clear consensus. By a huge majority, 80 percent, favor parental notification; 74 percent favor not just parental notification but parental consent, as well—74 percent. This is a clear expression of the national wisdom. This legislation is an effort to make that kind of informed decision possible.

Now, earlier this year, we in Congress worked on another bill, one that is now law. In that bill, the President and the Congress mandated that the flight of a parent to another State to avoid paying child support would be a Federal crime. I worked with Senator KOHL to champion the Deadbeat Parents Punishment Act in order to protect the interests of America's children. We have to pursue very vigorously those who would harm our children, either by omission or by commission.

Mr. President, the very same principle is embodied in the Child Custody Protection Act that we are considering today.

There are those living among us, Mr. President, who would place our children in harm's way by transporting

them across State lines to achieve dangerous goals, both physically and emotionally. One such goal is abortion. The right of citizens to pass and enforce laws regarding the rights of parents is completely violated by the ability of others to transport children to another State to obtain an abortion. As a Nation, we must use all the resources available to us in order to protect our children and our families from this conduct.

That is our purpose here today. Senator ABRAHAM has shown strong leadership in bringing this legislation forward. I thank him for his work on this important bill, and I yield the floor.

Mr. ABRAHAM. I yield 3 minutes to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Michigan for his leadership on this very important issue. I am here to offer my wholehearted support for him in his efforts on this piece of legislation.

Currently, 22 States require parental notification if a minor is going to receive an abortion. Each year, thousands of adults deliberately circumvent these laws by taking children across State lines to receive an abortion in another State which does not require parental consent.

This legislation would make it a Federal criminal offense to take children across State lines to receive an abortion without the knowledge of their parents. By implementing this safeguard legislation, we will insulate our children from exploitation by adults who do not want the parents involved in the decisionmaking process for an abortion, and who may not have the child's best interests at heart.

The decision to have an abortion is a critical one, which I hope women of all ages would not choose. However, despite an individual's personal opinion about abortion, the majority of Americans, myself included, believe it is imperative for the parents of minor children to be included in this life-altering decision. According to a 1996 Gallup poll, 74 percent of Americans support requiring minors to get parental consent for an abortion. According to the Supreme Court, "the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature." Clearly, our Nation's children should not be kept from their parents when making an important life decision, particularly one with such broad ramifications as an abortion.

I find it unbelievable that schools throughout the country are unable to dispense even a simple aspirin to a child without written consent from their parents; yet, every day thousands of adults are permitted to escort children across State lines for an abortion which has serious physical and mental effects.

This is simply preposterous. A child cannot receive over-the-counter medications like an aspirin to relieve a

headache while at school, but we allow that same child to have an abortion without the consent or knowledge of their parents and guardians.

It is my firm belief that we must pass this law and stop people from bypassing the laws of our individual States. I would like to stress that this bill does not impact the individual rights of States, nor does it alter, supersede, or override existing laws in the individual States. What the Child Custody Protection Act does is protect the current laws of States which have chosen to implement parental notification. Most important, this legislation protects our children from making a life-altering decision without the guidance of their most trusted and caring advisers, their parents. The mental and physical well-being of thousands of children depends on us passing the Child Custody Act.

Mr. ABRAHAM. Mr. President, at this time, I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I add my compliments to Senator ABRAHAM from Michigan for his outstanding work in crafting this professionally drafted, constitutional, and well-done amendment.

There was a recent article in the New York Times by an abortion doctor who admitted to doing 45,000 abortions. He said in that article that parents ought to be consulted in these circumstances. He said that, when someone—often some young man—takes a very young girl across a State line to a State where abortions don't require parental consent, he is jeopardizing the health of that young girl, because the parents won't even know to watch out for her health. Having had the abortion a long distance away, the girl won't be able to return to the abortion clinic for follow-up. The parents won't be watching their daughter's health and the complications that can arise. The doctor said that pro-abortion forces do themselves a disservice when they oppose such legislation as this. I think that is plainly so from a medical point of view. I think it is plainly so from a family point of view. Young toughs who have impregnated a young girl ought not to be able to avoid their responsibility by secretly taking her away to a distant place, without the knowledge of her parents. This is basic.

I was a Federal prosecutor for nearly 15 years, and during that time we had what we call the Mann Act. It prohibits the interstate transportation of a female across a State line for the purpose of prostitution or other immoral purposes. That is a law that has been upheld repeatedly by the Supreme Court. This bill will be upheld by the Supreme Court. It is consistent with American law. I am amazed that we can't even get the bill up for a vote and that there are people opposing it.

I thank the Senator from Michigan for his leadership.

Mr. ABRAHAM. Mr. President, because the first 4 minutes of this debate

was lost due to other business before the Senate, I ask unanimous consent that we extend the time for debate an additional 5 minutes, which would move the cloture vote to 10:05.

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

Mr. SPECTER. Mr. President, I have sought recognition to express my views on the vote we are taking today regarding the Child Custody Protection Act. I will vote to invoke cloture on the motion to proceed to consideration of this legislation because I believe it is an issue that merits consideration by the full Senate.

Based on my conversations with Pennsylvanians throughout the Commonwealth in recent weeks, I am well aware of the strong views on either side of this issue. It is the responsibility of the Senate to deliberate over proposals concerning matters as complicated as an individual's right to an abortion, particularly when minors are involved and there are substantial State interests at stake as well. While I am troubled by some of the implications of this bill, I believe it is important that this is debated by the entire body, not just the Judiciary Committee.

Mr. ABRAHAM. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken out of the minority side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I am pleased that the chairman of the Senate Judiciary Committee, Mr. HATCH, and also my good friend from Michigan, Mr. ABRAHAM, have said that the majority is prepared to debate and vote on amendments to this bill. I know that a number of my colleagues want to bring amendments that are also important for the health and safety of American families and children.

I have some concerns, as I have expressed to the Senator from Michigan, on the overall bill. But with the assurances that we are going to have debate—I am not talking about dilatory debate, I am talking about real debate and amendments—I am prepared to take Senator HATCH and others at their word and proceed to this bill and work through it.

Having said that, I have some difficulties with aspects of the bill. I note for my colleagues that those difficulties go to particular constitutional and legal issues, not to the underlying concerns the Senator from Michigan has expressed.

The Senator from Michigan has expressed some very real concerns, many of which I share. He has done it in a way that shows a deep, heartfelt con-

cern, a concern of conscience, and I applaud him for that. We will work through these particular things in the same way. As the Senator from Michigan knows, I did not take steps to delay this bill from coming out of committee. This bill deserves to have a vote. We deserve, some of us, and probably both sides, to have a vote on some of the amendments. We will do that.

I will urge my colleagues to vote to move forward with this bill.

I yield the floor.

I see nobody on our side looking for further time. I will yield, if this will help the Senator from Michigan, the remainder of my time to him, with the understanding that if somebody comes up I am sure he will take care of their time.

Mr. ABRAHAM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, first, I thank the Senator from Vermont for his remarks both here as well as in the committee when we dealt with this issue. I think he and other members of the other side on this debated in a very thoughtful fashion some of the issues at stake.

In light of his comments, it is my hope, obviously, that we will agree to this cloture motion this morning overwhelmingly, and then hopefully the Senate can begin to discuss a list of potential amendments that might be debated on it for whatever time and we would then call the bill up.

If there are others here who would like to speak at this point, I yield to them some time. I see there is one request.

Let me yield to the Senator from Pennsylvania for 1 minute to comment on the legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. Now that the Senator from Vermont has agreed to support the motion to proceed—that is heartening—we can now get to this.

I came here to plead that we at least be given the opportunity to discuss this issue. On this bill, while it is obviously important to the entire country, the case which has been highlighted, which is the one that is the most disturbing, is the case from Pennsylvania of a horrible situation where a young girl 12 years old was raped by a boy 18, was given alcohol, and was impregnated while she was unconscious. The stepmother of the boy, without the knowledge of the little girl's mother, took her across the State line to have an abortion.

In fact, there are a series of false pretenses, which I will outline in the debate that we hope now to have on the full bill. It shows how this law is necessary to protect the rights of parents, and the State of Pennsylvania wants to protect them. The State of Pennsylvania has a law in place that says you need parental consent. Parents in the State believe they should be able to

rely upon the law, that they should be able to have that right that the State of Pennsylvania suggested that we have, that the people of Pennsylvania should have their laws honored, and that people, by crossing State lines, should not be able to evade what is the law within Pennsylvania. This is less an abortion issue than it is a State rights issue.

As Senator DEWINE mentioned in his debate, we have done things just recently with child support to get better enforcement of State decisions across State lines to protect children and to protect families. This is just another instance where we should do that—protect the rights of parents and protect the rights of children within the borders of the State, as the State legislatures and Governors have enacted laws to do so.

I commend the Senator from Michigan for his work to fight through the Judiciary Committee and to get this bill to the floor, and to now get it to a point where hopefully we can begin the debate and we can begin to move forward with the debate of these amendments.

I understand States rights and enforcing State laws is an important issue that we debate here often in the Congress. But there is none more important, as far as I am concerned, than to protect the lives and health of children and the rights of parents. That is exactly at the heart of this legislation. I congratulate the Senator.

Mr. ABRAHAM. Mr. President, I thank the Senator from Pennsylvania for his support as well as for his work on a number of other related issues, including the one we will be debating here soon for the Senate. He has given leadership in a variety of areas—especially in the area of abortion rights, which has been, I think, a source of great strength to people who care deeply about this topic. We look forward to working with him later this week on a related matter that will come before the Senate.

In light of the current floor situation, I don't think there will be other speakers joining us. I intend to make a few remarks now, and, at the end of that time, if no one else has come to the floor to speak, I will yield back the remainder of the time that has been afforded me by the minority and seek unanimous consent that we vote as originally planned.

In light of Senator LEAHY's comments, it seems that probably the motion to proceed will receive enough votes for cloture and then we can begin moving forward.

As I said in my remarks to the Senate yesterday, this is an issue that would seem to me to be one that people, regardless of their view on the underlying issue of abortion rights, could agree on; that is, that the Supreme Court of the United States has deemed it to be constitutional for States to enact parental involvement statutes—parental consent or parental notification statutes. Based on that decision,

about 22 States have enacted such laws. The families in those States, the parents in those States, and the children in those States have a right to rely on those laws. Those laws have been enacted to protect young women who are minors who might consider an abortion. The reason for that is very simple.

The abortion procedure is a serious medical procedure. The consequences of that procedure are very serious. There is no one in a better position, particularly with extremely young women, to know about their health considerations better than the parents. Of course, there are certain instances where parents may not be appropriate because of abusive situations. The States have addressed that. And the courts have permitted States to address that with bypass procedures and other mechanisms to allow young women to have options in those rare instances. But other than in those rare instances, these laws make sense. I think an overwhelming percentage of Americans support them.

The problem is that these laws lack forcefulness. It is possible to circumvent them very easily by simply transporting the child across a State line for an abortion. Our legislation is simply an effort to clarify which laws would apply in the new jurisdiction where that abortion might be performed. This legislation says that the laws of the States which have enacted parental consent laws still have meaning, still have consequence, and the families in those States still have the ability to rely on those laws.

I cited yesterday on the floor the case that was presented in our hearings of Joyce Farley who was victimized by just such a situation—the Senator from Pennsylvania just alluded to it—where her 12-year-old daughter was raped by a neighbor, became pregnant, and then, in an effort to try to cover up that act, the neighbor's parent drove the child out of Pennsylvania, where parental consent laws are required, to the State of New York, where they had the abortion performed, falsified documents pretending she was the mother, brought the child back to Pennsylvania, and left her 30 miles from home in a very, very serious state of health. The child became very sick, finally got home, and finally told her mother what had happened. Only because her mother was a nurse was proper medical attention at that point applied and the little child's life saved.

This doesn't, in my judgment, seem to me to be a situation where we can simply allow this to continue. For that reason, our legislation is aimed not at changing the underlying abortion laws of States, not at changing or in any way enhancing the parental notification laws, but simply saying that where the laws exist, they have to be enforced regardless of where the child is taken for an abortion. That is what the purpose of the legislation is.

I hope today we can move forward on this motion to proceed. Then I hope we

can work together, regardless of what people's position might be on the abortion question and the underlying question, to say that parents and families in these situations should be protected and shall be protected by this Congress.

Mr. President, I yield 30 seconds to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would like to speak in support of S. 1645, The Child Custody Protection Act.

The purpose of this act is to prohibit the transportation of minors across state lines with intent to avoid application of a state law requiring parental involvement in a minor obtaining an elective abortion.

As I imagine the fear, confusion, and perceived isolation of a minor child who learns that she is pregnant, I can think of few situations where the support and security of family is more desperately needed. Many states have enacted laws to assure that parents are involved. This bill would assure that these state laws are not easily circumvented by crossing state lines.

There is an even more sobering aspect to this issue. A significant reason behind evasion of the State's parental involvement law can be an effort to cover up statutory rape violations.

In a study of 46,000 pregnancies by school-age girls in California, researchers found that seventy-one percent, or over 33,000, were fathered by adult post-high-school men. Another study reports that 58 percent of the time it is the girl's boyfriend who accompanies a girl for an abortion when her parents have not been informed of the pregnancy.

Obviously, many of these men are vulnerable to statutory rape charges. This vulnerability provides these men with a strong incentive to pressure the much younger girl to agree to an abortion without revealing the pregnancy to the parents. Currently, a man seeking to do so can evade the law and hide his crime by driving his victim across State lines.

Opponents of this legislation argue that in some families, ideal relationship may not exist with the parents—that in families where abuse is present, for example, parental involvement would be detrimental. This concern is addressed in that judicial bypass provisions exist in every state with a parental notification requirement. These judicial bypass procedures are not onerous. A recent study of Massachusetts bypass procedure published in the American Journal of Public Health reported that only 1 out of 477 girls was refused a judicial authorization. Furthermore, the average hearing lasted less than 13 minutes.

Passing this bill will not force parental disclosure in instances where abuse exists within a family. Conversely, failure to pass this legislation could compromise parental support from the majority of families where good counsel and loving support would be provided.

Americans support the concept of parental involvement. In a 1996 Gallup poll seventy-six percent of those polled favored laws requiring the girls under the age of 18 get either parental consent or at least inform their parents before obtaining an abortion. This conviction is reflected at a legislative level by the 22 states that have enacted laws requiring parental notification.

This is not a broad piece of legislation, it has in fact been described by the media as "narrowly tailored to address a specific problem." The act does not establish a national requirement of parental consent or notification prior to the performance of an abortion on a minor under 18. Nor does it attempt to regulate any purely intrastate activities related to the procurement of abortion services. S. 1645 simply helps effectuate the policies of States that have decided to provide a layer of protection of their own residents against these dangers to children's health and safety by requiring parental involvement in the abortion decision.

Minors must not be left alone to make these crucial decisions. Abortion is a major medical procedure, highly invasive and often emotionally traumatic. There are hundreds of accounts of women who as adults, decide to undergo an elective abortion and are then plagued by profound regret, health complications and emotional trauma for having made that decision.

How much greater is the potential for a hasty and regrettable decision when the mother is herself a child who may not fully understand her options and the consequences of her choices?

I urge my colleagues to vote for cloture to proceed to this bill and to support this important legislation, and I yield the floor.

Mr. President, I know Members are anxious to get to this cloture vote. I strongly support the efforts of the Senator from Michigan and the Senator from Pennsylvania and others to deal with this important item. I commend them for their perseverance in pursuing this. I think it is important that we move forward with this and support it.

It is designed in a way to protect the rights of children, the rights of parents, and the rights of States. I urge my colleagues to support it.

Mr. ABRAHAM. Mr. President, I note there are no other individuals on either side of the aisle here to speak at this point, and so in that the hour of 10 o'clock, which was the original time that this vote was slated to occur, has arrived and there are no other speakers, I ask unanimous consent to withdraw the most recent unanimous consent agreement that was entered into, yield back all remaining time, and proceed at this point to a vote on the motion to proceed.

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

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1645, the Child Custody Protection Act:

Trent Lott, Orrin Hatch, Spencer Abraham, Charles Grassley, Slade Gorton, Judd Gregg, Wayne Allard, Pat Roberts, Bob Smith, Paul Coverdell, Craig Thomas, James Jeffords, Jeff Sessions, Rick Santorum, Mitch McConnell, Chuck Hagel.

## CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum under the rule is waived.

## VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 1645, the Child Custody Protection Act? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska (Mr. KERREY), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 265 Leg.]

## YEAS—97

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hatch	Roth
Byrd	Helms	Santorum
Campbell	Hollings	Sarbanes
Chafee	Hutchinson	Sessions
Cleland	Hutchison	Shelby
Coats	Inhofe	Smith (NH)
Cochran	Inouye	Smith (OR)
Collins	Jeffords	Snowe
Conrad	Johnson	Specter
Coverdell	Kempthorne	Stevens
Craig	Kennedy	Thomas
D'Amato	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Kyl	Torricelli
Dodd	Landrieu	Warner
Domenici	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	
Enzi	Lieberman	

## NOT VOTING—3

Kerrey	Moseley-Braun	Rockefeller
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The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly cho-

sen and sworn, having voted in the affirmative, the motion is agreed to.

The question is on the motion to proceed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

## HANDLING OF THE STARR REPORT

Mr. SPECTER. Mr. President, I have sought recognition to comment on the matters now pending before the Congress as the House of Representatives considers what to do with the Starr report. I suggest that we are guided now by the genius of the Constitution, which is the most important, most efficacious, and most brilliant document ever written as to how our country should handle the issues and the problems which we now confront.

The Constitution establishes the blueprint for what we are to do next, and that is for the House of Representatives to consider the Starr report, bearing in mind that it is a report which contains charges to which there will be a reply and, perhaps, depending upon what the House of Representatives decides, we will move to a stage of hearing evidence.

The question of evidence is one of enormous importance because that is the determinant as to establishing the facts. In our judicial system and in our congressional system, and in the system on impeachment proceedings, the facts are established by witnesses who testify as to what they have seen or observed—or generally witnessed. It may be that we will hear people who will come forward who will tell us what they saw and what they observed as witnesses, contrasted with what appears in the news media, which is hearsay—sometimes reliable, sometimes unreliable—almost universally the source is leaks, a sustained line of source material, but one which is the common parlance. But when it comes to a proceeding as in a court proceeding or as in an impeachment proceeding, it is a matter of evidence, and the rules of evidence in an impeachment proceeding may be entirely different. There are some hearsay declarations which are admissible under complex rules. There may be broader rules of evidence established. At least we come to the point of evidence as opposed to reports and as opposed to charges.

I think it is very important, as others have said on this Senate floor and as others have said in the public milieu, that we not rush to judgment but that we consider what the evidence is and make a considered judgment, and that the interests of fairness are para-

mount, as they have been reflected in Anglo-Saxon jurisprudence, and really improved upon in the American—the U.S. judicial system on what is due process and what is fair treatment. And deliberation is a critical part, and not rushing to judgment is a critical part.

We will see what the House of Representatives decides to do and what the House Judiciary Committee decides to do. It may be, as the constitutional procedure specifies, that the matter will be before this body and each of us in the U.S. Senate will be, in effect, a juror. It is a complex matter which portends great problems for our Government if the House takes up the matter of impeachment proceedings. It will tie up the House. If the Senate deliberates as a jury, it will obviously tie up this body. And what is not generally recognized is that the Constitution requires the Chief Justice to preside, so it ties up the Supreme Court of the United States. But the Constitution, that brilliant document, sets forth the ground rules, and we have that as, really, the strength of our American institutions to guide us in these very, very troubled times.

I think it is very important that the Senate, and the House, too, focus on very important legislative matters which have come before us in the course of the balance of September. Those are the appropriations bills which fund the Federal \$1.7 trillion budget. I have the privilege to serve as chairman of the Senate appropriations subcommittee which has jurisdiction over the Department of Education, the Department of Health and Human Services, and the Department of Labor. Traditionally, this bill has been left to the end because it is so contentious. Senator HARKIN, the ranking Democrat, and I have conferred and have formulated a plan to try to bring our bill to fruition early on this year. If we wish to get something done—something I learned a long time ago in the Senate is that if you want to accomplish what is in the public interest, we have to cross party lines to do it. Senator HARKIN and I have worked on that line.

Our staffs did an excellent job in pushing ahead on an expedited basis to prepare a subcommittee report during the month of August, and on the second day that we were back, September 1, a week ago Tuesday, the subcommittee acted, and then, under Senator STEVENS' leadership, the full committee acted on Thursday. So the bill, appropriations for Labor, Health, Human Services and Education, is now ready to come to the floor. The distinguished majority leader has stated that our bill can be considered immediately after the Interior bill, so that we do not wait until the very end of September. But Senator LOTT has articulated a fair admonition, that if the bill becomes cluttered with so-called killer amendments or becomes highly politicized, that we cannot keep the bill on the Senate

floor but it will be taken down. I think that is a fair consideration. So we have our own institutional prerogatives. It goes without saying sometimes politics dominates what happens on the Senate floor, but it is our hope that we will be able to avoid killer amendments and will be able to proceed to consider the merits of the bill.

Senator HARKIN and I have discussed this with the distinguished minority leader, Senator DASCHLE, who is sympathetic to our point of view and, without making commitments, has stated he would like to see that proceed. We discussed the issue of time limits, and I have already started to talk to Senators who have amendments where we can consider a time agreement, an hour equally divided or perhaps an hour and a half equally divided, so that we take up issues which have to be debated and have a resolution of them, hopefully omitting the highly politicized matters where there is going to be deadlock and which might require that the bill be taken down.

Our subcommittee has had a good working relationship with the House. We worked through with Congressman PORTER, the subcommittee chairman on the House side, my counterpart, and with Congressman LIVINGSTON, the chairman of the full committee. It is our realistic hope, realistic expectation, that we can work through the process there.

I had a chance to discuss the matter previously with the President—yesterday. It was an event in the White House, where Pennsylvania was a recipient. As is the custom, I received an invitation to attend, and did so, and had a chance to talk for a few moments with the President about this bill, Labor-HHS-Education. The President stated that he thought our Senate bill was a significant improvement over what has come out from the House Appropriations Committee. I pointed out that, while it did not have everything the President had asked for, it was important to focus on the fact that the bill was \$1.9 billion short of what the President had projected on income because we do not have the receipts from the tobacco bill, which was never acted upon, and we did not have the user fees, which had not been authorized.

Senator HARKIN and I, then, earlier this week, took a rather unusual step of convening a meeting of governmental affairs people, also known as lobbyists, who have an interest in this bill, especially those who have increases, as we have significant increases on the National Institutes of Health, Head Start, and the National Labor Relations Board, in order to secure their assistance. Because, if we go to a continuing resolution, then those matters will be funded at last year's level and they will not have the advantages of the additions. So there is some very keen potential interest on their part seeing this bill move. Our request to them was to exercise their best efforts—they have a lot of contacts in

the Senate, the House and the White House—to help us move the bill.

So I speak about this subject at some length, although I think not at excessive length here today, to urge my colleagues to focus on the appropriations process and not to be distracted by what is happening with the Starr report and the collateral problems which our country faces at this moment.

One of our colleagues said last week that when the Starr report hit, those issues were au courant in Washington, that it would suck all the oxygen out of every room in Washington, DC, which is a dramatic characterization, but one which I think is realistic; sucking all the oxygen out of every room in Washington, so that that is the sole focus of attention. From the conversations in the Cloakroom and on the floor, that is a realistic problem.

I do believe we have to maintain a focus on these appropriations bills which are so important, as we look to what is going to happen with the National Institutes of Health in cancer research, Alzheimer's, Parkinson's, et cetera, what happens with education on increases for Head Start, guaranteed student loans, what happens on worker safety. We are going to push very hard to bring forward our bill, hopefully next week, and debate the issues under time agreements to let this body work its will and try to work the matter through the House and then through the White House and then take up the other appropriations bills, so that while we have this grave national problem which we have to consider at the same time, we do not lose focus that September is the critical month for appropriations bills.

I ask all of my colleagues who anticipate amendments for this bill to let us know at an early date so that we can make a decision on what might be accepted, what might be compromised, or what might be subjected to time limits so that notwithstanding the problems which the President faces and which, in turn, the country faces, that we can focus on the appropriations process and complete the people's business during the month of September.

I thank the Chair and yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. The pending business is the motion to proceed to the Child Custody Act, which is S. 1645.

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 10 minutes.

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

#### EMERGENCY SPENDING BILLS

Mr. GREGG. Mr. President, there are three issues which I think we need to be thinking about addressing as we move into the end of this session. The

first is an emergency spending bill which is coming at us and how we pay for that.

Traditionally, emergency spending bills have been paid for outside the budget process. We have worked very hard, however, as a Congress and as a country to get our budget in balance. It has not been an easy task. It has taken us 29 years to get the budget in balance. This year we will have a \$60 billion surplus, and that surplus is projected to continue for a number of years into the future. But that surplus will be quickly frittered away if we add new spending programs that are not paid for, or if we arbitrarily increase the spending of the Federal Government in programs that already exist without looking at our budgeting process.

The emergency supplemental, as well meaning as it is intended to be, represents, in my opinion, and raises the issue of how we are going to maintain our surplus and threatens that surplus.

Since 1993, we have had \$37 billion of spending under emergency bills. That is \$37 billion that has been spent outside the budget process and has essentially added to the deficit, or in the case of this year, reduced the surplus.

This year, the emergency supplemental is being talked about as a rather huge bill. In the past, since 1993, the average of those bills has been somewhere in the vicinity of \$5 billion or \$6 billion. But now we are talking about an emergency supplemental of—I have heard a number as high as \$20 billion. But anything in the range of even \$10 billion or \$15 billion would be a huge number and would significantly reduce the surplus unless it was offset.

The purpose of an emergency supplemental is to address issues which we had not anticipated which need immediate action and to do so promptly. I can agree with all those purposes, but unfortunately, the emergency supplemental process has become a process which has basically been used as a giant loophole through which we have generated new spending and, thus, are putting at risk, in many instances, our surplus as we finally reached it.

Secondly, we have to ask ourselves, From where is this money coming? In the past, we were borrowing it and creating debt, which was bad enough. This time when we fund this emergency supplemental, if it is anywhere near the range of \$15 billion or \$20 billion, that is all basically going to come out of the Social Security trust fund. We will be borrowing from the Social Security trust fund because this year the surplus is essentially generated by the Social Security taxes which exceed the Social Security expenses. That, in and of itself, raises huge public policy issues.

I hope that before we step into this or step off on to this road which leads to this giant loophole in our budgeting process, which generates expenditures outside of our budget caps, that we will think about the process and, hopefully,

take a hard look at offsetting a significant amount of this emergency supplemental.

Much of it was anticipated. We already spent \$1.5 billion emergency for Bosnia. We should have been able to anticipate it and offset it. Clearly, the situation that has occurred in the farming communities is a severe emergency, but almost every year we appear to have an emergency in the farming communities. We should be able to budget and offset it. Disaster events have become, regrettably, all too commonplace. They are severe, and they need to be responded to, but we should be able to anticipate and budget it with some sort of reserve account and be setting it off.

The only event which is truly an emergency which we could not anticipate was the blowing up of the embassies in Africa. I happen to chair the committee that has jurisdiction over that. If I were asked by the appropriating authorities, by the leadership around here to find offsets for the purposes of paying for that, I would be willing to do that, or at least some portion of that. So as to the extent that emergency has occurred, I am willing to go back and see if we can't find some ways to pay the cost of that emergency with some sort of offset, some percentage of it anyway, maybe not the whole amount, but a percentage of it.

I am simply saying in throwing up a word of caution here, before we step on to this emergency spending process without any offsets, let's look at what it will do to the budget in the outyear and what it will do to the Social Security fund and is it proper to do it without offsets. I don't think it is. Some percentage should be offset.

Second, I want to talk about caps. Caps are ways we as Congress discipline ourselves, where we say we will not spend more than this amount in any one year. That is what the emergency issue is about, as I alluded to. The emergency spending designation allows you to exceed the caps, which is an appropriate action in the budget process, but is not necessarily a fiscally sound action.

The caps are in place only for the next 2 years because we do not have in place a budget. We did not reach a budget agreement, and it does not appear we are going to reach a budget agreement this year which would extend the caps over the lifetime of the budget agreement which we reached last year with the President. Last year, we reached the balanced budget agreement, a very important act in the history of this country, which has led to the surplus, in large part, this year and will lead to projected surpluses in the future years. But that budget agreement only had caps for 3 years. It was a 5-year agreement. So we are closing in now on the point when those caps are no longer in existence and we will no longer have any fiscal discipline around here.

I intend, and I hope I will receive the support of my colleagues, to offer an

amendment to whatever the emergency supplemental is to extend the caps for the last 2 years of the budget agreement which we reached with the President. I think that is only reasonable that we do that so that we can be sure that as we move forward in the future that we will have fiscal discipline here and we will stay on the glide path toward maintaining our surplus, which has been so difficult to attain and which is so important to the future of our country. That is the second fiscal point I wanted to make.

The fiscal third point I want to make is about taxes. It is obvious we are running a surplus, and, yes, that surplus is significant and there is a big demand to cut taxes, which is totally reasonable.

What is a surplus? It basically means people are paying more in taxes than we are spending in Government. So whose right is it to get the money back? It is the taxpayers' right to get the money back.

So we should be looking at a tax cut. There are lots of different discussions around here looking at what the tax cut should be. But in looking at this tax cut, we have to look at where the revenue is coming from.

Revenues for this surplus are coming from the Social Security tax. They are not coming from the general revenue tax. They are not coming from the income tax or the corporate tax or a variety of fees that we charge as a society, as a Government. They are coming from the fact that people are paying more into the Social Security trust fund than the Social Security trust fund is paying out today. As a result, we are running a surplus. That is true through about the year 2001 or maybe even the year 2002, that the surplus of this Government as it is projected will be primarily a Social Security trust fund surplus.

So when we are looking at a tax cut around here, I think we ought to look at the people who are paying the taxes. That would only be logical. People who are generating the surplus should get the return of the taxes. And that should be the Social Security taxpayer.

More importantly, there is no more regressive tax that we have on the books than the FICA tax. It is paid across the board. It is paid by everybody. No matter what your earned income is, you pay the FICA tax at the same rate. It is a regressive tax by any stretch of the imagination. No deductions, no exemptions, you pay it. Thus, if we are looking for a place to cut taxes which would benefit the most Americans and be the fairest place to cut taxes, we should be looking at cutting the Social Security tax.

So as we move down the road to the discussion on tax cuts, let us take a hard look at cutting the FICA tax, returning to the American people more of their tax dollars through a FICA tax cut. In doing that, we ought to also be looking at increasing the savings of the American people and trying to make

the Social Security system more solvent in the outyears.

One way to do that is a proposal that I put forth with Senator BREAU. And a number of other people have talked about it in different machinations—including Senator MOYNIHAN, Senator GRAMS, Senator DOMENICI, Senator KERREY—to take the tax cut and put it into a personal savings account which would be owned by the individual who pays the taxes; and it will be their money, they will have it as an asset, and it will be available for them when they retire. I hope we will consider that as an option also.

So as we move into this tax cut debate, I intend to raise this whole issue. And I believe we should raise this whole issue of where the taxes are coming from and who appropriately should be getting a tax cut.

I ask unanimous consent for another 2 minutes.

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

Mr. GREGG. So three things we need to be concerned about are, first, as we step into this emergency spending water, let us be careful about where the money comes from, let us look at an offset; second, let us get those caps extended so we can have sound fiscal policy throughout the 5 years of the balanced budget agreement we reached with the President; and third is, we look at a tax cut, let us have a tax cut that flows back to the people who are paying the taxes, those folks who are paying Social Security taxes.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I ask unanimous consent that I be permitted to proceed for—I will not say a specific period of time, I simply say that I will yield the floor any time our leader or anybody working on the bankruptcy bill asks me to. I ask unanimous consent that I be allowed to proceed as in morning business.

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

#### LET US RESERVE JUDGMENT ON IMPEACHMENT

Mr. BUMPERS. Mr. President, I had not intended to discuss the subject of the hour this morning, and I will only do so briefly and, hopefully, not in a controversial way. I heard the Senator from Pennsylvania pleading with people to reserve judgment. And I simply want to echo what he said. These are very traumatic times for this country. And I would say, despite the trauma the country is experiencing over the apparently possible impeachment of the President, we still have a tremendous amount of work to do in the U.S. Congress, and the American people have a right to expect us to do that business before we leave here.

While it is more gratifying, I suppose, from a political standpoint, as



well as from a personal standpoint, to immerse ourselves in the Starr report, we still have so much very serious, important work to do here, and I would be willing to suggest that we should come back after the election if necessary to deal with some of these things.

Having said that, let me say that the President will respond in time to the Starr report, I am sure. He is entitled to be heard. The American people are entitled to an objective, nonpartisan deliberation based on the facts.

As a former trial lawyer, I have gone before jurors who I had a sneaking suspicion had made up their mind before I got to make my opening statement. And I can tell you, it is a very queasy feeling. I have tried cases when, in my own mind, I was satisfied that the jury had made up its mind before the case was tried, before they heard the evidence, despite what we lawyers call voir dire examination, where you ask the jurors: "Do you have any preconceived notions about this case?" All of them said no. And I did not come to that conclusion that they made up their mind before they heard the evidence just because I lost, it was based on other things.

The American people have an inimitable, innate sense of fairness. The vast majority of the people in this country want, expect, and have a right to know that this whole situation is going to be considered in a very dignified way in accordance with the process.

This should not be—and I do not think it will be a political witch hunt. And I want to compliment the people in the House whom I have watched in the Rules Committee and in the Judiciary Committee, and the Speaker of the House, in their admonitions to their own Members about this being a very solemn, somber time in the history of this country and we must treat it with the seriousness it deserves. This is not one of those "let's give them a fair trial and string them up" kind of hearings.

So as an English philosopher once said, "There's nothing more utterly impossible than undoing that which has already been done." Whatever the President's sins, they have been done. So far as anybody much knows at the present, the American people know what those sins were, his indiscretions, what he described as "indefensible."

So the question before the House will be whether or not any or all of those things combined reach the threshold that the Founders intended in the Constitution; and that is, we know it is not treason and it is not bribery, and the next question will be: Does it reach the threshold of high crimes and misdemeanors?

The President has admitted, as far as I know, virtually everything. So he has bared his soul to the American people and pleaded for their forgiveness, as he did this morning before a prayer breakfast.

So, Mr. President, while I did not come over here to speak on that, I just

wanted to add my comments to those of the Senator from Pennsylvania, Mr. SPECTER.

And I would also like to say that when I talk about the work we have yet to do here, I am talking about issues of health care, I am talking about issues of the environment, and I am talking about issues of education. I am not trying to make a comparison, but what I am saying is that morality is often like beauty, it is in the eye of the beholder.

There has been an awful lot said about the President sacrificing his moral authority. And I would simply remind people—and this is not intended to be defensive—I would simply remind people that allowing children to go without health care is immoral, too, in this Senator's opinion. And abusing the only planet God gave us to sustain ourselves is also immoral.

Probably next Tuesday, The Senate will debate a provision included in the Interior Appropriations bill that would prevent the Secretary of Interior from being able to strengthen the environmental rules determining how the giant mining companies of this country will mine gold, silver and so on from our public lands. Most people don't know it, but we mine gold through a process called heap leach mining. And do you know what we use? Cyanide. I am not saying it is immoral to use cyanide, but I am saying it is immoral to block regulations determining how you are going to use cyanide to keep it out of rivers, streams and the underground water supply. That is what the amendment on Tuesday will be about.

I put in the category of being immoral to say the Secretary of the Interior must wait and let somebody else do a study before he can protect the environment. Last year, we had a handshake deal on this subject—we agreed not to procrastinate and delay Interior Department regulations any longer. Now, this year we have to have the National Academy of Sciences study it—postpone it for another 27 months. At the end of that, the mining industry will probably want the National Organization of Women to study it. After that, they will want NASA to study it—anything to keep from facing up to despoiling the only planet we have to sustain our children and grandchildren. As I say, morality takes a lot of forms.

#### TAX CUTS AND SAVING SOCIAL SECURITY

Mr. BUMPERS. Mr. President, I also wanted to discuss another matter of significance. We are going to technically have a budget surplus this year. Nobody knows how much it will be. The CBO has estimated the surplus will be somewhere between \$50 and \$63 billion. They have projected \$1.4 trillion in surpluses over the next 10 years. We need to keep in mind that estimates are just that—estimates. When you consider the fact in the last 60 days, \$1.9 trillion has been lost on the stock

exchanges of this country, you tell me how you would evaluate that study that was made about 4 months ago that we are going to have a \$1.4 trillion surplus over the next 10 years. The surplus may hold up this year and we may get a surplus next year, because an awful lot of people are bailing out of the market.

But when we talk about a surplus, it has been said time and time and time again on the floor of this Senate, it is not really a surplus. I don't know why in the name of God we keep calling it a surplus when it isn't. But for the sake of argument, because this is the way we do it here, let's assume we will have a \$50 to \$63 billion surplus this year. But let me add this caveat: \$100 billion of that is the excess in the Social Security Trust Fund. You take the Social Security excess out and we will have a \$40 to \$50 billion deficit.

Now, having set the stage for whoever may be listening to this argument, we are effectively looking this fall for a surplus, and every dime of it will come from the Social Security Trust Fund. Then I pick up the paper this morning and I see where there is a move in the U.S. Senate to go ahead with a tax cut after all. I don't know whether what I read this morning is true or not, but I have applauded our Budget Committee chairman in the past because he has steadfastly been opposed to tax cuts this year. But this morning I read that maybe he is about ready to sign off on an \$80 billion tax cut. I want to say this: There is an unassailable argument that can be made, that we are cutting taxes for some of the wealthiest people in America and it is coming right out of the Social Security Trust Fund.

If you put \$100 billion that we collected in Social Security this year, in excess of what we paid out, if you take that surplus and take it off budget and put it in the Trust Fund where it is supposed to be, you have a deficit. If you leave it in, you have a surplus. It is a phony surplus. And this tax cut will come out of the phony surplus, which means it is coming right out of the Social Security Trust Fund.

Now, I would not presume to give political advice to the people on the other side of the aisle, and I can tell you that nobody ever lost a vote—normally—voting for a tax cut. In 1993, we lost control of the Senate because we voted for a tax increase on the wealthiest of Americans which brought about our current economic prosperity and renewed fiscal soundness. I said time and time again, if the Democrats had to lose control of the Senate for casting a very courageous vote that brought this country 7, 8 years of economic vibrancy, it was worth it.

I lost two of the dearest friends I had in the election of 1994 because they voted for the 1993 budget bill. We have been benefiting from it ever since, and we now find ourselves in this very happy, euphoric state. Why cannot we enjoy and leave it alone? Why do we



have to keep tinkering with it? If you don't want the Social Security Trust Fund to be a vibrant fund, something that gives people who are in the workforce at the age of 25 or 30 some degree of assurance that it will be there for them, if you don't want to do that, say so.

Mr. President, do you know that under current estimates—and these estimates, as I say, are just what I say they are; they depend on the economy and they depend on a lot of things. But the Social Security Administration estimates by the year 2020, the Social Security trust fund will have a \$3.7 trillion surplus. The only problem with that is 12 years later it is bankrupt. If we don't fix Social Security—we are not going to do it this year—if we don't get at it soon, and we allow ourselves to squander a \$3.7 trillion trust fund, it will be one of the most callous, irresponsible acts ever taken by the U.S. Congress.

If you don't want it to go to the Social Security Trust Fund, then you just tell your constituents you are not for a tax cut; you want it to either stay in the Social Security Trust Fund or you want it to go on the national debt, which now stands at about \$5.2 trillion.

We still have a vibrant economy. When you start taking money out of the Social Security trust fund to funnel into the economy, you have the remote chance of increasing inflation. You increase inflation, you increase interest rates. You increase interest rates, the buying of cars and houses goes “kerplunk.” Those are simple economic principles. They are just as certain to happen as the night following the day.

Why cannot we be grateful for our prosperity? Mr. President, I vented my spleen on one of my favorite subjects this morning, and that is that I think tinkering with the phony surplus in order to provide a tax cut is not only bad economic policy, it is bad politics for those who propose it. In 1981—I am not sure I would have had the courage, except I had just been reelected, had 6 years in front of me to rectify whatever sins I committed—in 1981, I stood right here—I think I have been sitting at this desk for about 18 years—and I made the point just before we voted that if you passed Ronald Reagan's tax cuts and doubled defense spending, you were not going to balance the budget in 1984, you were going to create deficits big enough to choke a mule.

There is nothing more fun for a politician than to be able to say I told you so, so that is what I am saying. Eleven Senators voted against that. There were only three Senators who voted against the tax cuts and for the spending cuts, which would have balanced the budget in 1984; it was yours truly, Bill Bradley from New Jersey, and FRITZ HOLLINGS from South Carolina. But 11 of us voted against that tax cut and said you are going to get the deficit out of control. My precise words were: “It will be big enough to choke a

mule.” You will find that in the CONGRESSIONAL RECORD. And we did it. I don't know whether we choked a mule or not, but the consequences were absolutely horrendous, and remained horrendous until 1993 when we were looking at \$300 billion in annual deficits as far as the eye could see.

So I am pleading with my colleagues to think about it. My voice is not persuasive on the other side of the aisle, and I know that. It is very presumptuous of me to even make this speech, and I don't intend to lecture. I am simply saying that despite what is going on here in this traumatic time in the history of this country, let's not compound that by making a terrible economic mistake. And, as I say, for some, in my opinion, it is a terrible political mistake.

I yield the floor.

Mr. BROWNBACK addressed the Chair.

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

#### CHILD CUSTODY PROTECTION ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. BROWNBACK. What is the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed to the Child Custody Protection Act, S. 1645.

Mr. BROWNBACK. Mr. President, I am a proud sponsor of the Child Custody Protection Act, which makes it a Federal offense to transport a minor across State lines to obtain an abortion in circumvention of State parental notification laws. Good laws, constitutionally-tested laws, have been enacted in over 20 States which require parental participation, or judicial involvement, in a minor's abortion decision. Yet, these same laws are flagrantly breached by nonfamily adults who secretly transport young, pregnant girls in complete disregard of her parents' knowledge or participation. I think this is wrong, and I believe most parents would agree with me.

The Child Custody Protection Act is really a family values bill which preserves the parental right to oversee their child's medical treatment of the most intrusive kind—namely, that of abortion. This bill is about choosing to support parents, rather than unrelated strangers, in their State-recognized right to care for a vulnerable, at-risk daughter. Is this too much to ask? Even ear-piercing for minors requires parental authorization, let alone this most disturbing surgical procedure.

Abortion, I believe, is in a class by itself and is unlike any other medical procedure, for both strikingly emotional and physical reasons. There is no other surgery like it, where the object is to terminate a developing human life, and the emotional repercussions can be devastating. Women who have experienced abortion are

haunted by the unspeakably weighty consequences of lost life and the deep emotional conflicts this produces. Add to this terrible mix the factor of youthful vulnerability and you invite extreme emotional trauma.

Also, abortion can have unique physical consequences—rendering a young girl physically traumatized and even infertile from a bungled operation. Most alarmingly, some “absconding” adults can exhibit the extremes of irresponsibility and disregard for the physical well-being of their “charges.” There are tragic examples of young women who have been plied with alcohol, raped, impregnated, and then taken across State lines for secret abortions. Some of these cases are just so horrific that one can't even really repeat them.

We simply don't want strangers interfering with this important parental responsibility, which is already protected by several States. We must honor the fact that parents have a unique legal status of *in loco parentis*, which is a historic common law charge to protect their child's well-being. Don't let this right be eroded by unfettered abortion activists with baseless constitutional law claims. To do otherwise is an assault against the precious institution of “family,” which we prize and which has been harmed and is a fundamental foundation for our culture and this society.

Let's help, and not hinder, parents in their difficult and crucial job in an otherwise potentially disastrous situation. Let's not allow parental rights and family ties to be further eroded. Let's support the wisdom of these 20-plus States which have already done the hard work of safeguarding unwed, pregnant children by requiring parental notification. In short, let's support family values by passing this Child Custody Protection Act.

Mr. President, this is a commonsense act. If you are going to allow—and we have—parents to have the responsibility over a child in getting their ears pierced, my goodness, shouldn't we have the responsibility for a parent, or a court, to get involved if an abortion is going to take place across State lines? Shouldn't we honor these States for their efforts in the devolution of power? Shouldn't we honor those 20 States that have decided to go differently on this and require the parental notification to take place? This just makes sense throughout our constitutional system, throughout our Federal system, and throughout our family system. The foundational unit of this Government is the family. We should not further erode that responsibility. For all those reasons, I urge my colleagues to help and support in the passage of this Child Custody Protection Act.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, is the Senate in a period for morning business at this time?

The PRESIDING OFFICER. The Senate is on a motion to proceed on which cloture has been invoked.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be permitted to speak out of order no longer than 15 minutes.

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

Mr. BYRD. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, let me say at this point that if the distinguished majority leader wishes to interrupt me at any point to offer a unanimous consent request, I will certainly be happy to accommodate him.

Mr. President, I ask unanimous consent that I may yield to the distinguished majority leader for whatever time he may desire, and that I may then be recognized with my present rights to the floor.

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

Mr. LOTT. Mr. President, I thank the distinguished Senator from West Virginia for yielding.

#### UNANIMOUS CONSENT AGREEMENT—S. 1301

Mr. LOTT. Mr. President, let me say, first, that this agreement has been worked out. I appreciate the cooperation of all Senators with regard to bankruptcy, and I think it is fair and everybody is comfortable with it.

I ask unanimous consent that the cloture vote scheduled today be vitiated.

I further ask that the following amendments be the only second-degree amendments in order, and following the conclusion of the listed amendments the Senate proceed immediately to a vote on the committee substitute, as amended, and the Senate then proceed to the House companion bill, H.R. 3150, and all after the enacting clause be stricken, the text of S. 1301 be inserted, the bill be advanced to third reading and passage occur, all without further action or debate.

I further ask that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint the following conferees on the part of the Senate. And they are Senators HATCH, GRASSLEY, SESSIONS, LEAHY, and DURBIN.

I further ask that the Senate proceed to S. 1301, under the agreement, at a time to be determined by the majority leader after consultation with the Democratic leader.

I further ask that during the consideration of S. 1301, but not before Tues-

day, September 15, the majority leader be recognized to lay aside the pending business and proceed to S. 1301 and Senator KENNEDY be recognized to offer his second-degree amendment relative to the minimum wage and there be 2 hours equally divided prior to the motion to table and no further amendments be in order to the motion to table.

I further ask that if the amendment is not tabled, this agreement be null and void.

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

Mr. LOTT. Mr. President, I read the list of amendments now that would be in order to the bankruptcy bill: Kennedy amendment regarding minimum wage; Durbin, relevant. It has to do with the definition of residence and cramdown and nondischarge; Sarbanes amendment regarding 800 solicitations; Feinstein amendment regarding creditworthiness; two Dodd amendments, one having to do with under 21-year-olds and one having to do with education savings accounts; Feingold amendments regarding filing fees and attorney's fees; two relevant amendments by Senator REED; one relevant amendment for Senator DURBIN; Senator GRAMM, one relevant amendment; Hatch amendments, one IP and one relevant; Senator GRASSLEY, a relevant amendment; Senator BROWNBACK, a relevant amendment; Senator D'AMATO, regarding ATM fees; Senator GRASSLEY's managers' amendment to be agreed upon by the two leaders and managers; one Lott, relevant; one Daschle, relevant; one Harkin regarding interest rates; Senator KOHL, homestead extension; and one relevant by Senator JOHNSON.

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 12:11 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1682. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND)

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 11, 1998, he had presented to the President of the United States, the following enrolled bills:

S. 1683. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6830. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Transition to Quieter Airplanes; to the Committee on Commerce, Science, and Transportation.

EC-6831. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations; Shipper's Export Declaration Requirements for Exports Valued Less Than \$2,500" (RIN0694-AB71) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6832. A communication from the Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance for a National Ocean Service Intern Program" (RIN0648-ZA46) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6833. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska" (I.D. 081498D) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6834. A communication from the Director of the Office of Sustainable Fisheries,

National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (I.D. 081898B) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6835. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-Up" (I.D. 081998B) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6836. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Directed Fishery for Illex Squid" (I.D. 082098A) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6837. A communication from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures and Closure of the Recreational Fishery" (I.D. 081898A) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6838. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Revised Notice of Guidelines for Determining Comparability of Foreign Programs for the Protection of Sea Turtles in Shrimp Trawl Fishing Operations" (Notice 2876) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6839. A communication from the Acting Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Proposals to Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases" (Docket 97-234) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6840. A communication from the Acting Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission" (Docket 96-55) received on September 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6841. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers" (No. 559) received on September 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6842. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of

a rule regarding energy consumption and water use of certain home appliances and other products required under The Energy Policy and Conservation Act received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6843. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Toward a Better Life Fireworks Display, Dorchester Bay, Boston, MA" (Docket 01-98-131) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6844. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Copper Canyon, Lake Havasu, Colorado River; Correction" (Docket 11-97-010) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6845. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters" (Docket 98-SW-23-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6846. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-6 Series Turbofan Engines" (Docket 98-ANE-18-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6847. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Tustin MCAS, CA" (Docket 98-APW-19) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6848. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace, San Diego, North Island NAS, CA" (Docket 98-AWP-20) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6849. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29316) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6850. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29315) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6851. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Improved Standards for Determining Rejected Takeoff and Landing Performance" (Docket 25471) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6852. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D and E Airspace; Crows Landing, CA" (Docket 98-AWP-12) received on September

7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6853. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Collegeville, PA" (Docket 98-AEA-06) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6854. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Grand Chenier, LA" (Docket 98-ASW-26) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6855. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Leeville, LA" (Docket 98-ASW-27) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6856. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Intracoastal City, LA" (Docket 98-ASW-24) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6857. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Venice, LA" (Docket 98-ASW-25) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6858. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Sabine Pass, TX" (Docket 98-ASW-28) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6859. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Grand Isle, LA" (Docket 98-ASW-29) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6860. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schenck-Hirth K.G. Model Cirrus Sailplanes" (Docket 98-CE-51-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6861. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Industrie Model A300-600 Series Airplanes" (Docket 95-NM-200-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6862. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Railroad Communications" (RIN2130-AB19) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6863. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Victoria Channel, TX" (Docket 08-98-049) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6864. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Lafourche Bayou, LA" (Docket 08-98-052) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6865. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; 1998 Busch Beer Drag Boat Classic; Kaskaskia River Mile 28.0-29.0, New Athens, Illinois" (Docket 08-98-054) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6866. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Around Alone 98/99 Fireworks, Custom House Reach, Charleston, SC (COTP Charleston 98-053)" received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6867. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Gloucester Schooner Festival Fireworks Display, Gloucester Harbor, Gloucester, MA" (Docket 01-98-130) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6868. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Uniform Criteria for State Observational Surveys of Seat Belt Use" (RIN2127-AH46) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6869. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model SN-601 (Corvette) Series Airplanes" (Docket 98-NM-158-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6870. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Danville, VA" (Docket 98-AEA-12) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6871. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tidioute, PA" (Docket 98-AEA-05) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6872. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Fairfax, VA" (Docket 98-AEA-13) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6873. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Carlisle, PA" (Docket 98-AEA-11) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6874. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Direc-

tives; Bombardier Inc. Model Otter DHC-3 Airplanes" (Docket 97-CE-120-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6875. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Models K 8 and K 8 B Sailplanes" (Docket 98-CE-02-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6876. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2, BN-2A, BN-2B, and BN-2A MK. 111 Series Airplanes" (Docket 97-CE-111-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6877. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes" (Docket 98-NM-255-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6878. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model Viscount 744, 745, 745D, and 810 Series Airplanes" (Docket 97-NM-321-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6879. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company Model 250-C47B Turboshaft Engines" (Docket 97-ANE-40-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6880. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D Series Turbofan Engines" (Docket 97-ANE-05) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6881. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328-100 Series Airplanes" (Docket 98-NM-54-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6882. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT-200 Powered Gliders" (Docket 98-CE-27-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6883. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes" (Docket 97-NM-331-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6884. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B16 Series

Airplanes" (Docket 98-NM-21-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6885. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Multiple Federal Airways, Jet Routes, and Reporting Points; FL" (Docket 98-ASO-20) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6886. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation, Modification of Class E Airspace Areas; Cedar Rapids, IA; Correction" (Docket 97-ACE-34) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6887. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Columbus NE; Correction" (Docket 97-ACE-32) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6888. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lawrenceville, IL" (Docket 98-AGL-2) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6889. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Remove Class E Airspace and Establish Class E Airspace; Springfield, MO" (Docket 98-ACE-20) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6890. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Dallas-Fort Worth, TX" (Docket 98-ASW-42) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6891. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Alteration of VOR Federal Airways; WA" (Docket 97-ANM-23) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6892. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Willits, CA" (Docket 96-AWP-26) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6893. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 340B Series Airplanes" (Docket 98-NM-49-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6894. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes" (Docket 98-CE-54-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6895. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-500M Gliders" (Docket 98-CB-31-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6896. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes" (Docket 98-NM-136-AD) received on September 7, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6897. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Department's report under the Equal Credit Opportunity Act for the calendar years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-6898. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed license for the export of technical data and defense services to Germany for the development of the Teledesic Satellite System (DTC 38-98) received on September 9, 1998; to the Committee on Foreign Relations.

EC-6899. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, reports on direct spending and receipts legislation within seven days of enactment (Reports 456-460); to the Committee on the Budget.

EC-6900. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Determine Endangered or Threatened Status for Six Plants From the Mountains of Southern California" (RIN1018-AD34) received on September 9, 1998; to the Committee on Environment and Public Works.

EC-6901. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Four Plants From the Foothills of the Sierra Nevada Mountains in California" (RIN1018-AC99) received on September 9, 1998; to the Committee on Environment and Public Works.

EC-6902. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Sphaericus; Exemption From the Requirement of a Tolerance" (FRL6024-2) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6903. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cypermethrin; Pesticide Tolerance" (RIN2070-AB78) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6904. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Esfenvalerate; Pesticide Tolerance" (FRL6026-5) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6905. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metolachlor; Pesticide Tolerances for Emergency Exemptions" (FRL6017-9) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6906. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfosate; Pesticide Tolerance" (FRL6026-6) received on September 7, 1998; to the Committee on Environment and Public Works.

EC-6907. A communication from the Secretary of Labor, transmitting, the official report of the National Summit on Retirement Savings; to the Committee on Labor and Human Resources.

EC-6908. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives for Coloring Sutures; D and C Violet No. 2; Confirmation of Effective Date" (Docket 95C-0399) received on September 10, 1998; to the Committee on Labor and Human Resources.

EC-6909. A communication from the Deputy Executive Director and Chief Operating Officer, 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 on September 10, 1998; to the Committee on Labor and Human Resources.

EC-6910. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, the Report of the Review Panel and the Report of the Hearing Officer with respect to the case of Banfi Products Corp. V. United States; to the Committee on the Judiciary.

EC-6911. A communication from the Acting Assistant Secretary of Defense for Reserve Affairs, transmitting, pursuant to law, notice that the Department's report of a plan to ensure that all military technical positions are held by dual status military technicians will not be finalized before January 1999; to the Committee on Armed Services.

EC-6912. A communication from the Principal Deputy to the Under Secretary for Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the Department's report entitled "Defense Environmental Quality Program Annual Report to Congress for Fiscal Year 1997"; to the Committee on Armed Services.

EC-6913. A communication from the Director of Washington Headquarters Services, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Reimbursement" (RIN0720-AA37) received on September 10, 1998; to the Committee on Armed Services.

EC-6914. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack Requirements" (Docket FV98-920-4 IFR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6915. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Southwest Plains Mar-

keting Area; Suspension of Certain Provisions of the Order" (Docket DA-98-08) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6916. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increased Assessment Rate" (Docket FV98-905-3 FR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6917. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fluid Milk Promotion Order; Amendments to the Order" (Docket DA-98-04) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6918. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Increased Assessment Rate" (Docket FV98-924-1 FR) received on September 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6919. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offset of Federal Benefit Payments to Collect Past-due, Legally Enforceable Nontax Debt" (RIN1510-AA74) received on September 9, 1998; to the Committee on Finance.

EC-6920. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Forms and Instructions" (Rev. Proc. 98-50) received on September 9, 1998; to the Committee on Finance.

EC-6921. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Forms and Instructions" (Rev. Proc. 98-51) received on September 9, 1998; to the Committee on Finance.

EC-6922. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Roth IRA Guidance" (Rev. Proc. 98-49) received on September 9, 1998; to the Committee on Finance.

EC-6923. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Interest Rate" (Rev. Rul. 98-46) received on September 10, 1998; to the Committee on Finance.

EC-6924. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting, a draft of proposed legislation entitled "The Department of Veterans Affairs Employment Reduction Assistance Act"; to the Committee on Governmental Affairs.

EC-6925. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-418 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6926. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-419 dated July

7, 1998; to the Committee on Governmental Affairs.

EC-6927. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-421 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6928. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-422 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6929. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-426 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6930. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of District of Columbia Act 12-434 dated July 7, 1998; to the Committee on Governmental Affairs.

EC-6931. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (I.D. 090298A) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6932. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule regarding the Closure of Ocean Recreational Salmon Fisheries from Cape Alava to Queets River, Washington, and Leadbetter Point, Washington, to Cape Falcon, Oregon (I.D. 081998A) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6933. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Cumulative Limit Period Changes" (I.D. 081498B) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6934. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Cultivator Shoal Whiting Fishery" (I.D. 072098B) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6935. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Framework 10 to the Atlantic Sea Scallop Fishery Management Plan" (I.D. 081098A) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6936. A communication from the Director of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NOAA Climate and Global Change Program, Program Announcement" (RIN0648-ZA39) received on September 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6937. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Report to the President and Congress for Fiscal Year 1999; referred jointly, pursuant to the order of January 30, 1975, as modified by the order April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Select Committee on Intelligence, to the Committee on Rules and Administration, and to the Committee on Indian Affairs.

EC-6938. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-532. A resolution adopted by the New England Governors' Conference relative to the Medicare Interim Payment System; to the Committee on Finance.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 2361. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes (Rept. No. 105-326).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:Q

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2461. A bill to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2462. A bill entitled "Lisa De Land Financial Protection Act"; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:Q

By Mr. COVERDELL (for himself and Mr. SHELBY):

S. Con. Res. 117. A concurrent resolution expressing the sense of Congress that the Secretary of Transportation should exercise reasonable judgment in promulgating regulations relating to airline flights and should rescind the directive to establish peanut-free zones on airline flights; to the Committee on Commerce, Science, and Transportation.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2461. A bill to extend the extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; to the Committee on Energy and Natural Resources.

##### UPPER DELAWARE SCENIC AND RECREATIONAL RIVER LEGISLATION

• Mr. MOYNIHAN. Mr. President, today I introduce, along with my friend and colleague Senator D'AMATO, a bill that would extend the authorization for the Upper Delaware River Citizens Advisory Committee and authorize the construction of a visitors center. The Upper Delaware is a 73 mile stretch of free flowing water between Hancock and Sparrowbush, New York along the Pennsylvania border. The area is home to the Zane Gray Museum and to Roebing's Delaware Aqueduct, which is believed to be the oldest existing wire cable suspension bridge. The Upper Delaware is an ideal location for canoeing, kayaking, rafting, tubing, sightseeing, and fishing.

In 1987 the Secretary of the Interior approved a management plan for the Upper Delaware Scenic and Recreational River which called for the development of a visitors center at the south end of the river corridor. It would be owned and constructed by the National Park Service. In 1993 New York State authorized a lease with the Park Service for the construction of a visitor center on State-owned land in the town of Deepark in the vicinity of Mongaup. This bill allows the Secretary to enter into such a lease and to construct and operate the visitor center.

Mr. President, the many thousands of visitors to this wonderful river would benefit greatly from a place to go to find out about the recreational opportunities, the history, and the flora and fauna of the river. This bill would move that process along to its conclusion. It would also continue the Citizens Advisory Council that ensures that the views and concerns of local residents are kept in mind when management decisions are made. My colleague from



New York and I ask for the support of other Senators, and 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. 2461

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF AUTHORIZATION FOR UPPER DELAWARE CITIZENS ADVISORY COUNCIL.**

Section 704(f)(1) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note; Public Law 95-625) is amended in the last sentence by striking "20" and inserting "30".

**SEC. 2. VISITOR CENTER FOR UPPER DELAWARE SCENIC AND RECREATIONAL RIVER.**

(a) FINDINGS.—Congress finds that—

(1) on September 29, 1987, the Secretary of the Interior approved a management plan for the Upper Delaware Scenic and Recreational River, as required by section 704(c) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note; Public Law 95-625);

(2) the management plan called for the development of a primary visitor contact facility located at the southern end of the river corridor;

(3) the management plan determined that the visitor center would be built and operated by the National Park Service;

(4) section 704 of that Act limits the authority of the Secretary of the Interior to acquire land within the boundary of the river corridor; and

(5) on June 21, 1993, the State of New York authorized a 99-year lease between the New York State Department of Environmental Conservation and the National Park Service for construction and operation of a visitor center by the Federal Government on State-owned land in the town of Deerpark, Orange County, New York, in the vicinity of Mongaup, which is the preferred site for the visitor center.

(b) AUTHORIZATION OF VISITOR CENTER.—Section 704(d) of the National Parks and Recreation Act of 1978 (16 U.S.C. 1274 note; Public Law 95-625) is amended—

(1) by striking "(d) Notwithstanding" and inserting the following:

"(d) ACQUISITION OF LAND.—

"(1) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) VISITOR CENTER.—For the purpose of constructing and operating a visitor center for the segment of the Upper Delaware River designated as a scenic and recreational river by section 3(a)(19) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(19)), subject to the availability of appropriations, the Secretary of the Interior may—

"(A) enter into a lease with the State of New York, for a term of 99 years, for State-owned land within the boundaries of the Upper Delaware River located at an area known as 'Mongaup' near the confluence of the Mongaup and Upper Delaware Rivers in the State of New York; and

"(B) construct and operate the visitor center on the land leased under subparagraph (A)."

By Mr. BAUCUS:

S. 2462. A bill entitled "Lisa De Land Financial Protection Act"; to the Committee on Finance.

THE LISA DE LAND FINANCIAL PROTECTION ACT

• Mr. BAUCUS. Mr. President, today I introduce the Lisa De Land Financial Protection Act. The bill that I am in-

roducing would allow the families of disabled persons to keep the money that they put in trust funds to care for their family members. Individual states would have the option of whether or not to recover those funds.

Recently, Virginia De Land, a concerned Montanan contacted me regarding a problem that her family was facing. The De Land family is from Missoula, Montana. Their daughter, Lisa suffers from a genetic disease that has affected her since birth. It is called Williams Syndrome. Williams Syndrome is a rare genetic disorder that affects about 1 in 20,000 births. Those who suffer from the syndrome are missing genetic material on their seventh chromosome. They are excessively social people. They have low to normal IQ's, however they are often gifted musically and have great social interactions skills. People who suffer from Williams Syndrome are almost always extroverts.

From the time that Lisa was small, her parents wanted to be able to assume some responsibility for her healthcare. At one point the family tried to buy an annuity. In order for Lisa to qualify for programs such as medicaid and SSI, the family's lawyer advised them to disinherit Lisa. If Lisa had other money set aside for her, she would have access to medicaid. For middle income families, it is virtually impossible to support a child with a disability on their finances alone.

Self Sufficiency trust funds allow families to use money in a variety of ways. The money can be used for reasons as varied as the disabilities that individuals have. For example, if an individual has to live in a group home, money can be used to provide that person with a separate telephone in his or her room. In Montana, these trusts are great mechanisms that allow families help support loved ones. These trusts let families provide support without disinheriting a child and allow them to have ongoing participation in the healthcare process. For example, if Lisa had a self-sufficiency trust, she would still qualify for medicaid and her family would still be able to provide some assistance for her.

With the implementation of the Medicaid Recovery Act, any trust that was set up would be recovered by the federal government when the medicaid recipient turned 55, or when that person passed away. Lisa's parent's had hoped that when she no longer needed the money from the trust fund, that money would go to the rest of their children. Current law requires the Government to recover that money, denying the other children access to it. Many people with disabilities have a short life expectancy. In this case, these families would not be affected by this law. However, Lisa has a normal life expectancy and with this law, the money that is set aside for her health care will be recovered by the government.

It is important for individual states to have the option to choose whether

or not these funds are recovered. Families across the country and in my home state of Montana are seriously affected by this problem. It is time to make a change in the system that will help out average families in extreme circumstances.

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. 2462

*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 "Lisa De Land Financial Protection Act".

**SEC. 2. STATE OPTION TO EXEMPT CERTAIN TRUSTS FROM THE ESTATE RECOVERY PROVISIONS OF THE MEDICAID PROGRAM.**

Section 1917(b)(1)(B) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking "In" and inserting "(i) In"; and

(3) by adding at the end the following:

"(ii) At the option of a State, clause (i) shall not apply in the case of an individual who, at the time the individual received medical assistance under the State plan—

"(I) was disabled, mentally ill, or physically handicapped, as determined by the State; and

"(II) was the beneficiary of a trust established under the law of the State where the individual resided by the beneficiary, a parent, grandparent, legal guardian, or at the direction of a court for the purpose of providing or supplementing the cost of the care and treatment for the individual (including the cost of medical assistance provided under the State plan),

but only if State law provides that, upon the death of the individual, not more than 90 percent of the value of the trust may be conveyed to the heirs of the individual and that the remainder shall be donated to a charitable trust approved by the State."

**ADDITIONAL COSPONSORS**

S. 374

At the request of Mr. ROBB, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 374, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 1021

At the request of Mr. HAGEL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1459

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr.



SMITH) was added as a cosponsor of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 1977

At the request of Mr. D'AMATO, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1977, a bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information.

S. 2049

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2201

At the request of Mr. TORRICELLI, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2390

At the request of Mr. BROWNBACK, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2390, a bill to permit ships built in foreign countries to engage in coastwise in the transport of certain products.

S. 2418

At the request of Mr. JEFFORDS, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2418, a bill to establish rural opportunity communities, and for other purposes.

#### SENATE JOINT RESOLUTION 55

At the request of Mr. ROTH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 55, a joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet,

during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held and Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served impositions of command during World War II, and for other purposes.

#### SENATE CONCURRENT RESOLUTION 103

At the request of Mr. MOYNIHAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

#### AMENDMENT NO. 2418

At the request of Mr. JEFFORDS the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of amendment No. 2418 proposed to S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

#### SENATE CONCURRENT RESOLUTION 117—EXPRESSING THE SENSE OF CONGRESS THAT THE SECRETARY OF TRANSPORTATION SHOULD EXERCISE REASONABLE JUDGMENT IN PROMULGATING REGULATIONS RELATING TO AIRLINE FLIGHTS AND SHOULD RESCIND THE DIRECTIVE TO ESTABLISH PEANUT-FREE ZONES ON AIRLINE FLIGHTS

Mr. COVERDELL (for himself and Mr. SHELBY) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

#### S. CON. RES. 117

Whereas policies of the Federal Government should recognize that the Centers for Disease Control and Prevention has determined that 1/10 of 1 percent of the population of the United States is allergic to peanuts;

Whereas the Secretary of Transportation has issued a directive to establish peanut-free zones on domestic airline flights;

Whereas establishing peanut-free zones is an excessive regulation to that important problem;

Whereas that directive unfairly singles out 1 product while ignoring all other allergens;

Whereas that directive subrogates the rights of the 99.9 percent of the traveling public who are not allergic to peanuts;

Whereas the Secretary of Transportation states in that directive that the only danger to allergenic passengers is accidental ingestion of peanuts;

Whereas establishing a precedent for peanut-free zones in airplanes might needlessly establish allergen-free zones for all public transportation, including buses, trains, subways, and cable cars; and

Whereas the Secretary of Transportation should rescind the directive that requires major United States air carriers to reserve up to 3 rows on airplanes for people who are allergic to peanuts: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring).* That it is the sense of Congress that the Secretary of Transportation should rescind the directive pertaining to peanut-free zones on airline flights.

#### AMENDMENTS SUBMITTED

#### CONSUMER BANKRUPTCY REFORM ACT OF 1998

#### LEAHY AMENDMENT NO. 3564

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 3559 submitted by Mr. GRASSLEY to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place in title VII, insert the following:

#### SEC. \_\_\_\_ CHAPTER 11 DISCHARGE OF DEBTS ARISING FROM TOBACCO-RELATED DEBTS.

Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

"(5)(A) the confirmation of a plan does not discharge a debtor that is a corporation from any debt arising from a judicial, administrative, or other action or proceeding that is—

"(i) related to the consumption or consumer purchase of a tobacco product; and

"(ii) based in whole or in part on—

"(I) a false pretense or representation; or

"(II) actual fraud.

"(B) In this paragraph, the term 'tobacco product' means—

"(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

"(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

"(iv) pipe tobacco;

"(v) loose rolling tobacco and papers used to contain that tobacco;

"(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

"(vii) any other form of tobacco intended for human consumption."

#### FEINGOLD (AND SPECTER) AMENDMENTS NOS. 3565-3566

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself and Mr. SPECTER) submitted two amendments intended to be proposed by them to amendment No. 3559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

#### AMENDMENT NO. 3565

At the appropriate place in title IV, insert the following:

#### SEC. 4 \_\_\_\_ BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the parties" and inserting "Subject to subsection (f), the parties"; and

(2) by adding at the end the following:

“(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

“(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay that fee in installments.

“(3) A filing fee referred to in paragraph (2) is—

“(A) a filing fee under subsection (a)(1); or

“(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

“(4) In addition to waiving a fee described in paragraph (3) under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual is unable to pay that fee in installments.”.

#### AMENDMENT NO. 3566

On page 53, lines 10 and 11, strike “and finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified”.

On page 53, line 12, after “the court shall” insert “award all reasonable costs in prosecuting the motion, including reasonable attorneys’ fees, which shall be treated as an administrative expense under section 503(b) in a case under this title that is converted to a case under another chapter of this title”.

On page 53, lines 12 through 14, strike “order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys’ fees”.

On page 55, between lines 6 and 7, insert the following:

(b) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b)(3) of title 11, United States Code, is amended—

(1) in subparagraph (E), by striking “or” at the end;

(2) in subparagraph (F), by adding “or” at the end; and

(3) by adding at the end the following:

“(G) a panel trustee appointed under section 586(a)(1) of title 28 who brings a motion for dismissal or conversion under section 707(b), if the court grants the motion of the trustee and the case is converted to a case under another chapter of this title.”.

On page 55, line 7, strike “(b)” and insert “(c)”.

#### FORD AMENDMENTS NOS. 3567–3568

(Ordered to lie on the table.)

Mr. FORD submitted two amendments intended to be proposed by him to amendment No. 3559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

#### AMENDMENT NO. 3567

Strike all after “that is” on page 1, line 10 of the amendment and insert the following: “Based in whole or in part on a false pretense or representation, or actual fraud.”

#### AMENDMENT NO. 3568

At the end of the matter proposed to be inserted, insert the following:

“Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

“(6) The confirmation of a plan does not discharge a debtor that is a corporation from

any debt arising from a judicial, administrative, or other action or proceeding that is based in whole or in part on false pretenses, a false representation, or actual fraud.”

#### MCCAIN AMENDMENT NO. 3569

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 2559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place in title VII, insert the following:

#### SEC. 7. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking “dwelling” the first place it appears;

(2) by striking “ownership or” and inserting “ownership,”;

(3) by striking “housing” the first place it appears; and

(4) by striking “but only” and all that follows through “such period,” and inserting “or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,”.

#### SPECTER AMENDMENT NO. 3570

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place in title VII, insert the following:

#### SEC. 7. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended—

(1) by striking “only” and all that follows through the end of the subsection and inserting “only—

“(1) in accordance with applicable non-bankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

“(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362”.

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

“(14) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.”.

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

“(e) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.”.

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act.

#### TORRICELLI AMENDMENT NO. 3571

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

In section 722, strike “Section 901(a)” and all that follows through the end of the section and insert the following:

(a) IN GENERAL.—Section 901(a) of title 11, United States Code, is amended by inserting “1123(d),” after “1123(b),”.

(b) FIREARMS DEFINED.—Section 101 of title 11, United States Code, is amended—

(2) by redesignating paragraphs (27) through (72) as paragraphs (28) through (73), respectively; and

(2) by inserting after paragraph (26), as redesignated by section 401, the following:

“(27) The term ‘firearm’—

“(A) has the meaning given that term in section 921(3) of title 18; and

“(B) includes any firearm included under the definition of that term under section 5845 of the Internal Revenue Code of 1986.”.

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking “or” at the end;

(2) in paragraph (18), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(19) resulting from harm caused by a defective firearm that the debtor sold or manufactured.”.

(d) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (22), by striking “or” at the end;

(2) in paragraph (23), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(24) under subsection (a) of this section of—

“(A) the commencement or continuation, and conclusion to the entry of final judgment, of a judicial, administrative, or other action or proceeding against a debtor relating to a claim for harm caused by a defective firearm that the debtor sold or manufactured; or

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

#### FEINSTEIN AMENDMENT NO. 3572

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1301, supra; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ HIGH DEBT-TO-INCOME RATIO CREDIT.

(a) AMENDMENTS TO THE TRUTH IN LENDING ACT.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 109 the following:

“SEC. 110. HIGH DEBT-TO-INCOME RATIO CREDIT.  
“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘high debt-to-income ratio credit’ means an extension of credit in which the total required monthly payments on consumer credit obligations of the consumer (other than residential mortgage obligations, including any refinancing thereof), together with any amount anticipated to be advanced by the creditor within 30 days after the date on which the extension of credit is made, is greater than 40 percent of the monthly gross income of the consumer; and

“(2) the required monthly payment on a credit card obligation shall be calculated as 8 percent of the total principal balance or the minimum payment then due with respect to the obligation, whichever is greater.

“(b) DUTY TO INQUIRE.—A creditor that extends credit under an open end credit plan after soliciting the consumer in any manner shall, prior to extending credit, obtain a written statement signed by the consumer, in such form as the Board shall prescribe, that sets forth the information necessary to calculate whether the extension of credit being made is high debt-to-income ratio credit. A creditor may rely on such statement in making the designation provided for under subsection (c), if such reliance is reasonable in light of any other information that the creditor has concerning the financial circumstances of the consumer.

“(c) DESIGNATION OF EXTENSION OF CREDIT AS HIGH DEBT-TO-INCOME RATIO CREDIT.—An extension of high debt-to-income ratio credit, as defined in subsection (a), shall be designated as such by the creditor.

“(d) SPECIAL REQUIREMENTS FOR HIGH DEBT-TO-INCOME RATIO CREDIT.—A creditor that extends high debt-to-income ratio credit to a consumer shall—

“(1) not later than 3 business days prior to making any such credit available to the consumer—

“(A) provide information to the consumer, in a form prescribed by the Board, concerning the risks and consequences of becoming overextended on credit; and

“(B) inform the consumer that the extension of credit has been designated as high debt-to-income ratio credit; and

“(2) annually compile and make available to the public for inspection and copying, in a manner prescribed by the Board, the number of extensions of high debt-to-income ratio credit made by the creditor, the median interest rate charged by the creditor on such credit, and the total amount of such credit offered and extended by the creditor.

“(e) PROHIBITION OF PENALTY RATES.—A creditor may not raise the interest rate charged on high debt-to-income ratio credit based on a default by the obligor.

“(f) MINIMUM PAYMENTS ON HIGH DEBT-TO-INCOME RATIO CREDIT.—A creditor that extends high debt-to-income ratio credit, or its assignees, may not offer to the obligor the option of making monthly minimum payments with regard to the obligation that cover less than 4 percent of the total outstanding balance, together with interest then due, at any time during the period of the obligation.

“(g) PENALTIES.—A creditor that fails to comply with this section shall be liable to the consumer for statutory damages of \$2,000, actual damages, and costs, including attorney fees.”

(b) TREATMENT UNDER BANKRUPTCY LAW.—

(1) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by section 202, is amended by adding at the end the following flush sentence: “The exception under subparagraphs (A) and (C) of paragraph (2) shall not apply to any claim made by a creditor in connection with an extension of high debt-to-income ratio credit, as defined in section 110 of the Truth in Lending Act.”

(2) INTEREST.—Section 502(b) of title 11, United States Code, as amended by section 206 of this Act, is amended—

(A) in paragraph (9), by striking “or” at the end;

(B) in paragraph (10), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(11) the claim is a claim for interest on an extension of high debt-to-income ratio credit, as defined in section 110 of the Truth in

Lending Act, in any case in which the court finds that—

“(A) the extension of high debt-to-income ratio credit contributed to the need for the debtor to file for relief under this title; or

“(B) the payment of that claim would reduce the payments to other unsecured creditors.”

(3) DISMISSAL.—Section 707(b) of title 11, United States Code, as amended by section 102 of this Act, is amended by adding at the end the following:

“(6) A party in interest may not make a motion under this section if that party in interest has filed a claim against the debtor that is based on an extension of high debt-to-income ratio credit, as defined in section 110 of the Truth in Lending Act.”

(c) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title I of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by inserting after the item relating to section 109, the following:

“Sec. 110. High debt-to-income ratio credit.”

#### FEINSTEIN AMENDMENT NO. 3573

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to amendment No. 3559 submitted by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place in title VII, insert the following:

#### SEC. 7. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

“(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

“(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered pursuant to this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.”

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 709, is amended—

(1) in paragraph (24), by striking “or” at the end;

(2) in paragraph (25) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(26) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order. The debtor in a subsequent case, however, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

“(27) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property—

“(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

“(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.”

#### DODD AMENDMENTS NOS. 3574-3575

(Ordered to lie on the table)

Mr. DODD submitted two amendments intended to be proposed by him to amendment No. 3559 to proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

#### AMENDMENT NO. 3574

Strike section 417 and insert the following:

#### SEC. 417. IMPROVED BANKRUPTCY PROCEDURES.

(a) IN GENERAL.—Section 707(b) of title 11, United States Code, as amended by section 102, is amended by adding at the end the following:

“(6) For purposes of determining the current income of a debtor under this subsection, funds received by the debtor's household as child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable Federal, State, and local law, and funds delivered in trust for the care and welfare of children shall not be counted as income.”

(b) HOUSEHOLD GOODS.—Section 101(27A) of title 11, United States Code, as added by section 317, is amended by striking “of a dependent child” and inserting “of the debtor or a dependent child of the debtor (including property that is reasonably necessary for the maintenance or support of a dependent child of the debtor or property generally used by children) of a value of less than \$400”.

(c) PROTECTION OF SAVINGS EARMARKED FOR THE POSTSECONDARY EDUCATION OF CHILDREN.—Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (4), by inserting “365 or” before “542”; and

(2) in paragraph (5), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (5) the following:

“(6) any funds placed in an account established to pay for the costs of postsecondary education at an institution of higher education (as that term is used in section 481(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1))) of a child who is under the age of 18 years at the time the account is established, if those funds are held in that account for a period beginning not later than 180 days before the date of entry of the order and continuing through the date of entry of the order.”

(d) CREDIT EXTENSIONS.—The amendments made by section 316 of this Act shall apply to debts incurred on or after the date of enactment of this Act.

#### AMENDMENT NO. 3575

At the appropriate place, insert the following new section:

#### SEC. \_\_\_\_ EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

“(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not reached the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

“(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not reached the age of 21 as of the date of submission of the application shall require—

“(i) the signature of the parent or guardian of the consumer indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has reached the age of 21; or

“(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.”.

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

#### GRAMM AMENDMENT NO. 3576

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, S. 1301, *supra*; as follows:

Amendment 3559 is amended by striking section 320 and inserting in lieu thereof the following:

##### “SEC. 320. LIMITATION.

“Section 522 of title 11, United States Code, is amended—

“(1) in subsection (b)(2)(A), by inserting “subject to subsection (n),” before “any property”; and

“(2) by adding at the end the following new subsection:

““(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate—

(i) \$100,000 in value for interest invested during the preceding 12-month period, or

(ii) \$1,000,000 in value for interest invested during the period beginning 24 months prior to the preceding 12-month period

““(A) in real or personal property that the debtor or dependent of the debtor uses as a residence;

““(B) in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

““(C) in a burial plot for the debtor of a dependent of the debtor.

“(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A) by a family farmer for the principal residence of that farmer.”.

#### BROWNBACK AMENDMENT NO. 3577

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, *supra*; as follows:

Strike section 320 and insert the following:

##### SEC. 320. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting “subject to subsection (n),” before “any property”; and

(2) by adding at the end the following:

“(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate \$100,000 in value in—

“(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

“(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

“(C) a burial plot for the debtor or a dependent of the debtor.

“(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A)—

“(A) by a family farmer for the principal residence of that family farmer, without regard to whether the principal residence is covered under an applicable homestead provision referred to in subparagraph (B); or

“(B) by a farmer (including, for purposes of this subparagraph, a family farmer and any person that is considered to be a farmer under applicable State law) for a site at which a farming operation of that farmer is carried out (including the principal residence of that farmer), if that site is covered under an applicable homestead provision that exempts that site under a State constitution or statute.”.

#### NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ACT OF 1998

##### CHAFEE AMENDMENT NO. 3578

Mr. LOTT (for Mr. CHAFEE) proposed an amendment to the bill (S. 1856) to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife, and for other purposes; as follows:

On page 19, line 3, insert “Community” before “Partnership”.

On page 22, line 2, strike “complex” and insert “complexes”.

On page 22, line 10, insert a comma after “training”.

On page 26, line 2, strike “purpose” and insert “purposes”.

On page 29, line 20, strike “(d) and (e),” and insert “(d), and (e)”.

#### FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

##### CHAFEE AMENDMENT NO. 3579

Mr. LOTT (for Mr. CHAFEE) proposed an amendment to the bill (S. 2094) to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items; as follows:

On page 4, line 4, strike “plants” and insert “plant”.

On page 4, line 6, strike the quotation marks and the following period.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a

hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Thursday, October 1, 1998, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the Forest Service cabin fees.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Bill Lange at (202) 224-6170.

#### AUTHORITY FOR COMMITTEE TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet in executive session during the session of the Senate on Friday, September 11, 1998, to conduct a markup of H.R. 10, the Financial Services Act of 1998.

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

#### ADDITIONAL STATEMENTS

##### KIRK O'DONNELL

• Mr. MOYNIHAN. Mr. President, Kirk O'Donnell, succinctly described by Albert R. Hunt in the Wall Street Journal as “one of the ablest and most honorable people in American politics,” died suddenly, much too young, this past Saturday.

He epitomized the honor and dignity to which all of us engaged in the political life of our Nation should aspire. He served for more than 7 years as chief counsel to then-Speaker Thomas P. “Tip” O'Neill, Jr. He has been active in politics even since, as indeed he was in the years before Washington too.

I knew Kirk from my earliest days in the Senate. He and his lovely wife Kathy have dined with Liz and me at our home. His cousin, Lawrence O'Donnell, served in my office for many years as chief of staff and as the staff director of the Finance Committee when I became Chairman in 1993. Our thoughts certainly are with Kathy, her children, and the O'Donnell family as they cope with this sudden, terrible news.

To begin, one must know that Kirk was a fellow Irishman and the great and indispensable achievement of the Irish is that they made it American to be ethnic. On the contribution of the Irish I have written:

What did the Irish do? First, they stayed in the cities, remaining highly visible. Next, they kept to their faith. Thus the Roman Catholic Church became a major American institution. Then they went into politics.

Kirk O'Donnell, embodied all of these noble traits. He began his political career in 1970, working on Kevin H. White's campaign for governor of Massachusetts. That bid failed, but when Mr. White later became mayor of Boston, he hired Kirk to run the Fields Corner Little City Hall, in essence, a field station of the city hall. In the words of Speaker O'Neill, "All politics is local" and this grassroots view of Massachusetts, coupled with Kirk's astute political sense, made him an ideal choice when the Speaker needed a new counsel here in Washington.

It is then that I first came to know Kirk O'Donnell. He was an Irish-American who saw early on the danger of the financial support which some others were providing the IRA. In 1977, Tip O'Neill, Hug Carey, EDWARD M. KENNEDY, and I joined together at Kirk O'Donnell's initiative to oppose such activities. We issued a joint appeal on St. Patrick's Day, 1977, which stated:

We appeal to all those organization engaged in violence to renounce their campaigns of death and destruction and return to the path of life and peace. And we appeal as well to our fellow Americans to embrace this goal of peace, and to renounce any action that promotes the current violence or provides support or encouragement for organizations engaged in violence.

Now, finally, one of the oldest conflicts in Europe has the potential of healing and being resolved. A courageous agreement has been reached in Northern Ireland and is being implemented. The United States played a role in reaching this agreement. And the seeds for American support of a peaceful resolution to the conflict in Northern Ireland were sown in the late 1970's, when principled people such as Kirk O'Donnell stood up to say that violence was not the answer to this problem.

Mr. President it is with great sorrow that I have risen today to thank Kirk O'Donnell for his lifetime of public service and again to offer my sincere condolences to his family.

At this point, I ask to have printed in the RECORD the obituaries from the New York Times and the Boston Globe, as well as a tribute to Kirk O'Donnell by Albert R. Hunt, which appeared in The Wall Street Journal.

The material follows:

[From The Wall Street Journal, Sept. 10, 1998]

THE LOSS OF A TALENTED, DECENT AND  
HONORABLE MAN  
(By Albert R. Hunt)

Kirk O'Donnell, one of the ablest and most honorable people in American politics, died suddenly last weekend at the altogether too young age of 52. Even in grieving, it's somehow hard not to think how different the Clinton presidency might have been if Kirk O'Donnell had been a top White House adviser starting in 1993.

He combined the best virtues of the old and the new politics. Raised in the rough-and-tumble environs of Boston tribal warfare, he never saw politics as anything but a contact sport. But he always practiced it with decency and civility.

He was a great student of political history, which better enabled him to appreciate con-

temporary changes. There was a pragmatism to Kirk O'Donnell that never conflicted with his commitment and total integrity.

Success never changed him. He founded the influential Center for National Policy (his successor as its chair was Madeleine Albright) and then became a partner in the high-powered law firm of Vernon Jordan and Bob Strauss. But his values and devotion to family, friends and country were remarkably constant.

"He was a big oak tree of a friend," notes Stanley Brand, a Washington lawyer, of the former Brown University football star, a description which Mr. O'Donnell used to joke, was an "oxymoron."

He cut his political teeth working for Mayor Kevin White in Boston in the mid-70s, running the neighborhood city halls, developing an appreciation of the relationships between common folks and government that would serve him well for the next quarter century. Then there were more than seven years as chief counsel to House Speaker Tip O'Neill.

There was an exceptional triumvirate of top aides to the speaker: Leo Diehl, his longtime colleague who was the link to the past and the gatekeeper who kept away the hangers-on; Art Weiss, although only in his twenties, unrivaled as a policy expert; and Kirk O'Donnell, in his early thirties, who brought political, legal and foreign policy expertise to the table, always with superb judgment.

Though it may seem strange in today's Congress, he commanded real respect across the aisle. "Kirk was really a tough, bright opponent; he was a great strategist because he didn't let his emotions cloud his judgment," recalls Billy Pitts, who was Mr. O'Donnell's Republican counterpart working with GOP House Leader Bob Michel. "But he always was a delight to be around and his word was gold."

When the Democrats were down, routed by the Reagan revolution in 1981, it was Kirk O'Donnell who put together a strategy memorandum advising the party to lay off esoteric issues and not to reflight the tax issues but to focus on social security and jobs. It was the blueprint for a big Democratic comeback the next year. When then-Republican Congressman Dick Cheney criticized the speaker for tough partisanship, Mr. O'Donnell immediately turned it around by citing a book that Rep. Cheney and his wife had written on House leaders that praised the same qualities that he now was criticizing.

Few operated as well at that intersection of substance and politics, or understood both as well. He played a major role in orchestrating a powerful contingent of Irish-American politicians, including the speaker, to oppose pro-Irish groups espousing violence. "Kirk put the whole Irish thing together," the speaker said.

He was staunchly liberal on the responsibility of government to care for those in need of equal rights. But he cringed when Democrats veered off onto fringe issues, and never forgot the lessons learned running neighborhood city halls in his 20s. Family values to Kirk O'Donnell wasn't a political buzzword or cliché, but a reality of life; there never has been a more loving family than Kirk and Kathy O'Donnell and their kids, Holly and Brendan.

The Clinton administration made job overtures to Kirk O'Donnell several times but they were never commensurate with his talents. He should have been either Chief of Staff or legal counsel from the very start of this administration. He would have brought experience, expertise, maturity, judgment, toughness—intimate knowledge of the way Washington works—that nobody else in that White House possessed.

But sadly, that's not what this president sought. For Kirk O'Donnell wouldn't have tolerated dissembling. He never was unfaithful to those he worked for but "spinning"—as in situational truths—was foreign to him. When working for the speaker or Michael Dukakis in 1988, he would dodge, bob, sometimes talk gibberish but never, in hundreds of interviews with me, did he ever dissemble.

The contrast between this and someone like Dick Morris, who Mr. Clinton continuously turned to, is striking. This was brought home anew when Mr. Morris, the former top Clinton aide, wrote a letter seeming to take issue with a column I wrote a few weeks ago.

For starters, he erroneously denied that he suggested Hillary Clinton is a lesbian. More substantially, Mr. Morris says that Mr. Clinton called him when the Lewinsky story broke and had him do a poll to gauge reaction. He did that and told Mr. Clinton the public wouldn't accept the truth. Although Mr. Morris turned over what he says is that poll to Independent Counsel Kenneth Starr, some of us question whether the survey was genuine.

The infamous political consultant swears he sampled 500 people, asked 25 to 30 questions and did it all out of own pocket for \$2,000. If true, it was a slipshod survey upon which the president reportedly decided to stake his word. (Only days later, Mr. Clinton swore at a private White House meeting that he hadn't spoken to Mr. Morris in ages.)

There was no more an astute analyst of polls than Kirk O'Donnell. He would pepper political conversations with survey data. But because he understood history and had such personal honor he always understood a poll was a snapshot, often valuable. But it never could be a substitute for principle or morality or integrity.

Those were currencies of his professional and personal life. These no longer are commonplace commodities in politics, which is one of many reasons that the passing of this very good man is such a loss.

[From the New York Times, Sept. 7, 1998]

KIRK O'DONNELL, 52, LOBBYIST AND AN AIDE  
TO A HOUSE SPEAKER  
(By Irvin Molotsky)

WASHINGTON, Sept. 6.—Kirk O'Donnell, a lawyer and lobbyist for a leading Washington law firm and the former chief aide to former Speaker Thomas P. O'Neill Jr., died on Saturday near his weekend home in Scituate, Mass. He was 52 and lived in Washington.

A family friend, Robert E. Holland, said that Mr. O'Donnell, who did not have a history of health problems, collapsed after jogging. Mr. O'Donnell was pronounced dead at South Shore Hospital.

The White House issued a statement tonight in which President Clinton said: "Kirk O'Donnell was a gentleman and a patriot who brought wit, common sense and a genuine humanity to his public and private life. He was a very good man and has left us much too soon."

Mr. Holland, a boyhood friend of Mr. O'Donnell's and for a time his law partner in Boston, said that in his role as chief counsel to Mr. O'Neill, Mr. O'Donnell always acted behind the scenes in the Speaker's behalf, except on one issue, the running of guns to elements of the Irish Republican Army.

At the time, Irish-Americans were divided on the question of providing guns and many politicians supported groups that were shipping the weapons. The group that Mr. O'Donnell helped form to oppose the weapon shipments included Democrats like Senator Daniel Patrick Moynihan of New York, Senator Edward M. Kennedy of Massachusetts, Mr. O'Neill and Hugh L. Carey, then the Governor of New York.

Mr. O'Donnell was born in Boston and graduated from the Boston Latin School, Brown University and Suffolk Law School. He taught history at a Somerset (Mass.) High School and then took a job with Mayor Kevin H. White of Boston and ran Mr. White's successful re-election campaign.

After leaving the Speaker's office, Mr. O'Donnell was president of the Center for National Policy, a Democratic advisory group, and he was a leader in the unsuccessful Democratic Presidential campaign of Michael S. Dukakis in 1988. He was a senior partner in the Washington law firm of Akin, Gump, Strauss, Hauer & Feld.

Mr. O'Donnell is survived by his wife of 26 years, Kathryn; his daughter, Holly, and his son, Brendan, all of Washington.

[From the Boston Globe, Sept. 7, 1998]

KIRK O'DONNELL, 52; TOP ADVISER TO  
NATIONAL, MASS. DEMOCRATS

(By Beth Daley)

Kirk O'Donnell, 52, a prominent Washington lawyer who once worked with Boston's most colorful politicians, died Saturday after collapsing while jogging near his Scituate summer home.

Known for his morality as much as his dedication to the Democratic cause, Mr. O'Donnell entered the political world after a brief stint as a history teacher to work on former mayor Kevin H. White's failed 1970 gubernatorial bid.

He went on to serve as general counsel to US House Speaker Thomas P. "Tip" O'Neill Jr., for eight years and quickly gained the reputation in Washington as a skilled strategist and a straight-talker.

Although he held key Democratic positions that included White House adviser and former president of the Center for National Policy, Mr. O'Donnell relished quiet time with his family at their summer home in Scituate at least as much as being near the center of power in the nation's capital.

"He was politics at its best," said US Representative Barney Frank, who first worked with Mr. O'Donnell during White's gubernatorial bid. "Talented and principled, he really worked to make the world better and fairer."

Most well-known for his advice, Mr. O'Donnell was a highly sought-after adviser to the Democratic party and served in that role for former Massachusetts governor Michael S. Dukakis's failed presidential campaign in 1988.

President Clinton said yesterday Mr. O'Donnell "was a gentleman and patriot who brought wit, common sense, and a genuine humanity to his public work and private life. He was a very good man and left us much too soon."

The son of a Dorchester investment adviser and a homemaker, Mr. O'Donnell attended Boston Latin School and graduated in 1964 with a passion for history and football. At Boston Latin, he remains in the Sports Hall of Fame for his football exploits.

After graduating from Brown University, where he also played football, he was a history teacher at Somerset High School.

With the 1970 governor's race sparking a lifelong interest in politics and law, Mr. O'Donnell taught while he attended Suffolk Law School, graduating in 1975. When then-mayor White pledged to bring City Hall to the neighborhoods—literally—Mr. O'Donnell was hired to run the Fields Corner Little City Hall and worked from a trailer parked beside Town Field. There he helped residents navigate the downtown City Hall bureaucracy while studying politics and human nature at close quarters.

Years later, while serving as one of the top strategists for the Democratic leadership of

the US House, he said, "If you can understand Fields Corner, you can understand Congress."

In 1975, he set up one of the first computerized voting lists for the White campaign. On the day of the election, in a Boylston Street office building, he checked every polling place in the 22 wards to see how light or heavy the turnout was in pro-White precincts. The White political organization had Chicago-sized ambitions, and Mr. O'Donnell harnessed its resources to provide telephone reminders and transportation to the mayor's supporters.

Mr. O'Donnell's encyclopedic knowledge of Boston politics brought him to the attention of Speaker O'Neill after White was re-elected to a third term.

Since the mayor had been considered vulnerable, his relatively easy victory prompted a call from O'Neill, who was seeking a new counsel to succeed Charles D. Ferris, the Dorchester native who had just been named by President Carter to head the Federal Communications Commission. The man who popularized the phrase "All politics is local" wanted someone at his side who knew the similarity between Fields Corner and Congress.

At first, Mr. O'Donnell was reluctant. He had left City Hall to start a law practice with his friend, Robert Holland. But the fabled O'Neill charm suggested to him brighter vistas in Washington than in Boston.

After the election of President Reagan in 1980, Tip O'Neill became the best-known Democrat in the nation. Mr. O'Donnell's aim was to prepare the House speaker strategically and tactically for dealing with the White House. The president's popularity made difficult the chore of holding House Democrats together.

Mr. O'Donnell, a gregarious man with a booming voice, spoke in a straightforward manner to House members, with the same determination as he did while dealing with the foot soldiers of the Kevin White organization.

After O'Neill retired, Mr. O'Donnell worked as head of a Washington think tank, the Center for National Policy, aimed at reviving the Democratic party. In conferences and seminars, he sought to focus the intellectual energy of a party that had consistently lost presidential elections while continuing its domination of Congress.

After he left the center, he was succeeded as director by Madeleine Albright, now secretary of state. An old Washington hand and a former chairman of the Democratic National Committee, Robert S. Strauss, recruited Mr. O'Donnell to his Washington law firm, Akin, Gump, Strauss, Hauer & Feld. As a senior partner, Mr. O'Donnell represented a variety of clients, from Liberty Mutual to the government of Puerto Rico.

One lasting friendship that came from his legal work was with a partner of Salomon Brothers, now Salomon Smith Barney. After Robert Rubin, now secretary of the treasury, asked Mr. O'Donnell for political advice in Washington, a close friendship developed. He also advised another Cabinet member, Secretary of Housing and Urban Development Andrew Cuomo.

Mr. O'Donnell leaves his wife of 26 years, Kathryn Holland O'Donnell, and two children, Holly of Washington, D.C., and Brendan of Scituate.

A funeral Mass will be said at 11 a.m. Thursday in Holy Name Church in West Roxbury.●

TRIBUTE TO RITCH K. EICH UPON HIS RETIREMENT AS U.S. NAVY REPRESENTATIVE TO THE ADJUTANT GENERAL, INDIANA NATIONAL GUARD

● Mr. COATS. Mr. President, on behalf of Senator RICHARD G. LUGAR and myself, I am pleased to offer this tribute to Captain Ritch K. Eich, United States Naval Reserve. Captain Eich retires in September after 30 years as a reservist, the last three of which he spent on active duty, representing the Navy in the Office of the Adjutant General of the Indiana National Guard.

Ritch Eich has been a valued member of the Indiana team since 1989, when he started work for me as a member of my Service Academy Selection Committee, screening and recommending promising Hoosier high school students as candidates for our nation's Service Academies. Three years ago, he took on the additional responsibility of serving as the U.S. Navy's Liaison Officer for the State of Indiana, working in the office of Indiana's Adjutant General. During that time, Ritch made substantial contributions to readiness planning in Indiana. He completed Disaster Preparedness Operations Plans for Indiana Naval, Marine Corps and Coast Guard facilities, and ensured a close working relationship between the Indiana National Guard and the State Emergency Management Office.

Ritch Eich's civilian job during this period was as the chief marketing, public affairs and physician relations officer for Indiana University Medical Center, where—over the course of a decade—he has helped to build a vibrant and effective health care environment for Hoosiers. According to one health care executive, Ritch had helped "define our vision, map our strategies, deliver on our promises and guide our affiliations." And for Rich, "helping Hoosiers access the best healthcare in the mid-west" was what it was all about.

In all his endeavors, Ritch Eich has demonstrated a skill and dedication that reflect great credit upon himself, the State of Indiana and the United States Navy. I feel privileged to offer this tribute to Ritch on the occasion of his retirement from the Naval Reserves. We wish him well.●

TRIBUTE TO THE 50TH ANNIVERSARY OF THE EMMY AWARDS

● Mrs. FEINSTEIN. Mr. President, I rise today to recognize the golden anniversary of the Emmy Awards telecast from Los Angeles. For fifty years, hundreds of the nation's brightest and most popular personalities have attended this prestigious event to honor television excellence.

Beyond the captivating glow of the Hollywood spotlight, the yearly awards presentation is a celebration of California's thriving entertainment industry. Television arts and production contribute billions of dollars to the California economy, generating rapid job growth,



higher income, and greater tax revenues. Entertainment's significant financial impact can be attributed to the rising television and commercial production within the state. Recent studies confirm that payrolls and payments for goods and services within the entertainment industry currently contribute over \$27 billion to California's economy. The Emmy Awards confer annual awards of merit to creative arts people in the television industry, as incentive to continue supporting the economic growth in California.

Now celebrating its fiftieth anniversary, the Emmy Awards was not always so celebrated and grand. The first awards banquet in 1949 was held at the old Hollywood Athletic Club, with tickets costing a mere five dollars. With few stars in attendance, the program was not even televised nationally. The ceremony was broadcast on local station KTSL beginning at 9:30 p.m. Despite the American public's unfamiliarity with the obscure, new medium, Los Angeles Mayor Fletcher Brown declared the day of the first telecast TV Day on January 25, 1949.

Sponsor of the annual awards program, the National Academy of Television Arts and Sciences has a long and venerated history. Since its early days, membership to the National Academy of Television Arts and Sciences has flourished to more than 9,000, making it the single largest television professional association in the world. The Academy not only presents the Emmy Awards, but also hosts a program for college educators and has underwritten the Archive of American Television in an effort to preserve television's rich and detailed past.

As the Emmy's golden anniversary approaches, let us pay tribute to the award show's support of the entertainment industry and recognition of quality television programming. With 50 years of telecasts to its credit, the Emmy's have become a genuine part of American history. ●

#### TRIBUTE TO ZACHARY FISHER, THE 1998 PRESIDENTIAL MEDAL OF FREEDOM RECIPIENT

● Mr. CLELAND. Mr. President, I rise today to honor Zachary Fisher, who on Monday, September 14, 1998 will be presented the Presidential Medal of Freedom by President Bill Clinton at the Waldorf Astoria Hotel in New York City.

The medal, which is the highest honor given to civilians by the President, is awarded annually to individuals who have made outstanding contributions to the security or national interest of the United States or to world peace, or those who have made a significant public or private accomplishment.

Zach and his wife, Elizabeth, have always felt strongly about the young men and women who serve in the U.S. Armed Forces. During WW II Elizabeth served in the USO, entertaining thou-

sands of troops while they were away from home. Zach, unable to serve because of a leg injury sustained in a construction accident, assisted the U.S. Coast Guard in the construction of coastal defenses.

Although still active in his family's construction company, Fisher Brothers, he has devoted his time and energy to his country and bettering the lives of Americans. In 1978 he founded the Intrepid Museum Foundation, in an effort to save the historic and battle-scarred aircraft carrier *Intrepid* from scrapping. Through his efforts the vessel became the foundation of the Intrepid Sea Air Space Museum, which opened in New York City in 1982.

Through the Zachary and Elizabeth Fisher Armed Services Foundation, Zach has pledged to do all he can in support of our nation's military and their families, and to offer new opportunities to our children, such as through the educational programs at Intrepid, and as part of the Fisher House Program, to build homes for families of hospitalized military personnel.

His newest effort is the Fisher Center for Alzheimer's Research Foundation, founded in 1995 to fund research in, and work towards a cure for Alzheimer's disease. In partnership with David Rockefeller, Chairman of the Board of The Rockefeller University in New York, a new research center has been founded to help develop a cure for this debilitating disease.

Zach is also involved in many other charitable causes, including the Marine Corps Scholarship Foundation, the Coast Guard Foundation, the Navy League, the Jewish Institute of National Security Affairs, the George C. Marshall Foundation, the Margaret Thatcher Foundation, the Reagan Presidential Library, the United Jewish Appeal, and many other organizations.

In addition to this year's Presidential Citizens' Medal, Zach has received the 1995 Presidential Citizens Medal, presented by President Clinton, and the Volunteer Action Award, presented by President Ronald Reagan.

Zachary Fisher truly exemplifies what it means to be a patriotic American, and continues to strengthen our Nation and improve the lives of many Americans. Mr. President, I ask that you join me and our colleagues in recognizing and honoring Zachary Fisher on many years of worth-while work and achievements which have culminated with the honor of receiving the 1998 Presidential Medal of Freedom. Zach Fisher is truly a remarkable man and a first-rate American deserving of such an honor. ●

#### FARM CRISIS PACKAGE

Mr. DORGAN. Mr. President, I wonder if the majority leader will entertain an inquiry.

At the conclusion of Senator BYRD's presentation, it is my intention to speak for a few moments on the agriculture crisis, and I would just like to

inquire of the majority leader, who I know was supportive in July as we moved a \$500 million indemnity piece out of the Senate dealing with the farm crisis, I would like to ask the majority leader if he has some interest and some intention of allowing us to work on a farm crisis package during the month of September.

The reason I ask the question, I know that the Senator from Mississippi, the majority leader, is trying to fit a lot of things into a very short window here, but I think he knows that Members on this side and the other side coming from farm country are having to deal with an enormously difficult farm crisis. We hope very much that that will become part of the agenda in the month of September. I would just inquire of the Senator as to his intentions.

Mr. LOTT. Mr. President, I will respond to the Senator that I am aware of the difficulties in the farm community in a number of States because of weather problems but also because of a number of problems involving falling prices and trade problems. It would be my intent that we act in that area before we go out at the end of this session.

I think it is important that we start on it quickly, in a bipartisan way. I am going to be working on that early next week.

Mr. DORGAN. Mr. President, that is welcome news. I appreciate the cooperation of the majority leader. We obviously are facing collapsed farm prices and as tough a time in farm country as we have ever seen. I appreciate the response of the leader.

#### NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND PARTNERSHIP ENHANCEMENT ACT OF 1998

Mr. LOTT. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 504, H.R. 1856.

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

The legislative clerk read as follows:

A bill (H.R. 1856) to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "National Wildlife Refuge System Volunteer and Partnership Enhancement Act of 1998".*

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the National Wildlife Refuge System (referred to in this Act as the "System"), consisting of more than 500 refuges and 93,000,000 acres, plays an integral role in the protection of the natural resources of the United States;



(2) the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57; 111 Stat. 1252) significantly improved the law governing the System, although the financial resources for implementing this law and managing the System remain limited;

(3) by encouraging volunteer programs and donations, and facilitating non-Federal partnerships with refuges, Federal funding for the refuges can be supplemented and the System can fully benefit from the amendments made by the National Wildlife Refuge System Improvement Act of 1997; and

(4) by encouraging refuge educational programs, public awareness of the resources of the System and public participation in the conservation of those resources can be promoted.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage the use of volunteers to assist the United States Fish and Wildlife Service in the management of refuges within the System;

(2) to facilitate partnerships between the System and non-Federal entities to promote public awareness of the resources of the System and public participation in the conservation of those resources; and

(3) to encourage donations and other contributions by persons and organizations to the System.

### SEC. 3. GIFTS TO PARTICULAR NATIONAL WILDLIFE REFUGES.

Section 7(b)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(b)(2)) is amended—

(1) by striking “(2) Any” and inserting the following:

“(2) USE OF GIFTS, DEVISES, AND BEQUESTS.—

“(A) IN GENERAL.—Any”; and

(2) by adding at the end the following:

“(B) GIFTS, DEVISES, AND BEQUESTS TO PARTICULAR REFUGES.—

“(i) DISBURSAL.—Any gift, devise, or bequest made for the benefit of a particular national wildlife refuge or complex of geographically related refuges shall be disbursed only for the benefit of that refuge or complex of refuges and without further appropriations.

“(ii) MATCHING.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match gifts, devises, and bequests made for the benefit of a particular national wildlife refuge or complex of geographically related refuges. With respect to each gift, devise, or bequest, the amount of Federal funds may not exceed the amount (or, in the case of property or in-kind services, the fair market value) of the gift, devise, or bequest.”.

### SEC. 4. VOLUNTEER ENHANCEMENT.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of the Interior shall carry out a pilot project at 2 or more national wildlife refuges or complex of geographically related refuges in each United States Fish and Wildlife Service region, but not more than 20 pilot projects nationwide.

(2) VOLUNTEER COORDINATOR.—Each pilot project shall provide for the employment of a full-time volunteer coordinator for the refuge or complex of geographically related refuges. The volunteer coordinator shall be responsible for recruiting, training and supervising volunteers. The volunteer coordinator may be responsible for assisting partner organizations in developing projects and programs under cooperative agreements under section 7(d) of the Fish and Wildlife Act of 1956 (as added by section 5) and coordinating volunteer activities with partner organizations to carry out the projects and programs.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public

Works of the Senate evaluating and making recommendations regarding the pilot projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 1999 through 2002.

(b) AWARDS AND RECOGNITION FOR VOLUNTEERS.—Section 7(c)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)(2)) is amended—

(1) by inserting “awards (including nominal cash awards) and recognition,” after “lodging,”; and

(2) by inserting “without regard to their places of residence” after “volunteers”.

(c) SENIOR VOLUNTEER CORPS.—Section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)) is amended by striking paragraph (6) and inserting the following:

“(6) SENIOR VOLUNTEER CORPS.—The Secretary of the Interior may establish a Senior Volunteer Corps, consisting of volunteers over the age of 50. To assist in the recruitment and retention of the volunteers, the Secretary may provide for additional incidental expenses to members of the Corps beyond the incidental expenses otherwise provided to volunteers under this subsection. The members of the Corps shall be subject to the other provisions of this subsection.”.

### SEC. 5. COMMUNITY PARTNERSHIP ENHANCEMENT.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) is amended by adding at the end the following:

“(d) COMMUNITY PARTNERSHIP ENHANCEMENT.—

“(1) DEFINITION OF PARTNER ORGANIZATION.—In this subsection, the term ‘partner organization’ means an organization that—

“(A) draws its membership from private individuals, organizations, corporations, academic institutions, or State or local governments;

“(B) is established to promote the understanding of, education relating to, and the conservation of the fish, wildlife, plants, and cultural and historical resources of a particular refuge or complex of geographically related refuges; and

“(C) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code.

“(2) COOPERATIVE AGREEMENTS.—

“(A) IN GENERAL.—The Secretary of the Interior may enter into a cooperative agreement (within the meaning of chapter 63 of title 31, United States Code) with any partner organization, academic institution, or State or local government agency to carry out 1 or more projects or programs for a refuge or complex of geographically related refuges in accordance with this subsection.

“(B) PROJECTS AND PROGRAMS.—Subject to the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, and such terms and conditions as the Secretary determines to be appropriate, the Secretary may approve projects and programs for a refuge or complex of geographically related refuges that—

“(i) promote the stewardship of resources of the refuge through habitat maintenance, restoration, and improvement, biological monitoring, or research;

“(ii) support the operation and maintenance of the refuge through constructing, operating, maintaining, or improving the facilities and services of the refuge;

“(iii) increase awareness and understanding of the refuge and the National Wildlife Refuge System through the development, publication, or distribution of educational materials and products;

“(iv) advance education concerning the purpose of the refuge and the mission of the System through the use of the refuge as an outdoor classroom and development of other educational programs; or

“(v) contribute financial resources to the refuge, under terms that require that the net reve-

nues be used exclusively for the benefit of the refuge, through donation of net revenues from the sale of educational materials and products and through encouragement of gifts, devises, and bequests.

“(C) FEDERAL FUNDING AND OWNERSHIP.—

“(i) MATCHING.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match non-Federal funds donated under a cooperative agreement under this paragraph. With respect to each project or program, the amount of funds provided by the Secretary may not exceed the amount of the non-Federal funds donated through the project or program.

“(ii) USE OF FEDERAL FUNDS.—Any Federal funds used to fund a project or program under a cooperative agreement may be used only for expenses directly related to the project or program and may not be used for operation or administration of any non-Federal entity.

“(iii) OWNERSHIP OF FACILITIES.—Any new facility, improvement to an existing facility, or other permanent improvement to a refuge constructed under this subsection shall be the property of the United States Government.

“(D) TREASURY ACCOUNT.—Amounts received by the Secretary of the Interior as a result of projects and programs under subparagraph (B) shall be deposited in a separate account in the Treasury. Amounts in the account that are attributable to activities at a particular refuge or complex of geographically related refuges shall be available to the Secretary of the Interior, without further appropriation, to pay the costs of incidental expenses related to volunteer activities, and to carry out cooperative agreements for the refuge or complex of refuges.”.

### SEC. 6. REFUGE EDUCATION PROGRAM DEVELOPMENT.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) (as amended by section 5) is amended by adding at the end the following:

“(e) REFUGE EDUCATION PROGRAM ENHANCEMENT.—

“(1) GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary of the Interior shall develop guidance for refuge education programs to further the mission of the National Wildlife Refuge System and the purposes of individual refuges through—

“(A) providing outdoor classroom opportunities for students on national wildlife refuges that combine educational curricula with the personal experiences of students relating to fish, wildlife, and plants and their habitat and to the cultural and historical resources of the refuges;

“(B) promoting understanding and conservation of fish, wildlife, and plants and cultural and historical resources of the refuges; and

“(C) improving scientific literacy in conjunction with both formal and nonformal education programs.

“(2) REFUGE PROGRAMS.—Based on the guidance developed under paragraph (1), the Secretary of the Interior may develop or enhance refuge education programs as appropriate, based on the resources of individual refuges and the opportunities available for such programs in State, local, and private schools. In developing and implementing each program, the Secretary should cooperate with State and local education authorities, and may cooperate with partner organizations in accordance with subsection (d).”.

### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) (as amended by section 6) is amended by adding at the end the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d) and (e), \$2,000,000 for each of fiscal years 1999 through 2004.”.

AMENDMENT NO. 3578

(Purpose: To make technical corrections to the bill)

Mr. LOTT. Senator CHAFEE has a technical amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. CHAFEE, proposes an amendment numbered 3578.

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

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

The amendment is as follows:

On page 19, line 3, insert "Community" before "Partnership".

On page 22, line 2, strike "complex" and insert "complexes".

On page 22, line 10, insert a comma after "training".

On page 26, line 2, strike "purpose" and insert "purposes".

On page 29, line 20, strike "(d) and (e)," and insert "(d), and (e)".

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering H.R. 1856, a bipartisan bill that has tremendous potential to improve management and operations of the National Wildlife Refuge System by supplementing scarce Federal dollars with outside services and donations by local groups and individuals.

As budgets continue to shrink, the Federal Government must look for alternative sources of funding and assistance. Volunteers have helped the Refuge System since volunteer wardens staffed the very first refuge on Pelican Island, Florida in 1903. Since 1982, when the Fish and Wildlife Service (FWS) established a formal volunteer program, the program has grown from 4,251 volunteers donating 128,400 hours of time to 28,800 volunteers donating more than 1.5 million hours in 1997. This 1997 figure represents almost 20 percent of all work done by the FWS on the Refuge System, amounting to about \$14 million worth of services, at a support cost of \$780,000.

The five refuges in my own state of Rhode Island, which are managed as a single complex, provide a wonderful illustration of how important these efforts are. With only five full-time employees working among the five Rhode Island refuges, volunteers contributed more than one-third of all work performed on these refuges. At several of our refuges, the typical visitor will interact with only volunteer staff.

The "National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act" lends much needed support to the efforts of the Service to maintain and operate the Refuge System. Specifically, it establishes pilot projects for the Service to hire volunteer coordinators; it also authorizes the creation of a Senior Volunteer Corps, which is expected to be part of the Service's existing volunteer program, and for which the Secretary should explore coordination with Na-

tional Senior Service Corps programs operated by the Corporation for the National Service. In addition to encouraging volunteer efforts within the System, the bill encourages financial contributions, community partnership initiatives, and educational programs to benefit the System.

H.R. 1856 was introduced by Congressman SAXTON on June 10, 1997, and subsequently passed by the House. On June 26, 1998, I introduced a similar bill, S. 2244, within 14 cosponsors. The Committee on Environment and Public Works amended the House-passed bill to conform with S. 2244, and I now ask that the Senate take up H.R. 1856 as amended. I have been pleased to work with Congressman SAXTON on this wonderful initiative, and I urge expeditious approval by both the Senate and House, as well as by the President.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill appear at this point in the RECORD.

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

The amendment (No. 3578) was agreed to.

The substitute amendment, as amended, was agreed to.

The bill (H.R. 1856) was considered read the third time and passed.

The title was amended so as to read: "An Act to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes."

#### FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 522, S. 2094.

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

The legislative clerk read as follows:

A bill (S. 2094) to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

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 "Fish and Wildlife Revenue Enhancement Act of 1998".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act as the "Service")—

(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

(2) under law in effect on the date of enactment of this Act, the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

#### SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—[Notwithstanding"] *Subject to paragraph (2), notwithstanding*"; and

(2) by adding at the end the following:

"(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—*In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plants, or derivative thereof, for which the sale is prohibited by another Federal law.*"

"[(2)] (3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

"(A) to make payments in accordance with those sections; and

"(B) to pay costs associated with—

"(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

"(ii) storage of the items, including inventory of, and security for, the items;

"(iii) appraisal of the items;

"(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

"(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

"(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes."

Mr. LOTT. I ask consent the committee amendments be agreed to and the Senate proceed to consideration of the amendment offered by Senator CHAFEE which is at the desk.

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

The committee amendments were agreed to.

AMENDMENT NO. 3579

(Purpose: To make technical corrections)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. CHAFEE, proposes an amendment numbered 3579.

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

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

The amendment is as follows:

On page 4, line 4, strike "plants" and insert "plant".

On page 4, line 6, strike the quotation marks and the following period.

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering S. 2094, the Fish and Wildlife Revenue Enhancement Act, a bill introduced by my colleague Senator ALLARD and cosponsored by me. This bill represents a move towards efficient use of government funds, and support for the valuable programs carried out by the U.S. Fish and Wildlife Service with those scarce funds.

Each year, the Service receives thousands of items derived from fish, wildlife and plants, such as boots, purses and wallets, made from furs and skins. These items can be forfeited or abandoned during enforcement of Federal wildlife laws, and they are eventually shipped to the National Wildlife Property Repository in Colorado. The Repository currently has about 450,000 items, of which 200,000 can be legally sold.

However, under current law, revenue from the sale of forfeited items go to the Service for certain program operations, while revenue from the sale of abandoned items go to the General Treasury. More than 90 percent of the fish and wildlife items are abandoned, so that the Service would receive very little revenue from sales of items in its Repository.

The Repository was appropriated \$310,000 for operations last year. After overhead and operations, only \$30,000 was available for carrying out the programs that loan these items to schools, universities, museums, zoos for educational purposes, and to Native American groups for religious and ceremonial purposes.

The bill would initially generate approximately \$1 million for the Service through the sale of items derived from fish and wildlife that are currently stored by the Service. This money would be used to cover the costs of storing and disposing of these items—which is now a financial drain on the Service—and to fund the worthwhile

programs benefiting education, research and Native American religious and ceremonial purposes.

I would like to note that this bill does not change existing authority with respect to items that may be sold by the Service. Indeed, it clarifies that other laws prohibiting the sale of fish, plants or wildlife equally apply to this law. Specifically, current law prohibits the sale of items derived from threatened and endangered species, marine mammals, and migratory birds.

In summary, I am pleased to cosponsor this bill with Senator ALLARD, and urge the Senate and House to approve it expeditiously.

Mr. ALLARD. Mr. President, I would like to say a few quick words in support of S. 2094, the Fish and Wildlife Service Revenue Enhancement Act.

I have toured the Repository in the Rocky Mountain Arsenal. I was impressed by the instructional programs the Fish and Wildlife Service runs from that facility. It is obvious that the Repository serves a vital educational role. The Service is trying to utilize their resources to educate and inform the public about wildlife and wildlife trade. The passage of this bill will allow them to put to good use assets that are now just wasting away, and to further their scholastic goals.

Another important reason for passage of this bill is that it benefits the National Eagle Repository. They support the cultural and religious activities of Native Americans. We all know how important Raptors such as Bald and Golden Eagles are to the various tribes. The Service goes to great lengths to match the thousands of requests they receive from Native Americans for these rare birds. Any assistance that we can give them which will improve that already excellent operation will be a credit to the Congress.

I would like to thank Chairman CHAFEE, Ranking Member BAUCUS, and their staff for their assistance on this bill. Several improvements were made during the committee process, and I believe the bill is the best possible solution to the funding and allocation problem currently facing the Repository.

I would urge my current colleagues to support the passage of this bill, and I hope my former colleagues in the House will take up this matter and pass it soon after they return next week. I thank the Chair.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The amendment (No. 3579) was agreed to.

The bill (S. 2094) was considered read the third time and passed, 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 "Fish and Wildlife Revenue Enhancement Act of 1998".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act as the "Service")—

(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

(2) under law in effect on the date of enactment of this Act, the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

#### SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), notwithstanding"; and

(2) by adding at the end the following:

"(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plant, or derivative thereof, for which the sale is prohibited by another Federal law.

"(3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

"(A) to make payments in accordance with those sections; and

"(B) to pay costs associated with—

"(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

"(ii) storage of the items, including inventory of, and security for, the items;

"(iii) appraisal of the items;

"(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

"(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

"(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes."

#### ORDERS FOR MONDAY, SEPTEMBER 14, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday, September 14. I further ask that when the Senate reconvenes on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the time until 1 p.m. be equally divided for debate relating to the motion to proceed to S. 1981, the Truth in Employment Act, with the time divided between Senator HUTCHINSON and Senator KENNEDY or his designee.

I further ask consent that at 1 p.m. the Senate resume consideration of the Interior appropriations bill. And I want to emphasize at this point that it would be my intent, the early part of next week, to be on the Interior appropriations bill Monday afternoon, Tuesday, Wednesday—until we complete action. I know there have been other issues that have necessarily been offered this week on the Interior bill, and cloture votes, but I think next week it is important that we do get a focus on the Interior appropriations and complete action on that so that we can go to the remaining two appropriations bills.

I further ask consent that at 5 p.m. there be 30 minutes of debate equally divided, again related to S. 1981, with the vote occurring on the motion to invoke cloture on the motion to proceed to S. 1981 at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, but there is some phraseology in the majority leader's request that I wish to inquire about. And I have noted the same phraseology in the requests from time to time lately, but at this moment, since we are both on the floor, I will ask the question.

What does the majority leader mean when, in his request, he uses these words, "the routine requests through the morning hour be granted"? What does that mean?

Mr. LOTT. Mr. President, if I could respond, that would mean that the routine business such as the reading of the Journal, things of that nature, would be deemed to have expired.

Mr. BYRD. Mr. President, I will not object on this occasion, but I think—I am not trying to create any problems for the majority leader.

Mr. LOTT. Sure.

Mr. BYRD. I have been in that position and I know I never liked other Members to create problems for me—but they did, often.

That phraseology includes several items, especially for a Monday.

Mr. LOTT. It does.

Mr. BYRD. So I would like, in the future, if the distinguished majority leader would find it appropriate and agreeable to do so, that that particular verbiage be a little clearer, as to just exactly what is meant.

Mr. LOTT. I believe in the past, if I might respond to the Senator, that perhaps there had been a longer explanation as to what was included. Perhaps that is the way the Senator from West Virginia did it when he was majority leader. I think probably I may have caused this by indicating or asking if we couldn't do that in a little shorter phraseology. But I will go back and take a look at the best way to say that, so that Members' rights are protected and so that they will understand what is being asked for there.

Mr. BYRD. Mr. President, if I may—

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. I yield to the Senator from West Virginia.

Mr. BYRD. If I may ask the majority leader to yield, and I won't take long, but having been majority leader myself, I know that there are a number of things involved there, and there may be one particular item on a particular occasion, and for a particular reason, that Senators would want to have operative according to the usual rules.

I urge that we not—Mr. President, that we not speed the operation up to the point that Senators' rights may be eclipsed. And I am not suggesting that the majority leader intends that. He has already indicated—and I knew what he was doing—he was trying to speed the operation up in a way that would be more efficient. But there are things involved in that particular phraseology which might take 30 minutes to discuss here if we started to do so.

I just hope that the distinguished Senator will have his staff look at that language and that we might be able, Senators, to reserve their rights while even agreeing to such a request, if the circumstances required it.

Mr. LOTT. Mr. President, certainly I will review that again. I remembered, when we made a modification in the language—and I do have it before me here—on February 10, 1997, I did point out what the intent was here, the phrase "the routine requests through the morning hour" are deemed to include the approval of the Journal to date, the waiving of resolutions coming over under the rule, the waiving of the call of the calendar, and the expiration of the morning hour.

Because I was aware that this was a change and a shortening of that. But we will take another look at it. We always certainly respect Senator BYRD's suggestions and requests, and we will do so.

Mr. BYRD. Mr. President, I thank the distinguished leader. It is not my point here to quibble or to find fault with the leader. I appreciate the spirit in which he has accepted this. I can see

that someone who really understands these rules, like myself, and I have forgotten probably more than I will ever know again, I just want to protect the rights of all Senators, and I know that the leader wishes to do that. So I hope that there is no connotation of what I am saying that appears to be sinister. I have no objection.

#### PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, on Monday, the Senate will debate the motion to invoke cloture on the motion to proceed to S. 1981, the truth in employment legislation.

In addition, the Senate will resume consideration of the Interior appropriations bill, a very important bill for our country and one I hope we can move through the regular process and get into conference so an agreement can be worked out. It is hoped Members will make themselves available Monday afternoon if they intend to offer amendments to this very important bill. I am hoping, I believe maybe there is one very important amendment that can be offered Monday afternoon. I hate to point it out, but I think we have one that could take a good bit of time, and we could have a vote on it late in the afternoon on Monday.

All Senators should be on notice that the first rollcall vote will occur on Monday beginning at 5:30, and that vote will be on invoking cloture on the motion to proceed to the truth in employment bill. Additional rollcall votes are possible following the 5:30 vote hopefully relating to possible amendments to the Interior appropriations bill. I thank my colleagues for their cooperation in that.

#### ORDER FOR ADJOURNMENT

Mr. LOTT. 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, following the remarks of Senators KENNEDY, DORGAN, HATCH, and HUTCHINSON, and that, of course, is after Senator BYRD completes his statement.

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

Mr. LOTT. I yield the floor. I thank Senator BYRD very much for his courtesy.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I always appreciate the problems that the distinguished majority leader has, and I have a feeling of sympathy for him. It is never my desire to throw up any roadblocks or attempt to create any problems for him unless I have very good reasons to do so. I think there is a fine relationship between us, and I want that to continue. I hope the leader has a great weekend.

Mr. President, I know that Senator DORGAN is waiting to get the floor.

I believe I will need just a few more minutes. I ask unanimous consent that I may proceed for an additional 15 minutes.

Mr. DORGAN. Reserving the right to object, and I shall not object, what I would like to do is ask consent that following the remarks of Senator BYRD, I be recognized for 20 minutes, and I also ask, on behalf of Senator KENNEDY, that he be recognized for 30 minutes following my remarks.

The PRESIDING OFFICER. Does the Senator from West Virginia make that part of his request?

Mr. BYRD. I do.

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

Mr. BYRD. Mr. President, I thank all Senators and, again, I thank the distinguished majority leader.

#### THE EPA'S PENDING NO<sub>x</sub> EMISSIONS RULE

Mr. BYRD. Mr. President, on July 16, 1997, President Clinton directed the Environmental Protection Agency (EPA) to review its nitrogen oxide (NO<sub>x</sub>) transport standards under the Clean Air Act. Subsequently, on November 7, 1997, the EPA announced a proposed ozone transport rule to reduce the regional transport of ground-level ozone across a 22-state region of the eastern United States, and the agency is now poised to announce its final ruling on NO<sub>x</sub> emissions and ozone transport. The 22 states that have been targeted by this rule are some of the nation's most heavily populated, and include a large concentration of major industries, utilities, and automobiles.

Based on past experience, it is not surprising that the Environmental Protection Agency has, once again, decided to pursue a heavy-handed and arbitrary approach toward its regulation of NO<sub>x</sub> emissions. While the EPA argues that its recommendations reflect the cooperative work of 37 states through the Ozone Transport Assessment Group (OTAG) process, OTAG actually recommended a range of options to be considered on a state-by-state basis. The EPA, in its proposed rule, has chosen the most extreme of those recommendations—an 85% reduction in NO<sub>x</sub> emissions within the 22-state region. Far from being a flexible, tailored reduction for individual states based on their own contributions to the problem of ozone and air quality, this is a draconian, one-size-fits-all, command-and-control approach and does not take into account regional differences. I am concerned that this plan, which is apparently based on insufficient scientific information, poses potentially substantial harm to the economies of the affected states without delivering on the substantial environmental benefits it claims.

A key concern with the EPA's recommendation is that it is based on modeling results that are inconsistent with modeling conducted by OTAG. The EPA has made a finding that Mid-

west and Appalachian states significantly contribute to nonattainment in the downwind states. The OTAG modeling actually concluded that the airborne transport of ozone is only a major concern within a radius of 150 miles of the emission source. Using the OTAG results, emissions of nitrogen oxide from the Midwest and Ohio Valley simply do not affect ozone levels in the Northeast at a significant level, and the suggestion that emissions from the Mississippi area affect the eastern seaboard is even more unjustified by the empirical evidence. The OTAG modeling indicates that the greatest contributions to the ozone problem in the Northeast are emissions from sources in the Northeast and, particularly, from the growing numbers of automobiles congesting the roads and filling the air with their fumes. As my colleague, the senior Senator from Rhode Island and Chairman of the Environment and Public Works Committee, said in an April 16, 1997, letter to EPA Administrator Carol Browner, "Contrary to a public belief too readily accepted without any evidentiary foundation, our problem does not come primarily from distant smokestacks in the Ohio River Valley."

Recommendations based on OTAG's modeling ranged from targeted reductions only in specified non-attainment locations to the EPA's extreme choice of an 85% reduction across the board in all states. If the EPA forces the so-called "upwind" states like West Virginia, Ohio, Tennessee, Kentucky, and Virginia to reduce their emissions by the recommended 85%, the effect will be economically harmful, yet will do little in the long run to reduce the Northeast's ozone problem or improve its overall air quality. This recommendation is neither equitable nor cost-effective.

The consequences of the EPA's decision for the Midwest and Appalachian states will be severe. For example, my own state of West Virginia is currently in compliance for ozone. West Virginians are proud of this record and are working hard to maintain a clean environment. Unfortunately, however, despite this commendable record of compliance, the EPA is proposing that West Virginia reduce its NO<sub>x</sub> emissions by a whopping 44%. This is a huge overnight shift in policy—from compliance to gross under-compliance in the twinkling of an eye—which would force significant, costly changes to industries and utilities in my state, but for what purpose? For what purpose?

Mr. President, studies conducted by industry officials estimate that it will cost \$500 billion for every 10% decrease in NO<sub>x</sub> emissions, costs that will be passed onto consumers. If the EPA's proposal is implemented, electricity rates will climb precipitously in States like West Virginia, but this sacrifice reportedly will do little to improve air quality in the Northeast. According to a recent study by the Alliance for Clean Air Policy (ACAP), the EPA's

85% reduction will require an initial investment of \$6 billion and an annual compliance cost of \$1.2 billion by utilities in the 22-State region. Other industry cost estimates are even larger. Businesses and consumers in the Midwestern, Appalachian, and Southeastern States will bear the bulk of these costs. Electric power utilities will be forced to install selective catalytic reduction equipment on a large number of existing plants, but there is little experience in the United States with the use of this type of technology. What we do know is that selective catalytic reduction, SCR, technology is extremely costly and will require difficult retrofitting for many powerplants over a period of several years in order to meet the EPA's recommended reductions. By all appearances, the emissions reductions mandated by the EPA in the Midwestern and Appalachian region are unjustified and they are unfair.

We sometimes forget that, too often, bureaucratic rules have major impacts on a personal level. Electricity rates in West Virginia and the Midwest are considerably lower than those of the Northeast. If the EPA issues its rule forcing States to reduce nitrogen oxide emissions by 85%, Midwest and Appalachian utility rates will rise significantly. Meanwhile, as much of the United States is enjoying the benefits of a strong economy, the Appalachian region is still struggling to pull itself, in some areas, out of poverty. In recent years, West Virginia has aggressively sought out and won new business opportunities.

Toyota is making a very important announcement even today, within the next hour, of additional plans that it has for its plant in Putnam County, WV.

West Virginians who previously had to leave the State for career opportunities are now able to come back home to well-paying jobs that can comfortably support their families. If this stiff new rule goes into effect, families in West Virginia will find it harder to pay their electric bills; retirees on small pensions will face choices that could threaten their health and well-being; and companies, facing narrower profit margins, may consider moving their operations elsewhere because they would no longer receive the benefits of low-cost electricity. Further, communities that have invested in new infrastructure and have strained to help grow new and existing businesses could see their economic base dwindle. I am weary of regulations that lead to unnecessary economic dislocation. I want to be sure that the citizens of Appalachia can afford to heat and light their homes, and that they can receive reliable, consistent service from their utilities. I also want to be sure that each State recognizes and takes responsibility for its own air quality standards. But, I do not believe that a few States should have to shoulder the economic burdens for the EPA's hypothetical air quality improvements.

Certainly, there are better, more scientifically and economically sound alternatives to the severe rule proposed by the EPA. A number of alternative proposals have been submitted that are projected to reduce NO<sub>x</sub> emissions and at the same time meet the attainment of the new 8-hour ozone standard in many states earlier than currently scheduled. In fact, 13 Governors have submitted alternative strategies for addressing this important issue. These alternative proposals include one by a group of six Governors, led by West Virginia Governor Cecil Underwood, who have submitted a very comprehensive proposal. Other similar alternative proposals have been submitted individually by the Governors of Kentucky, Illinois, Indiana, Missouri, North Carolina, South Carolina, and Wisconsin. These alternative plans share the same core elements and represent aggressive steps to achieve a significant reduction in NO<sub>x</sub> emissions.

The alternative recommendation put forth by the aforementioned coalition of six Governors representing West Virginia, Michigan, Ohio, Tennessee, Alabama, and Virginia is a very comprehensive proposal. The first phase recommends a 55 percent reduction of NO<sub>x</sub> emissions by April 2002, followed by a 65 percent reduction in NO<sub>x</sub> emissions by April 2004. This alternative would also require significant reductions from other large non-utility sources by April 2003. By contrast, the EPA proposed an overall 85 percent reduction from major utility sources, 70 percent from major industries, and 50 percent from small industries by May 2003—a target few companies anticipate meeting without substantial costs. The EPA's compliance schedule also may threaten the reliability of electrical supplies in these and adjacent States.

In the second phase, the coalition plan calls for assessing the reductions that will be necessary to meet the new EPA-mandated 8-hour ozone standard by 2009—3 years ahead of the EPA's schedule of 2010-2012. As proposed, the assessment will be completed by 2001, the control requirements established by 2003, and additional controls in place in a reasonable period by 2007.

I support initiatives like those put forth by the 13 Governors. They demonstrate a spirit of cooperation and have numerous advantages. A phased approach would avoid disruption in the reliability of electricity services and would achieve substantial cost savings for businesses and consumers. In recognition of the limited impact of long-distance ozone transport, NO<sub>x</sub> controls for achieving the 8-hour emission standard should be tailored at the local, State, and regional levels. The phased approach builds upon the OTAG recommendations for addressing regional transport concerns and would encourage allowance trading as a compliance tool. Finally, a phased approach would be consistent with the Clean Air Act requirements and would allow States to take the lead in devel-

oping technically sound strategies for attaining the 8-hour ozone standard.

Clearly, alternative proposals exist that are achievable and that would provide cleaner air for millions of Americans sooner than would be provided in the Clean Air Act, without the adverse economic consequences that appear inevitable as a result of the EPA's proposal. Moreover, these types of alternative approaches are consistent with the July 1997 Presidential Directive calling for a flexible, common-sense approach to address this important and complex issue.

The Governors have worked to craft reasonable, science-based, balanced, and cost-effective proposals. I hope that the White House will recognize the spirit of cooperation and commitment that these Governors have made to air quality standards that address both the environmental and the economic interests of their States and surrounding States.

I also hope that these alternative proposals are given serious consideration before any final action is taken to issue a new rule. Let us not get in too big a hurry here. If a compromise is not reached regarding this very important matter, I am concerned that it will be tied up in the courts and thus prevent the States from taking the actions to which they have committed themselves, while also delaying a real, beneficial reduction of nitrogen oxide. Mr. President, I urge the administration to work with the Governors to reach an environmentally and economically sound and common-sense solution that is in the interest of our Nation as a whole.

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

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. BYRD. I thank the Chair.

#### LET'S RESPECT OUR CONSTITUTIONAL PROCESS

Mr. BYRD. Mr. President, the Nation is awaiting the public release of the Starr report. The rhetoric concerning the President's future has become superheated, and is nearing the point of spontaneous combustion—and no one has even had a chance to read, let alone reflect upon, all 445 pages of that report. It will be all too easy for individual pages and charges to be pulled out and waved around to fan these flames, but that does an injustice to the dignity and stature of this Nation. So I would like to pour a little cold water on these flames, and to urge everyone—all of us—to cool it.

The world was not created in a day. And we cannot rush that clock on the wall, as much as some of us might like to do. The clock will take its time. And time will move no faster, no slower than it moved in the days of Adam and Eve in the Garden of Eden.

With the receipt of this report, a very grave constitutional process has begun. I want to emphasize that. Let me say it

again. With the receipt of this report, a very grave constitutional process has begun. And we need to respect that process and all that it may mean for the Nation now and into the future. I would like to outline that process, which is covered in its entirety in just a few brief passages of the Constitution. And they are to be found on page 59 of my book on the Senate. Of course, they can be found in the Constitution itself.

Article I, section 2, clause 5:

The House of Representatives . . . shall have the sole Power of Impeachment.

Article I, section 3, clause 6:

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath of Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Article I, section 3, clause 7:

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Article II, section 2, clause 1:

The President shall . . . have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

Article II, section 4:

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III, section 2, clause 3:

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury. . . .

Now, Mr. President, my colleagues are all well aware of the very difficult path we may be starting down now that the Starr report has been received. The House will take the first hard steps, and the Senate may—I say, may—have to follow. If we hope to restore the confidence of the Nation in their Government, and in the Congress in particular, Members must be allowed to carry out their task free from the kind of hype and speculation and inflammatory commentary that is swirling all around us. I say this as much to the public, perhaps even more so, and the media, as I do to my colleagues. Give us the time and the elbowroom to live up to our solemn constitutional obligation to the Nation.

We, in the Senate, of course, do not know at this point whether there will be any impeachment of the President by the House of Representatives. That remains in the hands of the other body. That is not in our hands. Only if and when the House were to formulate and approve articles of impeachment would any articles then come to the Senate. The Senate would then, and only then, under the Constitution, be called upon to make its judgment, up or down, without amendment, on each article.



This is a very solemn matter and this Senator will not be influenced by the hype. I shall do my very best if that time comes—and it may never come, it may never come—but if it were to, I would do my very best to render a fair judgment, not only to the person impeached but also to the Nation, to the people, always keeping in mind the solemnity of the occasion and the kinds of precedents and standards that we, ourselves, would be setting for all of the generations to come. It is not going to be a matter to be decided tomorrow or next week or the next 2 weeks or the next 3 weeks in this Chamber. The other House will act as it sees fit, based upon the evidence in the report. We would be sitting as jurors if and when articles of impeachment were ever sent to us by the other body.

It is a constitutional process. Let's keep that in mind. We must be true to the Constitution, and true to the Nation. We must be fair, and we must be seen as having been fair.

Let me, in closing, read the oath which each Senator would be required to take in the event—and I emphasize, in the event—that the Senate were ever faced with an impeachment trial. The public should know that this is the oath to which each Senator must subscribe.

Here is the oath. It is on page 61 of the document titled, "Procedure and Guidelines for Impeachment Trials in the United States Senate," revised edition, prepared pursuant to Senate Resolution 439, 99th Congress, 2d Session, submitted by Senator ROBERT C. BYRD and Senator Robert Dole, by Floyd M. Riddick, Parliamentarian Emeritus of the U.S. Senate and Robert B. Dove, Parliamentarian of the United States Senate, August 15, 1986.

The form of oath administered to each Senator, as set forth under Rule XXV, is as follows:

I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of [blank], now pending, I will do impartial justice according to the Constitution and laws: So help me God.

How much time remains?

The PRESIDING OFFICER. The Senator has 39 seconds remaining.

Mr. BYRD. Mr. President, I have some remarks concerning Grandparent's Day. I ask unanimous consent I may proceed for an additional 10 minutes.

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

Mr. BYRD. I see no other Senators seeking recognition at the moment.

#### CELEBRATING GRANDPARENT'S DAY

Mr. BYRD. Mr. President, this Sunday is Grandparent's Day. Like Mother's Day, this holiday has its origins in the great State of West Virginia. The Presiding Officer at the moment is from Ohio, a distinguished Senator from Ohio. He is a neighbor. His State

is a neighbor of ours. This holiday began in West Virginia.

In 1956, a lifelong mountaineer and the wife of a coal miner, Mrs. Marian McQuade, was asked to assist in organizing a "Past 80 Party." I would qualify for that party if it were held today. Well, this group continues today to annually honor and celebrate octogenarians and other seniors in West Virginia. Mrs. McQuade began gathering participants to join in these festivities by contacting nursing homes. She learned of the chronic loneliness that many of the seniors in these homes experienced, and she was deeply saddened. Her heartfelt concern engendered the idea of a special day, a specific day to celebrate grandparents.

In May 1973, West Virginia became the first State with a specially designated Grandparent's Day. Five years later, Mrs. McQuade received a phone call from the White House. This call informed her that President Carter had signed a law that designated the first Sunday after Labor Day as National Grandparent's Day. The holiday was shifted to the fall for symbolic reasons, as Grandparent's Day celebrates those in the autumn—ah, the autumn—of their lives. The first official national observance of this holiday occurred in September 1979—autumn, when the leaves are turning from green to gold to red and to brown.

The statute creating Grandparent's Day states that the purpose of Grandparent's Day is "to honor grandparents, to give grandparents an opportunity to show love for their children's children, and to help children become aware of [the] strength, information, and guidance [that] older people can offer." This is a day to celebrate sharing between the generations. It is a day for the older and younger generations to commune with one another. It is, above all, a day to celebrate the family.

All too often in our increasingly fast-paced world, we fail to reflect. Perhaps on this Grandparent's Day we can enjoy the leisure of reminiscing on earlier days and, in so doing, opening a dialog between the generations. Such a confabulation benefits all who participate.

Sharing time with grandchildren provides the grandparent not only with longed-for companionship, but also may inspire great personal joy and a renewed liveliness. The young are like a rejuvenating elixir, restoring a youthful spring in one's step. The young possess a certain charm, reminding us of what it feels like to be young again, and through them the spirit is enlivened. The aged may even see in the younger generation certain reminders of their own early ambitions, and foresee the potential that these sprouts have to take root and grow. And when these seedlings begin to bloom, finding their own success, there is no greater pride than that of the grandparent who encouraged, who listened, and who applauded along the way. And the major-

ity leader will see this one day, as he recently had a grandchild come into his family.

While grandparents' steps are enlivened by spending time with their grandchildren, the children learn upon which path these steps ought to be taken. Children, although they may, at times, view their elders as antediluvian and inveterate, will sit enraptured as they listen to stories recounted by their parents' parents. I remember how they used to sit around me when I played the fiddle. Oh, to live those days over again!

The young will often, perhaps strangely, volunteer to assist with otherwise tedious chores to be by the side of grandparents. From the tales told and the time spent tending to tasks together, youngsters learn family history, and they ought to listen to it and they ought to be interested in that family history. They learn family history, traditions, and glimpse a wiser perspective of their world. Also, that is what many of us older persons need today—a wiser perspective of our world. Narratives and demonstrations of the maxim "hard work works" have the power to convey and ingrain the principles of success that are eternal verities. It is hard to imagine or recall, with our cars, microwaves, cell phones, and laptops, just how hard our parents and grandparents labored to do things that seem so simple today. We turn up a thermostat instead of chopping wood. But if one wants to warm himself twice, he only needs to chop his own wood. We hit "spellcheck" rather than retyping term papers. When faced with future adversity, growing children may look back on such nostalgia to carry them through their own trying times.

I am lucky to share in my grandchildren's lives, I feel the pride of being a grandparent, and I recall Mrs. McQuade's story. I remember how she found that some seniors were neglected and forlorn, living lives of lonely destitution. Who knows, that may come to any one of us in time. Sadly, for some, this is still the case.

Although many of their loved ones may have passed on, other seniors, thanks to advances in medicine and to Federal programs that provide a safety net of social services, continue to carry on. Many find ways to remain active in their communities, organizing events or sharing their time with others. Some have even taken on the burden of raising their children's children or acting as surrogate grandparents to those children who have lost their natural grandparents or who never knew them. Our older Americans have sweated and labored to defend and fight for our Nation, educate our young, mine the fuel to keep our homes warm, and shelter the values which we treasure the most. A greater obligation to our venerable matriarchs and patriarchs who have served as such wonderful role models to not one, but two, generations is our duty.



This is why I am proud to add my name as a cosponsor of a bill to reauthorize the Older Americans Act. This Act helps to assess the needs of seniors and provide services to fill these needs. Funding through this Act provides nutrition, disease prevention, and in-home health service programs for the elderly. The Older Americans Act will also provide for community service employment for senior citizens with low income, so that they may continue to demonstrate the strength of their work ethic. Furthermore, the Act will allow state and local aging agencies to operate as advocates to promote the rights of older persons. As more and more Americans enter the older generation, it is critical that the mechanisms which have provided assistance continue to be able to lend support. We must not forget the lessons which these men and women have passed on to us and to our children. To do so would be to debase their contribution to the prosperity of our own posterity. The generous contributions our seniors have made will continue to propagate long after the grandchildren of today leave this world. Remembering our older Americans, and the importance of their influence on many young, fresh lives, is perhaps the most apt offering we can bestow as we celebrate Grandparents' Day.

Mr. President, I yield the floor. In doing so, may I thank my friend from North Dakota, Mr. DORGAN, for his patience, and all others on whose time I have transgressed.

I thank him also for his contributions to the work of the Nation, for his knowledge, for his clearheadedness, for his evenhandedness, and for the inspiration that he gives to me and all of my colleagues.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 20 minutes.

Mr. DORGAN. Mr. President, let me thank the Senator from West Virginia for his kind words. He always contributes immensely to this Senate when he rises and speaks to the Senate and to the American people. I am enormously proud to serve with Senator BYRD, as I have indicated on previous occasions.

#### THE FARM CRISIS

Mr. DORGAN. Mr. President, I come to the floor today to talk briefly about a couple of issues that are of critical importance to the country, and especially to that part of America that I come from—North Dakota, the farm belt. It is an important part of our country. Our country is made up of many parts—of cities, of country, of family farms, of main streets, and small businesses. But we are going through a very, very tough time in rural America.

I asked the majority leader some moments ago on the floor of the Senate about the ability to deal with this farm crisis through some action by this Con-

gress before we adjourn. I was impressed that he indicated that it is his intention for us to take up legislation to address this farm crisis once again as we did in the month of July. It is an urgent situation.

The future of many family farms and the future of many families living out in rural America depends on this Congress stepping up and making the kind of decisions that will give them the opportunity to make a decent living on the family farm.

When I talk about my part of the country, or our part of the country, I am reminded of something that Daniel Webster said. He was one of the giants of this institution. In fact, his portrait is on the wall out here in the reception room of the U.S. Senate. He is recognized as a giant in the history of this body. When THOMAS Jefferson made the Louisiana Purchase, which was fairly controversial at the time, let me read to you what Daniel Webster said. Remember; this a part of the country that I come from. About that Louisiana Purchase, Daniel Webster said:

What do we want with this vast, worthless area, this region of savages and wild beasts, of desert and shifting sands and whirlwinds, of dust, cactus, and prairie dogs? What can we ever hope to do with this western coast, a coast of 3,000 miles, rockbound, cheerless, uninviting, and not a harbor on it? What use do we have for this country?

Daniel Webster is not considered thoughtless because he made this statement. But it is quite clear, I suppose, to all of us now that he missed the mark some.

"What do we want with this vast, worthless area?"

Gosh. What a remarkable part of our country that Louisiana Purchase became.

Then a couple of years after Daniel Webster asked this question about that part of America, Thomas Jefferson sent Lewis and Clark to explore that area, and it was one of the great expeditions in the annals of American history.

Lewis and Clark, on May 14th, 1804, left St. Louis, MO, with 44 men and 120 gallons of whiskey, by the way, purchased with government vouchers. The President said, "Buy whatever you need." I have made jokes about the need to purchase 120 gallons of whiskey to get them through certain States. But I will not repeat those jokes here. I do that only because I think it is interesting to study the history of that Lewis and Clark Expedition. It was a remarkable expedition.

In April of 1805—April 7, to be exact—after Lewis and Clark had gone from St. Louis up to what is now near Washburn, ND, and spent the entire winter with the Mandan Indians, before they began the next portion of their journey to the West Coast, April 7, 1805, Captain Lewis wrote a letter to Thomas Jefferson. That letter—a six-page letter—was put on a keelboat with some soldiers and sent down the Missouri back to St. Louis, then down to New Orleans by boat, then to Washing-

ton, DC, to Thomas Jefferson. And then we never heard another word from Lewis and Clark for 17 months. Then we discovered on the conclusion of that remarkable expedition that they had been to the West Coast and back. And they told us what they found in this remarkable country of ours.

That letter, by the way, just for interest sake, was never viewed by the public until a couple of months ago. That letter, in a special effort by the Library of Congress, is now being viewed publicly at an Interpretation Center of Lewis and Clark near Washburn, ND, with all proper security, about a mile from where Captain Lewis wrote the letter in the year 1805 on April 7. He sent it by keelboat down the Missouri, all the way around to President Jefferson, and, of course, it came back in by jet airplane nearly 200 years later.

I tell you that just to say that this is a wonderful, remarkable country, and in our part of the country, which is called the farm belt, a rural area of the country, we are having an enormous amount of difficulty, one that requires this Congress' attention.

There are two things that are of great concern to us.

The collapse of grain prices means that we see the threatened loss of thousands and thousands and thousands of families who now live out on the family farm. Grain prices have flat out collapsed. Crop disease has come and visited our State—the worst crop disease of the century at the same time that grain prices have collapsed. And, on top of that, these farmers also fail because of unfair trade, unfair trade which helps cause the grain price collapse; an enormous amount of unfair trade, unfair trade that no one seems to be interested in doing anything about.

That brings me to the point I want to make today dealing with our trade problems, especially with our neighbors to the north—the Canadians—but these trade problems relate to Mexico, to France, to China, and to other countries as well.

Let me describe the problems just briefly, as I have before, and then tell you why I am especially interested today.

Trade agreements: There are those talking about this mantra of free trade saying let's do more free trade agreements, and the more we trade, the better off we are, and the better it is for our country. Trade statistics show that as we negotiate these agreements, agreement after agreement, whoever is negotiating these agreements must not be keeping their eye on the ball, because agreement after agreement we see deeper and deeper trade deficits for this country.

I ask those who negotiate our agreements: Is there any chance you might negotiate a trade agreement that is in our country's best interest just once; something that benefits our country instead of deepens our trade deficits?

The economic all-stars in trade have become America's family farmers. We have an abiding and abundant trade surplus in agricultural commodities and products. But that is shrinking, as you can see. That is shrinking because the trade agreements that have been developed over the years with other countries—the Canadian agreement, Mexican, and others—have not been in the interest of our farmers. They have created a bifurcation of trade strategy so that we become a sponge for virtually anything anyone wants to send into our country, even if it is sent here unfairly. And we increasingly cannot get our products into other countries' markets. The result is that the agricultural trade surplus, which once was healthy and which once reflected the one bright spot on our trade picture, is now itself diminishing.

Our foreign debt grows to finance this trade deficit. You know what red means, and I have shown many of these charts before that show that the trade debt is increasing and increasing dramatically.

Now, we have a U.S. trade ambassador's office that negotiates trade treaties. I voted against, I guess, the last three or four of the treaties they have negotiated. They went and negotiated one with Canada and, fundamentally, in my judgment, sold out the interests of American farmers. I think I can demonstrate it; I think I have. Then they negotiated NAFTA with Canada and Mexico. Same thing—a wholesale exodus of American jobs. They negotiated GATT—fundamentally unsound in the way it was negotiated to protect our producers' economic interests. I am not talking about being protectionist now. I am talking about standing up for the economic interests of our producers to say, if you must compete—and that is a worthy objective—then we will make sure the competition is fair.

Has that happened in all of these recent trade agreements? Not at all. Because these folks are interested in negotiating agreements, some kind of trade agreements that comport with some notion of free trade they have, a notion that is foreign to the folks where I grew up.

Is it free trade to say to an American producer, you go ahead and produce a product, then ship it to a marketplace and try to sell it? And by the way, you are going to compete with a manufacturing plant in Sri Lanka or Indonesia or Bangladesh, and they are going to hire 14-year-old kids and pay them 14 cents an hour; they are going to work them 14 hours a day, and they are going to make that product dirt cheap so they can increase their corporate profits; they are going to ship that product to Philadelphia, Los Angeles, Pittsburgh, or Fargo, and you, Mr. and Mrs. Producer, compete with them, go ahead, compete with them. Is that fair trade? Absolutely not.

Or how about saying to a mom and pop operation in this country that is

producing a product, you produce a product, but we need to make sure you are not polluting our air, not polluting our water, not hiring kids, and you don't have unsafe plants?

So we have restrictions on air pollution, restrictions on air and water pollution, we have child labor laws, and we have worker safety provisions. And then we say, you produce that product under those conditions—and I support all of those conditions, by the way—and then go compete, and when you compete, you compete against a plant in some country tens of thousands of miles away that doesn't have any restriction on dumping chemicals into the air, chemicals into the water, hiring kids or having unsafe factories. And so they increase corporate profits, make cheaper products and ship them here and compete unfairly.

I ask our trade ambassadors to defend that; defend that. And if you can't, then don't go negotiate another treaty for this country unless you can demonstrate to the American people you are willing for a change, for once, to stand up for this country's economic interests.

Now, there will be some people in this town who will listen to this, and they say, well, this guy is some xenophobic isolationist, and that is what all this language is about. I am not that; we need to find a foreign home for much of what we produce in farming today.

I want expanded trade, I want expanded trade opportunities around the world, but I am flat out sick and tired of our farmers and our business men and women being consigned to trade internationally in a circumstance where our trade negotiators have negotiated trade agreements that, A, are incompetently negotiated so they put us at a disadvantage and, B, totally non-enforced, unenforced. They won't lift a finger to enforce a trade agreement that I can see.

This morning I read in the paper that our steel industry is going to file an action alleging that there is dumping going on in this country. I don't even know much about it, but I say to the steel industry, sign me up as a supporter. It is about time people start standing up for their interests and demanding that trade competition be fair competition.

The first 25 years after the Second World War, trade policy could be foreign policy and we could tie one hand behind our back and beat anyone, anytime, anywhere. That was fine. Wartorn Europe was trying to restore itself, and we were dealing with weak competitors. That is not true anymore. Now we have shrewd, tough international competitors, and the fact is our trade policy is still half foreign policy and our negotiators and our trade agencies don't seem to give a whit about either negotiating good agreements or enforcing the agreements we have.

That brings me to the issue of Canada especially. While our farmers face

collapsed prices and are having auction sales the Trade Representative does nothing. You can go to those auction sales and see the tears those farmers cry because they have lost more than a farm and a home; they have lost their hopes, their dreams and everything they wanted to do in life. And one of the reasons that that is happening and that prices are collapsing is this grain from Canada, durum, wheat, barley, is flooding through our back door because of a trade agreement that was, again, incompetently negotiated.

It is unfair trade, in my judgment. That is quite clear. It is sent here by a State trading agency in Canada which would be illegal in this country. A State trading monopoly in Canada would be illegal here. It sends that grain with secret pricing. By the way, we don't have secret prices here. Their prices are secret, and yet our trade agency refuses to lift a finger, doesn't lift a finger. And they boast about all the work they are doing.

Senator BYRD once talked about Aesop's fly. It probably fits here. Aesop's fly, sitting on the axle of a chariot observing, "My, what dust I do raise." Yes, my, what dust this USTR does raise. It is not even relevant to what is going on. The fact is, there are levers, there are opportunities, for our agencies to use, including the USTR, to stand up and fight for fair trade for our producers, our farmers, and our manufacturers, and they consistently refuse to do it.

I will have more to say about this specifically next week and specifically about USTR and specifically about the trade agreement with Canada. I will have more to say about it next week. But this country and this Congress should not allow this to continue where our producers are confronted with unfair trade circumstances. We either ought to expect an agency to stand up and fight trade fairness or get rid of the agency; just get rid of it. Stop pretending.

Mr. President, I mentioned Canada. I could talk about beer, Mexican beer coming north and American beer not going south. That is liquid barley, I guess. You know that is where beer comes from. I could talk about looking at trade through the eye of a potato, whole potatoes south, french fries north with the Mexican agreement. Or maybe we could do it with something everybody understands—Beanie Babies. You go stand at the border and see a convoy of trucks coming south with millions of bushels of Canadian grain, coming into a country that already has too much grain, and the result is prices are collapsed. And at the same time those convoys of trucks and railroad cars with millions of bushels of Canadian grain are coming into our country, trading unfairly, incidentally, at the same time that happens, try to bring a Beanie Baby in, and they stop you at the border and say, oh, no, you can only bring one—one. You only get one Beanie Baby to come across the border.

So we are willing to stand up for cloth dolls filled with beans but not for family farmers whose lives, whose economic lives are threatened, who are going out of business in record numbers, going out of business so fast that they have had to call auctioneers in my State out of retirement to handle the auction sales.

Am I upset about this? Yes. I am upset because I am a part of a system here that anticipates that those in the system will do what they are supposed to do, and I am especially upset with the U.S. trade ambassador's office. It is not new. I have been upset with them for years. But there is a new energy at this point because they are sitting on their hands doing essentially nothing while our farmers are going out of business. And there is a real and abiding problem that all of us understand that they refuse to take action to deal with it.

I will revisit this subject next week, early next week on the floor of the Senate and have more to say about the USTR with some specifics, and also about Canada.

But I wanted to make the point today, once again, that as part of the response to the farm crisis that I asked Senator LOTT about today, we must deal with strengthening prices. We must deal with an indemnity program that Senator CONRAD and I got passed.

But we must also deal with the trade component, because we can't continue to try to find a way to deal with strengthening prices and finding new markets overseas for our grain products and then have a flood or an avalanche of grain coming through our back door, unfairly traded into our country.

That is not fair to farmers. They ought to expect more. I certainly expect more. And the President ought to expect more from the U.S. Trade Ambassador's office, and as I said, I will have more to say about that early next week.

#### THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, let briefly turn to one additional subject. That is the question of interest rates and the Federal Reserve Board. I want to talk about this because it also affects farmers—not just farmers, but all producers and all Americans. There is a lot of discussion these days about what is happening to the economy in our country. We have plenty of challenges. But it is also hard to miss some good news. The unemployment rate has gone way down. And the Federal Reserve Board, as most of us will recall, said: Now be careful, because if the unemployment rate ever falls below 6 percent there is a natural rate here below which we will get new waves of inflation; go below 6 percent, the Fed said, and we are going to have inflation problems.

Of course, the Fed was dead wrong. We have had unemployment below 6

percent for 4 years now. Inflation has not gone up, it has gone down. But this is good news for the economy. The unemployment rate continues to be down. The Consumer Price Index has gone way down too. The core rate with respect to the CPI is 2.2 for the last 12 months ending in July.

Finally, the real Federal Funds Rate, that is the short-term interest rate, adjusted for inflation, that the Federal Reserve Board sets, is 3.9 percent, the highest it's been in nine years. When inflation is way down here and the Federal Funds Rate, the real interest rate, is up here, you ask the question: Why? Let me see if I can answer that question and give just a bit of advice to the Federal Reserve Board.

The Federal Reserve Board is doing its best imitation of petrified wood. It is not a tough imitation for them. All you have to do is look at the Federal Reserve Board and it resembles the Petrified Forest. In fact, what I would like to do is, just for those who might be watching or those who might be interested, I would like to show them the Federal Reserve Board's Governors and regional bank presidents, because they don't get enough attention.

Here is who they are, here is where they are educated, largely their experience, and this is how much money they make. This is who sets interest rate policy in this country; interest rate policy which now has short-term rates too high and therefore the prime rate and other interest rates is too high.

Jerry Jasinowski, President of the National Association of Manufacturers, says:

Interest rates are a dangerous drag on the economy in view of the fact that 1/3 of the world is in a recession.

He calls on the Fed to cut interest rates.

Dr. Sung Won Sohn, Norwest Corporation:

If the Fed were to cut interest rates today, it would help ease the farm crisis, which has become critical because of low commodity prices, bad weather, crop disease, and so on.

James Glassman—I don't quote him very often, but James Glassman says:

[Interest] rates are not really as low as they seem. After adjusting for inflation, long-term rates are high, and short-term rates are even higher. . . . The longer the Fed waits (to cut rates), the closer a serious slowdown, or recession, becomes.

Mr. President, the Federal Reserve Board's Open Market Committee will meet on September 29. Two of these folks still probably think that interest rates ought to be increased, despite the fact that our economy is slowing down and the real interest rates are far too high now. It might serve the money centers' bankers' interests. It certainly does not serve the interests of the producers in this country. And there has been, for 200 years in this country, a tension between those who produce and those who finance production. At this point, with this crowd, it tilts in favor of those who believe it might be in the interests of the Fed to serve their con-

stituency, the money center banks. But there is no reason, given the economic circumstances in our country today, for them not to put interest rates where they belong, given the current rate of inflation, and that would augur not for an interest rate increase on September 29, but a cut.

Here are the folks. Here are their names. You could put them in a barrel and shake them all up and you would still have a gray suit, somebody with an economics background, no one from my part of the country, and no one who has ever fixed anything or built anything.

In fact, we have a vacancy now, and I said I would like my Uncle Joe to be considered for that. My Uncle Joe doesn't have any particular skills that would suggest him for the job, but he used to fix generators and alternators, so he has run a business and worked with his hands. He fixes things. Nobody here represents producers. Nobody on the Federal Reserve Board has an understanding, in my judgment, about the productive side of our economy.

My Uncle Joe is not going to be seriously considered, I suppose. But what we will probably find is this administration, like all others, will find somebody who looks just like this, same color suit, Ph.D. in economics. Certainly nobody from the Upper Midwest where they have been farming or their folks have run a small business or anything like that.

I guess the point I wanted to make today is, as we head towards September 29, all of the evidence suggests that we ought to be seeing a cut in interest rates. I should confess that I actually used to teach economics a bit in college. I have been able to overcome that and lead a reasonably productive life. All I ask from the Federal Reserve Board is to look at this from the standpoint of this country's long-term economic health and the economic facts that are now self-evident.

There is nothing that could persuade a couple of these people, as I understand they still believe that we ought to have higher interest rates except that they must represent some narrow self-interest for the money center banks. Certainly most of them ought to be able to look at the facts and understand we need—and this country deserves and our economy requires—a lowering of Federal Funds rate and therefore a lowering of the prime and other interest rates that represents where we ought to be, given the historical interest rates and declining inflation.

Mr. President, I understand that when you come down and are even obliquely critical of the Federal Reserve Board, it is like taking on the last American dinosaur. I regret that I do that. But it is the last part, the last institution that remains impervious to the broader public interest. Some think that the Fed is a hero for whatever has happened in our economy. I don't happen to view it that way. I

think they view themselves as a set of human brake pads, and they keep their foot on the brake—and good for them. Except that what we have now is a need to put interest rates back where they ought to be for producers and farmers and others, given the fact that overall inflation is down at 1.7 percent over the last twelve months and only 1.5 percent since the beginning of this year.

Today's announcement was that the Producer Price Index for finished good in August fell 0.4 percent. This means that producer prices have fallen 1.6 percent over the past twenty months. All these numbers augur very hard for the Federal Reserve Board to do something that some suggest they are not prepared to do. I ask Fed Chairman Greenspan and others to see if they can't do what some people now don't expect them to do, but do the right thing: On September 29, we reduce those interest rates.

Several of us in Congress are considering offering at least a sense-of-the-Congress resolution to send a message to the Fed. Who knows whether it will get through the door there, but at least send a message to say here is what we think. Interest rates have a significant impact on virtually every family in America, on every producer, business and farmer in this country. And my hope is that at the end of this month, given the uncertainty we face in the world, given the numbers from the last quarter here in this country showing a slowing of our economy, and given the historical low rate of inflation and the fact that we are now overpaying because of the Federal Funds Rate, the Federal Reserve Board will finally do the right thing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

#### TRIBUTE TO DR. ROGER WILLIAMS

Mr. HATCH. Mr. President, I rise today in tribute to a great Utah man of science, Dr. Roger R. Williams, whose life came to a tragic end last Wednesday in the horrific crash of Swissair Flight 111.

Tomorrow, Dr. Williams' remarkable life will be celebrated at a memorial service in Salt Lake City.

In the wake of this solemn occasion, I ask that my colleagues pause for a few moments in remembrance of those husbands and wives, sons and daughters, brothers and sisters who perished in this terrible crash.

(Moment of silence.)

Like Dr. Williams, each had abundant potential which was so unfairly cut short.

Dr. Roger Williams was known throughout the world, not only as a distinguished professor of internal medicine at the University of Utah, but also as a leading expert in the field of cardiovascular genetics.

In fact, at the time of his death, our Utah scientist was on his way to Gene-

va to chair an international panel of the World Health Organization, which is working to promote the prevention of premature death through early diagnosis of genetic cholesterol abnormalities.

Dr. Williams was the founder and director of the University of Utah's Cardiovascular Genetics Research Clinic, which fosters collaborative investigations involving numerous fields of medicine.

He was the author of more than 200 professional publications and a frequent chair of National Institutes of Health advisory committees.

But what I remember most about Dr. Williams was his abundant spirit, his tremendous enthusiasm for life and for his work, an exuberance that was virtually impossible not to get caught up in.

I can recall many occasions when he visited my office to educate, cajole—and even plead—for an enhanced Federal commitment to research on the genetic basis of familial cholesterol problems.

In fact, earlier this year, Dr. Williams' and I began work to design a program leading to the diagnosis and treatment of the unmet needs of many thousands of persons with strong familial predisposition to preventable early deaths.

It is ironic that Dr. Williams' promising research was so abruptly halted by his own premature death.

Mr. President, I am grateful for these opportunities to have worked with such a fine man, a man who did so much for our State, our country, and indeed, the world at large.

Dr. Roger Williams will truly be missed—not only because of his contributions to science and medicine, which brought him international acclaim—but also because he was simply a good, decent man who always wanted to be fair.

It is hard to forget a statement made by his son last week that captured the true essence of Roger Williams.

Tom Williams remarked that his father was known to say "If you wouldn't do it for the guy on the bottom, you can't do it for the guy on the top."

I think we can all learn a valuable lesson from the life and work of Roger Williams, a man who always lived his life with the highest possible integrity and kindness, a man who regarded his happy marriage and seven children as his most important accomplishment and responsibility.

Dr. Williams' passage is a tremendous loss to the State of Utah, the world of medical research, and to all those who knew him and knew him well.

My heart goes out to his wife Linda, to his children, and to his extended family, including his colleagues, during what I know is a most difficult time. They will all be in our thoughts and prayers.

We know that they will be blessed because of the lives that they live as well.

This was a great man, a person who had unlimited potential. It is hard to understand why a life like this—indeed lives like all the others on that plane—were snuffed out. The fact of the matter is that, believing in a life hereafter and believing that there is a God who rewards people for the works that they do on this Earth, I have no doubt that Roger Williams will be with our Father in Heaven as one of his chosen people. It is my prayer all the passengers on flight 111 will be as well.

I personally express my gratitude and appreciation for what Roger Williams has meant to this country, what he has meant to the University of Utah, what he has meant to our State, and what he has meant to so many other persons.

#### U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 4TH

Mr. HELMS. Mr. President, the American Petroleum Institute has reported that for the week ending September 4 that the U.S. imported 8,549,000 barrels of oil each day, 998,000 barrels a day more than the 7,551,000 imported during the same week a year ago.

Americans relied on foreign oil for 57.2 percent of their needs last week. There are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States imported about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

All Americans should ponder the economic calamity certain to occur in the U.S. if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.: now 8,549,000 barrels a day at a cost of approximately \$100,963,690 a day.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 10, 1998, the federal debt stood at \$5,545,657,954,586.91 (Five trillion, five hundred forty-five billion, six hundred fifty-seven million, nine hundred fifty-four thousand, five hundred eighty-six dollars and ninety-one cents).

One year ago, September 10, 1997, the federal debt stood at \$5,410,105,000,000 (Five trillion, four hundred ten billion, one hundred five million).

Five years ago, September 10, 1993, the federal debt stood at \$4,384,113,000,000 (Four trillion, three hundred eight-four billion, one hundred thirteen million).

Twenty-five years ago, September 10, 1973, the federal debt stood at \$459,532,000,000 (Four hundred fifty-nine billion, five hundred thirty-two million) which reflects a debt increase of more than \$5 trillion—\$5,545,657,954,586.91 (Five trillion, five

hundred forty-five billion, six hundred fifty-seven million, nine hundred fifty-four thousand, five hundred eighty-six dollars and ninety-one cents) during the past 25 years.

I yield the floor and 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. KENNEDY. 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. KENNEDY. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

### THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, earlier today the majority leader propounded the unanimous consent request relevant to the bankruptcy legislation. In that proposition, he had indicated that the first amendment to be considered to the bankruptcy bill would be the amendment which I will offer with a number of our colleagues on behalf of the Americans who are at the bottom two rungs of the economic ladder, those who are making the minimum wage in our Nation.

It is an amendment to increase the minimum wage by 50 cents in January of next year and another 50-cent increase the following year. The total increase would be a \$1 increase in the minimum wage. We will have an opportunity to debate that issue on Tuesday morning, with a vote on that sometime around the noon hour. At that time, the membership will express itself on whether we are going to reward work in the United States of America, whether we are going to say that our fellow Americans who are at the lower end of the economic ladder, who have lost more than any other group in our society in terms of their purchasing power over the period of these last years, whether they are going to be able to have a very, very modest increase of \$1 over the period of the next year and a half to 2 years to their wages.

Mr. President, there are a number of reasons for this increase. I think the most compelling one is the reason that those of us in this country have a sense of common purpose, have a sense of community, have a sense of caring about our neighbors and those who are fellow citizens. That has been a strength of our Nation ever since its earliest days.

We also put a strong emphasis and a strong quality on the issue of working. What we are saying is that those who are going to work 40 hours a week, 52 weeks of the year, should no longer live in poverty. That has been the reason for the minimum wage in the first place, following the Great Depression and over a long period of time. There

have been five raises in the minimum wage since 1955. Raising the minimum wage has been supported by Republicans and Democrats, Republican Presidents, Democratic Presidents. It has by and large been a bipartisan effort over the recent years.

The principal cautions in raising the minimum wage have been, would the raising of the minimum wage result in an increase in the rates of inflation which would work to the detriment of other workers in our society, and would it contribute to increasing unemployment in our society and, in that respect, have a disadvantaging impact on the various people we are trying to help?

Those are powerful economic issues. And they ought to be considered at any particular time. And we are glad to consider those issues at this time as we are advancing the cause of workers in our society, workers who have not benefited from this extraordinary prosperity which we as Americans have seen over the period of the last 6 years, the greatest economic growth, the greatest price stability, the lowest unemployment, the lowest rates of inflation. The economy, with all of the ups and downs of the stock market, is extremely strong, and it has been strong, and it continues to be strong.

Nonetheless, we have seen that over the period of recent years the purchasing power of those at the lower level of the economic ladder has deteriorated significantly. And what we are attempting to do is to say to our fellow Americans, as we as a nation move ahead in terms of the economic prosperity, that we want all of our fellow citizens to move along together. It is not asking very much to have a 50 cent increase in the minimum wage or \$1 over a period of the next 2 years. That is the issue, Mr. President, that will be squarely before this body on Tuesday next and where we will have an opportunity to vote on it.

Mr. President, as we have on other occasions, I think it is fair to look at where the minimum wage is today and where it has been. The inclusions in our amendment, are they really reasonable given the current economic conditions? We maintain they are extremely reasonable.

On this chart here, the real minimum wage reflects where the purchasing power of the minimum wage in real dollars is—in real dollars from 1955, 1998, and beyond.

If you look at this end of the chart, Mr. President, you will see 1997, 1998; and you will see where my pen is, that at this point here we are talking about a \$1 increase from \$5.15 to what would be \$6.15, with the increase in the minimum wage in real dollars. By the year 2000, it will only amount to \$5.76 in real dollars.

If you go across this line, Mr. President, going back through the 1960s all the way through the 1970s, you will see even with this kind of increase in the minimum wage of \$1, the purchasing

power of the minimum wage for working families will still be lower than it was for a period of some 20, 23 years from 1960s all the way through the early 1980s. So even with this increase, it is extremely modest, Mr. President, extremely moderate—it still does not bring us back to the purchasing power that the minimum wage has had for the better part of our postwar period. But, nonetheless, it is important progress for families.

All you have to do is ask any family what a difference it makes for a 50-cent or a \$1 increase in the minimum wage. They will answer very quickly, "It means that we'll have to have two jobs instead of three jobs." That will be their first answer. And secondly, an increase of \$1 in the minimum wage will mean the purchase of groceries for probably 6 months of a year. It will mean the rent for a working-poor family of about 7 months of a year. It will be about two-thirds the cost of the tuition for a son or a daughter, of a working family earning the minimum wage, to attend a public university in their State. This is very important to those at the lower end of the economic ladder. That is basically the historical situation, Mr. President.

It is fair to ask ourselves now, what has happened in the rates of inflation? Let us take a look at inflation and the minimum wage. Many say, "If we increase the minimum wage, we're going to see a bump in the rate of inflation." Well, if we look at what happens to the minimum wage—and in this particular chart here we go from 1996 all the way up to 1998—we look at what is happening to the rate of inflation.

Prior to the rise in the minimum wage, which was in October 1996, the rate of inflation per month was three-tenths of 1 percent. Then we raised the minimum wage to \$4.75. And if you look at this chart here, you will find that it continued along virtually the same three-tenths of 1 percent. It dropped down here in the wintertime, it rose again in the early spring, dropped again, and then settled into a significant drop. If you are talking of three-tenths of 1 percent per month to two-tenths of 1 percent, you are talking about a significant drop in the rate of inflation, even with the last increase in the minimum wage. Then it rose another 50 cents in 1997. And the inflation rate was two-tenths of 1 percent.

Look what has happened since that last raise to \$5.15. It went along for a period of time, dropped, bounced up, and is now down to one-tenth of 1 percent.

Mr. President, the clear signal from this chart is that the last increase in the minimum wage virtually had no impact on the rate of inflation. And if we are to look at the history of these last several years, we will see that the rate of inflation has actually gone down. It is not a valid point to say that if we try to do something to raise the minimum wage, it is going to add to inflation.

Now, if we look at what the impact is on unemployment, this is a second argument. If we raise the minimum wage, it is going to have an adverse impact on inflation and it is going to increase unemployment. Again, if we go back to October 1996 where we saw an increase in the minimum wage, we had 5.2 percent unemployment, a little bump, and then a gradual decline through September 1997, when the last increase in the minimum wage went to \$5.15. Since that last increase in September of 1997, up until August of 1998, we have seen a continuing reduction of the unemployment, down at the present time to 4.5, 4.4 percent. It has not added to inflation. It has not added or contributed to unemployment. Those two economic arguments do not stand.

If we look at the impact on our teens, the arguments are made, "Senator, we are concerned about what the impact is going to be on teen unemployment and particularly among the minorities." The fact is, about 20 to 25 percent of all those who receive the minimum wage are teenagers. Most of the teenagers in my State who are receiving the minimum wage are out there their first year in college trying to make ends meet.

Travel with me to the University of Massachusetts in Boston at the campus. Mr. President, many of the children who go to that excellent school are from families where the parents never went to the school. And much of the student body is working 25 hours a week or more. These are teenagers. These are many of the children who are trying to gain sufficient income to fund their education. We should think it is a worthwhile and valuable endeavor in trying to support kids who are trying to go to school and stay in school, many of whom are coming from difficult and complex backgrounds. Nonetheless, they go on.

Take the minorities. In this case, the black teen unemployment—we can go through any of the various groups in terms of unemployment—and what we see again is the increase in the minimum wage, the continued decline in terms of unemployment of black teenagers and minority teenagers. This chart is just a reflection of the same trend. We see that the total number of employment in terms of teenagers 16 to 19, with the increase in the minimum wage, these are the individuals who find the employment going up. Increase in the minimum wage based upon sound economic principles, and we see that there has not been an adverse impact on the issues of employment or inflation.

Now, I think it is worthwhile to ask who is really for this increase in the minimum wage. Mr. President, 170 organizations—170 organizations—representing not just workers. The AFL-CIO, even though their workers are all receiving far above the minimum wage, is certainly interested because of respect for the value of work. The principal church groups and church leaders

are strongly supportive. The leaders of the various women's and children's organizations are strongly supportive. The various civil rights organizations, knowing the importance of this in terms of the individuals, are strongly supportive.

I ask unanimous consent to have printed in the RECORD a list of the various groups and organizations that are in support of this legislation.

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

CAMPAIGN FOR A FAIR MINIMUM WAGE—  
PARTICIPANTS<sup>1</sup>

A. Philip Randolph Institute.  
ACORN.  
AFL-CIO.  
Alliance To End Childhood Lead Poisoning.  
American Association of University Women.  
American Ethical Union, Washington Ethical Action Office.  
American Federation of Government Employees (AFGE).  
American Federation of State, County and Municipal Employees (AFSCME).  
American Friends Service Committee.  
American Friends Service committee, Philadelphia, PA.  
American Income Life Insurance Co.  
American Nurses Association.  
American-Arab Anti-Discrimination Committee.  
Americans for Democratic Action (ADA).  
Arkansas Jobs With Justice, Religion-Labor Committee, Hampton, AR.  
Asian American Legal Defense and Education Fund, New York, NY.  
Asian Pacific American Labor Alliance.  
Asian Pacific American Legal Center of Southern California, Los Angeles, CA.  
Association of Catholic Colleges and Universities.  
Black Women's Agenda, Inc., Springfield, VA.  
Bread for the World.  
Campaign for America's Future.  
Catholic Charities USA.  
Catholic Charities Archdiocese of Louisville, Louisville, KY.  
Catholic Charities, Oklahoma City, OK.  
Catholics for a Free Choice.  
Center for the Child Care Workforce.  
Center for Community Change.  
Center for Economic Options, Inc., Charleston, WV.  
Center for Law and Social Policy.  
Center for Women Policy Studies.  
Children's Defense Fund.  
Church Women United.  
Clearinghouse on Women's Issues.  
Coal Employment Project, Tazewell, VA.  
Coalition for Economic Justice of Western New York, Buffalo, NY.  
Coalition of Black Trade Unionists.  
Coalition of Labor Union Women (CLUW).  
Coalition on Human Needs.  
Communications Workers of America (CWA).  
CWA, Local 6310, St. Louis, Mo.  
Community Food Resource Center, Inc.  
The Congress of National Black Churches, Inc.  
Democratic Socialists of America.  
Disabled in Action, New York, NY.  
East 10th United Methodist Church, Indianapolis, IN.  
Ella Baker Center for Human Rights, San Francisco, CA.  
The Episcopal Church.  
Faith Community For Worker Justice, Wauwatosa, WI.

Family and Children's Service, Minneapolis, MN.  
Family Service America.  
Farmworkers Support Committee, Glassboro, NJ.  
Federally Employed Women, Inc.  
Florida Impact, Tallahassee, FL.  
Food Research & Action Center.  
Friends Committee on National Legislation.  
Friends of the Earth.  
Friends of the National Hook-up of Black Women, Inc., Chicago, IL.  
Gray Panthers.  
Greater New York Labor-Religion Coalition, New York, NY.  
Growing Up in Cities, Frankfort, KY.  
Heartland Center/Office of Peace & Social Justice, Diocese of Gary, Indiana.  
Institute for Mission in the USA, Evangelical Lutheran Church in America, Church & Labor Concerns, Saint Paul, MN.  
Institute for Mission in the USA, Evangelical Lutheran Church in America, Trinity Lutheran Seminary, Columbus, OH.  
Institute for Southern Studies, Durham, NC.  
Institute Justice Team, Sisters of Mercy of the Americas, Des Plaines, IL.  
Interfaith Alliance.  
Interfaith Committee on Worker Issues, Detroit, MI.  
IPS/Progressive Challenge.  
Jewish Council for Public Affairs, New York, NY.  
Jewish Labor Committee, New York, NY.  
Jobs with Justice.  
Justice and Peace Office Archdiocese of Seattle, Seattle, WA.  
Labor Council for Latin American Advancement.  
Latino Workers Center, New York, NY.  
League for Industrial Democracy.  
Mennonite Central Committee, U.S..  
Migrant Legal Action Program.  
Mississippi Hunger Task Force, Jackson, MS.  
Mon Valley Unemployed Committee, Homestead, PA.  
NAACP.  
National Association of Commissions for Women.  
National Association of Community Action Agencies.  
National Association of Social Workers.  
National Association of Social Workers, Connecticut Chapter, Rocky Hill, CT.  
National Association of Social Workers, North Carolina Chapter.  
National Association of Working Women (9 to 5) Milwaukee, WI.  
National Black Child Development Institute.  
National Caucus and Center on Black Aged, Inc.  
National Coalition for the Homeless.  
National Committee on Pay Equity.  
National Conference of Puerto Rican Women, Inc.  
National Consumers League.  
National Council of Churches.  
National Council of Jewish Women.  
National Council of La Raza.  
National Council of Negro Women.  
National Council of Senior Citizens.  
National Council on Family Relations, Minneapolis, MN.  
National Education Association (NEA).  
National Farmers Union.  
National Hispana Leadership Institute.  
National Low Income Housing Coalition.  
National Partnership for Women & Families.  
National Puerto Rican Coalition.  
National Rural Housing Coalition.  
National Urban Coalition.  
National Urban League.  
National Women's Conference Committee, Women's Studies, University of Wisconsin, Eau Claire, WI.

<sup>1</sup> Coalition in formation (August 27, 1998).



National Women's Law Center.  
 National Women's Political Caucus.  
 Nebraskans for Peace, Lincoln, NE.  
 Neighbor to Neighbor.  
 Network: A National Catholic Social Justice Lobby.  
 Nontraditional Employment for Women, New York, NY.  
 North Texas Jobs with Justice, Dallas, TX.  
 NOW Legal Defense and Education Fund.  
 Nurses Professional Organization UNA/AFSCME, Louisville, KY.  
 Office of Justice and Peace, Jacksonville, FL.  
 Older Women's League (OWL).  
 Oregon Food Bank, Portland, OR.  
 Peace and Justice Committee of the Congregation of the Sisters of Divine Providence of Kentucky, Melbourne, KY.  
 Philadelphia Unemployment Project, Philadelphia, PA.  
 Phoenix Interfaith Committee For Worker Justice, Scottsdale, AZ.  
 Project South: Institution for the Elimination of Poverty and Genocide, Atlanta, GA.  
 Project South: Institution for the Elimination of Poverty and Genocide, Washington, DC.  
 Quaker Committee on Kentucky Legislation, Frankfort, KY.  
 Rainbow/Push Coalition.  
 Religion and Labor Council of Kansas City, Kansas City, MO.  
 Retail, Wholesale and Department Store Union, (RWDSU), Alabama & Midsouth Council, Birmingham, AL.  
 Sakhi for South Asian Women, New York, NY.  
 Service Employees International Union (SEIU).  
 SEIU Local 100, New Orleans, LA.  
 Social Democrats USA.  
 Southern Christian Leadership Conference (SCLC), Atlanta, GA.  
 Southern Regional Council, Atlanta, GA.  
 Stakeholder Alliance.  
 Tampa United Methodist Centers, Tampa, FL.  
 Texas Mental Health Consumers, Austin, TX.  
 Union of American Hebrew Congregations/Religious Action Center.  
 Union of Needletrades, Industrial, and Textile Employees (UNITE).  
 Unitarian Universalist Association of Congregations.  
 Unitarian Universalists for a Just Economic Community, Pittsburgh, PA.  
 Unitarian Universalist Service Committee.  
 UNITE Local 116, McComb, MS.  
 UNITE Local 551, Como, MS.  
 United Automobile Workers (UAW).  
 UAW Local 2324, Boston, MA.  
 United Church of Christ, Cleveland, OH.  
 United Church of Christ, Office for Church in Society.  
 United Food and Commercial Workers International Union (UFCW).  
 United Methodist Board of Church and Society.  
 United Mine Workers (UMW).  
 United Paperworkers International Union (UPIU), Nashville, TN.  
 United States Catholic Conference.  
 United Steelworkers of America.  
 U.S. Jesuit Conference.  
 Washington Association of Churches, Seattle, WA.  
 Washington City Church of the Brethren.  
 Western MassCOSH, Springfield, MA.  
 Western Pennsylvania Living Wage Campaign, Pittsburgh, PA.  
 Wider Opportunities for Women.  
 Wisconsin Committee on Occupational Safety and Health (WisCOSH), Milwaukee, WI.  
 Women Employed, Chicago, IL.

Women Strike for Peace.  
 Women Unlimited, Augusta, ME.  
 Women Work!  
 Workers Organizing Committee, Portland, OR.  
 Workplace Project, Hempstead, NY.  
 YWCA of the National Capital Area.

Mr. KENNEDY. Mr. President, I want to take a few moments, now that we have the statistics behind us and we have dealt with the economic issues. If there are those who have differing economic indicators, we welcome them. Present those so we will have a chance to debate. But we have not heard from them as we have been making this case in the past weeks and past months, even the past year, about the importance of this increase. We haven't heard those arguments made.

Let me indicate to this body who we are really talking about, because I think it is important that we realize who these individuals are who are the recipients of the minimum wage. Mr. President, 33 percent of those who benefit from this increase are in service occupations, including home health care workers. These are workers like Cathy Adams, a home health aide from Viola, IL. Cathy is a high school graduate, who is currently enrolled in a computer training program at the local community college. She lives with her two daughters, who are 10 and 11.

Cathy works 11½ hours a day, 5 days a week. She cares for a woman with multiple sclerosis. She bathes her, dresses her, and feeds her. She does the grocery shopping, the laundry, and the cleaning. She runs errands and schedules doctor appointments.

Cathy likes her job and is fond of her client, but she finds it hard to live on \$5.30 an hour. In March, she told a minimum wage forum:

I literally live paycheck to paycheck. After paying the bills, whatever is left over goes to groceries. I have \$9 in my savings account and worry about being able to save for my girls' education. We rarely have money to go to a movie or eat out at a restaurant. The other day, my girls asked me to take them ice skating at school. While it only costs \$10, I had to think twice about whether we could afford it. Most of the clothing I buy for my kids and for myself comes from yard sales and secondhand stores.

This is a minimum wage worker, someone who will be affected by our amendment.

A second group, is child care workers. According to "Worthy Work, Unlivable Wages," a recent study by the Center for Child Care Workforce, in 1997, the average wage for a teaching assistant in child care centers ranged from \$6 to \$7 an hour. This is less than the 1998 poverty level for a family of three—\$13,650. Turnover among these assistants is high, 40 percent.

We talk about what we care about in terms of our children. One of the most important aspects of the child's life is what is happening to them in their home, primarily, but also what happens to them when they are in some kind of child care setting, in a Head Start child care setting. So many of

those who take care of those children are child care workers. Those child care workers, by and large, are receiving the minimum wage.

One of the reasons you have the great turnover is because they can't make it. Rather than having the child care workers who stay with your children throughout the year and interact with them and help and assist them getting a decent, livable wage, we have this very considerable turnover. The study found that centers paying higher than average salaries had lower turnover rates than centers paying less.

We find that true in the Head Start programs, as well. We care about children. We care about fairness and we care about child care workers. We need to do something about a minimum wage.

These are workers like Kimberly Frazier, a child care aide from Philadelphia. Kimberly works full time and earns \$5.20 an hour. She is a single mother with three children and has worked at the same center since 1992.

Kimberly says her salary barely covers her bills—rent of \$250 a month, food, utilities, clothing for three growing children, and carfare to get her daughter and herself to the child care center. She told our forum:

Of course, there is never money for a vacation for my children or me. I go without new clothes for myself because I have to keep buying new sneakers for my children, they outgrow them so fast. I can't afford a car and pay for gas and insurance so I rely on public transportation. If I had a car, I could get out to the places where there are better paying jobs. And, like all Americans, I dream of buying my own house so that I can raise my kids in a neighborhood that has less crime and more trees. But I know that, although I work and study as hard as I can, I will never have the down payment for a house earning the minimum wage.

She concluded,

A dollar an hour probably doesn't sound like a lot to many people, but to me and my children it would mean a real improvement in our lives.

Many minimum wage workers are janitors, cleaning offices in buildings across the country. They are people like Valerie Bell. Valerie works as a custodian at the Baltimore City World Trade Center. Since 1995, that building has been covered by Baltimore's Living Wage Ordinance, which requires city contractors to pay \$6.10 an hour. That's higher than the federal minimum, but still lower than the level that I have proposed.

According to Valerie Bell, the living wage means dignity for workers and their families. As she puts it, "under the living wage, we no longer have to receive food stamps or other social services to supplement our incomes. We can fix up our homes and invest in our neighborhoods. We can spend more at the local grocery store. We can possibly work two jobs rather than three low wage jobs and spend more time with our families. Our utilities won't be cut off. We can pay the medical bills we accumulated from not having benefits in these jobs. The best welfare reform is a living wage job."



Nationwide, most security screeners at airports earn the minimum wage. These workers screen passenger luggage, operate metal detectors and work x-ray machines. They are responsible for the safety of millions of passengers and thousands of airplanes entering and leaving airports around the country—yet they earn the minimum wage.

These are workers like Melvin Ware, a customs carousel handler at the Los Angeles Airport. He takes home about \$317 every two weeks. "By the time you pay rent and utilities, you're broke," he said. "There's no life after work." Raquel Littlejohn screens passenger luggage, and spends much of her day at a computer terminal. This strains her eyes but, with take-home pay of under \$400 every two weeks, she can't afford to get them checked. A sympathetic L.A. Councilwoman said, "I don't think it's good that the person who is doing such an important job has to be worrying about trying to get to the next one because the security job doesn't pay a living wage."

Eighteen percent of today's workforce is employed in the retail industry—that's 22.5 million workers. Many are paid the minimum wage.

These are people like Cordelia Bradley of Philadelphia. She works at a clothing chain just outside Philadelphia. She is the mother of one son, and she earns \$5.15 an hour.

She told our minimum wage forum in March that:

I am currently living in a rented room for which I pay \$300 a month. I would like to have my own apartment but I cannot afford one. In addition to paying my rent, I pay for food, clothing and transportation. . . . If the minimum wage was higher I would be able to save up for my own apartment for me and my son. . . . I ask you to reward the people who go to work by raising up the minimum wage. Things are very rough for people, not just people on welfare. There are many people like me who go to work every day and cannot afford to live. Please do the right thing.

Then there are laundry workers, and the list goes on. These are the individuals whose lives would be impacted by the increase in the minimum wage. We are talking about a dollar—a dollar an hour. We are talking probably \$2,000 over the course of a year. That's not two-thirds as much as the increase that every Member of the U.S. Senate received in this Congress—two-thirds as much as we have received in this Congress. We are being asked whether we are going to try to give those individuals some relief, some help, some assistance, as we have in the best days of our past, to say that these individuals could and should be able to have an impact.

Nationwide, the soup kitchens, food pantries and homeless shelters are increasingly serving the working poor, not just the unemployed. According to a recent study by Second Harvest, the nationwide networks of food banks, in 1997, 39 percent of households seeking emergency food aid had at least one member who was working. Eighty-six

percent of households receiving emergency food aid earned under \$15,500 a year, and 67 percent of the households earned less than \$10,000 a year.

According to a U.S. Conference of Mayors study, requests for emergency food aid increased 86 percent in the cities survey. And 67 percent of the cities cited low-paying jobs as one of the main causes of hunger. These aren't only just for the parents, these are for the children. This is not a Member of Congress that is saying it, these are the mayors of the country saying what is happening out across the Nation, which is that individuals can't make it with this kind of an income, and there is something that we can do.

We are facing many complex problems here in the United States Congress and Senate. We have faced many of them. But one that we can impact and one that we should impact is trying to make sure that people who work will not be in poverty for themselves and their children. We hear a lot about American values in our country, about what is important and what is unimportant. The newspapers are filled with that. Well, this is something that is important.

I welcome the fact that President Clinton has been a strong supporter of this particular issue. So we will have an opportunity, Mr. President, to come back and visit this issue. Nothing, I believe—and I have had a chance to vote and participate on many different issues over 37 years in the U.S. Senate—there is no single issue that is more defined in terms of fairness than the issue of the minimum wage. Nothing. Just in terms of fairness, are we going to be fair to working people in our country and in our society? Are we going to be fair against the background and history of Republicans and Democrats that were fair?

We are going to be asked next Tuesday whether this body will be fair. We will have a chance then to speak to that issue.

#### THE TRUTH IN EMPLOYMENT ACT

Mr. KENNEDY. Mr. President, last night my Republican colleagues filed cloture on the so-called Truth in Employment Act. Supporters of this deceptively-titled bill claim that it is designed to bar a union organizing technique known as "salting." Under that technique, union supporters seek a job at a non-union shop with the intention of persuading co-workers to join the union.

I oppose this legislation, and I urge my colleagues to oppose cloture. I believe that salting, like other types of organizing activity, should be protected by the labor laws.

Under the bill, employers could make employment decisions based on their subjective view of an employee's motivation. If an employer believed that a person was likely to try to organize a union, the employer would be free not to hire that person. If an employer uni-

laterally determined that an employee's interest in organizing co-workers would interfere with her ability to do the job, the employer could refuse to hire her. If an employer rightly or wrongly decided that an employee might work together with colleagues to change conditions on the job, the employer could discharge or discipline the employee.

Many may remember the movie "Norma Rae," starring Sally Field. In that film, Norma Rae decided she had had enough of the abusive practices in her factory, so she worked with a labor union to organize her co-workers so they could stand up to these abuses together. But under this bill, Norma Rae could be fired.

This bill would make mind-reading a protected right under the National Labor Relations Act. It would let employers deny work to employees based on a perception that they might try to organize a union. That perception is most likely to come from the employee's membership in a union. In effect, this bill would institutionalize the blacklist. That is unacceptable.

Let us be clear what types of activity are protected under the labor laws, and what kinds of conduct would be left open for employer retaliation under this bill. Section 7 of the National Labor Relations Act protects employees' rights to organize, bargain collectively, and engage in other concerted activities for mutual aid or protection.

If this bill became law, an employer could refuse to hire an employee based on a fear that she might band together with co-workers to push for an on-the-job child care center. The employer could claim that this activity was undertaken in furtherance of an organization other than the employer, be it a union or a women's rights organization. Therefore, the workers' conduct would not be protected, and the employer could discriminate or discharge at will.

Under this bill, a firm could fire African-American workers who together sought Martin Luther King's birthday as a holiday. Once again, the employer could argue that the workers were acting in furtherance of a civil rights group's goals, and therefore were not protected by the National Labor Relations Act.

Under this bill, a company could deny jobs to employees it believed might try to persuade others to support a political campaign, or get involved in a community group, or contribute to a church or synagogue. And, a firm could refuse to hire workers because they might join a union, or persuade others to do so.

Most of us would agree that discrimination on the basis of race, or religion, or gender, or political belief—and many of us would also put sexual orientation on that list—is unacceptable in this society. The right to self-expression on these important issues flows from the First Amendment, and

has been protected by decades-old federal laws. The National Labor Relations Act places an employee's right to organize and bargain collectively on an equal footing with these other rights, and so it should.

This bill would effectively repeal that right. It leaves employees in an intolerable position.

In 1995, the National Labor Relations Board ordered nearly 7,500 workers reinstated. Those workers had been fired unlawfully for union activity. Over 26,000 workers discharged for unionizing were awarded back pay. On average, workers waited four years from the date of the unlawful discharge before being awarded any relief. And, the Dunlop Commission on the Future of Worker-Management Relations found in 1994 that union supporters were unlawfully fired in one out of every four union election campaigns.

These figures demonstrate that workers who become active supporters of a union after they are hired run a substantial risk of being fired. Under this bill, if the employer thinks an employee might become active in a union, that worker never gets the job in the first place. This is not progress. Instead, it takes us back to the days when employees could be required to sign "yellow dog contracts," promising never to join the union, in order to be hired.

The Supreme Court has emphatically rejected this approach. In 1995, the Court unanimously ruled that union supporters are employees protected by the National Labor Relations Act when they apply for a job. In the *Town & Country* decision, the Court dismissed the employer's claim that union organizers are inherently untrustworthy because they owe their primary loyalty to the union. But that is precisely the premise underlying this bill.

Current law gives employers many ways to advance their legitimate interests in an efficient and productive workforce—without undermining employees' rights to engage in concerted activity. For example, an employer can establish a policy barring its employees from all outside employment. The Sixth Circuit Court of Appeals held just a few months ago that such a policy can be applied against union organizers, so long as it is also applied neutrally to all other types of employment.

Workers who neglect their job duties in order to organize other workers can be disciplined or discharged. The Fourth Circuit Court of Appeals has held that it is lawful for an employer to fire employees who fail to carry out their duties because they are trying to organize.

Employers can lawfully discipline employees who fail to do the job they were hired to do, or disrupt the employer's operations, or engage in unlawful conduct. Employers can file charges with the National Labor Relations Board, or even the police, if the conduct is criminal. In short, employ-

ers have many tools available today to address the concerns that supposedly motivate this bill.

Finally, I note that many of this legislation's proponents are also strong supporters of the so-called TEAM Act. TEAM Act supporters claim that bill is necessary in order to promote employee participation in the workplace. The present bill would permit employers to refuse to hire workers who band together in order to participate in the workplace.

It is ironic that supporters claim to favor employee participation in the one context, but seek to squelch it in the other. The common thread appears to be employer domination. Participation is seen as desirable only if employers can control the "team," and worker-controlled groups such as unions can be prohibited.

This legislation poses a significant threat to employee rights that have been fundamental to our industrial democracy for over 60 years. Because the bill is dangerous as well as unnecessary, I must oppose it.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, thank you.

#### THE FARM CRISIS

Mr. BREAUX. Mr. President, I will not take a long time. I know the hour is late. But there are still very important issues that I think Congress needs to pay attention to and to address. I know that all of the news in Washington today has been generally about the problems of the President. While I understand that, it is also very important, I think, for all of us to realize that we cannot pretend to be ostriches and stick our heads in the sand, and not face other very serious problems that many of our constituents are facing around this country.

I would like to bring to my colleagues' attention the very serious agricultural disasters that exist as we stand here in Washington today throughout a large portion of the agricultural belt in the United States of America. It is a serious problem. We cannot allow the problems of the moment to distract us from very important duties that we have, as legislators, to do everything within our power to try to help solve the problems of America's farmers.

It is really interesting, because while the farmers are having problems throughout the United States, there are different reasons for the disasters which I would like to point out.

In the northern and many of the western parts of the country—the northwestern part of our United States—the problems in agriculture are very simple—they have very low prices for their products—while in the South, in the Southwest, and in my State of Louisiana, the problem is also very

simple to understand: It is not that the crops have low prices but, rather, that they have no crops. They have no crops because of the drought conditions that have caused an economic, agricultural, farming disaster.

While the reasons for the problems for the farmers are quite different, the results are the same. Whether you are a farmer in the northern part of the United States who can't get enough money for your crop to justify your cost of production, or whether you are a farmer in my State of Louisiana, which has no crop because of the extreme drought that has ravaged my State, the end result of the farmer and the family farm is the same; it is loss of income; it is loss of the ability to continue as a family farm. What happens to a family farm affects not only that family farm but it affects the community that they live in. When farmers suffer economic loss, the entire State suffers as well.

What I want to mention is the severity of the problem in my State, which is not unlike many other States. We just recently had the Louisiana State University Agricultural Economic Department review the losses that my farmers in Louisiana have faced. Their report as of August 14 is truly astounding. The total State reduction in farm income for the following crops is as follows:

For the corn crop, it is over \$64 million of loss;

For cotton, it is over \$50 million of loss;

For just soybeans, it is over \$72 million;

For rice, it is over \$14 million;

For sugar, it is nearly \$45 million;

For sorghum, it is over \$4 million.

The total crop loss they are estimating is \$254 million.

Sweet potatoes, over \$8 million;

Commercial vegetables, almost \$4 million;

The pine seedlings for forest reproduction is estimated at \$10 million;

Pasture, \$90 million;

Hay, almost \$25 million.

The current estimated total as of August 14 was over \$390 million.

When you factor in the problems with some of the diseases that are being experienced— aflatoxin, for instance—you have to look at about \$420 million. This is just in one State.

So the loss is truly devastating.

These are real problems. These family farm problems affect not only the family farmers, as severe as that is, but they affect the economy, the community, and the people who sell the harvesting equipment, the tractors and combines; the people who sell the seed and the fertilizers; the people who sell shoes and clothes and food in town. If the farmers do not earn a living, they cannot buy the other products; the implement dealer and the car dealer, all suffer. It has a ripple effect throughout the United States of America.

The problems in the North—as I said, because of low prices, because of cheap

imports being dumped from Canada, because of the overall depressed economy in many parts of Asia and Europe, and particularly in the South, in addition to low prices on the crops, we have no crops.

So the question is now not the extent of the problem. We know that. The question is now, What do we do?

I just think it is interesting. When we have a hurricane, tornado, or earthquake, there is always a rush to provide economic assistance. There is always on the nightly news when someone is visiting a hurricane-ravaged area or area that has been hurt by a tornado, a reaching out to the people. When you have the earthquake, it is the same result. Somehow it seems like it is different with the farmers because I think it is so gradual. If you have an earthquake, it happens, it is over, the people come in, they leave, and they have made an expression of their concern. But when it is an economic disaster over a longer period of time, it is harder to have people focus on the severity of the problem.

I think that is what is true in the agricultural disaster that we are now experiencing in my State. But the loss is just as severe, the hurt is just as severe. When you have to sell the family farm and move, and you can't pay your bills, you are hurting just as much as someone who has lost a family home because of a tornado, earthquake, or hurricane, or some other natural disaster.

The question now is, What do we do? It is clear, in my opinion, that the current agricultural programs that are designed to address assistance are too bureaucratic.

They do not work. They are outdated. They need something else to be helpful. What I mean by that is, for instance, with the loan program, emergency loans, the Government tells a farmer, well, you have to get turned down by three lending institutions in your local area and then you can come to the Government and get some financial assistance in terms of a Federal loan. If you could get the local loan, you would not need the Federal loan. But somehow you have to show that you could not get the local loan, but that if you get the Federal loan you can pay it back. If you could pay back the Federal loan, you could have paid back the local loan and you would not have had any need for help at the Federal level in the first place.

Those programs, well intended as they are, are simply too bureaucratic and do not work in providing real assistance to millions of American farmers.

What we are working on is to try to present a package, and this should be bipartisan. Republicans did not cause the problem and Democrats did not cause the problem, but the truth is we are going to have to work together to solve the problem. If we do not work together, chances are it is not going to get solved. This is not a political prob-

lem; it is a natural disaster problem. So what we are trying to do is provide some assistance.

Some have suggested increasing the loan levels, the artificial target prices, removing the caps on those programs to allow for a higher loan rate in order to give more assistance to farmers. That is a good thing to do. But in my area, it does not really help because my farmers don't have a crop to put in the Federal loan program. So in the South where you have no crop, we support what we are trying to do for our northern farmers. It is very important and I think it is the right thing to do. But in the southern portion of the United States where there is no crop at all and they have not been able to benefit from the program, we are suggesting direct financial assistance. It would go to farmers who do not have their losses covered by any other type of program. If someone has crop insurance, well, they may be helped a little bit. And the amount of help they get under the Crop Insurance Program should not allow them to double dip, but crop insurance is not going to cover their entire losses. So that part of their loss which is not covered by some insurance program should be clearly eligible for direct financial assistance. And for many of our farmers, they can't even afford crop insurance and so they have nothing. So their losses should be also covered, obviously, by any type of direct financial assistance to try to help them survive.

It is strictly a question of this one-time aid to help them survive until the next year so they can still be around to plant and grow the crops that help feed most, if not all, of America and much of the rest of the world.

Some will say, well, Senator, this is going to be expensive. Where is it going to come from? Well, No. 1, because of the good economic conditions, I think because of many of the things we have been able to do in the Congress, fortunately, the economy of the country is good in other areas, and, fortunately, we do not have a Federal deficit which we used to have—we now have a Federal surplus and we have had estimates of \$50-, \$60-, \$75 billion just in this year—why not look at this disaster as an emergency, and if you have a surplus in the Federal budget, let's consider using that surplus to address a real economic disaster which has huge consequences if we do not do something to help out family farms.

Some say, well, we should use the surplus for a tax cut. There is certainly room for a tax cut. I think if it is the right type of tax cut and is helpful to the people who need help, we should move in that direction. Should we use it for saving Social Security? Yes. Certainly, that is a higher priority. But should we also use some of it to help save family farms that are facing an economic disaster beyond their control? They had absolutely nothing to do with it. The answer is yes.

This is what Government is all about, trying to help those who are in

need and creating an economic climate whereby through hard work and industrial spirit they can produce and be profitable. If something happens not related to anything they have done that causes an economic disaster, I think we in Government have an obligation to participate in finding some solution to that problem. That is why, hopefully, in the coming week we will be able to join forces, Republicans and Democrats, and say, look, no one here caused the problem but, by golly, we had better work together in order to solve it; otherwise, we will not have done our duty. I certainly want to participate in that effort and plan to be very actively involved.

Just this week we had a very good meeting with the Secretary of Agriculture, Dan Glickman. The Secretary understands the nature of the problem. He understands the severity of it. He also understands that many of the programs we have on the books simply are not enough to address the problems that we are experiencing this year, and he has pledged his cooperation to try to come up with something that can provide the type of direct financial assistance that is certainly needed in my State of Louisiana. I look forward to accomplishing that in the coming weeks.

Mr. President, that concludes my remarks.

I yield the floor.

ADJOURNMENT UNTIL 11 A.M.  
MONDAY, SEPTEMBER 14, 1998

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. Monday, September 14.

Thereupon, the Senate, at 2:44 p.m. adjourned until Monday, September 14, 1998, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 11, 1998:

### DEPARTMENT OF STATE

CRAIG GORDON DUNKERLY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR CONVENTIONAL FORCES IN EUROPE.

### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

#### To be lieutenant commander

DANIEL AVENANCIO  
PHILIP J. BECKMAN  
JEFFERY J. BERNASCONI  
STEPHEN J. BOHN  
CURTIS L. BROWN  
JAMES S. CAMPBELL  
MICHAEL R. COUGHLIN  
MICHAEL L. CROCKETT  
JAMES E. CROSBY  
LARRY DEATON  
ALAN D. DORRBECKER  
RANDELL DYKES  
BRIAN P. ECKERLE  
PIERRE A. FULLER  
NICOLAS GERACE  
MICHAEL E. GOCHENOUR  
DOUGLAS V. GORDON  
CHRISTOPHER JACOBSEN  
THOMAS KISS

JOHN M. KUBERA  
MICHAEL LEHMAN  
OLIVER T. LEWIS  
KENNETH S. LONG  
RONALD LUNT  
RICHARD MALONEY  
MICHAEL G. MCLOSKEY  
MARK F. MILLER  
ELMER M. NAVARRO  
ALBERT G. ONLEY  
ENRIQUE N. PANLILIO  
BRIAN M. REED  
ANGUS P. REGIER  
JOHN F. RINKO  
STEVEN F. SMITH  
DANIEL SPAGONE  
JEFFREY SULLIVAN  
JAMES S. TALBERT

VINH X. TRAN  
DEAN VESLEY

TIMOTH R. WEBER  
CARL B. WEICKSEL

# IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

## To be lieutenant commander

KARLA M. ABREUOLSON  
CHAD F. ACEY  
GREGORY A. ACHORS  
BRIAN S. ADAMS  
ROBERT G. ADAMS III  
WILLIS R. AGEE  
JAMES A. AIKEN  
KACY W. AINSWORTH  
ANGELA D. ALBERGOTTIE  
CHARLES N. ALBRECHT  
CONRADO K. ALEJO  
WILLIAM T. ALEX  
RANDY E. ALEXANDER  
TIMOTHY S. ALEXANDER  
THOMAS R. ALLBEE  
DAVID W. ALLDRIDGE  
CLAUDE A. ALLEN  
JAMES C. ALLEN  
EDGARDO G. ALMINAR  
RANDY P. AMATO  
THOMAS R. AMBLAD  
CHARLES R. AMBROSE  
MARK S. ANDERSEN  
CRAIG A. ANDERSON  
MARK A. ANDERSON  
NICHOLAS M. ANDERSON  
PAUL B. ANDERSON  
VINCENT D. ANDERSON  
ALLAN D. ANDREW  
DOMINIC A. ANTONELLI  
TANYA L. ANTONIUK  
BRUCE A. APGAR  
JOSE P. ARAGON  
CHRISTOPHER J. ARENDS  
DANIEL D. ARENSMEYER  
RAYMOND A. ART  
SCOTT W. ASKINS  
CAL D. ASTRIN  
RUSSELL B. AUSLEY  
PAUL K. AVERNA  
RICHARD AYALA  
CATHALENE M. BABINEAUX  
OCTAVIO O. BABUCA  
GEORGE M. BAIN  
JEFFREY S. BAKER  
REGINALD BAKER  
STUART P. BAKER  
BARRY BAKOS  
NICHOLAS BALICE  
JAY C. BALLARD  
MICHAEL A. BALLOU  
JOHN S. BANIGAN  
MICHAEL P. BARATTA  
CARLOS M. BARBOSA  
ERIC T. BARKDULL  
CHARLES A. BARKER  
GLENN A. BARKER  
TRACY A. BARKHIMER  
CHRISTOPHER K. BARNES  
USHER L. BARNUM, JR.  
BENJAMIN K. BARRETT  
GREGORY L. BARRINGER  
JAMES E. BARROWS  
JEFFREY B. BARTA  
Robert B. Barthelmes,  
Jr.  
Robert B. Bassett  
Mickey S. Batson  
Jeffrey R. Bay  
KENNETH G. BECK  
WILLIAM G. BEDDIE  
MARK W. BEDDOES  
JAMES C. BEENE  
STEVEN T. BELDY  
ALAN E. BELL  
JOSEPH E. BELL  
TODD A. BELTZ  
JON G. BENAVENTE  
THOMAS R. BENDEL  
RAYMOND J. BENEDICT  
AUGUSTUS P. BENNETT  
JAMES H. BENTON  
BRENT A. BERARDUCCI  
STEVEN BERGMAN  
TODD J. BERHOW  
Michael D. Bernacchi,  
Jr.  
Paul R. Bernardo  
Joyce M. Bernard  
Matthew T. Berta  
William R. Bertram  
Thomas a. Best

Michael P. Betts  
Bruce M. Bicknell  
Willie D. Billingslea  
John G. Bischeri  
James A. Bishop  
John H. Bitting III  
Rick L. Black  
Randy B. Blackmon  
Anthony R. Blankenship  
Christopher M. Blaschum  
Kimberly S. Blood  
Carlton R. Blount  
James L. Bock, Jr.  
William A. Boggs  
Kurt F. Bohlmann  
Judy T. Bolduc  
Brian D. Boluyt  
Brett F. Bonifay  
Gisele M. Bonitz  
Deborah L. Booth  
David C. Borah  
Steven C. Boraz  
Erich W. Borgstede  
Brian K. Boring  
Eric E. Borio  
JAIME BORREGO  
DAVID W. BOUVE  
MARK D. BOWMAN  
LISA M. BOZZELLI  
MORDAUNT P. BRABNER  
LAWRENCE J. BRACHFELD  
RAYMOND L. BRADLEY III  
ALBERT A. BRADY  
RANDY L. BRATHGER  
JEFFREY S. BRATVOLD  
ERNEST B. BRAZ  
WILLIAM J. BREITFELDER  
KEVIN S. BRENNAN  
MICHAEL J. BRENNAN  
RICHARD F. BRERETON  
MICHAEL J. BRESLAUER  
CECIL C. BRIDGES  
daniel m.  
brintzinghoffer  
charles c. brock  
steven v. brock  
donald b. brockett  
barry d. brockway  
michael a. brookes  
ryan k. brookhart  
william j. brougham  
curtis l. brown  
donald s. brown  
james h. brown  
king e. brown  
richard s. brown  
thomas p. browne  
gary m. bruce  
john s. bruce  
dan w. brune  
christopher w. brunett  
mark r. brunner  
robert h. buckingham  
william e. bunn  
james a. burch  
nora a. burghardt  
robert b. burgio  
erik a. burian  
amy d. burn  
christopher t. burkett  
clifford a. bussey  
christine d. bussler  
donald a. buzard  
DAVID J. BYERS  
GREGORY K. BYNUM  
SHAN M. BYRNE  
LAWRENCE J. BYRNES  
ROBERT A. H. CADY  
LLOYD V. CAFRAN  
GARY L. CALDWELL  
TIMOTHY P. CALLAHAM  
ROBERT A. CAMERON  
JAMES J. CAMMARATA  
JAMES S. CAMPBELL  
KEVIN B. CAMPBELL  
MARVIN G. CAMPBELL  
FRANCIS J. CAMPION  
RUBEN A. CANTU  
GEORGE S. CAPEN  
JOHN P. CARDANY  
LESLIE T. CARDENAS  
ANTONIO J. CARDOSO

PATRICK C. CAREY  
STEVEN M. CARLISLE  
WILLIAM E. CARLSON  
CAMERON P. CARNEY  
DONALD W. CARR, JR.  
TIMOTHY D. CARR  
CLINTON A. CARROLL  
JOHN A. CARTER  
MICHAEL P. CASEY  
BRUCE D. CASPERS  
PEDRO A. CASTAING  
PETER R. CATALANO  
GREGORY C. CAVANAUGH  
JAMES B. CAWRSE  
DOUGLAS J. CAWTHRA  
ROBERT J. CEPEK  
RICHARD CERWINSKI  
MICHAEL D. CHALFANT, JR.  
JOHN W. CHANDLER  
ELEFTHERIOS CHAPAS  
PHILIP S. CHAPMAN  
BRYAN E. CHEESEMAN  
RICHARD J. CHEESEMAN  
DANIEL L. CHEEVER  
JOHN D. CHERRY  
BYRON G. CHEW  
JOHN W. CHEWNING  
CHRISTOPHER W. CHOPE  
christian e.  
CHRISTENSON  
BRIAN K. CHRISTIANSON  
STEVEN J. CINCOTTA  
TIMOTHY M. CIOCCO  
JOSE L. CISNEROS  
KEVIN M. CLAFFY  
ANTHONY J. CLAPP  
CRAIG A. CLAPPERTON  
BRYAN L. CLARK  
ROBERT E. CLARK  
ROBERT T. CLARK  
ORIN B. CLAY  
DAVID D. CLEMENT, JR.  
JAMES CLUXTON  
KIMBERLY D. COBB  
WESLEY P. COCHRAN  
JOHN S. COFFEY  
PHILIP A. COGHLAN  
CHRISTOPHER J. COHOES  
MATTHEW J. COLBURN  
CHRISTOPHER H. COLEMAN  
JOHN P. COLES  
BRENDAN W. COLLINS  
FRANKLIN L. COLLINS  
FRANKLIN S. COLLINS  
SCOTT W. COLSON  
CLAYTON L. CONLEY  
DESMOND M. CONNOLLY  
BRIAN D. CONNON  
DANIEL B. CONRAN, JR.  
BLAKE L. CONVERSE  
DENNIS A. COOK  
GLENN C. COOPER  
WILLIAM S. COOPER  
CHARLES R. CORDON  
EUGENE D. COSTELLO  
MATTHEW F. COUGHLIN  
MICHAEL C. COUSINS  
MICHAEL J. COX  
WILLIAM W. COX  
GREGORY J. COZAD  
JAMES H. CRAFT  
JOHN R. CRAIG  
MARK H. CRAVER  
KATHLEEN M. CREIGHTON  
ALLEN CRISP  
FLOYD R. CRISP II  
MICHAEL L. CROCKETT  
ROBERT A. CROWE  
MICHAEL S. CRUDEN  
ALVARO F. CUELAR  
SHARON L. CUMMINS  
JOHN H. CUNNINGHAM  
PAUL B. CUNNINGHAM  
THOMAS CURRAN  
REX L. CURTIN  
DAWN E. CUTLER  
JOSEPH G. DACQUISTO  
ROBIN A. Y. DAHLIN  
KNARVELL DAILEY  
JAMES V. DANIELS  
JOHN D. DANNECKER  
RANDY C. DARROW  
JOHN W. DATKA  
DRUSO DAUBON  
REEVES A. DAVES  
PETER B. DAVI  
ANDREW DAVIS  
DUANE T. DAVIS  
JACK E. DAVIS  
JAMES P. DAVIS  
KATHY L. DAVIS  
NORMAN D. DAWKINS  
DAVID P. DAWSON

MICHAEL D. DAWSON  
PHILLIP E. DAWSON III  
GARY L. DEAL  
STEVEN E. DEAL  
DONALD C. DEAN  
KARL D. DEANS  
LARRY T. DEATON  
JEFFREY E. DEBOLT  
STEVEN M. DEBUS  
LEOPOLDO F. DECARDENAS  
PATRICK R. DECK  
CHARLES J. DEGLIO  
ANDREW W. DELEY  
CHRISTOPHER H. DELLOS  
JAMES E. DEMOTT  
CHRISTOPHER J. DENNIS  
RONALD M. DENNIS  
MARK R. DESSAI  
ANTHONY T. DESMET  
DOUGLAS F. DESROCHERS  
DANA S. DEWEY  
STEVEN L. DIAL  
KENNETH F. DIANOVICH  
DWIGHT D. DICK  
JAMES H. DICKERSON  
DUKE E. DIETZ  
ERIC S. DIETZ  
JAY P. DILL  
ROBERT D. DILLMAN II  
KEVIN L. DIPPERY  
DON E. DIZON  
THAD J. DOBBERT  
RICHARD E. DODSON, JR.  
JOSEPH F. DONNELLY  
MICHAEL P. DONNELLY  
JOHN M. DONOVAN  
MICHAEL P. DORAN  
GEORGE E. DORTCH  
FRANK J. DOWD  
RONALD E. DRAKER  
PAUL T. DRUGGAN  
CHRISTOPHER D. DRYDEN  
SHAWN E. DUANE  
SHAWN P. DUFFY  
ROBERT B. DUMONT III  
GREGORY D. DUNNE  
DOUGLAS D. DUPLAYEE  
LOUIS J. DURSO, JR.  
MICHAEL D. DURST  
DANIEL P. DUSEK  
ROBERT E. DVORAK  
RICHARD H. DWIGHT  
JOHN T. DYE, JR.  
RANDELL W. DYKES  
CRAIG P. EARLS  
PATRICK T. EASTER, JR.  
THOMAS A. EBERHARD  
JOHN P. ECKARDT  
BRIAN P. ECKERLE  
ROBERT K. ECKLES III  
JAMES R. ECKLOFF  
JULIAN D. EDGE III  
WILLIAM W. EDGE  
MARCIA R. EDMISTON  
DOUGLAS L. EDSON  
HENRY B. EDWARDS III  
JASON C. EHRET  
JEFFREY T. ELDER  
KENNETH F. ELKERN JR.  
RICHARD A. ELKINS  
GERALD L. ELLIOTT, II  
GEOFFREY T. ELLSWORTH  
WILLIAM M. EMMEL  
JAMES A. EMMERT  
TRACEY L. EMSWILER  
JUDY M. ENGLAND  
DARREL W. ENGWEILL, JR.  
DARREL E. ERICKSON  
EMILSON, M. ESPIRITU  
ROMMEL M. ESTEVES  
NEWMAN J. EVANS III  
DARRELL D. EVERHART  
CALIN J. EVON  
WILLIAM L. EWALD  
FREDERICK L. FACYSON  
STEPHEN F. FAHEY  
ELIZABETH Y. FALK  
PETER R. FALK  
ANDREW L. FEINBERG  
JOHN W. FELKNER  
GREGORY P. FERNANDEZ  
SCOTT W. FEVER  
MICHAEL S. FEYEDELEM  
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KORY R. FIERSTINE  
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